Part I

The UN Veto Power’s Perspectives
INTRODUCTION

In the early spring of 2011, President Barack Obama, apparently convinced of Muammar Gaddafi’s intention to exterminate opponents of his regime in the city of Benghazi, imagined himself choosing life for Gaddafi’s intended victims. By joining with European allies in a withering aerial attack against the armoured troops massing on the outskirts of Benghazi, he helped initiate a process which would within seven months culminate in the death of Gaddafi and the corresponding destruction of his dictatorial regime which had, in recent years, become useful to the West. For a brief shining moment the regime’s lethal end seemed like a triumphal exercise of the collective Responsibility to Protect against imminent large-scale violation of basic rights. Then the moment dissolved into a murderous struggle for power among a complicated set of indigenous actors, some distinctly unfriendly to their Western accomplices in destroying the dictatorial order. The struggle continues to this moment, the spring of 2015.

By the end of the Western intervention in Libya, the Middle Eastern locus of humanitarian concern had shifted to Syria where the human disaster merely feared in the case of Libya was actually under way. Four years later estimates place the death toll at roughly a quarter of a million.\(^1\) The crippled and

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\(^1\) Absolute figures for the death toll in Syria are elusive and the United Nations Office of the High Commissioner for Human Rights stopped compiling its own figures in July 2013. See John Heilprin, ‘UN Decides to Stop Updating Death Toll’, Associated Press, 7 Jan. 2014, [http://bigstory.ap.org/article/un-decides-stop-updating-syria-death-toll](http://bigstory.ap.org/article/un-decides-stop-updating-syria-death-toll). The most widely accepted figure as at Apr. 2015 is provided by the Syrian Observatory for Human Rights, which claims to have identified 210,060 casualties and estimates that there may be approximately 85,000 additional undocumented deaths. See Syrian Observatory for Human Rights, 7 Feb. 2015,
mutilated are no doubt several times greater, and something like ten million people out of a pre-war population of roughly twenty-two million are either internally displaced persons or refugees scattered largely among neighbouring countries in conditions of varying degrees of destitution. Government forces are believed to have detained tens of thousands of persons and there is credible evidence of horrendous torture of detainees. Employing a monopoly of air power and a vast superiority in heavy artillery, the Syrian regime has indiscriminately assaulted rebel-held areas with barrel bombs and employed lethal chemical weapons. Meanwhile the US president has moved on from wringing his hands and drawing and then erasing ‘red lines’ to actually projecting force into Syria: not, however, to restrain or punish the criminal Assad regime, but rather to assault its most radical opponents, an assault that incidentally aids the regime.

Every armed intervention in the domestic drama of another sovereign state tells us something about the intervener, about its current leaders, and about the long arc of its foreign policy instincts. For those seeking to understand the contemporary behaviour of the United States (particularly in the Middle East and West Asia) and to visualize the future uses of US military power, the Libyan intervention is a potentially illuminating text, although many analysts will doubtless find meanings which reinforce their predispositions.

IS THERE AN AMERICAN OR MERELY A PRESIDENTIAL FOREIGN POLICY?

This chapter represents a problematic effort to find strategic intelligence in the Libyan text about the present and foreseeable future of American military intervention in the Global South. The effort is problematic in part because,
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Unlike France where a small elite makes key foreign policy choices, bitter divisions almost ideological in character divide the American bureaucrats, politicians, think-tank analysts, soldiers, business leaders, preachers, academics, and journalists who collectively constitute the American foreign policy community. Their clashing views drizzle down into receptive fragments of a volatile electorate largely ignorant of the world beyond the national frontiers, often indifferent to foreign policy, but with culturally shaped perceptions of the wider world, which on any given issue at any given time limit the policy options of the elite and empower one elite faction at the expense of the others.

US Foreign Policy Cultures

In the twentieth century, the conviction on which the founders of the country had staked their claim to independence—the conviction that all people are endowed by their creator with the right to life and liberty—gradually emerged as a policy-relevant presence in the domain of foreign policy. That presence is often described as Wilsonian after the country’s 28th president. The Wilsonian has always competed with three other orientations to foreign policy or, as the historian Walter Russell Mead calls them, foreign policy cultures. Mead names the others Jeffersonian, Jacksonian, and Hamiltonian.

The Jeffersonian approach, which today you can find on both ends of the left–right political spectrum, visualizes foreign entanglements as a threat to the liberty of Americans because they lead inevitably to larger and more centralized government. What distinguishes Jacksonians is a visceral nationalism, an indifference to the fate of other peoples, a consequent belief that military power should be used only to advance national interests narrowly defined, and, above all, a readiness to project force mercilessly against countries that are seen to threaten or insult the United States. Finally there is the Hamiltonian persuasion. Hamiltonians see the main task of foreign policy as promoting the country’s economic interests.

When it comes to using American power to protect the lives of masses of people in other countries, the Wilsonian impulse generally competes with the Jeffersonian, Hamiltonian, and Jacksonian. In an effort to win what would otherwise be an unequal competition, Wilsonians seek allies among their instinctive opponents by claiming in particular cases that parochial national interests coincide with humanitarian ones. Conversely, advocates of force to advance what they perceive to be parochial national interests will sometimes

attempt to bolster their case for kinetic action by claiming to advance the cause of human rights.

To be sure, those who look from outside the country’s febrile domestic divisions at the long trajectory of American foreign policy are likely to see more continuity than difference both in rhetoric and behaviour. Throughout the twentieth century the US manoeuvred and fought to sustain hegemony within the Western Hemisphere and prevent any state from achieving a comparable hegemony in other regions, to open and stabilize markets worldwide for its goods, services, and investments, and to foster on a global scale an ideology of democratic (preferably laissez-faire) capitalism. Paralleling these goals, the foreign policy community, conservatives and most liberals alike, has deployed the discursive tropes of the indispensable nation, the global leader, and the necessary and inevitable ‘number one’.

THE NATIONAL AND THE HUMANITARIAN INTEREST IN THE PRACTICE OF AMERICAN FOREIGN POLICY

Path dependency being a strong force in policy choice, the effort to discern the future of US policy in the aftermath of Libya requires appreciation of its past. How in practice have the various elements of the foreign policy community reconciled the advancement of human rights (a goal embedded in the desired national self-image) with the parochial interest in increasing national wealth and political/military power?

The end of the Cold War appeared to open new opportunities for incorporating humanitarian concerns into American foreign policy. But it quickly became apparent that the altered geo-political context had not erased political divisions over the role that human rights concerns should play in the quotidian promotion of traditional national interests. The Somalia intervention in the early 1990s, first to bring relief to a famine-ravaged population and then to re-establish an effective government, brought those divisions into bolder relief. The initially successful operation, blessed by the United Nations (UN) Security Council but organized and led by the United States, morphed into the ‘Mogadishu war’ and the day-long firefight, known colloquially as ‘Black-Hawk Down’. The death of eighteen US soldiers and hundreds of Somali
fighters and mere residents of southern Mogadishu underscored for realists among political leaders and policy analysts the imprudence of letting humanitarian impulses inject the United States into internal struggles which did not implicate important economic or geo-political interests. For US ‘neo-conservatives’ its main lesson appeared to be that putting assets under the direction of UN officials was offensive in principle and unwise in practice. More generally it sharpened their conviction that multilateral institutions, unlike coalitions of the willing, unacceptably constrained or misdirected the exercise of American power without any compensating gains.

The Somalia imbroglio also revealed differences within the human rights community and among liberals generally, a difference between those who believed that military power was a necessary instrument, even if one of last resort, in the human-rights-protection tool box and those opposed to violent interventions either in principle or on the basis of the conviction that in most instances violent intervention will add to the suffering of target populations. The passage of two decades and three presidential administrations since the Somalia intervention has only clarified the deep roots of conflict over the relevance of humanitarian values and the appropriate means for integrating those values in foreign policy choices if they are to have any role at all. Those divisions do not correspond precisely to the relatively simple left–right split over domestic issues. Conservatives of the libertarian persuasion oppose humanitarian interventions and indeed all foreign adventures not directly linked to the immediate demands of self-defence. Centrists and liberals of the realist persuasion, exemplified by John Mearsheimer and Steven Walt of Harvard’s Kennedy School, regard military interventions in the Global South as a waste of the country’s human and financial resources which coincidentally can defunc local antagonisms onto the United States—as arguably exemplified by Osama Bin Laden’s decision to transfer Al Qaeda’s focus from the overthrow of entrenched Arab regimes to the United States.

Joining libertarians and centrist-to-liberal realists in reflexive opposition to crusades for democracy and human rights are, on the one hand, members of the unashamedly chauvinist right—still personified by Patrick Buchanan, the occasional candidate for president—and certain intellectuals of the left like

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8 See e.g. Richard K. Betts, 'The Delusion of Impartial Intervention', Foreign Affairs, 73/6 (1994), 20–33.
9 See e.g. John R. Bolton, 'Wrong Turn in Somalia', Foreign Affairs, 73/1 (1994), 56–66.
10 See e.g. David Rieff, 'Saints Go Marching in', The National Interest, 114 (July 2011), 6–15.
the brilliant writer David Rieff,\textsuperscript{14} disillusioned by the invocation of human rights to help justify the war in Iraq or by the inconsistency and/or collateral damage of US interventions.

Is there a corresponding ideologically bridging coalition sympathetic to the robust exercise of American power on behalf of democracy and human rights, a coalition of neo-conservatives and those liberal intellectuals who support the use of force when the humanitarian stakes are high and violent intervention seems the only option? Neo-conservative intellectuals are profoundly nationalist in perspective, their chauvinism tempered at least rhetorically by the conviction that what advances the material interests and power of the United States is coincidentally good for other peoples. Liberal intellectuals do not assume a near perfect coincidence between increases in US power and enhancement of the human rights of vulnerable peoples. Moreover, the human rights perspective which guides contemporary liberalism focuses on the particular. Torture in the service of any ends is transgressive and must be resisted, however grand its stated purpose. In other words, human rights, one person at a time, are ends in themselves and their violation in the service of some paradisiac goal like a world of democratic states cannot be passed off as unfortunate collateral damage.\textsuperscript{15}

Still, only a small fraction of intellectuals of the left totally reject force as a last-resort humanitarian tool. And once you accept it as a tool you accept collateral damage. If you embrace utilitarianism as an ethical philosophy the sacrifice of some for the many is justified. But human rights with its emphasis on the individual is in conflict with the utilitarian perspective. Thus, unlike neo-conservatives, who are passionately and comfortably nationalist-utilitarians, most liberals live in a state of intellectual and emotional tension between two conflicting ethical systems. In other words, both the human rights value system and a relatively cosmopolitan outlook restrain a purely utilitarian calculus and thus inflect a liberal humanitarian’s tactics and strategies.

The US invasion of Iraq demonstrates the profound policy implications of these contrasting moral positions. Given their ideological grounding in human rights, liberal hawks, had they been represented in the high decision-making circles of the Bush administration, presumably would have insisted that the invasion force be doubled or tripled and supplemented by a very large number of police and civil-administration experts. For without that vastly larger and more diverse force than the one actually deployed, the invaders could not


\textsuperscript{15} For a detailed discussion of the substantive and normative differences between liberals and neo-conservatives, see generally: Tom Farer, Confronting Global Terrorism and American Neo-Conservatism (Oxford: OUP, 2008).
secure the patrimony of the Iraqi people—the museums, archeological sites, and government buildings—and could not guarantee street-level security for the average family in a country bursting with weapons and seething with sectarian and political fault lines. Moreover, deploying a small mobile force as the Bush administration did required the application of heavy doses of air power and stand-off artillery strikes which were bound to increase collateral damage.16

THE LIBYAN CASE

Chronology of an End Game 1: Prelude

When Muammar Gaddafi ordered the violent suppression of the initial protests against his regime in February 2011, he had many reasons to believe that, at worst, the United States would bombard him with nothing more lethal than censorious words. After all, nine years earlier he had morphed from a prominent face in the American gallery of rogue autocrats to a penitential and ingratiating accomplice in the ‘war on terror’, in part, it appeared, to remove himself from inscription on the US regime-change list. To that end, shortly after the terrorist attacks of 11 September 2001 (9/11) on the United States he had provided US intelligence agencies with information about Libyans who belonged to jihadi groups,17 one of whom would spend time as a guest in Guantanamo before returning to Libya and helping overthrow the regime. Furthermore, as early as 2002 Gaddafi had provided a site to which the Central Intelligence Agency (CIA) could rendition suspected terrorists for interrogation presumably by means too abusive even under the Bush administration’s latitudinarian guidelines for US operatives. Together these constituted the initiation fee to join the anti-terrorist club. Dues payments, if not simultaneous, followed quickly in their wake. Gaddafi revealed and renounced an incipient nuclear weapons programme which, given its necessary costs, must have appeared to him as a potentially invaluable source of security and prestige. And in the process of revealing his own efforts to acquire a nuclear weapons capability, he exposed details of the shadowy nuclear-materials-trading club run by the father of Pakistan’s nuclear weapons programme, Abdul Qadeer Khan.18

16 See e.g. Thomas Ricks, Fiasco: The American Military Adventure in Iraq (New York: Penguin Press, 2006).
18 Miller, ‘From the Shores of Tripoli’.
The flow of favours was not all one way. In 2004, the United States removed restrictions on commercial relations with Libya, unleashing a stream of corporate investment in which Gaddafi and his sons and associates could fish lucratively. In 2006 rehabilitation of the former ‘state terrorist’ regime was completed through the re-establishment of formal diplomatic relations with the United States. The consummation of this rehabilitation melodrama came less than a year before the White House found Gaddafi to have ‘zero legitimacy’, when the US ambassador to Libya characterized the regime as a ‘strategic ally’ of the United States in light of its cooperation on counter-terrorism and non-proliferation issues.

Investors from the West were not the only visitors to the man Ronald Reagan had once described as ‘The mad dog of the Middle East’. Intellectuals of a more-or-less liberal cast also made the pilgrimage to inspect and with varying degrees of nuance confirm the reform of Reagan’s dog. Harvard Professor Joseph Nye wrote in the New Republic of his visit to the man and his discovery of Gaddafi’s interest in ‘soft power’. Nye cautiously speculated that Gaddafi might be evolving. Less cautious than Nye, the political theorist Benjamin Barber, in the spirit of Aristotle journeying to whisper enlightened ideas into the dictator of Syracuse’s ear, travelled to Tripoli to exchange thoughts with Muammar and found him to be ‘a complex and adaptive thinker as well as an efficient, if laid-back autocrat [exhibiting] an extraordinary capacity to rethink his country’s role in a changed and changing world’.

Given the totality of the relationships with the West Gaddafi had successfully cultivated since 2002, and given, moreover, the emergence of his son, Saif al-Islam, as a suave Davos man—with a degree from the London School of Economics (LSE) and a $16 million mansion in a London suburb—arguably awaiting only the generational succession to place Libya on the road to a democratic opening, neither Gaddafi nor more objective observers could

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23 However, see Daniel Byman’s sceptical view of where Saif was likely to be able to take Libya: ‘Probably the best we can hope for is that Libya becomes a normal Arab state: fairly corrupt, only slightly transparent and moderately brutal’. Daniel Byman, ‘Latter-Day Sultans’, National Interest, 108 (July/Aug. 2010), 47–55. Compare Eliza Griswold, ‘The Heir’, New Republic, 241/12 (2010), 12–15.
easily have anticipated when protests began that he would soon follow Saddam Hussein to the grave.

Chronology of an End Game 2: The Game

In 1996 agents of the regime had massacred some 1,200 men detained in a Benghazi prison. On Tuesday 15 February 2011, two days before a planned ‘day of rage’ demonstration by families of the murdered men, the regime prematurely triggered public protests by arresting the lawyer who represented many of the families. Released before Friday prayers, he joined thousands of protesters who took to the streets and denounced Gaddafi.24 Local officials, whether on their own or on orders from Tripoli, turned to the familiar tactic of murdering complainants. What had often worked in the past did not work this time in Benghazi where it turned out that the regime’s opponents also had arms. By 22 February, the New York Times reported that, after fighting that had killed hundreds, Benghazi was in rebel hands.25

In the meantime the rebellion, fed by defections from the army and reinforced by tribal fighters from the countryside, spread to other cities and towns. Indeed, by 21 February media reports had rebels in control of all the cities of eastern Libya, the region which had always chafed against Gaddaﬁ’s reign.26 The rising, however, was more than regional. Protest had begun swelling into rebellion even in Tripoli. Gaddaﬁ responded that day with an air and artillery assault against selected neighbourhoods in the capital.27 With the global media reporting on the growing carnage, a spokesperson for the Obama administration declared that the ‘U.S. condemned the [Libyan] government’s lethal use of force’.28

In the face of growing defections from the army, Gaddaﬁ began supplementing his usable forces with mercenaries from African states who joined well-armed paramilitary units, some headed by his sons.29 By air and land his forces, according to journalistic accounts, were killing with little if any discrimination between armed opponents and protestors.30 On 23 February, the New York Times reported indiscriminate killing in Tripoli. Protesting crowds

26 Kirkpatrick and El-Naggar, ‘Qaddaﬁ’s Forces Strike with Fury’.
27 Kirkpatrick and El-Naggar, ‘Qaddaﬁ’s Forces Strike with Fury’.
28 Kirkpatrick and El-Naggar, ‘Son of Qaddaﬁ Says Libya Faces Civil War Peril’.
were sprayed with machine-gun fire. In a televised speech Gaddafi said that opponents would be tracked down 'house by house' and killed.

Suddenly the US response escalated. On 25 March, immediately following the departure of the last American nationals who wanted to leave, the Obama administration closed the US embassy and froze Libyan government assets in the United States. The administration quickly followed up with a freeze on all US assets of Gaddafi family members and selected high officials. Still only nine days into the Libyan eruption, the White House press secretary announced ominously that Gaddafi had 'lost the confidence of his people ... his legitimacy had been reduced to zero'. Human-rights protection seemed the predominant force driving Obama administration policy, but it was not the only one. As early as 27 February, the New York Times cited an administration official's concern that Al Qaeda and affiliates might exploit the disarray in Libya's political order.

Exactly how that concern was factoring (if at all) into administration moves remains unclear. At the rebellion's outset, it might have moved realists of the Kissingerian stripe quietly to back Gaddafi as he set about defending his rule. However, if realists concerned about power vacuums in North African space concluded that Gaddafi could not win quickly without overt external assistance, then they would have had essentially three options, all problematic. One was overt assistance to the dictator, a move guaranteed to infuriate both neo-conservatives and liberals, as well as one forcing the United States to stand tall against the wind of revolutionary change that seemed to be sweeping through the Middle East.

A second option was to manage the rapid replacement of Gaddafi by a government capable of denying use of the national territory by jihadi groups with an anti-Western agenda. Although more consistent with the Wilsonian thread in national policy-making, it posed enormous difficulties. In the first place, within the United States disillusionment with wars of choice marked the entire electorate and its representatives. So, as in the earlier case of Kosovo,

32 Fahim and Kirkpatrick, ‘Qaddafi Massing Forces in Tripoli’
34 Cooper and Landler, ‘U.S. Announces Sanctions’.
35 Cooper and Landler, ‘U.S. Announces Sanctions’.
37 MacFarquhar, ‘Vacuum After Qaddafi’.
See also Jeffery Jones, ‘In U.S., Half Say U.S. Should Speed Up Afghanistan Withdrawal: About
any direct military intervention had to be limited to an aerial assault and that in a form virtually precluding US casualties. While aerial assault alone might eventually shatter the Gaddafi regime, re-establishing order in a country divided by history, geography, tribe, and sect and possessing by dint of decades of repression an emaciated civil society would require ground forces sufficiently numerous, capable, and committed to enable moderate elements among the anti-Gaddafi forces to construct a legitimate state and disarm militias resisting integration into the new political order.

A third option was to attempt to persuade Gaddafi to choose reform of the regime sufficient to coopt a substantial proportion of the rebels. Such reform would have had to include the sharing of executive power and hence financial opportunities with representatives of the various societal factions. The attempt would have employed the carrot of support for a reformed system in which the Gaddafi family and friends would still play a very considerable role and the stick of an intervention in form and degree sufficient to overthrow the regime and expose Gaddafi and his family to grave retribution by their many domestic enemies or prosecution by an international tribunal.

Was this a plausible option? Put to one side the question of Gaddafi’s personality, his previously manifested delusions of regional if not global political eminence reinforced by long rule surrounded by sycophants, delusions which had not, however, prevented him from changing course after 9/11. Given the number of lives Gaddafi had twisted and extinguished in four decades of rule, he had reason enough to regard any loss of power as an existential threat. In addition, given the liquid wealth he had available and the mercenaries and the elite military and paramilitary units he could deploy and the divisions among his enemies, he could reasonably hope to survive a Western-backed rebellion even if he lost control of the air. However, would he have remained obdurate if President Obama had dispatched a very high-level personal representative to assure Gaddafi that unless he declared a cease-fire and opened negotiations with opponents towards the end of establishing a more pluralistic political order, the US would invest whatever assets were necessary to assure the destruction of his entire regime and to deliver him to the International Criminal Court (or the rebels)?

The option of retaining enough of the regime to maintain order had variations. The main one was initiating an opening of the regime by replacing Gaddafi (or incentivizing Gaddafi to replace himself) with his son Saif


al-Islam, who, with US backing, would himself negotiate a reformed political system and wide distribution of oil revenues. The extent if any to which the United States and its allies pursued one or more of this option’s variations is unclear. All the public record shows is an initial willingness on the part of the US to allow Gaddafi and his family to leave Libya for whatever safe haven they could find.

During the first week in March the rebels seemed to be holding their own despite a pounding from Gaddafi’s small air force as well as his mobile artillery. Nevertheless, accumulating civilian casualties if not the rebellion’s loss of military momentum stirred calls for the imposition of a no-fly zone.40 In response, Obama’s chief of staff, Bill Daley, went out of his way on 8 March to dismiss them as ‘reckless’ 41 Coming a week after Secretary of State Hillary Clinton’s offer of ‘any kind of assistance’, it left the impression of a divided administration and an ambivalent or simply irresolute president. The next day, clearly in response to Daley’s implication that a no-fly zone would not protect civilians, the New York Times editorial page, traditional bellwether of opinion at the centre of the Democratic Party, noted how a no-fly zone had protected the Kurds of Northern Iraq after Saddam Hussein’s repression of a Kurdish rebellion following the first Gulf War.42 Within twenty-four hours reports of severe rebel battlefield reverses reinforced the case for military action.43

With rebel defeat beginning to appear imminent, the Arab League, undoubtedly after consultation with the Obama administration, asked the Security Council to impose a no-fly zone.44 Then in rapid succession the Security Council, with China and Russia abstaining, authorized ‘all necessary measures’ to protect the civilian population,45 and President Obama demanded an end to the bombing and shelling of urban areas plus the withdrawal of Gaddafi forces from besieged cities and towns.46 Twenty-four hours later, with no sign of compliance, US tomahawk missiles began the systematic destruction of Gaddafi’s air defence system.47

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Not robust to begin with, in short order his air defence effectively ceased to exist. But the assault had no discernible effect on Gaddafi’s ground forces\(^\text{48}\) which, poised for a final assault, continued softening up the rebel defenders of Benghazi. Apparently prepared for this eventuality, two days after the initial missile strike against Gaddafi, US ground-attack planes joined by aircraft of the North Atlantic Treaty Organization (NATO) began to pound Gaddafi’s armour and artillery, with the editorial support of the New York Times.\(^\text{49}\) The United States and its allies also began to strike at Tripoli. The goal, President Obama stated in a letter to Congress the following day, was to end all attacks against civilians and the withdrawal of Gaddafi’s forces to their bases.\(^\text{50}\)

Their surge blunted by air attacks, Gaddafi’s forces battled indecisively with the rebels through the following week. On the diplomatic and political fronts, however, there was movement. Elaborating on his letter to Congress, on 29 March President Obama declared that it was in the national interest to stop potential massacres that would have ‘stained the conscience of the world’.\(^\text{51}\) However, he added, directing American troops to forcibly remove Gaddafi from power would be a step too far and would ‘splinter’ the international coalition. For humanitarian interventions a coalition was essential, he implied. The United States should be prepared to act alone only to defend core interests when they are directly threatened.

With Obama’s support and quite possibly insistence, at the end of March NATO assumed formal direction of an air campaign just as partisan opposition to Obama’s Libyan policy accelerated. Perhaps fortunately for the president, Republicans were divided. Some said he had moved too slowly and failed to take the steps needed for a quick and decisive result. Others, reflecting realist thinking, criticized military action without any compelling national interest.\(^\text{52}\)

In Libya, April slid by without a dramatic change in the military situation. Aided by NATO air strikes, the rebels’ scattered armed forces held their own. Meanwhile humanitarian conditions deteriorated.\(^\text{53}\) In Washington criticism of what the Washington Post called a lack of ‘urgency’ on the part of the administration increased.\(^\text{54}\)


\(^\text{52}\) Cooper, ‘Defending Strikes’.


\(^\text{54}\) ‘Saving Lives in Libya’, Washington Post.
A specific target of critics was Obama’s withdrawal of US planes from kinetic missions only four days after the handover to NATO command, even though the planes best suited to highly accurate and destructive attack on ground forces, the US A-10 and AC-134, were not in the available inventories of other NATO members. Hence the withdrawal spelled more collateral damage and less rapid attrition of Gaddafi’s military assets. Withdrawal of US assets from combat operations, Obama said publicly, would significantly reduce ‘the risk and cost of the operation’. Later in April Obama finally allowed two drone attacks but he stood firm against calls to release the hold on the A-10 and the AC-134 even while conceding that the ground war was stalemated.

Obama’s firmness on withdrawing US aircraft from combat missions apparently had several sources. One was a broad strategic goal of reducing the US militarized profile in the Middle East and, more generally, of building a strong presumption against large-scale military operations anywhere for purposes other than the defence of direct threats to core interests. Another source was his strategic conviction that the country could not afford and the electorate would not support the pursuit of democracy and human rights unless the burdens were widely shared. A final source was concern and uncertainty about the limits of presidential power to employ force without Congressional authorization or at least post facto consent.

The Recurring Question of the Limits of Presidential Power

President-ordered military operations in other countries has a rich if not necessarily laudable place in American history. Between 1904 and 1929, for instance, US forces deployed belligerently at least twenty times in Central American and Caribbean countries without Congressional authorization. Some deployments were prolonged, most notably the occupation of Haiti from 1915 to 1934 and the frequent belligerent presence in Nicaragua over the period 1912–33. More recent instances of belligerent deployment without Congressional authorization included the invasion of Grenada in 1982 and of Panama in 1989.

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55 NATO’s supreme allied commander said publicly in mid-April that eight more ground attack planes, i.e. the A-10 and the C-134, were needed in order to carry out precision strikes. ‘The Libya Stalemate’, Washington Post, 17 Apr. 2011.
In the waning years of the Vietnam War and in the midst of widespread disillusionment, Congress passed the War Powers Act over a presidential veto, an act plainly intended by its authors to restrain the presidential power to initiate the use of force outside the territorial jurisdiction of the United States or even to introduce US forces into situations likely to involve them in armed conflict. Specifically it requires the president ‘in every possible instance’ to consult with Congress ‘before introducing United States Armed Forces into hostilities’. Once they are so introduced (whether with or without consultation), the law requires the president to submit a report within forty-eight hours ‘setting forth . . . the circumstances necessitating the introduction of United States Armed Forces and . . . the estimated scope and duration of the hostilities’. If within sixty days of the report’s submission Congress has not specifically authorized the military mission or extended the sixty-day period, ‘the President shall terminate any use of United States Armed Forces with respect to which such report was submitted’.

The president’s letter to Congress on 29 March 2011 seemed compliant with the initial reporting requirement. On the assumption that the first attack on Gaddafi’s air defence system triggered the sixty-day period, US participation in the NATO operation had to end by 29 May or Congress had to authorize its continuance or the president had to conclude either that the War Powers Act should be deemed unconstitutional or that it did not apply to the Libyan case or that, while it may have applied initially, his early-April withdrawal of US forces from combat missions ended its applicability. As the deadline approached, the White House showed no disposition to seek Congressional action, relying primarily, it appeared, on the grounds that, once the president had ended the use of manned aircraft in combat operations, the act became inoperative.

A large swathe of Congressional Republicans disagreed, as did a substantial number of Democrats. At the end of a legislative battle that came to a head in early June, the House of Representatives voted to rebuke the president for continuing to participate in the NATO military operation without express consent of the Congress. On the other hand, a majority voted against a resolution offered by a Democratic member of the House calling for the withdrawal of the United States from all air and naval operations. The latter resolution did, however, attract more than fifty Democratic votes, an indication of deep unease within a core constituency of the party.

The votes and other evidence of slipping support for an intervention which had never enjoyed conspicuous public enthusiasm may have played some role in the escalation of NATO’s air campaign a few days after the formal Congressional action. Between 8 and 9 April, NATO planes heavily bombed military targets in Tripoli, virtually obliterating Gaddafi’s large command compound. On 10 April, the New York Times reported that the allied governments had received informal overtures from either Gaddafi or Saif al-Islam about possible terms for the family’s exit, but nothing formal followed on either side. The attack on the command compound would be followed in several weeks by a US missile or guided bomb strike against a villa used by Gaddafi. Although NATO forces regarded the villa as another command-and-control centre and therefore a legitimate military target, Russian officials condemned the villa’s destruction as an attempted assassination of the head of state.

Meanwhile the legal debate about presidential power raged on, no doubt reflecting hostility to what was proving to be a drawn-out affair. Just after the middle of June, the New York Times joined the ranks of those who said the War Powers Act applied. Towards the end of the month the House of Representatives again took up the issue and again it condemned without confronting, this time by rejecting a proposal to authorize continued support for the NATO operation while also rejecting a motion to bar funding for any missions other than search and rescue, refuelling, operations planning, intelligence, surveillance and reconnaissance.

End Game: A Prelude to Chaos

Gradually the rebellion gained an irresistible momentum. This derived from: the cumulative depletion of military assets and regime morale effected by NATO’s unrelenting assault on arms depots, command-and-control centres, and troop concentrations; economic sanctions; defections; the improved

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weaponry and tactics of rebels; and, reinforcing the demoralization of regime members and fighters, the manifest determination of the United States and its NATO allies to carry on until Gaddafi fell.

Before the end of August, rebel forces broke through and seized Tripoli, accelerating the regime’s disintegration. Gaddafi himself, we now know, retreated to Sirte, the centre of his popular base, where he managed to hold out until 20 October, when he and one son with a small core of last-ditch supporters set out in a convoy of vehicles headed apparently for the border with Mali. Struck from the air by French planes and attacked on the ground by a rebel force, the convoy ground to a halt. Captured attempting to flee on foot, Gaddafi endured a few ugly moments before being shot dead.69 Three days later the National Transitional Council declared the liberation of Libya and the end of the war.70 In its wake, the relatively moderate conservative nationalist Senator John McCain declared that ‘the Administration deserves great credit’ for achieving regime change although he had differences with it over tactics.71 A White House official interviewed by a writer for the New York Times lauded the success of this exercise in ‘leading from behind’,72 an unfortunate choice of words for a president who would soon be indicted not only by Republicans including Senator McCain but even by the generally centrist editors of The Economist as ‘timid’.73

Ideology and Intervention: The Enduring Fractures

In any more-or-less democratic state with a sharply fragmented political class, each fragment will normally communicate internally and market to a wider public specific applications of its world view through particular journals and newspapers. This constant of democratic life was on conspicuous display during the Libyan conflict. The Weekly Standard and the editorial pages of the Wall Street Journal are vehicles for neo-conservative publicists, although they can also be found in the op-ed page of the Washington Post. More traditional nationalist conservatives with realist premises seem to appear more frequently in an older right-wing journal, the National Review. The

New Republic has been a favoured vehicle for liberal hawks. Democrats generally dubious about the use of force (and social democratic in their positions on domestic issues) will find their views most consistently represented on the pages of The Nation. Finally, as noted earlier and already illustrated, the New York Times editorial page and the bulk of its staff writers represent what in Europe would be called centrist and in the United States might best be described as moderately liberal. Among them, these journals and newspapers illuminated the policy implications of the premises, anxieties, furies, and values animating each fragment of the American political class.

Liberal doves writing in The Nation argued that US military intervention in Libya would serve neither the human nor the national interest even if authorized by the Security Council and ‘even if countries in the region are willing to join in the effort’. Writing at the beginning of April 2011, the editors expressed understanding for ‘the impulse to save lives and to see Gaddafi removed from power, but (assuming it is not already too late) it is not clear that a no-fly zone would serve these purposes—certainly not at a reasonable cost—for three reasons’. Among them was a danger that a no-fly zone ‘would distract from other measures that are likely to be just as effective [including] cutting off all sources of money from abroad, sharing real-time intelligence with the rebels, [and] working with others to facilitate the flow of assistance to them while stopping the flow of pro-Qaddafi mercenaries into the country’.

The editors did not bother to explain why a no-fly zone would ‘distract’ from rather than complement these other measures or what good those measures would be in light of the perilous condition of the rebels which the editorial seemed to concede. This flimsy argument presumably served as a make-weight for the larger view that shaped and continues to shape the policy positions of dovish liberalism. That view stems from four premises. One is that the use of force usually does more damage than good and, even where it does not, non-violent means will generally accomplish humanitarian ends at less cost. The second is that advancing the well-being of ordinary people in the Middle East simply is not a priority of the elite that directs US policy whatever the administration. So from a human rights perspective, any proposed military incursion should be regarded with extreme scepticism. The third is that real democratic change will come only from the ground up. It cannot be imposed ‘from fifty thousand feet’. And the fourth is that US behaviour in the Middle East over many decades has fed an anti-Western narrative which can only be combated by an end to violent interventions.

74 ‘No to a No-Fly Zone’, The Nation, 4 Apr. 2011.
75 ‘No to a No-Fly Zone’, The Nation.
76 ‘No to a No-Fly Zone’, The Nation.
77 ‘No to a No-Fly Zone’, The Nation.
US Intervention in the Libyan Civil War

How different the world looks to neo-conservatives. ‘President Obama is taking us to war in another Muslim country. Good for him’ wrote William Kristol, son of one of the movement’s founding fathers, 28 March 2011:

The President didn’t want this. He’s been so unhappy about such a possibility—so fearful of such an eventuality, that first he tied himself in knots trying to do nothing. Then he decided that, if he had to act, it would be good to boast that he was merely following the Arab League and subordinating American action to the U.N. Security Council. After all, nothing—nothing!—could be worse than the perception that the United States was ‘invading’ another Muslim country.

Rubbish. Our ‘invasions’ have in fact been liberations. We have shed blood and expended treasure in Kuwait in 1991, in the Balkans later in the 1990s, and in Afghanistan and Iraq—in our own national interest, of course, but also to protect Muslim peoples and help them free themselves.\(^78\)

Writing in the *National Review*, John Bolton, US ambassador to the UN during the George W. Bush administration, tendered a more traditional right-wing nationalist view. After dismissing any so-called ‘responsibility to protect’, he disparaged Obama’s statement that:

> ‘the core principle that has to be upheld here [in Libya] is that when the entire international community almost unanimously says that there’s a potential humanitarian crisis about to take place, that a leader who has lost his legitimacy decides to turn his military on his own people, that we can’t simply stand by with empty words, that we have to take some sort of action’. That is a paradigmatic statement of [what is] a gauzy, limitless doctrine without any anchor in U.S. national interests. [He conceded that the doctrine] had its adherents [doubtless referring to neo-conservatives like Paul Wolfowitz] even in the Bush Administration, but they have reached measurable power only now under President Obama . . .

Then in language resonant of Jacksonian populism, he declared:

> The highest moral duty of a U.S. President . . . is protecting American Lives, and casually sacrificing them to someone else’s interests is hardly justifiable. . . . We can admire the intentions of those who adhere to the doctrine . . . but we should say to them unambiguously: If you [the ‘international High-Minded’] want to engage in humanitarian intervention, do it with your own sons and daughters, not with ours.\(^79\)

To see a display of hawkish liberalism’s essence one need turn to nothing more than a one-page editorial in the *New Republic* published about a week after William Kristol’s encomium to America’s wars of liberation:

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Even if we do eventually act on behalf of the [Libyan] rebels, ... history will show that we have been at best slow, at worst delinquent. The President’s pace has been not only deliberate, it has been heartless. ... A few steps by the West—the establishment of a no-fly zone, the jamming of Qaddafi’s command-and-control apparatus, the arming of rebels—might have radically increased their odds of winning. ... [Against] ... objections to American involvement ... we would set a larger countervailing—and very liberal—consideration: that the Libyan people have rights and interests, and that their rights and interests ought to be in the forefront of our thinking about how to deal with what is, after all, their country.80

CONCLUSION: THE CONTINUING DEBATE OVER MILITARY INTERVENTION

For advocates of humanitarian intervention by any name, Libya must have seemed like a juicy precedent waiting to be picked. The obstacle to harvesting the fruit was a quixotic dictator despised even by fellow Arab autocrats, lacking a Chinese or Russian patron (because, ironically, he had thrown in his lot with the West), a man who had conspicuously dissipated the nation’s wealth, hollowed out and divided its army, and ruled a country with a risible air-defence system and only a few roads, mostly across flat land without tree cover for moving troops from one point to another. Moreover, as the man who arranged to blow up Pan Am Flight 103 over Lockerbie, Scotland, in December 1988, and therefore had American blood on his hands, however much he might cooperate with the CIA and however many US companies he might host, he would remain an ogre in the mind of the American electorate.

When his security forces began butchering protestors, by conspicuously embracing the slaughter and promising much more to come he made himself appear the personification of evil, a view endorsed by a powerful bi-partisan coalition of the foreign policy elite. The broader electorate did not concur. When asked in March 2011 whether they supported bombing Libyan air defenses, 63 per cent of Americans replied ‘no’. Some 69 per cent opposed sending arms to anti-government groups.81

In Libya slaughter was a very possible outcome of a failure to act. In Syria, slaughter on a vastly greater scale is a reality. Yet even after images of the piled dead from a taboo-breaking chemical weapons attack swarmed the national media, a plurality of Americans from both parties opposed even the slap-across-the-wrist punishment–by-missile attack proposed by President

Obama. Among the reasons for opposition implied by polling data were beliefs that air strikes would lead to a longer-term military commitment and would create a backlash against the United States in the region. But surely there were others, among them the well-publicized failure of governance in Libya after Gaddafi’s overthrow; the miserable aftermath of the Iraqi occupation; and the cost and dubious results of an even longer campaign in Afghanistan. All this against a background of intense economic anxiety and demonstrable income stagnation within the middle and working classes and what polls reveal to be an enormous loss of faith in the capacity of government to advance the public good.

Elite views on Syria are more varied. After a period of near silence, some prominent liberal hawks have insisted that force sufficient to prevent a victory for President Assad is necessary and appropriate as the only possible means of achieving a cease-fire if not a negotiated reconstruction of the state. There appears to be some support for battering Assad until he agrees to the opening of humanitarian corridors and the establishment of safe zones for civilians. Liberal realists like Stephen Walt of Harvard say stay out.

After the chemical weapons attack, William Kristol urged Republicans to back President Obama and vote for air strikes, because the credibility of the United States was at stake, but John Bolton said that since Iran was the ultimate source of rottenness in the region, and since Obama would not go to the source, he should not be authorized to take steps that contributed nothing to the protection of American interests. Liberal doves remained dovish.

Who could have looked at the US public’s support for the Obama administration’s determined restraint without concluding that Libya had exhausted both the public’s and the administration’s will to employ force on behalf of strangers? Yet a year later, in August 2014, the president ordered air strikes and helped orchestrate a partially successful rescue mission for a tiny Iraqi

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minority, the Yazidis, faced with a genocidal assault by the multinational jihadis of the Islamic State.90

This was not Libya redux. Saving the Yazidis was only an incident of Obama’s effort to halt the momentum of the Islamic State warriors before they consolidated control of a large chunk of Iraq and a sizeable slice of Syria. As the president himself explained his policy in a speech to the nation, 'ISIL poses a threat [to] the broader Middle East—including American citizens, personnel and facilities. If left unchecked, these terrorist could pose a growing threat beyond that region, including to the United States.'91

So nothing that has happened since the fleeting, improvised Libyan intervention has altered my conviction that Libya was an anomaly, an instance where a normally stubborn president yielded to the importunities of a few close advisers in a case where with little effort he, in conjunction with NATO allies, could prevent what appeared to be an imminent massacre. In the case of Syria, where the pickings were never easy and allies scant, no degree of atrocity could activate the president’s humanitarian impulse. So it seems fair to conclude that people facing death at the hands of tyrannical governments, who have the misfortune to live in countries where core national interests of the United States are not at stake, will find that prayer will do no less for them and possibly even more than the indispensable nation.

90 Or 'ISIL' as it is often referred to.
91 Since in the same speech he insisted that the United States would fight only from the air, that others, presumably Iraqis and Kurds for the most part, would conduct the gritty, bloody business of ground warfare, just how serious the threat seemed to him was unclear: <www.whitehouse.gov/the-press-office/2014/09/10/statement-president-isil-1>. After all, in a statement of his strategic vision to graduates of the US Military Academy, he had said that the United States would use military force, 'unilaterally if necessary . . . [only] when its people are threatened, its livelihood at stake or allies are in danger'. When there was no 'direct threat', the United States would not 'go it alone': <www.cnn.com/2014/05/28/politics/obama-west-point-foreign-policy>.