

Legal norms and political pressures will constrain all U.S. military operations. Competing concerns regarding force protection, collateral damage, and other political issues can severely restrict operational flexibility. Because urban environments are characterized by dense populations and mingled or shared military and civilian assets, the range of available options that satisfy competing political and legal pressures will often be narrow.

The immediate as well as the long-term implications of legal and political constraints on all military operations are best understood by viewing them as part of a larger system in which strategy, politics, and technology push and pull each other in a variety of ways. The last two chapters highlighted two important sets of dynamics constituting the system: Chapter Four explored the dynamic between politically and legally constrained U.S. military decision-making and adversary military decisionmaking; Chapter Five explored the dynamic between technological efforts to satisfy political and legal demands and the nature and intensity of those very demands.

Lacking an equivalent degree of commitment to international norms or facing very different strategic, political, and diplomatic pressures than the United States, adversaries are likely to exploit asymmetrical constraints to their advantage. Especially in urban environments, where the effects of U.S. constraints are magnified, some adversaries will have tremendous incentive to breach their own legal obligations, hoping to capitalize on the propaganda effects of collateral damage or to shield military targets from attack because of self-imposed restraints on U.S. targeting.

In addition to this dynamic between U.S. targeting practices and adversary responses, a dynamic between technological advances and public expectations will continue to shape, and be shaped by, political and military decisionmaking. At its core, the law of armed conflict attempts to mediate military needs with humanitarian concerns. Its application to particular circumstances necessarily incorporates an understanding of what is militarily practical or feasible and what is not. Moreover, public pressures, from both home and abroad, help drive demand for improved weapon precision and other technologies and military operational concepts better able to protect noncombatants, but those improved capabilities then feed back into the system and drive public expectations and attitudes.

Some uncertainty exists in assessing how these inter-animating pressures and tendencies will play out because the effects of a key variable, U.S. interests at stake, are rarely tested. Few recent cases in which U.S. air forces have engaged urban targets, with the arguable exception of the Persian Gulf War, involved direct and immediate threats to vital U.S. interests. This means that, for the time being, public expectations, and hence political and legal constraints, are evolving out of only a subset of crises and operations along a much larger spectrum of potential conflict. Whether these constraints will hold, loosen, or dissolve during a major conflict involving direct threats to vital U.S. interests remains an open question.

In the short and medium term, a key challenge for political decisionmakers in imposing restrictions on military decisionmaking is to appropriately balance immediate requirements for military effectiveness with other legal, political, and diplomatic priorities. For military planners at all levels, a key challenge is to design strategically effective operations under pressures and duties that may at times appear to negate military capabilities and bar optimal effectiveness. All actors in these processes must strive to harmonize competing policies as much as possible while recognizing that these decisions will bear on the pressures facing them or other actors in the future.

In the long term, the USAF faces several dilemmas. The greater commitment its actions show to minimizing collateral damage and civilian injury, the greater incentive some adversaries may have in preserving or creating those risks. And the more the USAF invests in capabilities designed to reduce civilian injury while protecting its own forces, the more inflated public and international expectations

may restrict operational decisions about employing those capabilities, and the more those expectations may “raise the bar” for future operations.

This is not to say that U.S. military capabilities and public expectations are asymptotic. Perhaps the slowly reduced public tolerance for mishaps will level out as the public comes to realize that such tragedies are inevitable in combat. And perhaps for a given crisis, the USAF may find itself capable of satisfying legal, political, and military strategic demands simultaneously and with substantial margins to spare. But the USAF will not be able to guarantee beforehand that it can do so for the range of possible contingencies. This uncertainty alone is enough to drive decisionmaking about how U.S. air forces will be employed. The unique capabilities of U.S. air forces, enhanced by continued technological advances, will give the USAF a key role in future urban operations across the spectrum of conflict, but the USAF must be cautious in its own expectations about technology and effects on constraints.

Some of the dilemmas facing the USAF and other military services are not of their own making, nor is the choice of how to deal with them entirely within their control. These dilemmas arise from the grander political process, and many of the pressures bearing on military decisionmaking reflect prioritization of social and national values established through that process. In other words, many of the legal and political constraints placed on military operational planners are done so to ensure that U.S. military actions serve broader strategic goals and political priorities.

If military force is to remain a viable instrument of state policy, then the military forces themselves must be capable of operating effectively within the set of ever-evolving constraints imposed on them. As a major actor itself in the grander political process, the USAF has some limited influence over how those constraints evolve—for example, through its military decisionmaking or its interface with the public and other international actors, including NGOs. The issues presented in this report should help the USAF design a rational and humane policy for doing so and for operating within the present and future legal and political environment.