

Religion, the Rule of Law and Military Legitimacy

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Abstract/Introduction

Sovereignty is about the source and nature of national power, and the rule of law authorizes and limits the exercise of that power. Military operations are the most coercive extension of that power, and their legitimacy is determined by moral standards that go beyond those of the law. Religion shapes concepts of sovereignty, law and legitimacy, and this article will explore the pervasive role of religion as it relates to the rule of law and military legitimacy.

Sovereignty and human rights are opposite sides of the same coin; the former is related to the exercise of national power and the latter to legal restraints on that power, and there are contentious issues of legitimacy related to both. The standards for political and military legitimacy and law can differ dramatically based on religion and culture, especially between Western democratic cultures and Islamic cultures in the Middle East and Africa, and US national security strategy and military operations must take into account these differences.

A strategy that relies on conventional combat operations and clandestine strikes by commandos and drones to counter terrorism is inadequate where terrorist threats have broad public support in Islamic cultures. To counter such threats direct (hard) US military capabilities must be balanced with more indirect (soft) capabilities—trainers and advisors who can bridge the gap between the limits of diplomacy and combat operations. In Islamist cultures where US personnel are considered infidels, they must be diplomat-warriors who can lead from behind with indigenous forces out front conducting lethal operations.

These diplomat-warriors must not only train their indigenous counterparts in military matters but also promote the ideals of democracy and the rule of law in hostile cultural environments. They must ensure compliance with fundamental human rights while respecting local standards of legitimacy that can condone honor killings, brutality to women, discrimination against non-Muslims and violations of the freedoms of religion and expression. This can create a mission impossible for US trainers and advisors whose mission success requires rapport with their indigenous counterparts.

Military capabilities enable a nation to go to war, but their ultimate purpose is to preserve the peace. The wars in Iraq and Afghanistan and the emergence of democracies in the Middle East and Africa have underscored the volatile relationship between religion, the rule of law and military legitimacy. It is obvious that there can be no lasting peace among nations without peace among religions, and religious reconciliation requires that Jews, Christians and Muslims find common ground in matters of religion, law and legitimacy. *A common word* of love for God and neighbor in *the greatest commandment* represents such common ground and offers the hope of finding lasting peace in a world where religions continue to promote hate and violence.

Religion, sovereignty and human rights

Religion shapes the concepts of sovereignty that legitimize the use of national power as well as to the human rights that limit that power, and history has reflected a close and often volatile relationship between the exercise of national power and the rights of those victimized by it. Globalization has forced divergent religions and cultures to coexist in a smaller world, exacerbating the hate and violence traditionally associated with competitive religions. This has fueled terrorism and prompted military operations that have tested the limits of law and legitimacy, especially the delicate relationship between sovereignty and human rights.

Conflicting concepts of sovereignty, law and human rights based on religion complicate the protection of US security interests overseas. In Islamic cultures the sovereignty of God prevails, with Islamic law derived from the revealed and immutable word of God found in the Qur'an and the teachings of the Prophet Muhammad in the hadith. In Western democracies the secular sovereignty of man prevails, with government based on written constitutions that have the consent of the governed and that provide fundamental civil (human) rights and the flexibility of laws made by elected representatives.

These conflicting concepts of sovereignty are not easily reconcilable, given the inflexibility of ancient sacred laws that did not consider human rights or the many advances in science and knowledge that have occurred since they were written. Sovereignty and human rights have a natural tendency to conflict, and religion exacerbates that tendency.¹

Sovereignty, human rights and international law are rather recent innovations in the ancient rule of law. Until the 17th century the divine right to rule gave the world's rulers unlimited discretion to use their powers against other nations as well as their own people.² Then Hugo Grotius introduced the concept of sovereignty and secular law as the foundation stone of the law of nations, and together with Enlightenment thinkers they debunked the divine right to rule with the principles of libertarian democracy that allowed the governed to write their own constitutions, choose their own rulers and make their own laws, subject to inalienable civil (human) rights that protected individuals from the abuses of national power.

The libertarian values of the Enlightenment transformed the Western world but had little effect on the tribal cultures of the Islamic East; that is, until recently when public uprisings resulted in the overthrow of authoritarian rulers and the emergence of hybrid democracies in the Middle East that recognized majority rule but rejected the libertarian values of the Enlightenment that shaped Western concepts of democracy, sovereignty and human rights.

Today there are two paradigms for democracy that are competing for legitimacy in the Islamic world: The secular libertarian model based on the sovereignty of man versus the traditional authoritarian model based on the sovereignty of God. In Islam, submission to God's will is essential and divine revelation is the source of all knowledge, power and law, negating secular concepts of sovereignty and human rights such as the freedoms of religion and expression. In the emerging Islamist regimes of the Middle East and Africa, a tyranny of the religious majority is looming over religious minorities and women.

This reflects a growing geopolitical dichotomy between those Western systems of jurisprudence based on secular *libertarian* law and those of the Islamic East based on *holy* law that severely restricts secular law and human rights based on individual freedom. That dichotomy has long been evident in Saudi Arabia, Iran and Pakistan, and the Arab Spring of 2011 has produced more Islamist forms of democracy that have limited human rights and raised related issues of sovereignty.

Our challenge is to better understand these emerging Islamic democracies and how we can relate to them through the full spectrum of our national power, from foreign aid to military operations in peace and war. That understanding requires that we first examine our own perspectives of politics, religion and the rule of law as our frame of reference.

American exceptionalism has driven US foreign policy with a missionary zeal for the past century promoting the libertarian ideals of democracy, human rights and the rule of law to reshape the rest of the world into our own image. Those libertarian ideals are expressed in the third verse of *America the Beautiful: America! America! God mend thine every flaw. Confirm thy soul in self-control, thy liberty in law.* (Katherine Lee Bates, 1904)

This great hymn reflects the unique mix of politics and religion in US culture. Ours is a deeply religious culture in which the inalienable rights to life, liberty and the pursuit of happiness were first proclaimed in the Declaration of Independence and then in the fundamental freedoms of religion and expression that are guaranteed in the First Amendment to the US Constitution. Over the past 200 years the cultural evolution of libertarian political values, scientific discovery and the transforming power of reason have shaped most US religions into belief systems that in spite of their diversity have one thing in common: They have all accepted the legitimacy of the secular values of libertarian democracy and human rights.

In spite of this cultural evolution some fundamentalist religious sects in the West have resisted any change to their traditional beliefs by asserting the inerrant and infallible authority of their sacred texts, much like the Islamists in the East. Such religious fundamentalism has been a reaction to progress and modernity for Jews, Christians and Muslims alike,³ but as it relates to politics and the law it is most pervasive in the Islamism of the Middle East and Africa.

Most Islamic tribal cultures in the Middle East and Africa were little affected by the Enlightenment and over the years incorporated their traditional communal and patriarchal practices into a comprehensive and sacred body of Islamic law known as *Sharia*. It is considered God's law and interpreted by Islamist jurists, leaving little room for secular man-made libertarian laws, including human rights for religious minorities and women.

In Eastern Islamic cultures that have recently shed authoritarian rulers for democracy, most devout Muslims seem skeptical of libertarian Western culture with its displays of moral depravity, even as they desire the benefits of progress and modernity. As a result, many have embraced fundamentalist Islam, or Islamism, so that their forms of democracy, human rights and rule of law are quite different than those of the libertarian West.

Religion, the rule of law and concepts of legitimacy in the libertarian West and Islamic East

Legitimacy defines what is right in a culture and provides the moral authority for a nation to act. Religion is the primary source of the standards of legitimacy and as such shapes the law relating to sovereignty, democracy and human rights.

The standards of legitimacy include both voluntary moral norms and compulsory legal standards including those of sovereignty and human rights that can create conflicting concepts of morality and law. That is because standards of legitimacy are relative and differ among religions and cultures; what is acceptable in the libertarian West is not always acceptable in the Islamic East. For example, during the US buildup for *Desert Storm* in Saudi Arabia US forces openly used Bibles and women wore T-shirts and drove vehicles. This violated the norms of Wahhabi Islam and so upset the Saudis that it jeopardized the legitimacy of US forces.⁴

The relationship between competing religions and their effect on the rule of law creates fundamental differences in Western and Eastern concepts of legitimacy. This is evident in issues of sovereignty, whether based on the will of God expressed through divine revelation in the East or based on the will of man as expressed in the secular democracies of the West, and also in issues of human rights, whether based on individual freedom from government oppression in the West or for government entitlements for essential needs in the East.⁵ These competing concepts of legitimacy, religion and the rule of law are pervasive in matters of foreign policy and military operations, and they are not static; they are dynamic concepts in continuous evolution.

In the West cultural evolution has conformed religious doctrines to the secular values of libertarian democracy and capitalism while producing "kinder and gentler" forms of democracy and capitalism. This reflects the symbiotic relationship between religion and cultural values.

Just as religion shapes culture, so secular cultural traditions shape religion. As Islamic tribal cultures experience the inexorable forces of progress and modernization Islam will most likely conform to more libertarian values as did Judaism and Christianity in the West. Such an evolution in Islamic values is already evident in the West where most Muslims have come to favor libertarian democracy and secular law over theocracy and traditional Islamic law.⁶

Over time secular cultural change can be expected to moderate religious differences, but in the meantime religious differences can be the source of intractable hatred and violence, especially when religion demands obedience to sacred laws that deny fundamental human rights. To be compatible with progress and modernity, Islam, like other modern religions, must promote its standards of legitimacy as voluntary standards of morality rather than as sacred law.⁷ Only then can Islamic regimes experience freedom, democracy and human rights.

The principle of sacrificial love—a voluntary matter of the heart and not of law—has been embraced as the moral imperative of mainstream Judaism and Christianity, and there are indications that it could also be embraced by Islam. A distinguished group of Islamic scholars has offered *a common word* of faith for Jews, Christians and Muslims alike. It is *the greatest commandment* to love God and neighbor, with neighbors including those of other religions.⁸

Competing concepts of democracy and human rights in the libertarian West and Islamic East

Democracy represents popular sovereignty, which is government based on the consent of the governed rather than on the dictates of a monarch (autocracy) or those of religious authorities under the sovereignty of God (theocracy). The Qur'an doesn't prohibit democracy, but it demands submission to the sovereignty of God and obedience to a sacred rule of law (Sharia) based on the assumption that *God is the only legislator*.⁹ That not only limits individual freedom but it also denies democracy its primary purpose, which is to have elected representatives define the limits of *liberty in law*.

Democracy in a Muslim nation can produce theocracy, as it did in Iran in 1979. It is an example of how democracy can produce a tyranny of a religious majority where there is no freedom of religion and expression. Those fundamental freedoms do not exist in theocracies like Iran and Saudi Arabia, and are questionable in the evolving democracies of the Middle East and Africa. They are also being eroded in the mature Islamic democracies of Pakistan, Indonesia and Turkey, where blasphemy and apostasy laws are being revived.

There is a sharp contrast between those libertarian human rights in the West that are based on individual freedom from government oppression and those in the East based on communal interests and political aspirations. That contrast is evident in comparing the Universal Declaration of Human Rights of 1948 with the Cairo Declaration of Human Rights of 1990.¹⁰

Human rights such as freedom of religion and expression are at risk in emerging Islamist democracies where Sharia functions like a constitution¹¹ and defines individual obligations to both God and government, making no distinction between the two. This makes apostasy (leaving the Muslim faith) akin to an act of treason and negates any freedom of religion or expression. While the Qur'an states, *There is no compulsion in religion*,¹² blasphemy and apostasy laws in Islamist regimes represent the most blatant forms of religious compulsion.

The primary purpose of libertarian democracy is to balance communal needs with individual liberty. It can coexist with Islam if its standards of legitimacy are voluntary moral standards rather than coercive laws; and if the moral standard to love one's neighbor in *the greatest commandment* should become the primary guide to interpreting Sharia, it could lead to peace and religious reconciliation through shared political values. But that is yet to be seen.

Military legitimacy: When might must be right

Military operations are the ultimate extension of a nation's sovereignty and political power,¹³ and when the political objectives of military operations depend upon public support in the operational area then military legitimacy becomes a prerequisite for military success, and no amount of military force can overcome the lack of legitimacy. That was a painful lesson learned by the US first in Vietnam and later confirmed in Iraq and Afghanistan.¹⁴

Conflicting concepts of legitimacy require that the complex relationship between religion, law and legitimacy be better understood if the US is to protect its national security interests in Islamic cultures. Resulting conflicts of sovereignty and human rights can jeopardize the political objectives of US military operations.

History records an unholy relationship of military power with religion in ancient holy wars, crusades and modern jihad. From the time of Joshua's ethnic cleansing at Jericho through the campaigns of Muhammad and the Christian Crusades of the Middle Ages, military force has often been used with a divine vengeance to subjugate people without regard for popular sovereignty or human rights. And in recent history authoritarian leaders in the Middle East have used the military to gain and maintain their power, as in Iraq, Egypt, Libya, and Syria.

Even in the US where the military is the last line of defense for freedom and democracy, the military is a heavily armed authoritarian regime within a libertarian culture and thus a potential threat to freedom and democracy. The Founding Fathers understood that danger and provided for civilian supremacy and other Constitutional checks and balances to guard against the concentration of military power, and every US soldier and sailor swears an oath of office to support and defend the Constitution.¹⁵

That is not the case in Islamist democracies such as Pakistan and Egypt where there is no civilian supremacy or other checks and balances to prevent military power from being used to subvert democracy, human rights and the rule of law. It seems hypocritical that in the Middle East the US has provided aid to authoritarian regimes and their military forces while advocating democracy and human rights, and even used US military forces to influence the politics of that region while prohibiting the US military from influencing domestic US politics.

Military regimes in Pakistan, Egypt and Saudi Arabia have been important US allies in the region, but they have also revealed the corrosive relationship between military power, politics and religion. Vast deployments of US military forces in Iraq and Afghanistan have only exacerbated religious and cultural animosities. Perhaps it is only poetic justice that the US is blamed by many Muslims in emerging democracies for creating their problems.

Religion and the rule of law shape the human terrain for US military trainers and advisors

Beyond strategic issues, conflicting concepts of religion, legitimacy and the law also impact US training and advisory missions. Long before 9/11 US military personnel were conducting low-profile training and advisory missions in remote areas, and they are likely to continue long after the last US forces are withdrawn from Afghanistan.

The massive deployments of US combat forces in Iraq and Afghanistan undermined their legitimacy since they were perceived as infidel occupiers. Foreign Internal Defense (FID) operations have the same political objectives as COIN, but they are conducted by a limited number of trainers and advisors who lead from behind. With the indirect approach and small military footprint of FID there is less danger that the legitimacy of US trainers and advisors will be compromised in a hostile cultural environment.¹⁶

The invasions of Afghanistan and Iraq were violations of sovereignty that were arguably justified, but COIN and FID operations are by invitation only. Even so, in hostile cultural environments US trainers and advisors must be diplomat-warriors and compliance with human rights is a mission imperative. This creates unique issues of legitimacy in Islamic cultures that do not recognize human rights that are considered fundamental in the West.

Most US military trainers and advisors are members of Special Operations Forces (SOF) assigned to the United States Special Operations Command (USSOCOM). For SOF, human rights have long represented the highest standards of legitimacy and law.¹⁷ To maintain that priority Congress has placed certain restrictions on foreign training missions to ensure compliance with human rights, and the Department of Defense has issued policy directives through its chain of command that require any violation of human rights be reported, and also require special training in human rights for US military trainers and advisors both in the schoolhouse and at the operational level whenever military advisors and trainers are deployed.¹⁸

The following *Background* is provided for USSOCOM Human Rights Policy:

One goal of US national security strategy is to champion aspirations for human dignity. Coupled with our effort to promote regional stability through democratic reform and our belief that all people are born with certain inalienable rights, our nation has focused efforts to protect the rights of all people throughout the world. The Department of State, with support of the Department of Defense (DOD), plays a key role in achieving the foreign policy goal of promoting human rights abroad. DOD accomplishes this goal by shaping the international security environment and influencing those nations and militaries that can affect or assist the US. ...By their nature as “warrior-diplomats” and “global scouts”, SOF must incorporate and fully support these regional programs and plans [of the Geographic Combatant Commands].

And the following is included in USSOCOM *Policies and Procedures*:

Human rights awareness, concepts, reporting requirements, and themes will be an integral part of SOF training with foreign forces. SOF will be prepared to teach and demonstrate by word and deed that the protection of human rights is imperative for military success in any environment, from garrison operations to conduct of war.¹⁹

This command policy is a reminder that SOF trainers/advisors must be diplomat-warriors who can bridge the formidable gap between the limits of civilian diplomacy and military operations. They must not only provide effective military training but also promote democracy and human rights, exemplifying the role of the military in emerging democracies overseas.

The promotion of human rights is essential to political and military legitimacy, and legitimacy has long been an operational imperative for SOF.²⁰ To that end SOF trainers/advisors have a legal obligation to report violations of fundamental human rights, but there is a problem: There is no definitive list of those fundamental human rights.²¹

In peacetime the lack of clarity as to which human rights are considered fundamental complicates issues of legitimacy. In wartime the doctrine of *lex specialis* has traditionally preempted human rights with the law of war, but that is changing: “...human rights are now the prism through which all military operations are viewed and judged [and]...the continued development of human rights law has arguably eclipsed that of the law of war.”²²

Some violations of human rights are clear: Genocide, murder, extra-judicial executions, torture, mutilation, slavery or the slave trade, including trafficking women or children for prostitution, prolonged arbitrary detention, kidnapping or taking hostages are all violations of fundamental human rights that must be reported. But real questions arise as to what constitutes

“outrages upon personal dignity”, “...cruel, inhuman or degrading treatment or punishment” and “other flagrant denial of...liberty, or the security of a person.” Would condoning honor killings and the abusive treatment of women and non-Muslims, and trials and executions for blasphemy and apostasy be considered gross violations of human rights?

Questionable acts must be considered in the context of national policy and balance the promotion of democracy and human rights with the practical realities of accomplishing the training and advisory mission. This requires specialized staff support in Islamic cultures to provide guidance to trainers, advisors and operators that will enable them to negotiate the hazardous human terrain and report violations of fundamental human rights.

Human rights compliance is part of operational law support and normally the province of military lawyers, but because religion has a dominant role in defining human rights in Islamic cultures chaplains should be considered operational assets who can work with local Muslim religious leaders and assist military lawyers in providing the operational law support needed to negotiate hazardous human terrain.

There is a useful precedent for this: In the 1980s an increasing emphasis on rules of engagement expanded the role of military in providing operational law support for commanders. In like fashion, the increasing complexity and ambiguity of the human terrain in Islamic cultures has justified giving chaplains an operational support role in hostile cultural environments where religion shapes legitimacy and law. Training for military lawyers and chaplains in Islamic law could be provided at the International and Operational Law Center located at The Judge Advocate General’s School in Charlottesville, VA, and at the Center for World Religions at the Chaplains’ School at Ft. Jackson, SC.

It is axiomatic that US forces must respect local values and laws to maintain their legitimacy,²⁴ but when religious and tribal laws conflict with fundamental human rights military lawyers, chaplains and civil affairs personnel must collaborate with their indigenous counterparts to identify the limits of legitimacy.

The task could be made easier if *the greatest commandment* to love God and the *unbelieving* neighbor were accepted as *a common word* of faith in Islamic cultures. If that principle were to become a primary guide for interpreting Islamic law it would minimize conflicts in legitimacy and law and encourage the enforcement of fundamental human rights for religious minorities and women in Islamic cultures.²⁵ But until that ideal becomes a reality there are contentious issues of religion, law and military legitimacy that must be confronted by US trainers and advisors in Islamic cultures.

Back to the future: Finding a balance between sovereignty and human rights in the war on terror

Before 9/11 there were few issues of sovereignty to cloud the projection of US power and human rights were an operational priority for SOF.²⁶ But 9/11 produced an aggressive new strategy of preemptive defense with the invasions of Afghanistan and Iraq and the subordination of human rights to the more conventional military priorities of combat. Now it is *back to the future*, with more emphasis on using trainers and advisors to protect US security interests in strategically important regions rather than major deployments of combat forces.

There has been an evolution of military strategies in Afghanistan and Iraq from conventional combat operations to counterinsurgency (COIN) and then to counterterrorism (CT) operations, an evolution exemplified by General David H. Petraeus, who helped write the book on COIN doctrine, and General Stanley A. McChrystal, who exemplified CT operations as commander of the Rangers who took out Abu Musab al-Zarqawi in Iraq in 2006.

General McChrystal embraced COIN doctrine in 2009 when he became commander of forces in Afghanistan, and ironically, in 2010 General Petraeus gave CT preference over COIN when he took over command in Afghanistan from McChrystal. Petraeus "...took a tougher approach to Karzai and cast aside McChrystal's counterinsurgency guidance, which had emphasized restraint over aggression." The US Ambassador to Afghanistan, Karl Eikenberry, was right to question whether COIN strategy could achieve legitimacy when the Karzai government was pervasively corrupt.²⁷

It now appears that CT operations such as drone attacks and clandestine commando raids have supplanted COIN as the favored US strategy. "The Obama administration sealed its demise last year when it ordered the Army to stop using [COIN] doctrine in its planning for future conflicts. Meanwhile, the president has ramped up the lethal targeting machine that McChrystal built in Iraq. Today McChrystal's commandos are fighting an endless and secret war in far-flung locales such as Yemen, Afghanistan and Somalia."²⁸

But CT may not remain the dominant US strategy in countering terrorism. On January 11, 2013, President Obama announced that the mission of US forces in Afghanistan was changing to training, advising and assisting Afghan forces. Training and advising missions have long taken precedence over US combat operations in Africa, but have produced mixed results, characterized by The New York Times as "...a decade of missteps." The resurgence of Al Qaeda affiliated terrorist groups in Africa reflects a failure of the Department of Defense and Department of State to coordinate their activities in that strategically important region. It was reported that "...few of the US Special Forces instructors were conversant with in local culture or native languages, and they didn't pick up the cues [of religious and cultural conflicts]."²⁹

The deputy commander of the Africa command (AFRICOM), Christopher W. Dell, is a former ambassador who has stated that AFRICOM "...is searching to find the right balance between the press of current military operations and the vision of longer term engagement," and AFRICOM's commander, General Carter F. Ham, has acknowledged that "...the command's ability to address the terrorist threat in Africa has been 'mixed'." While General Ham insists that his command can carry out both combat and "soft power" missions, plans to bring in training teams from a Kansas brigade raise questions as to whether those personnel will have the language and cultural skills to be effective trainers and advisors in Africa.³⁰

In Afghanistan pervasive government corruption and public hostility to US military forces will make it difficult for US trainers and advisors to function effectively; and if the "decade of missteps" is an indicator of the capability of trainers and advisors in Africa, there is a lack of diplomat-warriors who can gain the credibility of their indigenous counterparts in that region. If so, this represents a serious deficiency in the military capabilities required to protect vital US security interests overseas.

With coming budgetary constraints, hard choices will have to be made to provide the military capabilities needed for a balanced strategy. The projection of US power (sovereignty) must balance military capabilities for direct action combat and counterterrorism operations with the capability to provide trainers and advisors in hostile cultural environments where compliance with human rights is a priority, and the skill sets and professional development requirements for warrior-commandos are not interchangeable with those for diplomat-warriors.

It will be a challenge for USSOCOM to provide both direct and indirect action SOF capabilities in a time of budgetary constraints, but that is not a new issue for the Defense Department. A balanced strategy will require a close working relationship between agencies of the Department of Defense and Department of State to provide both the hard and soft power

capabilities needed to protect US security interests in hostile cultural environments, and that will require overcoming past inter-agency competition that has often led to mission failure.³¹

Lawyers will continue to debate issues of sovereignty and human rights, both the legality of clandestine strikes and raids, whether by drones or SOF commandos, and the role of human rights in military operations; but issues of political and moral legitimacy will be as important as those of law and religion will play an important if not defining role in Islamic cultures. Balancing the extension of national power with the restraints of human rights will continue to be a challenge for US policy makers. Hard power combat capabilities must be balanced with soft power capabilities to train and advise indigenous forces in hostile cultural environments, and the latter capability requires diplomat-warriors whose effectiveness depends upon their understanding of how religion shapes the standards of legitimacy and law.

Conclusion

Military legitimacy is about might being right, and there are serious issues of legitimacy for a national security strategy that relies on clandestine raids and strikes, especially when public support is required to achieve US security objectives in Islamic cultures. Issues of legitimacy and law are shaped by religion and form the human terrain in Islamic cultures. A balanced US strategy requires diplomat-warriors as military trainers and advisors who can bridge the gap between the limits of diplomacy and military operations in hostile cultural environments.

Training and advisory missions conducted in Islamic cultures must consider the hazards of a human terrain shaped by interwoven issues of religion, legitimacy and human rights. It can be difficult to ensure compliance with fundamental human rights while respecting local standards that condone honor killings and brutality to women, and that discriminate against non-Muslims and deny the freedoms of religion and expression. It can seem like a mission impossible, even for highly trained SOF diplomat-warriors. In hostile cultural environments there must be clear guidance on local standards of law and legitimacy and what human rights are fundamental. If a mission is to be terminated for violating human rights, those rights need to be clearly defined.

Religion has always had an uneasy and often volatile relationship with politics, and balancing political objectives with conflicting concepts of religion and human rights is a delicate matter. A balanced strategy requires diplomat-warriors who can complement combat warriors by training and advising indigenous forces in strategically important areas.

Military capabilities enable a nation to go to war, but their ultimate purpose is to preserve the peace. With the end of the wars in Iraq and Afghanistan and the emergence of democracies in the Middle East and Africa, the relationship between religion, the rule of law and military legitimacy in those regions has become evident. We should understand why there can be no lasting peace among nations until there is peace among religions, and religious reconciliation requires that Jews, Christians and Muslims find common ground in matters of their religion, legitimacy and law. *A common word* of love for God and neighbor in *the greatest commandment* represents the hope of finding such common ground in a world beset by religious hate and violence.

End Notes:

1. On the sovereignty of God in Islam, see Sharia: Islamic Law in the Contemporary Context, edited by Abbas Amanat and Frank Griffel, Stanford University Press, Stanford, California, 2007, at pp 15, 16, 113. On the conflict between sovereignty and human rights, see Barnes, Military Legitimacy: Might and Right in the New Millennium, Frank Cass, London, 1996, at p 86 (hereinafter cited as Military Legitimacy). On the close relationship between religion, politics and the law, see Barnes, Religion and the Rule of Law: Shari'a, Democracy and Human Rights, 2011 Military Legitimacy Review, note 9, posted at www.militarylegitimacyreview.com.
2. Saint Paul expressed the *divine right to rule* in his letter to the Romans: "Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God." (Romans 13:1) Jesus told his disciples that "rulers of the Gentiles lord it over them" and that "whoever wants to become great among you must be your servant." (Mark 10:42-43) Jesus suggested a conflict in our secular obligations to government and our obligations of faith to God when he said, "Give to Caesar what is Caesar's and to God what is God's." (Mark 12:17)
3. Karen Armstrong has traced the evolution of religious fundamentalism as a reaction to the dynamic forces of progress and modernism among Jews, Christians and Muslims in The Battle for God: A History of Fundamentalism, Random House, 2000.
4. Religion as the moral foundation of legitimacy and law and its standards are discussed in Military Legitimacy (see note 1, *supra*), at pp 20-23, 53-60; for the conflicting standards that threatened the legitimacy of US forces in Saudi Arabia, see p 138.
5. Mark R. Amstutz (Amstutz, International Ethics: Concepts, Theories and Cases in Global Politics, Third Edition, Rowman & Littlefield Publishers, Inc., 2008, pp 95-102) has summarized the differences between Western and Eastern concepts of human rights in the International Covenant on Civil and Political Rights (ICCPR) favored by the West, and the International Covenant on Economic, Social and Cultural Rights (ICESCR) favored by the East, illustrating the pluralism of human rights well before the Cairo Declaration of 1991. (see note 4, *supra*) Amstutz notes "The limited consensus on human rights doctrines, coupled with the ever-expanding list of rights, has had a deleterious effect on the moral foundations and priority of international human rights claims." (page 97) And affirming the conflict between sovereignty and human rights, Amstutz states "The idea of human rights is subversive [to sovereignty] because it establishes norms that if not fulfilled by a state can undermine its international legitimacy." (p 99) Seyyed Hossien Nasr, a noted Islamic scholar, has asserted that Christians and Muslims "...believe in human rights, but ones that are combined with human responsibility toward God, human society and the natural environment." Seyyed Hossein Nasr, A Common Word Initiative: Theoria and Praxis, Muslim and Christian Understanding: Theory and Application of A Common Word, Edited by Waleed El-Ansary and David K. Linnan, Palgrave MacMillan, New York, 2010, p 25. In a widely used text on Islam, Nasr presented a traditional view of Islam and Shari'a that seems at odds with Western concepts of human rights. He defined Shari'a as "The Divine Law [which is] the ideal pattern for the individual's life and the Law which binds the Muslim people into a single community. ...It is therefore the guide of human action and encompasses every facet of human life." (pp 85, 86) Nasr acknowledged the similarity between Judaism (Jewish law comparable to Shari'a is known as *halakha*) and Islam

and the contrast between those deontological religions and the more teleological Christianity, in which "...the Divine will is expressed in terms of universal teachings...but not in concrete laws which would be stated in the New Testament." (p 86) He went on to say "The Semitic notion of law which is to be seen in revealed form in both Judaism and Islam is the opposite of the prevalent Western concept of law. It is a religious notion of law, one in which law is an integral aspect of religion." (p 88) While Nasr affirmed the free will of man to accept or reject the "straight path" of Islam he criticized revisionist views that would make Islam and Shari'a compatible with modern culture: "The creative process...is not to remake the Law but to reform men and human society to conform to the Law." And he characterized as an "anomaly...Those modern movements which seek to reform the Divine Law rather than human society." (pp 88, 89) Nasr observed that "...the modern mentality...in the West with its Christian background cannot conceive of an immutable Law which is the guide of human society..." (p 89) As for interpreting Shari'a, Nasr noted that "The gate of *ijtihad* has been closed in the Sunni world...whereas in Shi'ism, the gate must of necessity be always open." (p 98) As for democracy, Nasr asserted that "In the Islamic view *God is ultimately the only Legislator*. Man has no power to make laws outside the Shari'a, he must obey the laws God sent for him." (p 100) As for human rights, Nasr supported those traditional patriarchal standards that deny equal rights to women by giving husbands dominance over their wives, allowing polygamy and denying women the right to choose their husbands. (pp 104-108) It is difficult to imagine Nasr's ideals of Islam and Shari'a being reconciled with modern concepts of democracy, human rights and the secular rule of law. Sayyed Hossein Nasr, Ideals and Realities of Islam, New Revised Edition, ABC International Group, Inc., Chicago, 2000 (page references listed above). In contrast to Nasr, Harkristuti Harkrisnowo, a law professor and Director General for Human Rights in the Indonesian Ministry of Justice and Human Rights, recognizes contrasting concepts of human rights in the East and West. She leaves to Islamic scholars and jurists the debate over how *ijtihad*, the Arabic term for interpreting Islamic law, relates Shari'a to human rights, and notes the many different interpretations of Islam. Harkrisnowo acknowledges the difficult task of defining human rights under Shari'a: "Some Indonesian Muslims are textualists who embrace the Qur'an very narrowly, in a manner somewhat reminiscent of those Christians who believe in a literal interpretation of the Bible. But, seriously, how many Muslims believe in stoning adulterers and cutting off the hands of thieves? Others believe that Shari'a requires only an ethical basis, which can be satisfied for some by an all-things-considered judgment, and for others by well-considered secular law. Whomever's viewpoint prevails makes a real, practical difference for anyone trying to implement the rule of law in the Islamic world." Harkristuti Harkrisnowo, Multiculturalism in Indonesia: Human Rights in Practice, Muslim and Christian Understanding: Theory and Application of "A Common Word", Edited by Waleed El-Ansary and David K. Linnan, Palgrave MacMillan, 2010, p 191.

6. Alan Wolfe has argued that the so-called secular American culture is actually religious, with a commitment to secular law which trumps those religious laws that conflict with democracy and human rights. As a result Wolfe sees a moderation of radical Islam coming from Muslims living in the West. See Alan Wolfe, *And the Winner Is...*, The Atlantic, March 2008, p 56). Wolfe has used a poll on wealth and religiosity to demonstrate that where religions have become secularized by surrounding culture—that is, where religions have made peace with capitalism and secular laws that protect individual freedom and human rights—there is little religious extremism, although people remain religious. That helps explain why Muslims in America are more moderate than those in the Middle East. A survey of Muslims by the Pew Research Center

in May 2007 indicated that Muslims in the US are “highly assimilated, close to parity with other Americans in income and overwhelmingly opposed to Islamic extremism.” Libertarian values in the US have moderated more radical and militant forms of Islam. See Alan Cooperman, *Survey: US Muslims Assimilated, Opposed to Extremism*, washingtonpost.com, May 23, 2007.

7. Believers in secular libertarian democracies can both accept the secular rule of law and believe that God’s standards of right are higher than those of man-made law, but it requires understanding that God’s standards of behavior are voluntary moral standards of belief rather than compulsory legal standards, leaving coercive legal standards to democratically elected legislators. Democratic processes will normally conform the law to prevalent moral standards, but not always. When there was a major disconnect between law and morality in the *separate but equal* laws of the Jim Crow South of the 1950s, Dr. Martin Luther King and his followers used peaceful civil disobedience to correct the injustice. His demonstrations asserted the moral supremacy of God’s standards of legitimacy over man’s law and succeeded in changing the law; but their peaceful civil disobedience required them to suffer the consequences of the law in order to change it.

8. See www.acommonword.com. Note that *the greatest commandment* has two parts, both of which were taken from the Hebrew Bible. The first part, to love God, was first given by Moses in his preface to the Deuteronomic Law; for Moses, loving God meant loving and obeying every provision of the Law (see Deuteronomy 6:1-9; 10:12,13; 31:10-13). The second part, to love your neighbor as yourself, was part of God’s instructions to Moses (see Leviticus 19:18), and like the first part, it was an integral part of Mosaic Law. Rabbi Akiva once called the requirement to love your neighbor as yourself the greatest principle of the Torah. Jesus brought these two commandments together to show that we love God by loving our neighbors as ourselves, and that our neighbors include those of other faiths. *The greatest commandment* to love God and neighbor is found in Matthew 22:34-40, Mark 12:28-33, and Luke 10:25-29, with *the story of the good Samaritan* following in Luke 10:30-36 as the response of Jesus to the question of “And who is my neighbor?” It was an apostate Samaritan who was the good neighbor to the Jew in the story, much like a Muslim stopping to help a Christian or a Jew today. The Apostle Paul was a Pharisee who had been a teacher of Jewish law before his conversion to Christianity in the 1st century church. He affirmed the love of neighbor to be the fulfillment of the law in his letter to the Romans church: “The commandments ‘Do not commit adultery’, ‘Do not murder’, ‘Do not steal’, ‘Do not covet’, and whatever other commandments there may be, are summed up in this one rule: ‘Love your neighbor as yourself.’ Love does no harm to its neighbor. Therefore love is the fulfillment of the law.” (Romans 13:8-10) And he wrote to the Galatians: “The entire law is summed up in a single command: Love your neighbor as yourself.” (Galatians 5:14). Recognizing the supremacy of love over law represented a dramatic turnaround for Paul, who had been a Pharisee who believed that Jewish laws very similar to those of Shari’a were God’s laws, and who had been especially zealous in persecuting Christians for blasphemy. Paul struggled with the relationship of holy laws with God’s will and came to believe that love of God and neighbor were voluntary and a matter of free will, and could not be made obligatory by holy law. (Romans 2:17-24; 3:19-28; 7:4-60; 2d Corinthians 3:17; Galatians 5:1, 13) Paul believed that God sent Jesus Christ to fulfill the law with God’s love, as he elaborated to the Ephesians: “For he himself is our peace, who has made the two one and has destroyed the barrier, the dividing wall of hostility, by abolishing in his flesh the law with its commandments and

regulations.” (Ephesians 2:14,15) If more Jews, Christians and Muslims could, like Paul, make love of God and neighbor the common foundation of their faith and law, then religious reconciliation and peace could well be at hand.

9. Yusuf al-Qaradawi is a prominent Islamic jurist with the Muslim Brotherhood who has asserted that God is the only legislator and Sharia the immutable law of God. See Barnes, *Religion and the Rule of Law: Shari’a, Democracy and Human Rights, 2011 Military Legitimacy Review*, posted at www.militarylegitimacyreview.com, p 5 and note 48. Qaradawi is not alone. Seyyed Hossien Nasr is a noted Islamic scholar who has stated in a widely used text on Islam that “In the Islamic view *God is ultimately the only Legislator*. Man has no power to make laws outside the Shari’a, he must obey the laws God sent for him.” See note 5, *supra*.

10. The First Amendment to the US Constitution (part of the Bill of Rights) provides: *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances*. Articles 18, 19 and 20 of the Universal Declaration of Human Rights (1948) provide for the freedom of religion and free expression; and Articles 18, 19 and 20 of the International Covenant of Civil and Political Rights (a 1966 treaty signed by the US in 1977 and ratified in 1992) protect those rights. Most Western and Muslim nations are signatories to both the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights, with the latter treaty making obligatory upon the signatories what was declared earlier as nonbinding policy in the Universal Declaration. The Cairo Declaration on Human Rights in Islam of 1990 has no provisions comparable to Articles 18, 19 and 20 of the Universal Declaration of Human Rights or the International Covenant of Civil and Political Rights, but following a Preamble that asserts the primacy of Shari’a in defining human rights, the following articles reveal the Islamic perspective of human rights. Article 11 provides in part: *Human beings are born free, and no one has the right to enslave, humiliate, oppress or exploit them, and there can be no subjugation but to God the Most-High....* Article 18 provides in part: *Everyone shall have the right to live in security for himself, his religion, his dependents, his honour and his property....* Article 19 provides in part: *All individuals are equal before the law, without distinction between the ruler and the ruled....* Article 22 provides: *(a) Everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the Shari’ah. (b) Everyone shall have the right to advocate what is right, and propagate what is good, and warn against what is wrong and evil according to the norms of Islamic Shari’ah. (c) Information is a vital necessity to society. It may not be exploited or misused in such a way as may violate sanctities and the dignity of Prophets, undermine moral and ethical values or disintegrate, corrupt or harm society or weaken its faith. (d) It is not permitted to arouse nationalistic or doctrinal hatred or to do anything that may be an incitement to any form of racial discrimination.* Article 24 provides specifically what the Preamble implies: *All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari’ah.* Article 25 provides: *The Islamic Shari’ah is the only source of reference for the explanation or clarification to any of the articles of this Declaration.*

11. Frank Griffel has stated that Shari’a includes both legal and moral standards and functions much like a constitution, or legal template, for secular laws. See Griffel, *Islamic Law in Contemporary Context: Shari’a*, Edited by Abbas Amanat and Frank Griffel, Stanford University Press, Stanford California, 2007, p 13.

12. *Let there be no compulsion in religion. Truth stands out clear from Error. Whoever rejects Evil and believes in Allah has grasped the most trustworthy hand-hold that never breaks. And Allah hears and knows all things.* (Qur'an, Al Baqara 2:256)

13. The principle that “war is an extension of politics by other means” is usually attributed to Carl von Clausewitz. See Clausewitz, On War, edited and translated by Michael Howard and Peter Paret, Princeton University Press, Princeton, NJ, 1984, p 84. Cited in Military Legitimacy (note 1, *supra*) in note 1 to Chapter 3 at p. 72.

14. For lessons learned in legitimacy before 1995, see chapter 6 of Military Legitimacy (note 1, *supra*); those lessons learned in Iraq and Afghanistan seem to be a repeat of those lessons learned earlier.

15. See Military Legitimacy (note 1, *supra*), at pp 105-114.

16. On the distinction between COIN and FID, see Hasler, *Defining War, Special Warfare*, Mar/Apr 2007, p 23; also Mulbury, *ARSOFF, General Purpose Forces and FID*, Special Warfare, Jan/Feb 2008.

17. See LTC Jeffrey F. Addicott, *Special Forces and the Promotion of Human Rights*, Special Warfare, December 1996), p 30.

18. See Department of Defense Instruction Number 5111.19, July 26, 2011, Enclosure 2, para 1c., which assigns to the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict and Interdependent Capabilities the responsibility to ensure compliance with the current “Leahy” human rights provisions of section 8058 of Public Law 112-10, and section 2378d of title 22, United States Code (also known as section 620J of the Foreign Assistance Act of 1961, as amended. See also Enclosure 2, at para 8g, which requires Geographic Combatant Commanders to verify that human rights vetting requirements and human rights training requirements have been met.

19. USSOCOM Directive 350-28cc, Training, Human Rights Policy, 11 May 2005, Section I, para 3a and Section II, para 4d.

20. For a discussion of the evolution of legitimacy as an operational imperative for SOF, see Barnes, *Military Legitimacy in OOTW: Civilians as Mission Priorities*, Special Warfare, Fall 1999, p 32. See also, Barnes, *The Rule of Law and Civil Affairs in the Battle for Legitimacy*, 2009 Journal on Military Legitimacy and Leadership, www.militarylegitimacyreview.com.

21. If a specific human right falls within the category of customary international law it is a “fundamental” human right binding on US forces during all overseas operations. Unfortunately *there is no definitive “source list” of those human rights considered by the US to fall within this category of fundamental human rights.* The source list for fundamental human rights includes, but is not limited to, the Universal Declaration of Human Rights, Common Article III of the Geneva Conventions, and the Restatement (Third) of the Foreign Relations Law of the US and authoritative pronouncements of US policy by ranking government officials. According to the Restatement (Third) the US accepts the position that certain fundamental human rights fall

within the category of customary international law and a state violates such law, when, as a matter of policy, it “practices, encourages, or condones” a violation of such rights. Examples of such rights are “...cruel, inhuman or degrading treatment or punishment, ...and consistent patterns of gross violations of internationally recognized human rights.” See Operational Law Handbook, 2011, International and Operational Law Department, The Judge Advocate Generals Legal Center and School, Charlottesville, VA, Chapter 3, Human Rights, at page 45 and note 22. See *supra*, notes 15 and 16, on the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Cairo Declaration of Human Rights of Islam. Little has changed since 2001 when the following lists of human rights were cited as standards for reportable violations: Those under Common Article 3 of the Geneva Conventions: (1) Violence to life and person—in particular, murder, mutilation, cruel treatment and torture; (2) Taking of hostages; (3) Outrages upon personal dignity—in particular, humiliating and degrading treatment; (4) Passing of sentences and carrying out executions without previous judgment by a regularly constituted court, affording all the judicial guarantees that are recognized as indispensable by civilized people. Another list of gross violations of human rights is found in the Security Assistance law at US Code of Laws at 22 U.S.C.A. 2304(d)(1): (1) Torture; (2) Cruel, inhuman or degrading treatment or punishment; (3) Prolonged arbitrary detention without charges or trial; (4) Causing the disappearance of persons by the abduction and clandestine detention of those persons; (5) Other flagrant denial of the right to life, liberty, or the security of person. The Office of the Staff Judge Advocate at USASOC provided a combined list of offenses that are considered gross violations of human rights: (1) Genocide; (2) The murder or causing the disappearance of individuals, including extra-judicial executions; (3) Torture, mutilation, or other cruel, inhuman, or degrading treatment or punishment; (4) Slavery or slave trade, including the trafficking of women or children for prostitution; (5) Prolonged arbitrary detention; (6) Kidnapping or taking hostage of civilians; (7) Other flagrant denial of the right to life, liberty, or the security of a person or persons. See Barnes, *Human Rights and Legitimacy in the Foreign Training Mission, Special Warfare*, Spring 2001, at pp 5 and 6. President Obama clarified the US position on the freedoms of religion and speech at a speech to the UN General Assembly on September 25, 2012, following a week of destructive riots against the US across the Middle East in response to a crude video demeaning the Prophet Muhammad. President Obama said that we protect the right to produce even hateful writings and speech “...because in a diverse society, efforts to restrict speech can quickly become a tool to silence critics and oppress minorities,” and added, “the strongest weapon against hateful speech is not repression; it is more speech—the voices of tolerance that rally against bigotry and blasphemy, and lift up the values of understanding and mutual respect.” The New York Times editorial quoting the President went on to note that “Islamic leaders have recently revived a push for an international ban on blasphemy.” See Editorial, New York Times, September 25, 2012. The day following President Obama’s speech, President Morsi of Egypt provided an Islamist rejoinder echoing the conflicting standards of the Cairo Declaration (see note 16, *supra*) saying, “Egypt respects freedom of expression, but not a freedom of expression that targets a specific religion or a specific culture.” See Anne Gearan, *Egypt President Morsi tells UN: Insults to Muhammad “unacceptable”*, The Washington Post, September 26, 2012.

22. See Bill, *Human Rights: Time for Greater Judge Advocate Understanding*, The Army Lawyer, June 2010, at pp 60, 62.

23. For an early article on military lawyers providing operational law support, see Barnes, *Operational Law, Special Operations and Reserve Support*, The Army Lawyer, December 1984; on Shari'a and human terrain, see Timothy K. Bedsole, *Religion: The Missing Dimension in Mission Planning*, Special Warfare, November-December 2006, p 8. On religion as a strategic operational priority, see Raymond Bingham, *Bridging the Religious Divide*, Parameters, Autumn, 2006, p 6. For an example of how a US Navy Chaplain supported his Afghan (mullah) counterparts in countering Taliban claims that Islam prohibited Muslims from working with those of other religions who were helping them, see Brian Mockenhaupt, *Enlisting Allah*, The Atlantic, September 2011, pp 28, 30. At a *shura* that the chaplain helped organize in contested territory, one of the mullahs said: "We should take charge of our own land and protect people ourselves. It is shameful that they had to send Marines to do what we should be doing ourselves." The article ended noting that the Navy chaplain "...who sat quietly through the discussion, had perhaps shaped the battlefield as powerfully as any bullet fired or bomb dropped across Afghanistan that day."

24. See David Gordon, *Cultural Context, Religion and Shari'a in Relation to Military Rule of Law Operations*, 2011 Military Legitimacy Review, www.militarylegitimacyreview.com at p 59.

25. See note 8, *supra*.

26. See Barnes, *Human Rights and Legitimacy in the Foreign Training Mission*, Special Warfare, Spring 2001, p 2; and its sequel, Barnes, *Back to the Future: Human Rights and Legitimacy in the Training and Advisory Mission*, Special Warfare, January 2013.

27. See Greg Jaffe's review of *The Insurgents* by Fred Kaplan and *My Share of the Task* by Stanley A. McChrystal in The Washington Post, January 5, 2013.

28. *Idem*.

29. Craig Whitlock has characterized the SOF training and advisory mission in Africa as "...defined by a decade of missteps." The resurgence of Al Qaeda affiliated terrorist groups in Africa reflects a failure of the Department of Defense and Department of State to coordinate their activities in that strategically important region. It was reported that "...few of the US Special Forces instructors were conversant with in local culture or native languages, and they didn't pick up the cues [of religious and cultural conflicts]." One former SOF member said, "Quite frankly, we weren't used to dealing with the Department of State and other agencies. When we get on the ground, they run the show, and that's what we struggled with." Craig Whitlock, *US counterterrorism efforts in Africa defined by a decade of missteps*, New York Times, February 4, 2013.

30. General Carter F. Ham acknowledged that "...the command's ability to address the terrorist threat in Africa has been 'mixed'. ...We've focused exclusively on tactical and technical. We didn't spend probably the requisite time focusing on values, ethics and a military ethos that says that when you put on the uniform of your nation, then you accept the responsibility to defend and protect that nation, to abide by the legitimate civilian authority." In a questionable solution to meet training and advisory needs in Africa, AFRICOM "...will send small teams from a 4,000

member brigade in Kansas to conduct nearly 100 exercises and training programs in 35 African countries.” Eric Schmitt, *Militant Threats Test Role of a Pentagon Command in Africa*, New York Times, February 11, 2013.

31. Robert M. Gates, former Secretary of Defense, emphasized the need for a balanced strategy that depended upon cooperation between agencies of the Department of Defense (DOD), Department of State (DOS), United States Agency for International Development (USAID) and the CIA in *A Balanced Strategy: Reprogramming the Pentagon for a New Age*, Foreign Affairs, January/February 2009. Gates’ call for a balanced strategy was cited to support more integrated DOD and DOS structures and operational units based on the experience of provincial reconstruction teams (PRTs) in Iraq and Afghanistan that met with only limited success due to interagency competition and bureaucratic issues that hampered cooperation. See Barnes, *The Rule of Law and Civil Affairs in the Battle for Legitimacy*, 2009 Journal on Military Legitimacy and Leadership, www.militarylegitimacyreview.com, *Looking Ahead* and notes 105-112). Similar recommendations for a balanced strategy with diplomat-warriors as trainers and advisors were made earlier. See Military Legitimacy, *supra*, note 1 at pp 155-158, 165,166, 171-174. David Ignatius has noted the need for such a balanced strategy that can “...shape events in an unstable world without putting ‘boots on the ground’ or drones in the air,” and also noted that US stabilization missions lack a civilian agency to lead them and that the era of combatant commands like AFRICOM leading them “...is ending, because of budget strain and military overload, and there’s nothing in sight to take their place.” Ignatius cited USAID, CIA and the U.S. Institute for Peace as unsuited for a leadership role, and while he considered the newly created Bureau of Conflict and Stabilization Operations in DOS as theoretically well suited to provide such leadership, he said it “...doesn’t have the heft to lead the State Department’s activities, let alone the full government’s.” See Ignatius, *Can we close the power gap?*, The Washington Post (www.washingtonpost.com), March 2, 2013. Ignatius later identified USSOCOM as a focal point for providing the capabilities for such a balanced strategy, noting that “Often their missions will involve training and partnering with other nations, rather than shooting” with “SOCOM forces deployed in 78 countries, many teaching war-fighting skills to local special forces.” But Ignatius concludes on a cautionary note: “The world is wary of forward-deployed US commandoes, no matter how important the mission.” See Ignatius, *Drawing Down, but still projecting power*, The Washington Post, March 29, 2013. The mixed results of SOF missions in Afghanistan and Africa (see note 29, *supra*) indicate that the diplomat-warrior capability may be lacking and that more coordination with DOD/USSOCOM and DOS is necessary. AFRICOM offers that potential with a deputy commander from DOS to coordinate military operations with civilian agencies.