

**SOLVING THE WAR PUZZLE: BEYOND THE DEMOCRATIC PEACE<sup>1</sup>**REVIEWED BY MAJOR RICHARD P. DIMIGLIO<sup>2</sup>

*Wars are not simply accidents. Nor, contrary to our ordinary language, are they made by nations. Wars are made by people; more specifically they are decided on by the leaders of nation states . . . . Incentive theory makes the claim that we can predict the occurrence of war more accurately, and intervene to control it more effectively, when we focus our attention squarely on the incentives of the decision makers controlling the decision to use force . . . .<sup>3</sup>*

*Solving the War Puzzle: Beyond the Democratic Peace* is Professor John Norton Moore's latest effort to provide an "incremental" contribution to the "war/peace puzzle" in the hope of developing a theory as to the cause of conflict and a means to control warfare.<sup>4</sup> Although Moore's book fails to achieve the overly ambitious title and does not truly provide a solution, it is worth a considered study by international law practitioners and military strategists. Moore offers readers a new overarching theory incorporating both the widely accepted democratic peace model and the principle of deterrence. By providing this model, he offers a more predictive and comprehensive foreign policy paradigm by which one can analyze the jigsaw world of international relations.

Moore is certainly not a stranger to international law or intellectual debate as to the origins of warfare. As the Walter L. Brown Professor of Law and the Director of the Center for National Security Law at the University of Virginia School of Law, and as the former Chairman of the Board of the United States Institute of Peace, he has taught, lectured and

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<sup>1</sup> JOHN NORTON MOORE, *SOLVING THE WAR PUZZLE: BEYOND THE DEMOCRATIC PEACE* (2004).

<sup>2</sup> U.S. Army. Written while assigned as a student, 53d Judge Advocate Officer Graduate Course, The Judge Advocate General's Legal Center and School, U.S. Army, Charlottesville, Virginia.

<sup>3</sup> MOORE, *supra* note 1, at xx-xxi.

<sup>4</sup> *See id.* at xiii.

written extensively on the subjects of international law, war, and peace, for over four decades.<sup>5</sup> He is eminently qualified to tackle these topics and his personal expertise and past involvement are on display throughout the text and insightful endnotes. Moore diligently supports his arguments with primary and secondary sources throughout the book. He annexes several graphs and charts; unfortunately, they are not well-referenced by the main text and are somewhat confusing.

Moore has long-championed the theory of the democratic peace, which, at its most general level, “posits that major war will occur only rarely, if at all, between well-established democratic nations.”<sup>6</sup> In *Solving the War Puzzle*, Moore, however, is forced to concede that by itself the democratic peace “does not provide a satisfactory general theory of the origins of war since democracies have been robustly involved in war with nondemocracies, and nondemocracies have been robustly involved in war with everyone on an equal opportunity basis.”<sup>7</sup> Moore recognizes that the democratic peace, standing alone, is incomplete as a conflict management theory since “it focuses only on the correlation between democracy and war, and this in turn fails to capture the real strength of the case for democracy, the rule of law, and human freedom across virtually all of the most commonly shared goals of mankind.”<sup>8</sup> In his introduction, Moore informs the reader that the goal of his book is to incorporate the fundamental concept of the democratic

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<sup>5</sup> See *id.* at 173. Moore has also held numerous other posts to include: Counselor on International Law to the United States Department of State; United States Ambassador to the United Nations Conference on the Law of the Sea; Member of the United States Delegation to the United Nations General Assembly and the Athens round of the Conference on Security and Cooperation in Europe. He is also an Honorary Editor of the *American Journal of International Law* and a member of the Board of Directors of Freedom House. See *id.*

<sup>6</sup> See *id.* at 1. “Major interstate war” is defined by Moore as “those [conflicts] with more than 1,000 battle-related fatalities fought between two or more sovereign nations.” *Id.* at 106 n.3. The definition of major interstate war “does not include civil wars or colonial wars or those between a nation and a less than sovereign political entity.” *Id.* Moore cites to a study by Professors Rudy Rummel and Bruce Russett showing that between 1816 and 1991 there were 353 pairings of nations fighting in international wars, yet none of these wars were between democracies. See *id.* at 2. The theory of the democratic peace can be traced back to the works of Immanuel Kant who described a republic where free people would naturally desire avoidance of war and as voting members could control the actions of the State. See Steven Geoffrey Gieseler, *Debate on the ‘Democratic Peace,’* at [http://www.unc.edu/depts/diplomat/archives\\_roll/2004\\_01-03/gieseler\\_debate/gieseler\\_debate.html](http://www.unc.edu/depts/diplomat/archives_roll/2004_01-03/gieseler_debate/gieseler_debate.html) (Mar. 3, 2004).

<sup>7</sup> MOORE, *supra* note 1, at xviii.

<sup>8</sup> *Id.* at 7.

peace and the recognized principle of deterrence while uncovering “a broader and more predictive and workable theory about the causes of war.”<sup>9</sup> Moore succeeds with this goal, although at times he focuses more upon the strengths of the former democratic peace model and the principle of deterrence rather than providing deep insight and analysis into his new theory.

Moore introduces the reader to his new paradigm, which he terms “incentive theory,” after surveying idealistic and realistic perspectives and analyzing the incentives for and against war at the individual, state and international levels.<sup>10</sup> Moore does not assume much knowledge on behalf of the reader and proceeds through each step in his reasoning in a deliberate manner. He develops his theory by incorporating and blending the past ideas and works of other scholars and crossing into other disciplines such as economic theory.<sup>11</sup> Pointing to several historical examples, Moore ultimately posits that most major wars arise as a result of the synergy between an absence of democracy and an absence of effective deterrence at the national and international levels against aggressive nondemocratic nations, *along with a failure to provide a proper set of incentives to the individual decision makers leading those nondemocratic nations*.<sup>12</sup> This second half of the equation summarizes Moore’s thesis and represents his refinement to the existing democratic peace and deterrence models.<sup>13</sup>

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<sup>9</sup> *Id.* at xix.

<sup>10</sup> *See id.* at xvii-xix. Moore contrasts the positions of idealists and realists. He states that “[i]dealists, the relative optimists of theory, focus on the role of third party dispute settlement, creation of international organizations, enhancing trade and other peaceful interactions among nations, and the role of democratic governance.” *Id.* at xvii-xviii. By contrast, “[r]ealists, the relative pessimists, in turn focus on the security dilemma of an anarchic international system, power relations between states – particularly the struggle for power between and among great powers, and the effect of different forms of international systems on the competition.” *Id.* at xviii. Moore cites to Kenneth N. Waltz’s 1954 study, *The State and War*, where Waltz analyzed the origins of war on three levels, “the individual level, that is, violence, beliefs, and other subjectivities rooted in the individual; the state or national level, that is, variables accounting for war rooted in the form of government and other national variables; and the international level, that is, variables rooted in the broader international system.” *Id.* at xix.

<sup>11</sup> *See generally id.* at 1-12.

<sup>12</sup> *See id.* at xx.

<sup>13</sup> Interview with John Norton Moore, Professor, University of Virginia School of Law, in Charlottesville, Va. (Sept. 7, 2004) [hereinafter Interview with John Norton Moore]. Moore’s incentive theory model should be viewed as an overarching theory that incorporates under it the concept of the democratic peace model along with the principle of deterrence. Moore argues that to prevent conflict we must first analyze the incentives of government elites and then attempt to influence their decisions utilizing the

Moore tests his incentive theory in a brief discussion of the current global war on terrorism. He argues that in contrast to other paradigms in international relations, his incentive theory, while admittedly developed to account for the cause of major interstate war, is adaptable to the war on terror.<sup>14</sup> Moore argues “the key to reducing terrorism is to reduce the incentives of terror leaders, and those who support them, below the point where they will continue their actions.”<sup>15</sup> Yet, while discussing the current war in Iraq, Moore is forced to confess that his theory is best applied to the incentives *for* going to war faced by President George W. Bush and British Prime Minister Tony Blair, rather than the incentives *against* war faced by Iraq’s Saddam Hussein.<sup>16</sup> Moore admits that an application of his incentive theory would have predicted that Hussein “would do whatever was necessary to avoid the war and stay in power” since he knew any war could ultimately only end in utter defeat and his personal removal.<sup>17</sup> However, Moore, often reluctant to concede on any point, feels that Hussein’s actions were an anomaly and no other contemporary approach to foreign relations would have done better.<sup>18</sup>

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frameworks and principles of the democratic peace and deterrence. *See id.* Moore ties in his theory to the democratic peace by highlighting a logical, yet significant, distinction between democracies and nondemocracies. He observes that a democratic leader will more easily conclude that a failed or imprudent war or aggressive act is, in simplest terms, not worth it because he or she is faced with being voted out of office by the democratic electorate. *See id.* “Democracy internalizes these costs in a variety of ways including displeasure of the electorate at having war imposed upon it by its own government. And deterrence either prevents achievement of the objective altogether or imposes punishing costs making the gamble not worth the risk.” MOORE, *supra* note 1, at 43. In contrast, the leader of a nondemocratic regime does not share that self-preservation concern. “Decision elites in nondemocratic nations, then, may be far more disposed to high risk aggressive actions risking major war and other disasters for their people.” *Id.* at 11. Moore often uses a classroom analogy of a “heads-I-win, tails-I-lose” situation for a democratically elected leader who engages in international conflict. If the war effort succeeds, the democratic leader’s popularity soars (as did U.S. President George H.W. Bush’s immediately after the Gulf War). If the war effort suffers, the democratic leader will suffer detrimental effects (as did Lyndon Johnson with regards to Vietnam). By contrast, the leader of a nondemocratic nation faces a “heads-I-win, tails-you-lose” scenario and only the citizens in his country who may potentially die or lose their well-being experience the loss. *See Gieseler, supra* note 6; *see also* MOORE, *supra* note 1, at 78-82.

<sup>14</sup> *See* MOORE, *supra* note 1, at 69.

<sup>15</sup> *Id.* at 71.

<sup>16</sup> *See id.* at 78-82.

<sup>17</sup> *Id.* at 82.

<sup>18</sup> *See id.*

Upon conclusion of the book, the reader may question just how novel is Moore's "new" theory. Moore's argument that his incentive theory allows us to "predict the occurrence of war more accurately, and intervene to control it more effectively, [by focusing] our attention squarely on the incentives of the decision makers controlling the decision to use force" is very intuitive and would seemingly find little resistance in most intellectual and practical debates.<sup>19</sup> Simply stating, as Moore does, that one should analyze the incentives of terror leaders in an effort to curb terrorism, or that a leader will often take actions to protect his personal status, does not place his theory at the cutting edge of international law paradigms. Moore attempts to deflect this critique by arguing that his theory represents an important advance since it is the first to focus this precisely upon the importance of incentives in the foreign policy realm.<sup>20</sup> Despite this claim and despite his insistence that his new paradigm "is empathically not democracy-building by aggressive use of force or a democratic 'just war' or 'crusade for democracy,'" the lack of novelty in his incentive theory explains why Moore allots a majority of his pages to listing the benefits of and extolling the virtues of a liberal democracy rather than developing his overarching incentive theory.<sup>21</sup>

Moore's focus and discussion on the democratic peace model, however, has the benefit of providing even the most seasoned international law practitioner with additional insights into the causes of war. Any reader, whether or not already familiar with the democratic peace model, will be impressed by Moore's discussion of the synergy between democracy and peace.<sup>22</sup> Moore, however, unfortunately feels a need to contend with every small potential historical exception to the democratic peace and deterrence models.<sup>23</sup> In desiring to show a 100% correlation, Moore occasionally loses sight of the overall message and overwhelming connection between democracy and peace.

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<sup>19</sup> *Id.* at xx-xxi.

<sup>20</sup> See Interview with John Norton Moore, *supra* note 13; see also MOORE, *supra* note 1, at 130-31 n.8.

<sup>21</sup> MOORE, *supra* note 1, at 83. There is an important distinction between a mere electoral democracy and a full liberal democracy. Moore notes that "[w]hile an electoral democracy is certainly superior to totalitarianism, the full benefits of democracy, including quite probably the very stability of democratic institutions, comes from achieving liberal democracy." *Id.* at 85. Liberal democracies are superior in achieving "a full commitment to human freedom." *Id.*

<sup>22</sup> See generally *id.* at 1-8, 13-25.

<sup>23</sup> See generally *id.* at 13-25.

For example, as previously noted, the democratic peace model states that democracies, rarely, if at all, go to war against one another. Instead of relying on the word *rarely*, Moore seemingly feels obligated to contest every possible instance to the contrary. If there is an historical example of a war between two democracies, Moore will attempt to find an alternative explanation. He will argue that either one of the countries was not a true liberal democracy, the war happened before the 1928 Kellogg-Briand Pact outlawing aggressive war as a modality of conducting foreign policy, the incident was not a “major” war because there were not 1,000 casualties, or there was some permissible rationale such as humanitarian intervention that provided a just cause for engaging in hostilities.<sup>24</sup> Moore argues that the Spanish-American war was not commenced by an aggressive act by the U.S. because the U.S. believed that Cuba had sunk the battleship *Maine*;<sup>25</sup> the 1897 Greco-Turkish war was really the result of Greece's “humanitarian intervention against Turkish mistreatment of Greeks in Crete;”<sup>26</sup> and the government of Italy “was not really democratic in its foreign policy in 1911” before initiating the Italo-Turkish War.<sup>27</sup> In the lone situation where Moore reluctantly concedes a democratic nation was the aggressor, the 1956 Suez War pitting Britain, France and Israel against Egypt, he still finds a means to slide the war under the democratic peace model.<sup>28</sup> Moore argues that the actions by the Israelis were defensive in nature, and when one takes out the number of casualties caused by the Israelis, the number of casualties caused only by the British and French then falls under the 1,000 casualty cutoff needed to define it as a major war.<sup>29</sup> The synergy between

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<sup>24</sup> *See generally id.*

<sup>25</sup> *See id.* at 21.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at 22. Additionally, Moore sometimes simplifies the equation too much in terms of democracy and deterrence. For example, in analyzing the origins of the American Civil War, Moore notes that “the not yet democratic Confederacy initiated the use of force at Fort Sumpter [sic] and levels of Union deterrence were low.” *Id.* at 126 n.17. Analyzing the root causes of the American Civil War simply in democratic and deterrence terms leaves a lot off the table.

<sup>28</sup> *See id.* at 21-22.

<sup>29</sup> *See id.* Moore finds another distinction by stating that although the British and French attack is “best characterized as aggression under the [United Nations] Charter” the goals of both countries “were principally to impose international control to protect access to the canal for all nations following Nasser's nationalization, while recognizing Egypt's sovereign right to a fair return from operation of the canal.” *Id.* at 21. The 1,000 battle death cutoff “is used to eliminate those instances of violence attributable to accidents, unauthorized incursions, limited military actions designed for deterrence, and military actions by a strong military against a weaker adversary not anticipated to resist.”

democracy, deterrence, and peace in the scope of major interstate war is both intuitively and scientifically overwhelming. Moore's unnecessary desire to contest every small, potentially contradictory result causes his reader to lose sight of the bigger picture.<sup>30</sup>

In addition to his emphasis on democracy, Moore also expends a great deal of effort in his book extolling the virtues of a strong deterrence. Moore views deterrence to be one of the key prongs, along with the democratic peace, under his overarching incentive theory.<sup>31</sup> He references the reader to many historical examples for the proposition that the absence of an effective deterrence will often lead to aggression and warfare, while the presence of an effective deterrence can prevent war.<sup>32</sup> As with the basic premise behind incentive theory, this argument seems intuitively obvious and Moore's depth of analysis in this area is unnecessary.

Instead of allotting the majority of the book to historical analysis and a restatement of the democratic peace and deterrence models, Moore

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Elizabeth A. Palmer, *Democratic Intervention: U.S. Involvement in Small Wars*, 22 PA. ST. INT'L L. REV. 313, 316 (2003).

<sup>30</sup> Worth noting is that the correlation is perhaps not as strong when applied to smaller wars—wars with less than 1,000 casualties. Another study conducted by a former student of Professor Moore has shown that from the time of “gaining its independence, the U.S. has sent military troops abroad to participate in small wars in some form or fashion a total of 138 times. . . . U.S. actions were illegal according to post-Charter international standards in over 15% of the small wars identified.” Palmer, *supra* note 29, at 339-40. Palmer's study suggests that the democracy variable is not as essential of an element in conflict management for “small” wars. Perhaps it is this type of realization that pushes Moore to admit that the democratic peace model by itself, while powerful in its correlative value, is “not an adequate theory for war avoidance” and pushes him towards the analysis of incentive theory. See John Norton Moore, *Editorial Comments: Solving the War Puzzle*, 97 AM. J. INT'L L. 282, 282 (2003). But see MOORE, *supra* note 1, at 132 n.15 (arguing that the majority of the alleged aggressive acts by the U.S. that are cited by Palmer occurred before the existence of the United Nations Charter).

<sup>31</sup> See Interview with John Norton Moore, *supra* note 13.

<sup>32</sup> See generally MOORE, *supra* note 1, at 27-38. Specifically Moore points to World War I, World War II, the Korean War, Vietnam, The Iran-Iraq War, the United Nations operation in Somalia and the Gulf War as prime examples of a lack of effective deterrence. See generally *id.* at 28-30, 45-52. Conversely, Moore states that the existence of the North Atlantic Treaty Organization (NATO) provided a strong deterrent to the Soviet block and was the reason that World War III did not erupt in Europe during the second half of the 20th century. See *id.* at 30, 50. Moore also praises NATO's “known precommitment with forces in the field” to deter aggression and contrasts NATO with the usual unwillingness of the United Nations to commit forces until aggression has already occurred. *Id.* at 55 (emphasis omitted).

should have focused a greater part of his considerable expertise on applying his incentive theory to the contemporary international environment. Only at the end of the book does Moore finally start to provide the reader with specific suggestions to guide future policy.<sup>33</sup> He incorporates his incentive theory amongst a wide range of suggestions focusing again primarily on deterrence and democratic enlargement. Unfortunately, this analysis is only seven pages in length, and it conceals some of its substance and specific remarks in the endnotes rather than stating them in the text.<sup>34</sup> Finishing the book, the reader is left with a desire that Moore had focused his energies more towards providing a blue print for the future conduct of foreign policy, especially in the realm of the current global war on terrorism.<sup>35</sup>

Although Moore does not “solve the war puzzle,” his incentive theory, while not necessarily academically innovative, provides a useful and improved foreign policy paradigm under which the democratic peace and deterrence models can be analyzed. *Solving the War Puzzle* offers insights for commanders and judge advocates wishing to understand the causes of war at the strategic level. Any reader not already familiar with the concept of the democratic peace will be impressed with the strength of the demonstrated correlation between democracy and peace. Moore sums up his goal in offering this book and the new paradigm by stating:

even if “incentive theory” proves a more useful focus in seeking to predict and control war, it does not offer a slot-machine for simple answers. . . . Until we set aside pervasive myths about war and focus our attention on the critical variables, we will have little chance to control this age-old scourge of mankind. It is hoped that this book may make an at least modest contribution to this goal.<sup>36</sup>

Indeed, Moore accomplishes this goal and provides the reader with some of the pieces for future analysis on how to put the puzzle together.

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<sup>33</sup> See *id.* at 83-89.

<sup>34</sup> See *id.* at 138-43.

<sup>35</sup> Moore plans to write a follow on book that will focus his incentive theory more squarely on contemporary policies and the terrorism issue. See Interview with John Norton Moore, *supra* note 13.

<sup>36</sup> MOORE, *supra* note 1, at xxvi.