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In My View

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IN MY VIEW . . .

The Laws of War

Sir:

In a generous review of *The Laws of War: Constraints on Warfare in the Western World* (1994, paper 1997; see *Naval War College Review*, Summer 1997, pp. 128ff, esp. p. 129), Lieutenant Colonel Michael Schmitt gave me too much credit. As much as I wish I could claim co-authorship of the final chapter, that distinction belongs to my friends and former colleagues Paul Kennedy and George Andreopoulos.

Mark R. Shulman
Columbia University

"Failing States"

Sir:

I took great interest in the article by Dr. Miskel and Commander Norton, "Spotting Trouble: Identifying Faltering and Failing States" (*Naval War College Review*, Spring 1997). Wars and other military activity have often and unfortunately surprised the U.S. government and other governments, with great cost for those governments and for populations involved. I commend Miskel and Norton for their effort to develop a method that can predict these events by rational analysis of objective observations. They suggest a scoring system that reflects measures in a grid of red, yellow, or green squares, an immediately understandable, elegantly simple concept.

At the same time, their paper betrays several implicit assumptions that deserve further thought. The notion of “failing state” carries an elitist tone, presumes some implicit definition of “state,” and correspondingly presumes an implicit condition of failure. The measures they chose may have little or no relation to the stability of governments. The interpretations they derive from those measures may mislead rather than signal. If we use the Miskel and Norton grid effectively, and I feel certain we could do so, then we must have examined the assumptions carefully, validated the measures, and calibrated the measures in correspondence with historical information.

My first concern is for this notion of “failing states.” What is a state? Miskel and Norton leave it undefined. How can we tell when one fails? Miskel and Norton use the term “failure” frequently, but they don’t define it. If a warlord governs a region of Somalia, has the state failed, or does the warlord embody the state? If the rebels control Katanga or Chiapas, has the government in Kinshasa or Mexico City failed? Does it matter in our context? I think “instability of government” better fits Miskel’s and Norton’s discussion, purposes, and method. If we define government as the dominant coercive force in a region, and democracy as the most stable form of government, then we focus our judgment on the central issues.

My second concern is Miskel’s and Norton’s use of the poverty-wealth spectrum as a yardstick for stability of government. They assume that more impoverished regions are less stable. While this notion has considerable currency (the anchorpersons on the nightly news parrot the idea incessantly), an examination of history shows it to be patently false. Since the end of the Korean War, the government of North Korea has become ever more entrenched, despite the ever more profound poverty of that population. Since the blockade of Cuba, many of the Cuban people have substituted livestock for the cars and tractors they used to drive, but the stability of Castro’s government has become stronger. As an ambitious and ever more powerful middle class presses for change in the social order, so a dictator intent on remaining in power will seek to impoverish the people. Diminishing the wealth of the population strengthens the government of that population.

I also have doubts about the validity of Miskel’s and Norton’s “government strength” metrics, such as border control. If the governments of the United States and Canada dismissed their immigration and customs personnel all along their shared border, the border would still exist right where it is today. A border is simply where the jurisdiction of one government meets the jurisdiction of another. Provided the two governments agree on the extent of those jurisdictions, the existence of the border requires no particular actions on the part of either government. Contrary to Miskel’s and Norton’s assertion, I say control of its borders isn’t a primary function of any

162 Naval War College Review

government and has nothing to do with its stability or with the “propensity to failure of the state.” Nor is it a valuable litmus test of the viability of a state’s central government. That some governments, including the U.S. government, choose to spend much money on activities such as the Border Patrol doesn’t imply that the Border Patrol is necessary or useful for the stability of the U.S. government.

Instead of, or along with, the metrics proposed by Miskel and Norton, four conditions accompany violent change of government and the instability that presses such change:

- Involvement of the government in a foreign war
- Alienation of the educated classes from the government
- Improving economic conditions characterized by a rising middle class
- Failure by the government to use force effectively to control an unruly crowd.

These events accompany revolution, and they were identified by Crane Brinton in his landmark history *The Anatomy of Revolution* (1965). I suggest that systematic measures of these conditions will serve us well as leading indicators.

Again, I want to emphasize my respect for Miskel and Norton, for their valuable work in this subject, and for the profound concept they have advanced. I have criticized their work on its periphery, but the core concept is solid. I hope that my good intentions are clear and that my challenge to their ideas will contribute to an ultimately stronger method of prediction.

Daniel Brockman
San Francisco, Calif.

Professor Miskel replies:

Sir:

Mr. Brockman’s thoughtful letter is exactly the type of reaction we hoped our article would elicit from readers of the *Naval War College Review*. As Mr. Brockman suggests, it might indeed have been wiser to have defined the term “state” in the article. We intended the term to refer to the political entities that are represented in the United Nations and that are formally recognized as having legal sovereignty over defined territories. Thus a warlord in a section of Somalia and a rebel force in Katanga would not meet this definition. Mr. Brockman’s suggestion raises the broader question of whether Norton and I have erred in taking the traditional state-centric approach. This is an interesting question. The future of the state has been much debated in academia and in foreign policy

journals. Relative to international organizations like the UN, sub-national organizations (e.g., the government of California, the New York City government), and the financial markets, has the state become less important than it used to be? Probably. Does this mean that the U.S. government and the UN will soon orient their policies around some level of political-legal organization other than the state? In my view, probably not. The term “failed states” is widely used, but as Mr. Brockman’s letter suggests could be susceptible to differing interpretations. Our intent was to describe states that are incapable of performing essential functions and that are also confronted with severe humanitarian challenges like widespread ethnic violence or famine.

Mr. Brockman correctly cautions that diminishing wealth is not always a cause of political instability. This is one reason why we believe that our proposed nine measurements should be evaluated collectively, not in isolation from each another. I would argue that the examples Mr. Brockman cites reinforce this point. For all their economic distress, both Cuba and North Korea seem to have retained the capacity for effective, albeit repressive, government action.

Finally, Mr. Brockman makes a valid point about borders. When there are no disputes about where one government’s jurisdiction ends and another’s begins, extensive and expensive border patrols may not be necessary. However, in many parts of the world this is not the case. More to the point, some borders are virtually ignored by both people and commerce. Our thought was that when a border is effectively ignored, it must follow that at least one of the bordering states is not even attempting to collect tariffs, enforce immigration-emigration laws, or implement certain rudimentary public health precautions. Such conditions struck us as an indication that the central government might be losing the capacity for effective action. Moreover, unregulated borders could also have an adverse effect on economic development. When pirated or untaxed goods flow easily over unregulated borders, legitimate and tax-paying enterprises inside the receiving state(s) can be driven out of business by unfair competition, and foreign investors have an incentive to invest elsewhere. These are the reasons why we believe that border control is a meaningful measurement.

James F Miskel
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