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Module 3: Operational Art

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DBF 3.4: Law

Response

GOLD: *Why is legitimacy important? What are the considerations for determining/developing ROE? How do SROE and ROE tie back to the joint principles of war? (min 250 words)*

Primary Post (*by September 8, 2025*)

Legitimacy anchors the Operational Objective (OPO) because it preserves coalition support, sustains access, and protects freedom of action through clear authority and disciplined force. Supported commanders build Rules of Engagement (ROE) that match the operational concept, and delegate to preserve tempo while staying within the law.

Legitimacy matters because authority and perception shape outcomes. ROE requires linkage to the objective, precision, environment-specific rules, and deliberate delegation. Standing Rules of Engagement (SROE) and ROE operationalize objective, security, restraint, economy of force, and simplicity, while enabling maneuver and mass. They do not establish unity of command, and they set permissions and limits for offensive action and surprise rather than directing those schemes. Standing Rules for the Use of Force (SRUF) govern domestic and civil support. OPO sets ends, ROE are ways, SROE and SRUF bound means, and over or under restriction sets risk.

Authority produces legitimacy. Harvison (2019) stated, “every single thing you do in the military has authority” (00:13:26) and tied legitimacy to achieving “the objective and the desired end state” (00:13:04). Luke (2015) warned of “legitimacy-damaging mistakes” (p. 2) that impede success.

ROE sit as policy and must support the commander’s design. Harvison (2019) stated, “rules of engagement are actually policy” (01:01:46), and the SROE frame a commander’s right and obligation of self-defense, defining “imminent” as not necessarily “immediate or instantaneous” (Chairman of the Joint Chiefs of Staff, 2005, p. L-3). CJCSI 3121.01B directed ROE alignment to the operational concept and demanded mission-specific maritime tailoring (CJCS, 2005, p. J-1; Harvison, 2019). Integration of a Judge Advocate General (JAG) early helps speed targeting and reduces ambiguity (Harvison, 2019).

Delegation to the lowest echelon enables mission command under contested communications and preserves tempo while retaining compliance through intent and training (Harvison, 2019). That choice maps to economy of force, maneuver, and security through disciplined initiative.

Legitimacy decides access and partners. Properly tailored ROE translate lawful authority into ways and means. SROE and ROE align force employment with the joint principles of war and operations.

References

Chairman of the Joint Chiefs of Staff. (2005, June 13). Standing rules of engagement/standing rules for the use of force for U.S. forces (CJCSI 3121.01B).

Harvison, M. A. (2019, April 23). Maritime operational law [Lecture slides, Joint Military Operations Intermediate Level Course]. U.S. Naval War College, Joint Military Operations Department.

Luke, I. T. (2015). Legitimacy in the use of seapower. Newport, RI: U.S. Naval War College, Joint Military Operations Department.

Secondary Post (*by September 10, 2025*)

SECONDARY POST RESPONSE (GOLD)

Rob, strong post. I reinforce your logic and expand with ends, ways, means, and risk linked to the Operational Objective. The OPO is the end. Rules of Engagement are a way that translate authority into disciplined action. Standing Rules of Engagement and Standing Rules for the Use of Force bound the means. Over-restriction risks lost tempo. Under-restriction risks legitimacy.

CJCSI 3121.01B directed ROE to support the operational concept and to be built alongside planning, then tuned to mission and environment (Chairman of the Joint Chiefs of Staff [CJCS], 2005, p. J-1). It defined imminence in self-defense by all facts, not by instant timing alone (CJCS, 2005, p. L-3). Build ROE around positive identification, hostile act or intent, escalation of force, collateral damage and protected targets, weapons limits, and delegated authorities. Wargame against each course of action, then issue plain-language ROE cards. Luke (2015) warned that legitimacy errors degrade success (p. 2).

In summary, legitimacy secures access and partners. Mission-specific ROE, aligned to the commander's design, support objective, security, restraint, economy of force, and simplicity, and enable maneuver through preauthorization.

References

- Chairman of the Joint Chiefs of Staff. (2005, June 13). Standing rules of engagement/standing rules for the use of force for U.S. forces (CJCSI 3121.01B).
- Luke, I. T. (2015). Legitimacy in the use of seapower. Newport, RI: U.S. Naval War College, Joint Military Operations Department.

Secondary Post (*by September 10, 2025*)

BLUE: *Why is legitimacy important? When are UNCLOS and LOAC applicable? How does international law impact military operations?*

SECONDARY POST RESPONSE (BLUE)

Hi Warren, thoughtful post. I agree with your focus on legitimacy. It secures access, coalition buy-in, and operational freedom. When forces break rules, outrage grows and freedom of action shrinks (Harvison, 2019). UNCLOS applies in peace and war at sea. It defines the zones, preserves innocent and transit passage, and expects warships to act with due regard. The United States mostly follows it as customary law, even though it is not a party. LOAC applies once armed conflict exists. Jus ad bellum sets when force is lawful under the UN Charter's rule and its narrow exceptions. Jus in bello governs how force is used through necessity, distinction, proportionality, and humanity. International law then shapes planning and execution through ROE. CJCSI 3121.01B treats ROE as an operational issue tied to the concept and mission-tailored, and it defines "imminent" in self-defense as not "immediate or instantaneous" (Chairman of the Joint Chiefs of Staff, 2005, pp. J-1, L-3). Luke also warns about "legitimacy-damaging mistakes" that erode success when actions drift outside these authorities (Luke, 2015, p. 2).

References

Chairman of the Joint Chiefs of Staff. (2005, June 13). Standing rules of engagement/standing rules for the use of force for U.S. forces (CJCSI 3121.01B).

Harvison, M. A. (2019, April 23). Maritime operational law [Lecture slides, Joint Military Operations Intermediate Level Course]. U.S. Naval War College, Joint Military Operations Department.

Luke, I. T. (2015). Legitimacy in the use of seapower. Newport, RI: U.S. Naval War College, Joint Military Operations Department.

Professor Feedback

Jeff,

Meets expectations. Good work on both your answer and responses. "OPO sets ends, ROE are ways, SROE and SRUF bound means, and over or under restriction sets risk." - Good work! It all ties back to Objective at our level. Remember to keep Legitimacy focused on objective. Legitimacy is important to us and the Rules Based Order, but lapses in legitimacy (Abu Ghraib incident) can undermine our objectives at all levels of war.+OPO "OPO sets ends, ROE are ways, SROE and SRUF bound means, and over or under restriction sets risk."