Declarations of War: Withering Vestiges or Significant Signals?

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Abstract

Declarations of war are an often-mentioned but rarely-studied area of international relations. I advance a functionalist theory of why declarations of war exist and explore several possibilities for their post-WWII decline. My argument is that declaring war is a costly and informative signal directed primarily at preparing the domestic population to a shift from a peaceful society to one optimized for winning a war (although it can also have the effect of demonstrating resolve to one's opponent). Using Correlates of War 2 data, I find that declarations of war predict total war deaths and war length very well, even when controlling for other factors. In other words, wars that start with formally issued declarations tend to be much bloodier and longer. Thus, once one accounts for American exceptionalism, a decline in the issuance of declarations of war actually tracks a broader move away from large-scale wars in the international system.

Whereas the Imperial Government of Japan has committed unprovoked acts of war against the Government and the people of the United States of America: Therefore be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Imperial Government of Japan which has thus been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial Government of Japan; and, to bring the conflict to a successful termination, to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial Government of Japan; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States.

- Approved, December 8, 1941, 4:10 p.m. E.S.T.

"There are things in the Constitution that have been overtaken by events, by time. Declaration of war is one of them. There are things no longer relevant to a modern society. Why declare war if you don't have to? We are saying to the President, use your judgment. So, to demand that we declare war is to strengthen something to death. You have got a hammerlock on this situation, and it is not called for. Inappropriate, anachronistic, it isn't done anymore."

- Chairman Henry Hyde, October 3, 2002, in session of House of Representatives, during hearing on Res. 114, AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ.

The question of why states go to war is discussed often enough by international relations scholars. But the related question of why states *declare* war has received little attention and certainly no systematic analysis. There is a good reason for this: wars are already an infrequent occurrence and declarations of war are even more rare. Partially as a result of this lack of data on which to test hypotheses, the existing literature views declarations of war as either a curiously formal interaction between state actors or as a leftover from days of chivalry when custom dictated announcing a state of war to the opposing state. In this paper I set out to explain why states declare war and provide an argument for the importance of this vein of research.

As evidenced by Chairman Hyde's remarks, declarations of war are perceived to be on the decline. This is true – since the end of the Second World War, only two declarations of war

have been issued in interstate conflict. For some, this finding alone is evidence of a larger trend of changing norms in international relations; declarations of war are thus viewed as useful trailing indicators of broader changes in states' approach to war. Moving outside the realm of international relations literature, declarations of war have received attention from constitutional scholars. The majority of this research has been driven by the experience of the United States, a country that has been very involved militarily on the world stage in the past half-century yet has not issued an official declaration of war at any point during this time period, despite engaging in a number of conflicts that were clearly labeled as wars. Of the various explanations provided for the US-specific trend, most focus on the interplay between the legislature and the presidency and the various incentives each has for shying away from a formal war declaration. The conflict appears to be between a US Congress that is reluctant to give the President wide-ranging powers to wage war and a President who is equally reluctant to give Congress an increased say in how military matters are handled.

But explaining change implies that, at least on some level, we are going to offer some mechanism that is driving this change. Before making declarations of war into proxies for systemic attitude shifts, we must be able to explain where they come from and why they still exist. Although there are certainly more than two explanations, in this paper I examine two viewpoints I find most convincing: the normative and the functional view. They are not mutually exclusive, although adopting them does lead to very different conclusions about the utility of declarations of war in the study of conflict.

In the normative view, declarations of war may have once had a purpose but today they are merely vestiges of an older system of state-to-state communication that will eventually disappear completely due to its lack of use. If declarations of war have lasted this long as a

fixture of international relations, it is because they have been reified into a specific normative viewpoint of what constitutes a proper procedure – legal or moral – for entering a war. When this viewpoint changes, we will see declarations of war decline and eventually wither away. I have not been able to find explicit arguments that outline this way of thinking. The closest example of a normative explanation comes from Brien Hallett in his book The Lost Art of Declaring War, which is also the only systematic attempt at explaining declarations of war. Although Hallett's primary focus is the proper amount of involvement of the Congress in US' foreign policy, he devotes an entire chapter to an analysis of why there has been a system-wide decline in declarations of war since the 17th century.[1] Hallett argues that declarations of war used to be elaborate documents that fully laid out reasons for going to war. Prior to 1600, when communication and travel were difficult, heralds delivered declarations of war and along with them lists of grievances and impassioned pleas for action. Kings were expected to respond to these grievances and could easily avoid war – a declaration of war thus used to be a statement of policy and a negotiation all in one. As the world grew smaller, communication became faster and ambassadors could negotiate for an almost unlimited amount of time and in the final case of failure simply be recalled, making declarations of war obsolete. Hallett argues that over the years declarations of war degenerated to mere pronouncements of a state of affairs that was often in little doubt. He concludes that compared to declarations of a few centuries ago, today's declarations of war are historical documents that could be easily dispensed with without losing much significant information.

Hallett's explanation of how declarations of war came about flows from a perspective that views declarations of war as completely unnecessary and even absurd in the modern world. In today's age the very act of going to war should serve as an adequate declaration. Yet Hallett's

[1] See chapter 3 in Hallett, Brien The Lost Art of Declaring War, Chicago: University of Illinois Press, 1998.

explanation also raises several questions. When communication with one's adversary is generally not difficult and can be easily arranged – and has been this way for some time now – why would we still observe *any* instances of declarations of war? The fact that states still declare war on the intra-state and even extra-state levels leads us to speculate that these pronouncements still have some purpose.[2]

My argument takes a functionalist stance. Although I do not deny that state leaders and entire societies can be socialized into believing that announcing a war gives their cause more moral weight or accords their opponent a certain level of respect and international recognition, declarations of war still exist due to their practical value. The first problem for a normative explanation is that declarations of war are not costless as they ruin any chance of a complete surprise attack (even though one could still attack in a stealthy manner after declaring war, there is usually some cost associated with revealing to the enemy state that you fully intend to attack them). And while one could argue that it is very difficult for states today to mask their offensive preparations, the fact that remains that as a baseline model one should not expect actors to incur costs, no matter how small, needlessly. Instead, I advance an explanation that looks at the informational content of declarations of war, both for the opponent and the domestic audience. As such, a declaration of war can serve as a signal of resolve to the opponent and an alert to the domestic population that some basic functions of society and everyday life are likely to undergo significant changes.[3]

[2] In 1996 Osama bin Ladin issued a "fatwa" now widely translated as a declaration of war against the US. On New Year's Day 1994 the Zapatistas in Mexico issued a declaration of war against the Mexican government that, among other things, bound the group to the rules of the Geneva Convention. While the Zapatistas were clearly seeking international recognition, there is not much evidence that Al-Qaeda leaders care much about international law.

[3] There is a third signaling effect but I have left it out of the paper because I do not yet have a good way of testing it. Declarations of war could signal solidarity with an ally by crossing the line between neutrality and involvement.

In the first part of the paper I define coding rules and offer a definition of declared wars that relies on the issuer's classification and some manner of formal pronouncement. The next part of the paper explores the common belief that that declarations of war have been declining on the international scale. I code the 78 international wars from 1816-1990 in the Correlates of War 2 dataset for whether a declaration of war was issued and run a few basic statistical tests to get at the relationship between declarations of war and some commonly used war-related variables. Specifically, declarations of war prove to be a robust predictor of war deaths and, to a somewhat smaller degree, war length. Declared wars last longer and result in more dead. This effect remains strong after controlling for a number of other factors and testing for possible outlier effects. I conclude the paper by commenting on these relationships and exploring possible ways for how to further test the two competing hypotheses. I do not conduct any case studies in the paper as of yet. The Appendix contains a list of all 78 wars and their coding.

What is (not) a Declaration of War?

The key definitional problem in this project is distinguishing between an actual declaration of war as opposed to an act that may be perceived as a declaration of war. When looking at the inter-state war cases, each one had a number of actions that brought on the state of war. But in order to be conceptually valuable, a declaration of war must be qualitatively different than the act of waging war itself. The key is to differentiate between actions that start a war and issued declarations of war. As a concrete example, the bombing of Pearl Harbor was a de-facto declaration of a state of war but in the dataset it would not be coded as such. To be classified as such, a declaration of war must have some component of formal announcement. Black's Law Dictionary takes the issue further and defines the term as:

> *A public and formal proclamation by a nation, through its executive or legislative department, that a state of war exists between itself and another nation, and forbidding all persons to aid or assist the enemy*.[4]

This definition is a good start as it clearly specifies that there must be some formal interaction between two states.[5] It also makes clear that the declaration must be issued by the nation's leadership, however broadly constructed the term. Finally, since declarations of war vary widely in their purpose and specification – some make broad directives for what constitutes appropriate behavior toward the enemy while others direct the military forces to advance on the enemy's capital or to make a series of attacks against the enemy's military – I do not examine this aspect in detail. In this study, what matters is whether the executive or legislative body of the state issued a formal pronouncement of war.

Thus, when coding wars to determine whether there was a declaration of war involved, I believe a key should be to find a pronouncement by a senior official that seeks to define the relationship between two countries in terms of war. Since war is such a serious action such statements are usually not hard to find as they are either labeled "declaration of war" or use terms that make the ensuing state of war unmistakable. Although the declaration is most likely to be found in the beginning of the conflict, it should not be ruled out if it is offered shortly after hostilities have started.

What also complicates matters is that there are declarations of offensive and defensive wars, the latter often referred to as "solemn declarations." The primary difference is that the declaration in a defensive war recognizes an existing state of war whereas an offensive declaration seeks to engage in war to rectify either a previous injustice or some unacceptable

[4] Black's Law Dictionary: Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern, by Henry Campbell Black, Sixth Edition, p. 408.
[5] Interestingly, under this definition it is possible to have a declaration of war but not be in a state of war – the phony war that preceded the actual start of the fighting in the Second World War is a good example.

aspect of the status quo. As can be expected, the great majority of declarations of war are worded in defensive terms, usually asserting the other side first initiated hostilities. Even in cases where evidence clearly points to a single aggressor with revisionist aims, the language of a declaration of war alone is likely to contain little hint of who is attacking whom. All eleven declarations of war that the United States has issued since 1776 have been defensive in nature.[6] Germany's declarations of war during World War II were also defensive in nature. The charge against the United States was that it had attacked German shipping and submarines and cited specific attacks, complete with attacking ships' names. Even Iraq's 1990 war on Kuwait made mention of Kuwait's "economic war" on Iraq by breaking pre-set oil quotas. What matters then is not so much the content but the intent to formalize a set of relations between two or more states as a demarcated state of war and somehow distinguish it from whatever state of relations existed before that.

Finally, one must distinguish between mere pronouncements that signal the beginning of a war with an outright declaration of war. This is a tricky distinction and the line is indeed blurry as the technical definition gives way to conventions of speech as was evident in the most recent war in Iraq. On March 19th 2003, CNN.com presented a transcript of President George W. Bush's announcement of a campaign "to undermine Saddam Hussein's ability to wage war." CNN took such pronouncements to be a declaration of war and attached a simple headline to the text: "Bush Declares War."[7] The problem is that President Bush never declared war. In fact, the word "war" shows up only twice in the announcement and refers to Iraq's ability to wage war and disregard for rules of war. Thus, I believe a useful distinction to make is between situations where the commencement of fighting is announced and situations where an explicit state of war

[6] These claims about the defensive language in declarations of war comes from reading the declarations and finding in each some mention of either an existing state of war or citing an act of aggression that signifies the state of war.
[7] The webpage is can be viewed at: http://www.cnn.com/2003/US/03/19/sprj.irq.int.bush.transcript/

between two countries is declared. The reason behind this distinction is again one of preserving the unique nature of a declaration of war – virtually any war will have some announcement that hostilities have started. Distinguishing between mere announcements that hostilities have begun and full declarations of war (whether they are issued by the legislature or the President) allows us to differentiate a ritual that is endemic to all wars – the informing of the public that the military forces are engaged in conflict with another nation's military – from a pronouncement that either formally recognizes an existing state of war or instructs the military forces to deliberately engage in actions that will eventually result in a full state of war. So the final component of a declaration of war is that it must make explicit mention of the current existence or onset of a "state of war" between the announcing nation and its enemies. If the term is to mean anything, to declare war must be qualitatively different from simply announcing a military operation. I discuss the coding rules below.

Coding Rules

The Correlates of War project (COW) tracks all international wars since the beginning of the 19th century and can be considered as a standard measure of wars that occurred in the last 200 years. The COW 2 dataset does not contain a coding for whether the states in conflict declared war on each other, so I analyzed all 78 instances of war in the dataset and created a binary measure of whether any side in the conflict issued an official declaration of war. I searched for historical documents and secondary source narratives of the wars to determine if there were any declarations of war. I particularly made use of encyclopedias of war, Internet search engines and newspaper searches for more recent wars. Particularly useful for learning about some of the more obscure wars was an extensive database located at www.onwar.com.

Clearly, these sources are not authoritative but it is my belief that for this stage of the project they are adequate, as I am merely looking for evidence that I am not outright wrong. As the project expands, the coding can be re-enforced with more solid historical evidence. I should mention, however, that I do not believe an exhaustive archival search will yield coding much different from mine. Declarations of war are by nature prominent announcements and it is very likely that history will have picked up on them. The likelihood that a formal declaration of war was issued yet missed by historians strikes me as being low.[8] If anything, the danger is that declarations at the start of conflict are mistakenly coded as declarations of war, in which case the direction of the bias is likely to be toward having a larger number of declared wars in the dataset. Furthermore, since larger wars are likely to receive more scrutiny, the bias would be toward overestimating declarations in smaller wars, a bias that runs contrary to my hypothesis. If a relationship is found, there is reason to believe that better data collection would only increase the robustness of my findings.

Keeping to the aforementioned standards of determining what constitutes a formal declaration of war and what does not was difficult due to a lack of data in some older wars. For some wars, evidence was harder to come by. Susceptible to this were small wars, wars that took place more than a century ago, lesser known war and wars where no Great Power was involved. I coded the 78 cases in the following fashion:[9]

- If two or more independent sources OR a single credible source made mention of a declaration of war or used the phrase "declared war on" I coded the war as "1."

[8] It should also be noted that there may be some selection bias with my choice of a dataset of wars. Conceivably, if the phony war had never graduated to a full war, I would never pick up on the declarations of war issued beforehand. Although it would be difficult to find such instances, if any exist they would be fascinating to study as they may represent crises situations where declaring war provided both sides with new information about resolve and helped de-escalate the situation. In the next phase of the project, I plan to look at MID data and see whether this is the case.

[9] The sole exception that I did not code was a war labeled as the "Roman Republic" and occurred in 1849. There was no evidence of this war anywhere outside the COW2 dataset.

- If two or more independent sources OR a single credible source made it a point that the war started without an official declaration of war on either side, I coded the event as a "0."

- In cases when only one side declared war – even if the issuance came after it was attacked – I still coded the war as a "1." I made this decision in an attempt to still capture the wars that might have begun with a surprise attack.

- In cases when there was no evidence one way or another of a declaration of war I coded the war as a "0." Although there is a chance that I simply missed an official declaration of war, I believe that the chances of this happening are outweighed by the problems that throwing out these data points from an already small dataset would create.

I used a binary measure to eliminate the possibility that trends over time in the data are driven by large wars with many sides that are likely to generate many declarations of war.[10]

But what about the period before the 19th century? Data on whether the wars started with a formal declaration of war is difficult to locate and there is some debate over how common declarations of war were before the 19th century. In his book, Hallett claims that prior to 1600 "states used to declare war all the time" and cites various historical documents he examined, although the list of these documents is not particularly extensive. In addition, in 1883 Brevet-Lieutenant Colonel John Frederick Maurice of Her Majesty's Royal Artillery completed a study of hostilities between nations that engaged in war without a formal declaration in the period from 1700 to 1870. Maurice claimed to have found fewer than ten instances of formal declarations of war in this 170 year period and compared this to over 47 instances of war he found that were not preceded by a formal declaration.[11] For now, I restrain my analysis to 19th and 20th century.

[10] World War II, as the most extreme example, generated about 85 separate formal declarations of war between various combatants.

[11] Brevet-Lieutenant Colonel J. F. Maurice, Royal Artillery, Hostilities Without Declaration of War, (London: Clowes and Sons, 1883). The above summary of the contents of the work was obtained from http://www.globalsecurity.org/military/library/report/1995/WMA.htm

Why Declare War?

If one is persuaded by Congressman Hyde's remarks cited in the beginning of the paper, declarations of war are a long-abandoned custom that states "had to follow" in the past but no longer do. Congressman Hyde is not alone in this sentiment. Although it is difficult to find evidence in print of this view, a supposed decline in declarations of war is sometimes used as evidence that norms of proper behavior not only exist but also change. Yet this only pushes the analysis back one level and raises two important questions. One, why did states have to follow this custom in the first place? And, two, are declarations of war merely a custom or does the act of declaring war serve a larger purpose? Below, I present two broad sets of explanations for why states might declare war: *norms-based* and *functionalist* approaches. I should note that these causal pathways are not mutually exclusive, but yield different predictions about occurrences we should observe in the international system.

The norms-based approach does not put a lot of emphasis on explaining how the practice of declaring war came about but offers an explanation for why the practice has persisted, albeit in a fairly weak form. Hallett's speculation that the practice once had real meaning as a vehicle for an exchange of grievances and explanations for the initiation of hostilities in times when communication and travel were both long and difficult provides a good start. Another reason, also advanced by Hallett, is that a conceptual shift took place after Westphalia and war was no longer viewed as a mere policy choice but a measured application of violence. However, this explanation still does little to tell us why there should be any particular trends in the data or why we should still observe declarations of war so long after Westphalia. To answer that question, I have put together several hypotheses that describe various ways in which a norms-based explanation might get at this problem.

The first view ascribes to the UN the power to make the practice of declaring war obsolete. Emerging norms about punishing the aggressor have become institutionalized and enforced by the United Nations to the point that nowadays states are reluctant to declare war and label themselves as aggressors. As a result, we should expect declarations of war to decline dramatically after 1945. David Turns makes just such an argument:

> *In 1945, the United Nations Charter banned the first use of force, putting an end to declarations of war. "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State," states Article 2 of the charter. The last declaration of war was made by the Soviet Union against Japan in 1945. An example of modern State practice is provided by the United Kingdom, which during the Suez War of 1956 and the Falkland Islands War of 1982 strenuously denied that it was at war with, respectively, Egypt and Argentina. Britain applied the laws of armed conflict in its military operations, nevertheless.*[12]

This gives us the following hypothesis:

> **Hypothesis 1:** *The number of declarations of war will decline after 1945, the year of the UN's formation.*

There are some logical problems with this explanation but I could find no better way to approximate this aspect of the norms-based argument. Nothing prevents states from issuing detailed declarations of war that specify why they are the victim under the status quo and forced to retaliate. Leaders should have little problem with stating that they are merely responding to previous provocations. Still, as a first look at the data, if this hypothesis does not hold then the UN-based explanation has little merit.

The second view stays within the norms-based approach but assigns less impact to the UN. The argument here is that declarations of war are an example of an internalized norm that international law and customs of proper behavior in the international system should be upheld

[12] Turns, David. "Act of War" in Crimes of War: What the Public Should Know London: W.W. Norton, 2002. It is interesting that Turns does not consider the Six-Day War declaration and the Iraqi declaration of war on Iran in his discussion.

and followed. Moreover, since the dominant powers in the system are generally the ones who set the rules it makes sense to pick the Western powers for the 19th and 20th century wars. Finally, Western powers as a whole tend to have a better history of paying tribute to legalistic norms and respecting the rule of law – as a result, we should expect wars that involve Western powers to have a higher proportion of declarations of war. [13]

> **Hypothesis 2a:** *In wars where one or more western powers are involved, we are more likely to see an issuance of at least one formal declaration of war.*

Since it could also be that dominant powers in the system enforce a norm, perhaps a regression analysis won't pick up any effects on this level due to a general tendency to declare wars. Therefore, at the very least, when looking at a total percentage of wars with Western Power involvement, we should expect to see that a predominance of them contains a declaration of war.

> **Hypothesis 2b:** *A significant (at least two thirds) proportion of wars that involve Western Powers should have a declaration of war.*

As a final normative hypothesis, it could be that declarations of war are issued only in cases when both sides view each other as belonging to the same community of states. Then, issuing a formal declaration of war is part of proper rules of the game, a gentlemanly action, and a matter of honor. Thus, perhaps we should only observe declarations of war in cases when two Western powers fight each other.[14]

> **Hypothesis 2c:** *Wars between two western powers are more likely to start with a formal declaration of war.*

In addition to these norms-based hypotheses, I also offer a set of two functionalist explanations. These explanations all look at declarations of war as having a specific purpose and utility to states which accounts for their continued use. I argue that declarations of war are

[13] This hypothesis is adapted from Gary Bass' argument that states with legalistic traditions are more likely to engage in the creation of war crimes tribunals. See Bass, Gary Stay the Hand of Vengeance: the Politics of War Crimes Tribunals, Princeton: Princeton University Press, 2000.
[14] This analysis begins to cut the number of cases to a very small number.

important signals to both the enemy and the country's population. Although this hypothesis will not be tested fully in this paper due to difficulty in case selection, there is some use in spelling out the causal logic.[15] To the enemy, a war declaration is meant to signal resolve and the ability to stay the course. Clearly this resolve will work better for some regimes than others: passing a formal declaration of war through the legislature demonstrates to the enemy that the executive branch has a broad basis of support (this of course assumes that the resolution passes by a wide enough margin). Presumably the effect would not be nearly as large for a non-democratic regime because it would only signal the leader's resolve, which is often not in doubt. His capability to command his forces or his knowledge of his own capabilities is likely to be more questionable.

Still, it is difficult to generate predictions from this argument – if a declaration of war is a relatively cheap signal, there is no reason to believe that a tyrant would not send it. At that point it's just noise. However, for a democracy that declares war the signal is more likely to be a powerful statement of resolve, or at least broad electoral support. Ideally, this would mean that, faced with such a strong resolve, the challenging state would back off or some alternate settlement would be reached, as per Fearon and Schultz' models. But this would not be captured in my data, since I only look at crises that escalated into full international wars with at least 1,000 battle deaths.[16] One remaining option would be to test the hypothesis that once

[15] The main problem with testing this hypothesis is that it is unclear how to separate the state's intentions from the final outcomes. That is, what makes a declaration of war an effective signal is its inflexibility – that once a nation declares war it is very difficult to back away from it. Thus, it is difficult to code a successful signal in this case as it could be reflected in many effects that have multiple causes: a shorter war, more favorable terms at the peace table or perhaps even an averted war. Perhaps the best way to achieve this would be to find historical evidence of decision-maker's thought processes on the issue and see whether such signaling logic played into their decision to push for a declaration of war.

[16] It may appear that another problem is that a declaration of war is a difficult signal of resolve to use to stop a war – it would be the equivalent of a hijacker shooting his only hostage to prove that he will harm his hostages. But declarations of war are not binding requirements to actually start a war – nothing prevents both states from pulling back their forces and never actually enacting the declarations.

democracies are committed to a war via a formal declaration, they don't let up easily. Thus, we should expect to see longer and deadlier wars when a democracy has issued a formal declaration.

> **Hypothesis 3:** *Wars in which a democracy declares war are likely to be longer and deadlier.*

Perhaps a more plausible and testable approach is to borrow from the sizable literature that exists on the War Powers Act and the relationship between the US Congress and the President when it comes to exercising the power to wage and declare war. Some scholars differentiate the two and make the argument that the makers of the United States' Constitution attempted to draw a difference between full-scale wars and smaller applications of force. It is worth quoting at length from Rostow's analysis of Article I, Section 8 of the US Constitution which gives Congress the power: "To declare war, grant letters of marquee and reprisal, and make rules concerning captures on land and water." Rostow makes a distinction between the power to declare war and the power to wage war in the following manner:

> *Under international law, to which the relevant paragraphs of Article I refer, declarations of war are required only for the rare occasions when states engage in unlimited general war. As the Founding Fathers knew from intimate experience, such declarations are not required when states feel compelled to use limited force in defending themselves not only against "sudden attacks" but against many other breaches of international law of a forceful character. During the last 200 years, the United States has declared war only five times, but Presidents have used the armed forces abroad at least 200 times, usually on their own authority, sometimes with the support of joint resolutions before or after the event.*[17]

In addition to distinguishing between mere uses of force and full wars, official declarations of war allow for the invoking of special powers under United States law. Although a wide range of powers is available to the President in declarations of national emergency or de-facto recognition of a state of war, the following four powers may only be invoked by a formal declaration of war:

[17] Rostow, Eugene V. "President, Prime Minister or Constitutional Monarch?" The American Journal of International Law, vol. 38, no. 4, (Oct. 1989), 744-5.

1) Allow the Nuclear Regulatory Commission to suspend licenses relating to atomic energy, recapture special nuclear material, and operate nuclear power facilities;
2) Allow the U.S. to seize property of the Tennessee Valley Authority for the purpose of manufacturing explosives or for other war purposes;
3) Authorize the President to "apprehend, restrain, secure and remove" alien enemies; and
4) Allow electronic surveillance to obtain foreign intelligence information without a court order for 15 days after a declaration of war.[18]

All four of these powers represent actions that would only be necessary in instances when the survival of the state is in jeopardy. And although a more in-depth study of other nations' Constitutions and laws is needed to determine whether similar distinctions exist, for now we can take this as an argument that declared wars represent more serious military engagements than undeclared wars. As such, the country's leadership will want to take steps to prepare its citizens for a switch from a state of peace to a state of war. In a democracy, such preparations may include a broadening of the executive's legal ability to heighten security measures. In an autocratic regime, the purpose of declaring war may have more to do with preparing the populace for rationing of resources or alerting them to an upcoming draft. Although autocrats may not be well-liked by their populations, their citizens are still likely to have a great sense of pride in their homeland. Telling them that their homes are in danger and that austere measures need to be taken for national security is likely to give the autocratic power greater leverage when it comes to further taking away their citizens' rights or prompting them to enlist in the army.[19]

Thus, declarations of war will depend upon the expectations of the country's leadership. If a long and protracted war with high casualties and a high degree of mobilization and military

[18] "Information Regarding Declarations of War and Congressionally Authorized Military Engagements" October 23, 2003 policy brief issued by the Republican Study Committee chaired by Rep. Sue Myrick. The full report is available at: www.house.gov/burton/rsc

[19] Two recent conflicts bear this out: Iraqis in 2003 and Serbs in 1999 were hardly fighting for Hussein and Milosevic, respectively, yet many fought willingly and put up resistance. Neither leader issued a declaration of war, however. Although this could be explained on some level by their unwillingness to further provoke a superior enemy, it may also be due to their unwillingness to be labeled as an aggressor on any level – both leaders were trying to send the message that they do not pose a threat to the region's or US' security.

involvement is expected, we would expect to see a country issue a war declaration. In instances where the conflict is expected to take a short amount of time, does not appear to tax the military prowess of a country too much, or requires the populace to endure no particular hardships, war will not be declared officially. If the war can be won without instituting a draft and with only a partial deployment of a nation's forces, there may not be much need to declare it.

When it comes to generating testable hypotheses, this reliance on leaders' decision-making is problematic as getting accurate data on their pre-war estimates is impossible. However, we can assume that for the most part leaders either behave rationally or are forced to approach oncoming wars with a fairly high degree of rationality. Although uncertainties about one's own capabilities as well as the opponent's may be high and variance of outcomes even higher, on average leaders will have a pretty good idea of whether the war that they are about to enter will be a long one and whether it will have a high cost in lives. That is, leaders may miss the mark for the final cost of a war in lives lost by hundreds of thousands or how long it will take to complete by a decade or more, but they generally will not miss the mark between classifying a war as "major" versus "minor."[20] Moreover, if we assume that leaders are risk averse, it is more likely that they will over-prepare for a minor war than under-prepare for a major war. Finally, events may take place shortly before the declaration of war is issued that greatly clarify the level of threat, such as the bombing of Pearl Harbor or Japan's sinking of a great part of the Russian Navy. The theoretical underpinning here is that declaring war is part of preparing for a long and protracted conflict.

Hypothesis 4: *Declared wars are likely to last longer and result in more casualties.*

[20] History has certainly given us instances when opponent's strength and resolve were badly miscalculated but I still believe that, on average, leaders are unlikely to miss to such a large extent that they prepare for a minor war but get a major one.

Additionally, we can make some assumptions about the general types of war conditions that would prove to be particularly taxing on a country's population in a state of war. If the war is fought far away we would expect its domestic impact to be significantly less because there is less chance of an outright invasion, the majority of the battles are likely to be naval, and the overall chance of each country's homeland being overrun is somewhat lessened. On the other hand, if the two warring states are contiguous both populations are likely to suffer from either long-range bombing raids (in more recent wars) or from constant incursions by enemy forces. Trade is also likely to be severly disrupted in such wars. This gives us the final hypothesis:

> **Hypothesis 5:** *When contiguous states go to war, the chances of a formal declaration of war increase.*

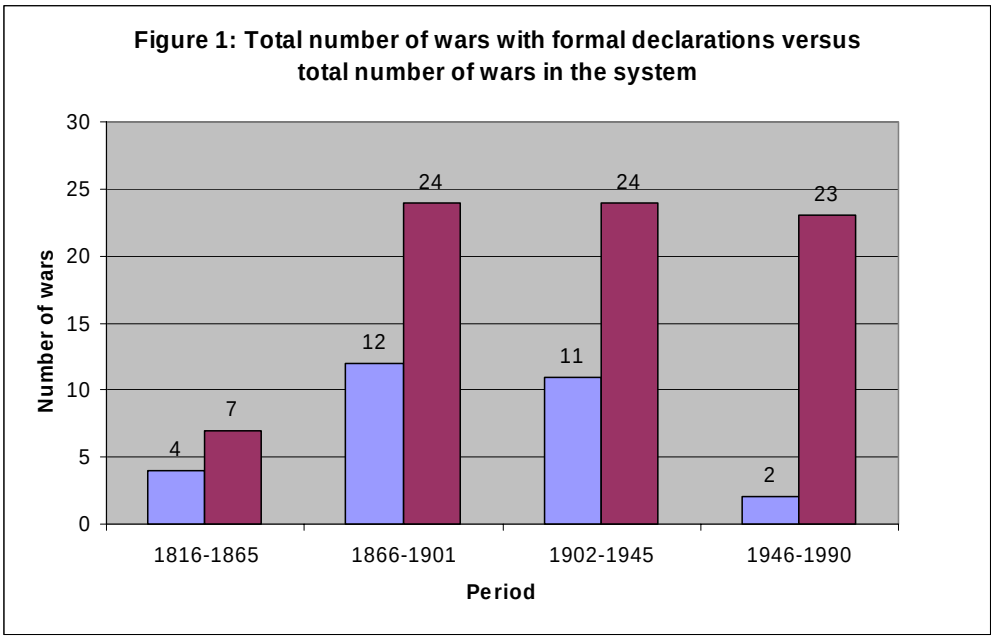
Testing the Hypotheses

The variables below were incorporated into a multivariate model. If the coding is provided by the COW-2 dataset, I say so explicitly. Otherwise, I coded the data on my own.

DECLARED	(1 if any participant declared war)
YEAR	(Year when the conflict started)
WESTERN	(Binary, 1 if any of involved participants are Western Powers)
LOGDEATHS	(To control for the power law effect of wars, I use a log of total war deaths as the dependent variable)
LOGLENGTH	(See above)
CONTIG	(Binary coding, coding provided by COW-2 dataset)
DEMOCRACY	(1 if any of the participants are democracies)
MAJPOWIN	(1 if any of the involved parties was a major power at the time)

Statistical tables and coefficients of the multivariate model are presented in the paper as they become necessary to test the hypotheses.

Hypothesis 1 – Claims about a decline in declarations of war in the post-WWII period are very much correct, as evidenced by Figure 1 below. Since the end of World War II there have been only two wars where formal declarations were issued. In this entire 45 year period – spanning 23 separate wars – war was formally declared only during the 1967 Six Day war by Arab states on Israel (after a surprise strike by Israel) and in the Iraq-Iran war when Saddam Hussein declared war on Iran on September 22, 1980. The figure below shows the total number of wars declared in a dataset, roughly divided into 45 year increments.



This chart also suggests that whether states declare war or not prior to 1945 may have been a random occurrence, since roughly half of all wars in each period start with a declaration. A norm that is not very internalized and is followed only out of habit or custom could very well exhibit this trend – some follow it and some don't. Once the UN was formed and declaring war became a costlier exercise, the rate of war declarations quickly declines. If the rate kept steady, we'd expect to see about 10-12 declarations in the post-1945 period. Instead, we only see two.

Hypotheses 2a, 2b & 2c – First, testing hypotheses 2a and 2b, there were 26 wars in the sample where a western power was involved. In only twelve of these wars were formal declarations of war issued, which is roughly what we would expect out of a random sampling. Furthermore, these declarations were distributed pretty evenly throughout this sample subset. Therefore, we cannot conclude that involvement by a Western Power has much to do with whether a declaration of war is issued or not. With hypothesis 2c, there seems to be some evidence of a real effect. Five of the cases involve conflicts between two Western Powers: Franco-Spanish in 1823, Franco-Prussian in 1870, Spanish-American in 1899, and the two World Wars. Out of these only in the Franco-Spanish war of 1823 could I find no evidence of a formal war declaration. In all the other cases, declarations of war were issued. There is also some variance when it comes to the total number of dead – the Spanish-American and Franco-Spanish wars were not particularly bloody compared to the Franco-Prussian war and the World Wars. Since there are only five cases here, a more in-depth case study could be conducted into the content of these declarations of war and the decisions to issue them. Although the sample is too small to draw a definitive conclusion, there is also no evidence that disconfirms the notion that Western Powers tend to declare war on each other.

Hypotheses 3, 4 & 5 - In the initial coding I did not specify whether a democracy actually declared war. Instead, all I have is data on whether a democracy was involved in the war and whether a war was declared. For now, I am making the assumption that in these dyads the democracies are the ones that declared war, even though this is far from ideal. Using this interaction effect does not seem to add explanatory power. The chart with coefficients is located in table 1 below:

TABLE 1a (Dep. Var = LOGDEATHS) **Adj. R-squared = .2535**

Variable	Coefficient	Std. Error	P-level
DEMOCRACY	0.3067	0.5980	0.610
DECLARED	2.3221	0.5552	0.000***
INTERACTION	0.3189	0.9863	0.747

TABLE 1b (Dep. Var. = LOGLENGTHS) **Adj. R-squared = .1721**

Variable	Coefficient	Std. Error	P-level
DEMOCRACY	0.5950	0.4392	0.180
DECLARED	1.6926	0.4062	0.000***
INTERACTION	-1.0438	0.7255	0.154

With this coding mechanism, there appears to be no statistically significant effect of democracy.[21] However, declarations of war appear to be very good predictors of war length and battle deaths, which leads right into testing hypothesis 4 and continues to be a good predictor even when certain controls are added.

TABLE 2a (Dep. Var = LOGDEATHS) **Adj. R-squared = .2586**

Variable	Coefficient	Std. Error	P-level
DECLARED	2.3023	0.4675	0.000***
CONTIG	0.1748	0.5640	0.758
MAJPOWIN	0.5967	0.4718	0.210
DEMOCRACY	0.4211	0.4746	0.378

[21] Regressing DECLARED on DEMOCRACY does not come up as statistically significant either.

TABLE 2b (Dep. Var = LOGLENGTH) **Adj. R-squared = .1687**

Variable	Coefficient	Std. Error	P-level
DECLARED	1.4484	0.3458	0.000***
CONTIG	-0.6916	0.4171	0.102
MAJPOWIN	-0.2184	0.3490	0.532
DEMOCRACY	0.1823	0.3510	0.605

First, on a side note, we see that hypothesis 5 can be rejected as contiguity clearly has no statistically significant impact. But the effect of declarations of war is fairly significant and explains 25% and 17% of the variance, respectively. In case of LOGDEATHS, declared wars appear to have on average a much higher death count – declaring war "moves" the logdeath scale as much as a move from the number of dead in the 1948 Palestine War with 8,000 dead to the 1912 First Balkan war which had 82,000 dead. If we run the same regression on deaths that aren't logged, the finding remains significant – there is now an average difference of 827,000 more dead in wars where at least one formal declaration was issued. The same finding holds for the log of lengths of war in days. Now, in logarithmic terms, the move is the same as a move from the to Anglo-Persian war that lasted 141 days the Russo-Polish war that lasted 613 days. If we re-run the regression in non-logarithmic terms, wars with formal declarations last 468 days longer. Although I clearly need to run more tests with further controls – such as GDP scores for capability control – this first cut at the data suggests that there is a strong correlations between long and bloody wars and declarations of war.

Since the earlier finding was that declarations of war have been on a sharp decline in the post-war period, I added a test to see whether declarations of war are merely capturing an

uptrend in bloodier and longer wars. I created four dummy variables to capture each of the four time periods in the dataset: EARLY19 (1816-1865); LATE19 (1866-1901); EARLY20 (1902-1945); LATE20 (1946-1990). I used these variables to attempt to capture any large scale shifts in either the length of wars or the total number of dead in wars. There was no discernible difference during any of the four periods, which is somewhat surprising since the early 20th century dummy contained both World Wars.[22]

Discussion

There are three interesting findings in this paper. First, declarations of war have definitely been on the decline since 1945 while the rate of international wars breaking out has kept fairly steady. Two, in the five instances when Western Powers have fought each other, they issued official declarations of war four out of five times. Third, whether any state involved in the conflict has issued a formal declaration of war is a substantive and significantly significant predictor of war's length and the total number of dead.

Squaring these against each other may be more difficult. Clearly, the finding about Western Powers declaring war on each other could be an interesting project of five case studies where the historical record could be analyzed for some attempt to discern why declarations of war were issued. There is variance in the actors involved, the number of dead, war lengths. There is even some variance on the dependent variable as no declaration was issued in the Franco-Spanish war.

The other two findings are a little more difficult to explain. Something is happening to declarations of war since 1945 but the question now arises whether this is a normative shift or

[22] I regressed the first three variables, early19, late19 and early20 and dropped out the late20 variable to hold it as a comparison category. There was no statistical difference in either the length of wars or the total number of dead.

merely a lack of big wars, as hypothesis 4 would predict. To test this further, I looked at the descriptive statistics for wars in each of the four periods. Here is a summary:

	War Deaths		**War Length**	
	Mean	*Median*	*Mean*	*Median*
1815-1865	**61,000**	**7,500**	**402**	**247**
1866-1901	**40,000**	**4,000**	**325**	**104**
1902-1945	**1,126,000**	**34,000**	**502**	**203**
1946-1990	**144,000**	**6,000**	**480**	**88**

It does not reveal much. The median length for a war in the post-WWII period is the shortest of any of the four periods, but its average is not. Similarly, the average and median values for war deaths are not particularly revealing for changes among the periods either. While the second half of 20th century has had less battle deaths than the first half, this is likely driven by the two World War anomalies.

A better tool of analysis would be to look at cases that do not fit with the regression results – in this case wars with a large number of battle deaths where there were no declarations of war and explain why they are outliers.[23] Looking at the top 20% of bloodiest wars (sixteen wars with most battle deaths), in four wars I could find no evidence of a declaration of war. The first two cases, the Russo-Polish war from 1919 to 1921 (100,000 dead) and the Russo-Turkish war from 1828 to 1829 (130,000 dead) offer no immediately discernible reason for having no issued declarations. The Russo-Polish war took place in an extremely unstable environment and

[23] I thank Tanisha Fazal for this particular suggestion.

was only one of six wars that were fought in East-Central Europe shortly after WWI. Moreover, neither country was much of a unified state during that period. Finally, the region is understudied so a cursory pass would probably not find much evidence of a war declaration. Although this amounts to giving a post-hoc explanation, it is reasonable to say that neither state was a particularly strong candidate to issue any sort of a declaration to be recorded by historical records readily available today, much less a declaration of war. The even older Russo-Turkish war was fought for a specific goal, the Russian czar's fixation on obtaining Constantinople which became an attractive target after the Greek war of independence. The war escalated from a series of border skirmishes and ended in 1829 with the Treaty of Andrianople. It is worth mentioning that in a much bigger Russo-Turkish war in 1877 both parties did issue formal declarations of war.

The really interesting cases are the next two large wars without declarations of war. The 1950 Korean War with 910,000 battle deaths and the Vietnam War with just over 1,000,000 battle deaths. In both of these cases, the United States fought a foreign enemy very far from its base of power and inflicted disproportionate losses. In the Korean War, the US lost only 34,000 men over a period of four years. In the Vietnam War, the total number of battle deaths was around 47,000 stretched over an eight year period. While much has been made of US' aversion to seeing its soldiers die, the losses from these two wars combined are only about 25% of the number of dead American soldiers during World War II. Simply put, they're not large losses by any means, especially when compared to losses many magnitudes higher suffered by US' enemies. Moreover, both wars were proxy wars and if there was a threat to the American soil, it was a fairly indirect one. Neither Vietnam nor Korea ever posed much of a threat to the United States. Finally, more US citizens died each year in the US in motor vehicle accidents in every

year of the Vietnam War than during the entire war combined.[24] The bottom line is that US' involvement in these two wars skews the results and makes them into outliers because only a hyperpower like the United States can fight a war where for every dead American soldier there are twenty dead enemy soldiers and where the country's economy does not even need to shift to war-time status. In general, looking at the bloodiest of wars track conflicts between two nations engaged in a battle of wills that lasts longer than average and results in tens of thousands of dead soldiers. As far as predicting which wars will be particularly bloody, declarations of war seem to do a pretty good job of capturing this dimension. Although this reasoning is offered as post-hoc, I believe that the decline in declarations of war since 1945 is due to a lack of large-scale wars and American exceptionalism. Much has been written about US' role as a hyperpower and its unique military position in the international system and it is no surprise that US wars are outliers.

Further Work

A drop in declarations of war in the last fifty years could have other explanations. The nuclear peace may be one of them – if the possession of nuclear weapons is spreading through the international system, declarations of war may be tracking a larger pacifying effect of nuclear weapons or the migration of conflict to intra-state levels where declarations of war may have a different utility. This trend could be illuminated by Tanisha Fazal's work on state death. If declarations of war tend to be issued in wars where two countries fight for survival, enforcing a norm of state preservation within the international system would result in a decline of declared wars. Reading in detail the declarations of war I found in my dataset might then help us get closer at the exact mechanism that drives this process.

[24] Some studies even suggest that the net effect of the Vietnam wars was a positive one as thousands of lives were actually saved by removing unsafe, young drivers from US roads.

In addition, alliances may prove to have some impact on whether states declare war. One reason given for why the US Congress should be careful about declaring war is that it might trigger an opponent's treaty obligations.[25] Although it does not seem convincing to believe that close allies would draw up a distinction between a formally declared war and an informally recognized state of war when it comes to offering aid, the logic might work when it comes to explaining why states would want to declare war on their enemies – to trigger the specific alliance obligations of their allies who may be reluctant to give aid or assistance. This is an area that might bear further testing. Finally, it might be useful to test the relevance of the offense/defense balance theory. Since declarations of war have a direct impact on surprise attacks – they make them virtually impossible – it may be worth examining to see whether instances when the offense has a particularly high advantage are also the times when declarations of war decline. Israel has not issued any formal declarations of war in its short history as a nation and has relied on surprise attacks, quickly mobilizing its forces and blitzkrieg-style attacks.

The data collected for this project could also be improved. Instead of using the COW-2 dataset I plan to expand the analysis to some more inclusive variations of the Correlates of War datasets that divide some larger wars into separate conflicts, such as WWII. In addition to creating more wars, the dataset could be modified to reflect each state's individual experience with declaring war. That is, instead of merely tracking each war as a single event, the wars could be broken up into a series of smaller contests between specific powers. Current datasets that organize experiences by dyads could be used so that the richness of the 45 separate declarations of war that occurred during WWII is not conflated into a single data point. I am currently examining directed dyads and using EUgene software to see whether looking at each state's

[25] See Velvel, Lawrence. Undeclared War and Civil Disobedience: The American System in Crisis, New York: Dunellen, 1970.

individual interactions with another state could provide for a more robust analysis. For example, although the Vietnam conflict is coded as having consumed more than 1,000,000 lives, clearly the calculations and expectations on the US side were quite different. Generating predictions that fit with each country's expected costs could prove to be more fruitful.

Finally, some of the currently-used variables could be improved or added. The finding that declarations of war predict war length and war deaths could prove to be a case of omitted variable bias once further controls are introduced, such as relative capabilities or even something as simple as GDP levels. In a recent paper, Branislav Slantchev introduces a variable that codes for a predicted duration of a war – this could be a better substitute for the LOGLENGTH variable as it would model more accurately the leadership's decision-making process in regards to expected outcomes.[26] It may also be possible to modify the DEATHS variable to give similarly more accurate predictions of the expected losses during the war. If dyadic data is used, these predictions could be modified to fit individual country expectations.

Although this analysis is still too far from demonstrating with confidence any existing patterns in declarations of war worth studying, there is at least some evidence that this is a fruitful research vein to explore.

[26] See Slantchev, Branislav L. "How Initiators End Their Wars: The Duration of Warfare and the Terms of Peace" paper presented at the 2003 APSA meeting.

Name	DEC?	YEAR	DEATHS	CONTIG	LENGTH	WEST?	Who did what
Franco-Spanish	0	1823	1	1	221	1	
Russo-Turkish	0	1828	130	1	507	0	
Mexican-American	1	1846	19	1	632	1	US declares war on Mexico
First Schleswig-Holstein	1	1848	6	1	247	1	Prussia declares war
Austro-Sardinian	0	1848	8	1	143	1	
La Plata	0	1851	1	1	200	1	
Crimean	1	1853	264	1	861	1	Turkey declares
Anglo-Persian	1	1856	2	0	141	1	British declare war on Iran
Spanish-Moroccan	1	1859	10	1	156	1	Spain declares war
Italian Unification	1	1859	23	1	75	0	France/Austria both declare
Italo-Roman	0	1860	1	1	19	0	
Italo-Sicilian	0	1860	1	1	97	0	
Franco-Mexican	1	1862	20	0	1757	1	Napoleon III declares war
Ecuadorian-Columbian	0	1863	1	1	15	0	
2nd Schleswig-Holstein	0	1864	5	1	111	0	
Lopez	1	1864	310	1	1936	0	Paraguay declares war
Spanish-Chilean	0	1865	1	0	197	1	
Seven Weeks	1	1866	44	1	42	0	Prussia declares war
Franco-Prussian	1	1870	204	1	223	1	France
First Central American	0	1876	4	1	30	0	
Russo-Turkish	1	1877	285	1	267	0	Russia
Pacific	1	1879	14	1	1762	0	Bolivia delcares on Chile
Anglo-Egyptian	0	1882	2	0	67	1	
Sino-French	0	1884	12	0	291	1	
Second Cent. American	0	1885	1	1	19	0	
Franco-Thai	0	1893	1	0	22	1	
Sino-Japanese	1	1894	15	1	242	0	Both
Greco-Turkish	0	1897	2	1	94	0	
Spanish-American	1	1898	4	1	114	1	US declares
Boxer Rebellion	1	1900	3	1	59	0	Qing (China) declare war
Sino-Russian	0	1900	4	1	55	0	
Russo-Japanese	1	1904	152	1	586	0	Russians declare after attack
Third Central American	0	1906	1	1	55	0	
Fourth Central American	0	1907	1	1	64	0	
Spanish-Moroccan	0	1909	10	1	260	1	
Italo-Turkish	1	1911	20	1	386	1	Italy declares war
First Balkan	1	1912	82	1	185	0	Montenegro declares
Second Balkan	1	1913	61	1	31	0	Bulgaria declares
World War I	1	1914	8578	1	1567	1	Everyone
Hungarian-Allies	0	1919	11	0	111	1	
Franco-Turkish	0	1919	40	0	720	1	
Greco-Turkish	0	1919	50	1	1256	0	
Russo-Polish	0	1919	100	1	613	0	
Lithuanian-Polish	0	1920	1	1	140	0	
Sino-Soviet	1	1929	3	1	109	0	Soviets declare after massacre
Manchurian	0	1931	60	1	505	0	
Chaco	1	1932	93	1	1093	0	Paraguay declares war
Saudi-Yemeni	0	1934	2	1	55	0	
Italo-Ethiopian	1	1935	20	0	220	1	Italy declares war

Sino-Japanese	1	1937	1000	1	1615	0	China declares war
Changkufeng	0	1938	2	1	14	0	
Nomonhan	0	1939	28	1	129	0	
Russo-Finnish	1	1939	75	1	104	0	Russia
World War II	1	1939	16635	1	2175	1	Everyone
Franco-Thai	0	1940	1	0	53	0	
First Kashmir	0	1948	2	1	169	0	
Palestine	0	1948	8	1	143	0	
Korean	0	1950	910	0	1130	0	
Sinai	0	1956	3	1	9	0	
Russo-Hungarian	0	1956	4	0	23	0	
Assam	0	1962	2	1	34	0	
Second Kashmir	0	1965	7	1	50	0	
Vietnamese	0	1965	1021	0	3735	1	
Six Day	1	1967	20	1	6	0	Arab states on Israel
Football	0	1969	2	1	5	0	
Israeli-Egyptian	0	1969	5	1	520	0	
Bangladesh	0	1971	11	1	15	0	
Yom Kippur	0	1973	16	1	19	0	
Turco-Cypriot	0	1974	2	1	13	0	
Vietnamese-Cambodian	0	1975	8	1	1348	0	
Ethiopian-Somalian	0	1977	6	1	226	0	
Ugandan-Tanzanian	0	1978	3	1	165	0	
Sino-Vietnamese	0	1979	21	1	22	0	
Iran-Iraq	1	1980	1250	1	2890	0	Hussein declares
Falklands	0	1982	1	0	88	1	
Israel-Syria (Lebanon)	0	1982	1	1	138	0	
Sino-Vietnamese	0	1987	4	1	33	0	
Gulf War	0	1990	26	0	253	1	

Total Wars: 78 Total Declared Wars: 28