

5-7-2021

## Maximum Pressure with Minimal Success: Recognizing Iranian Resolve in Pursuit of a Revised U.S. Foreign Policy

Alexine D. Carr  
*Pepperdine University*

Follow this and additional works at: <https://digitalcommons.pepperdine.edu/ppr>

### Recommended Citation

Carr, Alexine D. (2021) "Maximum Pressure with Minimal Success: Recognizing Iranian Resolve in Pursuit of a Revised U.S. Foreign Policy," *Pepperdine Policy Review*. Vol. 13, Article 3.  
Available at: <https://digitalcommons.pepperdine.edu/ppr/vol13/iss1/3>

This Article is brought to you for free and open access by the School of Public Policy at Pepperdine Digital Commons. It has been accepted for inclusion in Pepperdine Policy Review by an authorized editor of Pepperdine Digital Commons. For more information, please contact [bailey.berry@pepperdine.edu](mailto:bailey.berry@pepperdine.edu).

*“Escalation is the currency of coercive diplomacy. Opponents must believe that you are not only prepared to go further, but that doing so is inevitable without resolution of the underlying problem. The implicit choice becomes: you can stop this now or suffer worse.”*  
– Richard Nephew, Former Department of State Lead Sanctions Expert on Iran

The relationship between the United States and Iran, specifically regarding Iran's nuclear program, offers a case study for a calculated approach to cross-border conflict management. In considering the range of options, it is valuable to weigh alternative dispute resolution procedures (mediation, arbitration, and negotiation) with more forceful measures such as coercive diplomacy or the use of military intervention. By evaluating multiple approaches and assessing risk, a better understanding of the overall situation and insight into the validity of using ADR as a mechanism to manage complex, intractable conflicts is developed.

The purpose of this paper is to determine the most appropriate course of action for the post-Trump administration. **I assert that the best option is to forego the current maximum pressure campaign in favor of a strategy focused on oversight and deterrence based on incentives instead of increased punishment.** My proposed strategy values diverting energy into preventing actions that cannot be undone, such as developments in Iranian enriched uranium and centrifuges, while accepting that there is no “ideal” solution and any option selected will have inherent downsides. To arrive at my recommendation, I first describe the nature of the conflict and relevant history essential to consider. Next, I draw inferences from precedent conflicts illustrating the importance of considering counterintuitive reasoning at the onset of strategy formulation. The cases I have selected include Hitler in Germany as a representation of a situation whereby preemptive force would have saved lives and Ronald Reagan’s decision to negotiate with the Soviet Union at a time when the conflict appeared too severe for methods other than coercion or force. Ultimately, this paper explores the nature of the Iranian regime and the conflict itself to offer feedback on why the current strategy is failing and a reconsideration of tactics is needed.

## **I. Background and Key Actors**

### *A. Identifying the Conflict*

Tensions with Iran were brought to public attention with the construction of Iranian nuclear technology. While Iran initially held that its nuclear program, implemented by the government of the last Shah of Iran (ruled 1941-1979), operated with the goals of energy production and advancement of scientific ability, the dual functionality of nuclear components with potentially dangerous weapons production raised concerns for the United States. From the late 1980s through the early 2000s, Iran explicitly pursued nuclear weapons technology via covert work and Abdul Qadeer Khan, an infamous Pakistani weapons proliferator (Nephew, 2018). **During this time, Iran asserted nuclear weapons were an option to manage regional security issues, deter Western/Soviet interference, and demonstrate the Iranian people’s sophistication.** After Iranian construction of two secret nuclear facilities, spurring a 2002 International Atomic Energy Agency (IAEA) investigation, Iran’s nuclear program became an internationally relevant security issue (Nephew, 2018).

**Viewed as a threat to regional and national security because of nuclear weapons pursuits, the United States has enacted measures in the form of economic sanctions and the discouragement of nuclear cooperation with Iran to end the program and prevent future development.** For over three decades, preventing Iran from obtaining nuclear weapons has been a bipartisan U.S. national security priority (Einhorn & Nephew, 2019). Other international actors, most notably those within the European Union, have not shared a similar sentiment. Instead, they have proposed incentives for Iranian nuclear compliance coupled with diplomatic negotiations (Nephew, 2018). The international community's involvement resulted in negotiations with the P5+1+EU, which included all five permanent members of the United Nations Security Council (China, France, Russia, United Kingdom, and the United States), Germany, the European Union, and Iran. These negotiations resulted in the formulation of the Joint Comprehensive Plan of Action (JCPOA) in 2015, involving potential rollback of sanctions in exchange for nuclear cooperation (*The Iran Nuclear Deal: What You Need to Know About the JCPOA*, 2015). Put simply, the JCPOA increased the time needed for Iran to acquire enough material to successfully construct a nuclear weapon in a way that still permitted civil energy production (*The Iran Nuclear Deal: What You Need to Know About the JCPOA*, 2015). After numerous Iranian violations of the JCPOA involving increased production capacity that the agreement was intended to block, it became clear that a revised strategy and longer-term solution was in order (Albright & Stricker, 2019). In a book titled *Dancing with the Devil: The Perils of Engaging Rogue Regimes*, Michael Rubin argues that when it became evident that Iran would not comply with a diplomatic approach, the European Union blamed the United States instead of Iranian insincerity or their own failed policy (Rubin, 2015). While it is true that the US has received European support during negotiations leading up to the JCPOA, the two nations have fundamentally disagreed on the most rational approach, further complicating a unified and successful international response. Further, inconsistency between White House administrations has tainted US credibility on the global stage; momentum toward a lasting agreement lags as objectives fluctuate.

### *B. Response from the Obama Administration*

The approach to Iranian policy on behalf of the Obama Administration fundamentally stems from Obama's optimistic view of the Iranian regime. While President Obama openly recognized Iranian state-sponsored terrorism, threats to neighbors, direct contribution to ordinary people's deaths, and other heinous acts, his policy reflects a belief that Iran could change paths for the better (Ford, 2014). In an interview with *The Atlantic's* Jeffrey Goldberg, President Obama posed two hypotheticals illustrating his policy rationale (Ford, 2014). In the first scenario, Iran doesn't change its course. Instead, it remains an anti-Semitic, anti-Sunni theocracy. In this scenario, US policy works to ensure that nuclear weapons remain out of reach, protecting Iranian neighbors from potential violence and the rest of the world from a nuclear threat. However, Obama's second hypothetical assumes that Iran *is* capable of changing. Under this assumption, Iran's economy becomes more integrated into the international community through productive negotiations. A deal on its nuclear program creates an environment whereby Iranian voices and trends are solidified. President Obama saw this second situation as both feasible and advantageous, even if it took several years to accomplish (Ford, 2014).

To combat the first hypothetical, in which Iran does not change and the prevention of nuclear weapons acquisition becomes necessary, Obama signed the Comprehensive Iran Sanctions, Accountability, and Divestment Act (CISADA) in 2010, as well as the JCPOA five years later. Among other sanctions escalations, CISADA placed a Section 104 embargo on Iranian imports of gasoline. Instead of succumbing to pressure as Washington expected, Iran managed to creatively evade pain by smuggling and reformatting existing petrochemical plants to meet their own production needs (Nephew, 2018). Iran's response to CISADA represents only one of many retaliations to sanctions-based "crackdowns" on behalf of the United States.

### *C. Response from the Trump Administration*

Contrary to the previous administration's views, President Trump saw Iran as a rogue regime and consequently relied on both deterrence and demonstration of willingness to use force if necessary. To fulfill a campaign promise, the Trump administration elected to withdraw from the JCPOA in May of 2018, beginning the "maximum pressure campaign" (Einhorn & Nephew, 2019). President Trump's rationale for leaving the agreement came from his belief that the deal itself was flawed. He believed that the JCPOA failed to address additional problematic Iranian actions, such as its missile program and destabilizing regional activities (Einhorn & Nephew, 2019). In effect, this campaign re-imposed sanctions against Iran, previously suspended per JCPOA agreements.

Shortly after US withdrawal, US Secretary of State Mike Pompeo put forth an ambitious set of 12 requirements for a new deal. The Trump administration aimed to use the maximum pressure campaign to coerce Tehran to agree to a new arrangement, including more rigorous nuclear restrictions and addressing US concerns about regional proxy support, activities in Syria, and the Iranian missile program (Einhorn & Nephew, 2019). It is still relatively early to deduce the ultimate impact of President Trump's approach, and the lack of international support for the maximum pressure campaign is undoubtedly an impediment. If any meaningful negotiations are to occur in the future, there must be cooperation from other nations to pressure Iran into sitting at the negotiating table and to accept legitimate restrictions on its nuclear program is needed (Einhorn & Nephew, 2019). Many opponents of former President Trump have argued that by pulling out of the JCPOA, the United States has surrendered its negotiating leverage for goals demanding too much to be reasonable.

Trump's penchant for demonstrations of force escalated already unfavorable American and Iranian relationships. In response to a US contractor's death on a military base in Iraq, blamed on a rocket attack initiated by an Iranian-backed militia, Hezbollah, President Trump responded with drone strikes. The strikes killed Iran's most powerful military commander and international special-operations leader, Maj. Gen. Qasem Soleimani (Dawsey, 2020). Mentioning this incident is crucial for two reasons. First, Trump's drone strikes caused a great deal of controversy within his Republican circle, spurring a vote on H.Con.Res.83. The resolution aimed to cease Trump's ability to use military force on Iran, unless Congress has declared war or specifically authorized the action, or the action is deemed necessary and appropriate to defend against an imminent armed attack on the United States (*H.Con.Res.83 - 116th Congress (2019-2020)*, 2020). It is in the interest of President Trump and his party to reach an agreement on the best strategy forward; While some controversy is inevitable, the lack of consensus on this high-caliber issue will cause further complications. Second, drone strikes

raise the issue of decisiveness and the use of preemptive force. I cover this issue in greater depth in a later section of this paper; however, it should be noted that Defense Secretary Mark T. Esper viewed the strike as a "decisive defensive action" against Soleimani. According to Esper, Soleimani was actively creating plans to attack American diplomats and service members (Salim & Ryan, 2020). Given this information coupled with his responsibility for the prior deaths of hundreds of Americans, the drone strike was ordered with prevention of future attacks in mind.

#### *D. Know Thy Opponent: A Brief Note on Iranian Resolve*

Because US policy toward Iran has relied upon the use of coercive deterrence, primarily in the form of economic sanctions, it is essential to clarify how the regime's nature influences Iranian response. Richard Nephew, former Director for Iran on the National Security Council at the White House and lead expert for the US team negotiating with Iran in 2013-2014, argues sanctions as a tool are contingent upon the interplay of two factors: pain and resolve. For sanctions to work effectively, the US counts on the economic pain inflicted by the sanctions policy to weaken the sanctioned entity's resolve, spurring a behavior change.

**In the case of Iran, resolve has not been weakened, despite a heavy toll on the economy and exacerbated problems initially caused by a legacy of corruption and mismanagement.** To understand why one must consider the influence of social and religious ideals on how the Iranian government operates. Under the nation's religion, the Shi'a branch of Islam, a high emphasis is placed on self-sacrifice and martyrdom. For this reason, even in the face of sanctions-induced pain, Iran's nobility of avid resistance remains high. Though the pain has been added to the current maximum pressure campaign and consequences for continued intransigence have intensified while Iran continues to violate US conditions (Nephew, 2018). Thus, the Iranian/US conflict runs deeper than a political divide; it crosses into existential beliefs about the nature of giving in to pressures a regime is at odds with, particularly when imposed by a nation that does not share comparable religious and cultural values. Another possible explanation for this phenomenon lies in a counterintuitive assumption that before embarking on the development of internationally controversial programs like nuclear development, nations take into account the worst possible "punishments" from other countries. In so doing, the decision to endure the worst has already been made before the program begins, diluting the shock of coercive policy (Miller, 2014). Therefore, a future strategy must take into account the strong-willed nature of the regime and the likeliness that even the most coercive of policies have been taken into consideration and will receive pushback.

## **II. Considerations Relevant to COVID-19**

In light of the COVID-19 pandemic, it is prudent to consider the endless challenges the global situation poses for the relationship between the US and Iran. Notably, the pandemic has illuminated. Opposing views on the impact of maximum pressure sanctions, the current US policy towards Iran. On one hand, Iran claims sanctions are taking innocent lives, with the rationale that restrictions on trade coupled with an existing severe shortage of medical equipment have contributed to more than 47,000 Coronavirus cases in the country as of April 1, 2020 (Fassihi, 2020). For this reason, Iranian officials have demonized the US on the international stage and demanded sanctions relief on humanitarian grounds. From the opposing perspective, the US officials have argued that shortages and increased number of cases are not a byproduct of

US sanctions, but rather a reflection of Iran's inept response to the crisis. Some fear that Iran is attempting to exploit the crisis to achieve the goal of sanctions lifts, while others assert the US is taking advantage of the virus to hurt Iran beyond what sanctions alone could accomplish.

Regardless of which (if either) view is correct, it would be ignorant to claim that either country is approaching the Coronavirus response through a nearsighted lens. As any calculating actor would do, considerations will be given to how a response now will ultimately impact overall policy objectives in the future. Arguably, this is the reason why Iran refused to accept US aid. (Aside from wildly unfounded claims that the US Government is responsible for covertly creating the Coronavirus, unabashedly put forth by Iran's supreme leader Ayatollah Ali Khamenei (Aarabi, 2020)). If Iran did elect to take the aid, though it might help innocent Iranians in the short term, it would 1) give the US a sense of leverage, and 2) portray the US in a positive light, a reasonably undesirable outcome for long-term Iranian nuclear program objectives.

### **III. Precedent Cases Worth Considering**

Though any situation involving US foreign policy must be assessed on its preconditions, involved actors, and other situationally relevant factors, it helps to consider lessons of the past to understand future policy options. The objective of this section is to draw parallels, likely counterintuitive, from times in American history when problematic regimes have been engaged, either successfully or unsuccessfully.

#### *A. The Case of Hitler: When Acting Sooner Could Have Spared Lives*

The *jus ad bellum* notion of war as a last resort is such a central part of the American political ethos that to suggest otherwise generates justified suspicion. However, in particular cases such as that of Hitler's Germany when countless signs of danger and irrationality become indisputably clear, acting pre-emptively may ultimately yield a less deadly outcome. In a paper defending Aquinas's doctrine of just prudence and decisiveness in war, Dr. Robert G. Kaufman challenges the default view that traditional Just War Theory is a categorical imperative. Drawing from Winston Churchill's warnings on the uncertain dangers of Hitler's rogue regime, Kaufman argues that had the international community intervened militarily during the 1930s (and particularly on March 7, 1936, during the Nazi invasion of the Rhineland), the worst war in history could have been prevented (Kaufman, 2017). What gave Churchill this sense of prudent decisiveness in his assessment of Hitler? For one, Hitler sought absolute power and authority, including world domination and the eradication of entire groups of people. Two, he refused to be impinged, embodying a dangerous ideology that bore no opposition. Undoubtedly, opponents to the legitimacy of preemptive force will push back with concerns regarding the need for certainty before lethal methods are deployed. To this, Churchill's message that "...if you will not fight when your victory will be sure and not too costly, you may come to the moment when you will have to fight with all the odds against you and only a precarious chance of survival" may be relayed (Kaufman, 2017). Statesmen and the general public alike will never be able to, with 100 percent certainty, predict a future outcome. For this reason, and as Kaufman notes, there is always a lingering possibility that blame and unforeseen consequences will be inflicted on those who do elect to use preemptive force (Kaufman, 2017). However, responsible actors should be

able to prudently weigh the variables of an *imminent, grave threat* and utilize force when necessary, for, in such circumstances, the cost of waiting is far greater.

So, is Ayatollah Ali Khamenei or Hassan Rouhani the next Hitler? While I do not dispute the value in preemptive force when it becomes abundantly clear that a regime is an unavoidable national security threat, it is not clear to me that, prudently considered, Khamenei nor Rouhani meets this requirement. This lack of clarity matters: in a book on Iranian strategy, Kenneth Pollack names uncertainty and incomplete information as an inherent challenge to establishing a new policy toward Iran (Pollack, 2013). If US policy is based on necessary assumptions, the decision to use preemptive force must have *very* well-informed assumptions, primarily that Iran will utilize nuclear weapons if acquired. Right now, this decision requires a great amount of speculation to be appealing. Further, though the Iranian relationship with the United States is less than amicable, Iran has maintained ties with US allies, particularly those in the European Union. The decision to act preemptively in this situation would bode ill for several US foreign relations, risking ricochet effects beyond the concern for Iranian nuclear development. **It is thus in the best interest to continue monitoring the situation without opting for preemptive force.**

#### *B. Reagan and the Soviet Union: When Unlikely Negotiations Offered Peaceful Progress*

Former US President Ronald Reagan's eventual willingness to attend talks with Soviet Union leader Mikhail Gorbachev serves as an instance when approaching a seemingly rogue actor non-violently proved beneficial in the long run. Before the talks, the US viewed negotiations with the Soviet Union as imprudent due to extreme distrust and values so fundamentally at odds that the conflict lacked sufficient ripeness for resolution. The Reykjavík Summit, held in Iceland in October of 1986, did not conclude with a negotiated agreement (Walker & Hunt, 2011). Nonetheless, it paved the way for future developments, offering a lesson in the long-term value of a diplomatic approach.

At the Summit, Gorbachev and Reagan met to discuss a bilateral agreement on nuclear arms reductions. While Gorbachev proposed banning all ballistic missiles at the final stage, Reagan held firm that the US wished to continue with the Strategic Defense Initiative (SDI) in space. The debate over whether SDI testing should continue resulted in an impasse, ending the Summit inconclusively. James Matlock, a former US Ambassador to Moscow and negotiator at Reykjavík, notes that although an outcome was not reached immediately, the Summit represented a "psychological turning point" for the two nations (Walker & Hunt, 2011). Out of this turning point later came the 1987 Intermediate-Range Nuclear Forces Treaty (INF) and the 1991 Strategic Arms Reductions Treaty (START I), pivotal steps in nuclear disarmament (Walker & Hunt, 2011).

Approaching Iran in a similar manner is in line with the Obama Administration's strategy. Like the Reykjavík Summit, yielding to talks with Iranian leadership likely would not produce an immediate fix, but it may set the tone for future de-escalation. In a paper on the diplomatic lessons from Reykjavík, Walker and Hunt argue two key factors played into a willingness to initiate talks: 1) the feebleness of the Soviet economy; and 2) the Chernobyl disaster (Walker & Hunt, 2011). If similar conditions are expected of Iran, one can conclude that

economic feebleness is present in the Iranian economy, at least in part due to trade sanctions. However, imagining what might constitute a disaster sufficient to change minds on nuclear technology like Chernobyl did for the Soviets is a greater challenge. Will the suffering of COVID-19 ripen the environment for dialogue? Given that Iran holds the US responsible for the virus, it is unlikely, unless a true sense of desperation changes the present course. Military action is not a strong contender either, as actions on behalf of the US will only intensify the hatred and distrust. A reason why Chernobyl contributed to a ripe environment for dialogue is that it illuminated the dangers of nuclear technology in the *absence* of the enemy to blame. Thus, to draw a parallel to Walker and Hunt's logic, Iran must experience some internally induced event that fundamentally changes its opinion that nuclear technology is safe and desirable. It should also be noted that Gorbachev, unlike his predecessors, represented a greater openness to compromise. Whether it was the factors leading up to the talks that created this openness or an element of his leadership style, **due consideration of negotiations with Iran must take into account the regime leader and circumstances shaping their sense of reason.**

Lastly, there are similarities and lessons to be learned from the Summit and the Trump Administration's Iran strategy. While the Soviets wished only to discuss arms control at the Summit, the US desired to include dialogue on other concerns such as human rights and the Soviet invasion of Afghanistan (Mann, 2009). These maneuvers are parallel to Trump's desire to include other factors in the new Iran deal (see Section 1 (C) of this paper), this scenario offers the wisdom that the US may have to be willing to concentrate exclusively on the nuclear program to make negotiations a possibility. Once a discussion can be facilitated, other important conversations may be had, but a narrow approach at the onset may be necessary.

#### **IV. Options for Future Strategy and Assessment**

Now that the groundwork has been formed for understanding the historical and current situation with Iran, options for future policy must be considered. These options are to be assessed on their predictive value for preventing regional or international harm resulting from Iranian nuclear development. Additionally, a focus will be placed on strategies that work to combat factors that cannot be undone, such as developments in Iranian enriched uranium and centrifuges.<sup>1</sup> Further, I take into account the impact of US action on other diplomatic relationships, holding that it is best to maintain favorability with European allies and other nations able to assist in multilateral enforcement. In previous literature, options have morphed into a "containment vs. military prevention" dichotomy. Kenneth Pollack frames his book *Unthinkable: Iran, the Bomb, and American Strategy* this way, offering two major options for future action, both of which he views as bad choices, but settles for containment as the lesser of the unideal (Pollack, 2013). Using these two categories while broadening the discourse to include the possibility of alternative dispute resolution, **I assess four options: 1) let Iran cross the nuclear threshold, 2) pursue alternative dispute resolution, 3) engage in coercive diplomacy, and 4) initiate force.**

*A) First Option: Let Iran cross the nuclear threshold.*

---

<sup>1</sup> Criteria informed by a conversation with Alma Keshavarez, formerly at the Office of Policy Planning at the U.S. Department of State. Keshavarez earned her Ph.D. from Claremont Graduate University, focusing on hybrid warfare applied to the Islamic State. She also holds an MPP from Pepperdine School of Public Policy.



This is, in effect, the "do nothing" strategy. While it may be coupled with deterrence to meet the objectives described above, to understand what is at stake if the US opted to turn its focus away from Iran, let us assume the US ceases any involvement. Realistically, this option is thoroughly unlikely given the sanctions presently in place and attitude of the current White House Administration, not to mention bipartisan concerns over Iran that have existed for several years. However, it offers an opportunity to consider what might happen, should Iran obtain nuclear technology, and what the implications for the US would look like.

As previously mentioned, Iran is secretive when it comes to its nuclear program. The US does not know if nuclear technology would be used if successfully acquired, nor for what purpose (Pollack, 2013). **In the worst-case scenario, if Iran gets nuclear technology, the US should be deeply concerned for its own sake and the sake of US allies in the Middle East.** An armed Iran threatens to destabilize the region, posing a grave danger to Israel, a nation whose existence is notoriously threatened by the Iranian leadership. The American economy relies heavily on the stability of international oil markets, which a spurred arms race or nuclear volatility in the Middle East threatens to destroy (*The Iranian Nuclear Threat*). From another perspective, as a known state sponsor of terrorism, a nuclear Iran could supply terrorist organizations already hostile to the US (Hezbollah, Hamas, etc.) with destructive nuclear technology (*The Iranian Nuclear Threat*).

Though the US is no longer part of the JCPOA, the agreement between Iran and the other signees still exists; Iran holds it will remain part of the agreement as long as economic benefits to which it is entitled under its terms and conditions are received (Einhorn & Nephew, 2019). However, with continued violations of the agreement and sympathy from other nations, leaving the issue to other countries of the international community is not a viable solution if the ultimate goal is to promote security (foreign and domestic). Simply, other nations are not doing enough to restrain the threat. Therefore, **I do not recommend a hands-off approach.**

*B) Second Option: Pursue alternative dispute resolution (ADR).*

The possibilities for ADR I consider are negotiation, mediation, and arbitration. Of the three, negotiation is the most realistic method. While mediation and arbitration have immense value when pursued at the national level, complications arise when they are used in the international arena. First, international arbitration as a practice is more formally adapted to handle commercial disputes. For it to succeed, it requires the willingness of both parties to subject a degree of their sovereignty to the decision of a third party. In the Iranian/US conflict, selecting an arbitrator with a *sufficient stake in the outcome* and *enforcement abilities* would be incredibly difficult at best. If the international community cannot enforce Iran to abide by the JCPOA, how can it be expected that an arbitrated decision would be enforced? Further, international mediation is still in the development stage. While the Singapore Convention of 2019 recognized the validity of mediated settlements, the problems previously noted for arbitration remain. Namely, selecting a mediator mutually respected by both nations and enforcing a mediated settlement between two rival nations invites a host of challenges, though I do not dispute that many lessons learned from the field of mediation are valuable in this situation. Such lessons include mindfulness of biases, the ability to reframe points at issue, and the skill to read into what is exceedingly important for each party. The US, for example, values

national security, to which it perceives Iran as a risk. Conversely, Iran values its nuclear program development (for reasons we cannot ascertain without speculation, though likely tied to a sense of protection against the Western threat of regime change) and the condition of its economy (as demonstrated through the displeasure of US sanctions and agreement to stay in the JCPOA if economic benefits are maintained). Therefore, keeping both values in mind is prudent, no matter what form foreign policy takes.

If ADR is to be used, negotiation is the preferred mechanism to handle this conflict because it does not require the complications of a third party “neutral” and is aligned with previous actions taken like talks leading up to the JCPOA. Like any negotiated agreement, however, the US must be willing to compromise and find some part of the Iranian nuclear program that is at least tolerable and offer concessions that incentivize Iranian cooperation. For this reason, the maximum pressure campaign is not conducive to an environment ripe for negotiation. At present, tensions and disagreement between the two countries do not lend well to open discussions, and the attitudes of both sides leave little room for major shifts in ideology. For the US, this attitude manifests in the Trump Administration's demands that Iran gives up nuclear development entirely. For Iran, this is evident in resistance to US pressure coupled with mobilized public resistance to US “bullying” (Einhorn & Nephew, 2019). For there to be an environment where a negotiation could be feasible, the United States is best off working multilaterally and trading in maximum pressure for the complete cooperation, insofar as security concerns remain at the forefront of decision-making. **So, negotiation is not a bad strategy, but it is not one that is likely to succeed given the current circumstances without attitude shifts and diffused tensions.**

Finally, it is worth mentioning that alternative dispute resolution has deep roots within the Islamic faith. When considering whether or not to use dispute resolution, it is valuable to consider the individual cultures involved and whether their values align with dispute resolution strategies. Documentation of Muslim conflict resolution can be traced back over 1,400 years with instructions for reconciliation found in the Holy Quran, *Mejelle*,<sup>2</sup> and Hadith (Islam, 2012) Through a process called *Sulh*, most akin to a negotiation, mediation, or conciliation, parties are encouraged to restore community tensions through the faith-based pursuit of forgiveness (Pely, 2011). *Sulh* is used to provide consensus under a multifaceted, quasi-legal system of Sharia law. Meaning ‘road’ or ‘path’ (Keshavjee, 2013), Sharia denotes a way of being for Muslims consistent with a complete way of life, encompassing not only a legal system but also a shared ethic.(Singh, 2017) The purpose of *Sulh* is to resolve a conflict while reorienting parties with the values of Islam. Why mention *Sulh*? Through this description, I wish to convey that Iranian culture does see value in dispute resolution, but only insofar as it promotes the faith. Given its underlying religious objectives, an international extension to a non-Muslim country shifts the goals entirely. Hence, attempting to argue that ADR should be used in this international dispute because it is used nationally (within Iran) with success is a flawed argument.

*C) Third Option: Engage in coercive diplomacy.*

---

<sup>2</sup> *Mejelle* is a text of Sharia-based, Islamic law with over 40 articles describing the proper methods of *Sulh*.

Trump's current maximum pressure campaign is the epitome of coercive diplomacy, as economic sanctions are being used to end the nuclear program and change the behavior of a corrupt regime. This approach, though impacting the Iranian economy, is unlikely to succeed unless changes are made, because 1) Iranian resolve has proven resistant to pain, resorting to smuggling and other creative tactics to evade sanctions, and 2) the US has not offered enough meaningful incentives for Iran to change behavior (Nephew, 2018).

At the beginning of this paper, I included a quote by Richard Nephew on escalation as the currency of coercive diplomacy. Now, I pose the question: what is to be done when a nation is so resilient to pain that suffering is preferred to the acceptance of defeat? For a coercive policy to work, there must be a threshold at which the coerced party gives in. Additionally, coercion reaches a point where escalation is impossible without venturing into the use of force. Unless the US is prepared for the implications of force (addressed in the next subsection of this paper), there must be a cutoff point, as coercion has its limits. Consider Venezuela, for example: though the economy is collapsed, and the nation remains isolated on the international stage, Maduro remains in power. Similarly, the US should consider if it would view a collapsed Iranian economy with the present regime remaining in power as a diplomatic success. I suspect, given concerns for terrorism and other excessive military involvement, the discussion would not end where the limits of sanctions might. What's more, a fetishization of sanctions has continued to ignore that sanctions are a tool, not a policy in their own right (Nephew, 2018). Relying on sanctions alone (and particularly when they result in backlash) may contribute to loss of credibility and leave the US vulnerable to criticisms that sanctions are harming Iranian civilians who have no bearing on the success or failure of the nuclear weapons program.

#### *D) Fourth Option: Initiate force.*

The most invasive and costly option is to use military force. While some may argue that preventative or preemptive force could reduce costs to the United States, my view is that under current circumstances, not enough information is known regarding Iranian capability nor intent to prudently make this calculation. **If force is to be used, the US must be willing to accept not only the risk of war but the overburdening long-term responsibility of post-war rebuilding.** This lesson was learned the hard way in Iraq: to leave too soon is to risk creating an even greater problem and spur years of instability, financial commitment, and international involvement.

Pollack asserts that airstrikes, a force on a lesser end of the spectrum, are likely to insight a full-blown war with Iran, to include a ground invasion (2013). If this occurs, he estimates close to 1,400,000 troops will be needed. Further, a war with Iran risks spreading across the Middle East, engulfing neighboring countries and inviting a host of violence and turmoil with unforeseen diplomatic liabilities. If Iran was close to developing usable nuclear technology very soon, initiation of force might be a different conversation. My opinion would change if nuclear technology was at a useable point of development, and the US knew (or had suspicion without a doubt) that it would be used for harm. However, as the situation stands now, there are too many unknowns to risk a war and destabilization of the Middle East.

## **V. Recommendation and Conclusion**

Because force is too risky, coercion is not working due to Iranian resolve, circumstances are not ripe for negotiations, and allowing Iran to cross the nuclear threshold is a near-certain danger, I recommend that the United States changes course. **Given the complexity of the situation and the risk involved, it is best to pursue containment through a focus on actions that cannot be reversed (further enriched uranium and developed centrifuges).** Iran will not be contained easily, but it certainly will not cooperate in the long run unless the US is willing to offer a meaningful compromise, likely in the form of targeted sanctions relief on a specific sector of the Iranian economy. Co-operation on behalf of Iran is necessary unless forceful actions are desired, risking escalation and potentially provoking war. Of course, this strategy operates under the assumption that the Iranian regime is at least semi-rational. However, even if it is not, this strategy is worth trying as the current maximum pressure campaign is not causing behavior change as intended. Iran has negotiated in the past, albeit with ignored agreements later, and though this is no guarantee of future success, it offers a small hope of peaceful progress in a situation where no other options remain ideal. Nevertheless, negotiations should be kept as a goal for a later date, but US leadership must realize Iran will do everything in its power to ensure the US does not spark regime change. It views the nuclear program as a sense of security and thus is unlikely to give it up completely, particularly if a sense of sovereignty is at risk. Thus, the US should reevaluate regime change rhetoric in the near term, focus on the issue at hand (preventing security risks posed by a nuclear Iran), and reassess other Iranian concerns once the nuclear issue is reasonably stable.

## REFERENCES

- Aarabi, K. (2020, March 19). Iran Knows Who to Blame for the Virus: America and Israel. *Foreign Policy*. <https://foreignpolicy.com/2020/03/19/iran-irgc-coronavirus-propaganda-blames-america-israel/>
- Albright, D., & Stricker, A. (2019). *IAEA Iran Safeguards Report Analysis: Iran Commits Multiple Violations of the Nuclear Deal, Several Non-Reversible*. Foundation for Defense of Democracies.
- Dawsey, J. (2020, January 10). *Trump angered by House ally's push to limit his authority on Iran*. Washington Post. [https://www.washingtonpost.com/politics/trump-angered-by-house-allys-push-to-limit-his-authority-on-iran/2020/01/10/f4daba9c-33f5-11ea-a053-dc6d944ba776\\_story.html](https://www.washingtonpost.com/politics/trump-angered-by-house-allys-push-to-limit-his-authority-on-iran/2020/01/10/f4daba9c-33f5-11ea-a053-dc6d944ba776_story.html)
- Einhorn, R., & Nephew, R. (2019). *Constraining Iran's Future Nuclear Capabilities*. Foreign Policy at Brookings.
- Fassihi, F. (2020, April 1). Iran Says U.S. Sanctions Are Taking Lives. U.S. Officials Disagree. *New York Times*. <https://nyti.ms/2Ux4G3T>
- Ford, M. (2014). Obama: "The Window Is Closing" for a Viable Israel-Palestine Peace Deal. *The Atlantic*. <https://www.theatlantic.com/international/archive/2014/03/obama-the-window-is-closing-for-a-viable-israel-palestine-peace-deal/284161/>
- Islam, Md. Z. (2012). Provision of Alternative Dispute Resolution Process in Islam. *IOSR Journal of Business and Management*, 6(3), 31–36. <https://doi.org/10.9790/487X-0633136>
- Kaufman, R. G. (2017). Just Prudence: Defending Aquinas on Preemption, Prevention, & Decisiveness in War. *Providence Magazine*.
- Keshavjee, M. M. (2013). *Islam, Sharia, & Alternative Dispute Resolution: Mechanisms For Legal Redress in the Muslim Community* (Vol. 6). Palgrave Macmillan.
- Mann, J. (2009). *The Rebellion of Ronald Reagan: A History of the End of the Cold War*. Penguin.
- Miller, N. (2014). The Secret Success of Nonproliferation Sanctions. *Cambridge University Press*, 68(4). <https://doi.org/10.1017/S0020818314000216>
- Nephew, R. (2018). *The Art of Sanctions: A View from the Field*. Columbia University Press.
- Pely, D. (2011). Where East Not Always Meets West: Comparing the Sulha Process to Western-Style Mediation and Arbitration. *Conflict Resolution Quarterly*, 28(4), 427–440.
- Pollack, K. M. (2013). *Unthinkable: Iran, the Bomb, and American Strategy*. Simon & Schuster.

Rubin, M. (2015). *Dancing with the Devil: The Perils of Engaging Rogue Regimes*. Encounter Books.

Salim, M., & Ryan, M. (2020, January 3). *In major escalation, American strike kills top Iranian commander in Baghdad*. Washington Post.

[https://www.washingtonpost.com/world/national-security/defense-secretary-says-iran-and-its-proxies-may-be-planning-fresh-attacks-on-us-personnel-in-iraq/2020/01/02/53b63f00-2d89-11ea-bcb3-ac6482c4a92f\\_story.html](https://www.washingtonpost.com/world/national-security/defense-secretary-says-iran-and-its-proxies-may-be-planning-fresh-attacks-on-us-personnel-in-iraq/2020/01/02/53b63f00-2d89-11ea-bcb3-ac6482c4a92f_story.html)

Singh, V. (2017). Alternative Dispute Resolution in Islam: An Analysis. *ILI Law Review*, 1, 137–146.

*H.Con.Res.83 - 116th Congress (2019-2020): Directing the President pursuant to section 5(c) of the War Powers Resolution to terminate the use of United States Armed Forces to engage in hostilities in or against Iran.*, (2020) (testimony of Elissa Slotkin).

<https://www.congress.gov/bill/116th-congress/house-concurrent-resolution/83>

*The Iran Nuclear Deal: What You Need to Know About the JCPOA*. (2015). The White House. [wh.gov/iran-deal](http://wh.gov/iran-deal)

*The Iranian Nuclear Threat: Why it Matters*. (n.d.). Anti-Defamation League. Retrieved April 12, 2020, from <https://www.adl.org/resources/fact-sheets/the-iranian-nuclear-threat-why-it-matters>

Walker, P. F., & Hunt, J. R. (2011). The legacy of Reykjavik and the future of nuclear disarmament. *Bulletin of the Atomic Scientists*, 67(6), 63–72.

<https://doi.org/10.1177/0096340211426507>