

The Bush Doctrine and Just War Theory

Dale T. Snauwaert

On September 11, 2001 the people of the United States and the world endured a heinous act of terrorism. That act has led to the “War on Terrorism” and the redefinition of American foreign policy and its national security strategy. Does this new strategy, what is referred to as the Bush Doctrine, constitute a “just”, that is, morally justifiable, response to terrorism? The lens through which this analysis is conducted is the moral calculus offered by the “Just War” ethical tradition.

The Bush Administration has crafted an extensively publicized and executed policy response to the events of September 11. The question before us is that response just? This question is complex, for the Bush Administration response integrates principles of justice with a power-based national security strategy. It is a combination of the war on terrorism and a grand strategy of global leadership (perhaps hegemony) and the preclusion of rivals, regional and/or global. This combination constitutes a national security policy that posits the moral justifiability of a radical doctrine: “preemptive action.” The thesis of this paper is that, when linked to the new global strategy, the Bush Doctrine of preemption is not morally justifiable. In what follows, the Bush Doctrine will be summarized and then an ethical analysis of it will be offered in accordance with the principles of Just War Theory.¹ This paper concerns an analysis of the moral justifiability of the Bush Doctrine from the perspective of that tradition; it does not portend to address the validity of the Just War tradition itself.²

War on Terrorism, the Bush Doctrine, and Global Strategy

The terrorist attacks on 9/11 were immediately, within a matter of hours, conceived by the Bush administration as an act of war; an alternative conception would have been to understand the action as an international crime against humanity. The former understanding logically lead to a response conceived as a war – a war on terrorism. President Bush declared: “The deliberate and deadly attacks which were carried out yesterday against our country were more than acts of terror. They were acts of war.”³ In the new *National Security Strategy of the United States* it is stated: “The United States of America is fighting a war against terrorists of global reach. The enemy is not a single political regime or person or religion or ideology. The enemy is terrorism—

¹ A shorter version of this paper was delivered as an invited response to the keynote address delivered by Ken Himes, Second Annual McCormack Conference On Moral Theology, Toledo, Ohio, November 4, 2003.

² The name of the tradition, “just war,” is rather unfortunate for it clouds the issue. What is really being address is the moral justifiability of the use of force. Also it is not really a theory of just war. It provides more of a moral calculus for the determination of the moral justifiability of force than a theory of war.

³ George W Bush, *Remarks by the President in Photo Opportunity with the National Security Team* (The White House, September 12, 2001 10:56 AM 2001 [cited]; available from <http://www.whitehouse.gov/news/releases/2001/09/20010912-4.html>).

premeditated, politically motivated violence perpetrated against innocents.”⁴ This point is a bit of a misnomer, for one cannot be at war with terrorism *per se*, for terrorism is a tactic, a method. More accurately what the United States is at war with are organizations that oppose the political economy of the United States manifested in its policies. Like all wars, the “war on terrorism” has political origins. Terrorism is a tactic in a larger geopolitical strategic conflict.

The war on terrorism has two additional elements. It was conceived as (1) an imminent threat, linked to the threat of the proliferation and potential use of weapons of mass destruction, perhaps raising the threat to the status of an emergency, perhaps a supreme emergency wherein the very existence of the society is at risk, and (2) in terms of a Manichean struggle between good and evil. President Bush stated:

The gravest danger to freedom lies at the perilous crossroads of radicalism and technology. When the spread of chemical and biological and nuclear weapons, along with ballistic missile technology -- when that occurs, even weak states and small groups could attain a catastrophic power to strike great nations. Our enemies have declared this very intention, and have been caught seeking these terrible weapons. They want the capability to blackmail us, or to harm us, or to harm our friends -- and we will oppose them with all our power.⁵

Targeting innocent civilians for murder is always and everywhere wrong. (Applause.) Brutality against women is always and everywhere wrong. (Applause.) There can be no neutrality between justice and cruelty, between the innocent and the guilty. We are in a conflict between good and evil, and America will call evil by its name. (Applause.) By confronting evil and lawless regimes, we do not create a problem, we reveal a problem. And we will lead the world in opposing it.⁶

This combination of perceptions and conceptions lead the Bush administration to a new strategic doctrine central to the conduct of the war on terrorism: preemptive action. Given the nature of the threat (hidden and unpredictable), the ultimate, and perhaps only real, means of security would be to eliminate the threat at its source prior to its execution. We cannot wait for the terrorists to strike in order to defend ourselves, is the logic; we must act first to preempt the threat. Preemption is given particular legitimacy when the linkage between terrorism and the proliferation of weapons of mass destruction is recognized – the Bush administration maintains under these conditions it would be irresponsible, a gross dereliction of duty to, wait for the enemy to attack before

⁴ National Security Council, *The National Security Strategy of the United States* (The White House, September 2002 [cited]); available from <http://www.whitehouse.gov/nsc/nssall.html>, p. 4.

⁵ George W Bush, *Remarks by the President at 2002 Graduation Exercise of the United States Military Academy West Point, New York* [Speech] (The White House, June 1, 2002 9:13 A.M. EDT 2002 [cited]); available from <http://www.whitehouse.gov/news/releases/2002/06/20020601-3.html>, p. 2

⁶ *Ibid.* [cited]. P. 3

responding. The threat must be eliminated before it is manifested. The National Security Strategy states:

History will judge harshly those who saw this coming danger but failed to act. In the new world we have entered, the only path to peace and security is the path of action.⁷

. . . defending the United States, the American people, and our interests at home and abroad by identifying and destroying the threat before it reaches our borders. While the United States will constantly strive to enlist the support of the international community, we will not hesitate to act alone, if necessary, to exercise our right of self-defense by acting preemptively against such terrorists, to prevent them from doing harm against our people and our country;⁸

Implicit in this strategy is a very important linkage: the declared enemy is not only the terrorist but also anyone, including States, that aid them. President Bush articulated this principle on the night of 9/11: “We will make no distinction between the terrorists who committed these acts and those who harbor them.”⁹ In combination with the doctrine of preemption this linkage to States is radical, for it declares the right to violate the principle of nonintervention that is central to the nation-state system.

The Bush Doctrine of preemption can be understood in at least two ways: (1) it constitutes in itself a fundamental shift in American foreign policy – a profound movement away from a fairly noninterventionist, isolationist tradition, perhaps best captured by the dictum: “don’t tread on me;” (2) a continued expression of the implicit linkage between American democracy and imperialism.¹⁰ However, the Bush Doctrine does not stand on its own *per se*; it is linked to a major shift in our philosophy of international relations. On one level it is a shift from the cold war philosophy of containment to the post-terrorism philosophy of preemption. On a deeper level it is a part of a new global strategy of U.S. global leadership. At West Point President Bush made the case:

For much of the last century, America's defense relied on the Cold War doctrines of deterrence and containment. In some cases, those strategies still apply. But new threats also require new thinking. Deterrence -- the promise of massive retaliation against nations -- means nothing against shadowy terrorist networks with no nation or citizens to defend. Containment is not possible when unbalanced dictators with

⁷ Council, *The National Security Strategy of the United States* ([cited].), p. 1.

⁸ *Ibid.* ([cited].), p. 5.

⁹ George W Bush, *Statement by the President in His Address to the Nation* [Address] (The White House, September 11, 2001 8:30 pm 2001 [cited]); available from <http://www.whitehouse.gov/news/releases/2001/09/20010911-16.html>. p. 1

¹⁰ The imperial tendencies of American democracy are clearly articulated in Cornel West’s recent book *Democracy Matters: Winning the Fight Against Imperialism* (New York: Penguin Press, 2004).

weapons of mass destruction can deliver those weapons on missiles or secretly provide them to terrorist allies.¹¹

In the *National Security Strategy* it is stated:

It has taken almost a decade for us to comprehend the true nature of this new threat. Given the goals of rogue states and terrorists, the United States can no longer solely rely on a reactive posture as we have in the past. The inability to deter a potential attacker, the immediacy of today's threats, and the magnitude of potential harm that could be caused by our adversaries' choice of weapons, do not permit that option. We cannot let our enemies strike first.

In the Cold War, especially following the Cuban missile crisis, we faced a generally status quo, risk-averse adversary. Deterrence was an effective defense. But deterrence based only upon the threat of retaliation is less likely to work against leaders of rogue states more willing to take risks, gambling with the lives of their people, and the wealth of their nations.

Traditional concepts of deterrence will not work against a terrorist enemy whose avowed tactics are wanton destruction and the targeting of innocents; whose so-called soldiers seek martyrdom in death and whose most potent protection is statelessness. The overlap between states that sponsor terror and those that pursue WMD compels us to action. . (p.10).

It is time to reaffirm the essential role of American military strength. We must build and maintain our defenses beyond challenge. Our military's highest priority is to defend the United States (p.17).¹²

This perspective has its origins in a document written at the end of the Bush 41 administration by then Secretary of Defense Cheney entitled *Defense Strategy for the 1990s: The Regional Defense Strategy*.¹³ The document articulates a new philosophy of international relations, a new post-cold war global strategy. It is argued that with the collapse of the Soviet Union the United States stands as the preeminent power, and with such power a new global strategy to guide U.S. foreign policy is needed. The center piece of the strategy is to *preclude* the emergence of rivals, regional and/or global, that would threaten U.S. dominance in critical regions of the world both economically and geopolitically. Cheney writes:

¹¹ Bush, *Remarks by the President at 2002 Graduation Exercise of the United States Military Academy West Point, New York* ([cited]. P. 2

¹² Council, *The National Security Strategy of the United States* (cited).

¹³ Richard B Cheney, "Defense Strategy for the 1990s: The Regional Defense Strategy," (Washington, DC: US Department of Defense, 1993).

. . . [the] goal is to preclude any hostile power from dominating a region critical to our interests, and also thereby to strengthen the barriers against the reemergence of a global threat to the interests of the United States and our allies. These regions include Europe, the Middle East/Persian Gulf, and Latin America. Consolidated, nondemocratic control of the resources of such a critical region could generate a significant threat to our security.¹⁴

in a Rand study commissioned by the United States Air Force Zalmay Khalilzad elaborates this strategic position:

This report argues that the United States needs a new "grand strategy" for pursuing national security, economic, and foreign policy interests (p. vii).

... the United States has been operating without a grand strategy since the end of the Cold War (p.vii).

... the central strategic objective for the United States could be to consolidate its global leadership and preclude the rise of a global rival (p.13).

The balance of power system failed in the past . . . it might not work any better in the future; and war among major powers in the nuclear age would surely be devastating (p. 21).

[if US global preeminence is maintained, then] the global environment will be more open and more receptive to American values: democracy, free markets, and the rule of law. Second, such a world has a better chance of dealing cooperatively with its major problems, such as nuclear proliferation, threat of regional hegemony by renegade states, and low-level conflicts. Finally, U.S. leadership will help preclude the rise of another hostile global rival, enabling the United States and the world to avoid another global cold or hot war and all its dangers, including a global nuclear exchange (p. 21).

Precluding the rise of a hostile global rival is a good guide for defining what interests the United States should regard as vital. It is a prism for identifying threats and setting priorities for U.S. policy toward various regions and states, for military capabilities and modernization, and for intelligence operations (p. 21).

A global rival could emerge if a hostile power or coalition gained hegemony over a critical region. Therefore, it is a vital U.S. interest to preclude such a development--i.e., to be willing to use force if necessary

¹⁴ Ibid., p.3

for the purpose. A region can be defined as critical if it contains sufficient economic, technical, and human resources so that a hostile power that gained control over it could pose a global challenge (p. 25)¹⁵

The overarching goal of this strategy is global hegemony – code-named “global leadership.”

This perspective has significantly informed, if not shaped, the Bush administration’s foreign policy worldview.¹⁶ With the advent of 9/11, the war on terrorism was integrated with this global strategy. The Bush Doctrine of preemption at the core of the war strategy is thereby linked to a strategy of global hegemony. U.S. global dominance demands that “rogue” States undergo regime change in order to preclude a regional rival and to preempt terrorism. The Bush administration understands this linkage to be seamless – case in point, the invasion and occupation of Iraq.

The Bush Doctrine and Just War Theory

In the history of foreign policy and warfare relations between states have been often defined by the presupposition of international “anarchy.” The interstate context has been thought to be a Hobbesian state of nature, which is inherently “a war of all against all.” It is “anarchical,” for a global sovereign power to enforce morality and law is absent. Under these conditions law and morality are nonexistent, thereby elevating fear and power to a position of dominance; the international system exist in a continual state of war, in the sense that war is always imminent.

If the interstate arena is a state of nature constituted by a war of all against all, then there is no terrorism, as a moral and legal concept, *per se*, for terror is the constitutive element of the system. From this perspective, any means necessary, including attacking innocent civilians, to achieve one's political ends is valid, for there are no legitimate moral or legal principles that define that act as immoral and/or illegal. If the interstate system exists within a state of nature, then anything goes, including terrorism. However, to assert that international terrorism is immoral and illegal is to make a claim about the nature of the international system: it possesses an international moral and legal fabric. This fabric has its historical roots in the Just War tradition.

Central to this code is the principle of nonintervention or nonaggression. From the perspective of international society, there is inherent equality between states, a state right to self-determination, and the universal obligation of nonintervention. From this perspective, international justice is procedural. It is constituted by a mutual respect for the equal sovereignty of each society. Injustice is therefore defined as the crime of aggression, the violation of nonintervention. From a cosmopolitan perspective, the state

¹⁵ Zalmay M Khalilzad, "From Containment to Global Leadership? America and the World after the Cold War," (Santa Monica, CA: Rand -- Prepared for the United States Air Force, 1995).

¹⁶ See Nicholas Lemann, "The Next World Order: The Hawks Plan to Reshape the Globe.," *The New Yorker* (2002).

right of self-determination is a manifestation of individual right. The principle of nonintervention thus rests on the individual right of security of person, which in turn is based upon the recognition of the equal inherent dignity of each person. Aggression is an international crime not only because it violates national sovereignty, but also, more fundamentally, it violates the rights of individuals to security.

From this perspective, there exists a *prima facie* moral presumption against the use of force. Given this presumption, the use of force must be morally justified; there may be special circumstances that justify or perhaps even morally demand it. Thus, from this perspective, the decision to engage in military intervention is a fundamentally moral one. The Just War tradition provides moral criteria, a moral calculus, for determining whether such action is morally justifiable. These criteria comprise what is traditionally referred to as *jus ad bellum*. Historically *jus ad bellum* criteria have included the following principles: just cause, right authority, right intention, proportionality, reasonable hope of success, and last resort.¹⁷ The following moral analysis of the Bush Doctrine will be based upon these criteria. According to the tradition, all of the criteria must be met in order for the use of force to be morally justifiable.

JUST CAUSE: The essence of just cause is captured by the following statement of the U.S. Catholic Bishops : “War is permissible only to confront 'a real and certain danger', i.e., to protect innocent life, to preserve conditions necessary for decent human existence and to secure basic human rights (p. 98).” Self-defense, the protection of the innocent, and protection against threats to international peace are understood to constitute just cause. Just cause is defined in terms of a response to the crime of aggression, the unlawful violation of the principle of nonintervention. If aggression is a crime according to international law, then states have a right to respond to aggression with force, especially given that there is no world government or police force to uphold international law. Under these conditions self-defense and the protection of others is a legitimate form of self-help.

Does the doctrine of preemption as a means of security against terrorism meet the criterion of just cause?

¹⁷ Joseph L. Allen, *War: A Primer for Christians* (Dallas: First Maguire Center/Southern Methodist University Press, [1991] 2001), Joseph Boyle, "Just War Thinking in Catholic Natural Law," in *The Ethics of War and Peace: Religious and Secular Perspectives*, ed. Terry Nardin (Princeton, NY: Princeton University Press, 1996), Duane L. Cady, *From Warism to Pacifism: A Moral Continuum* (Philadelphia: Temple University Press, 1989), Jean Bethke Elshtain, ed., *Just War Theory* (New York: New York University Press, 1992), John Finnis, "The Ethics of War and Peace in the Catholic Natural Law Tradition," in *The Ethics of War and Peace: Religious and Secular Perspectives*, ed. Terry Nardin (Princeton, NY: Princeton University Press, 1996), Terry Nardin, ed., *The Ethics of War and Peace: Religious and Secular Perspectives* (Princeton, NJ: Princeton University Press, 1996), Paul Ramsey, *The Just War: Force and Political Responsibility* (New York: University Press of America, [1968] 1983), Paul Ramsey, *War and the Christian Conscience: How Shall Modern War Be Conducted Justly?* (Durham, NC: Duke University Press, 1961), James Turner Johnson, *Just War Tradition and the Restraint of War: A Moral and Historical Inquiry* (Princeton: Princeton University Press, 1981), James Turner Johnson, *Morality and Contemporary Warfare* (New Haven: Yale University Press, 1999), Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1997).

Terrorism can be defined as an intentional indiscriminate use of force aimed at innocent noncombatants in order to generate fear thereby creating paralysis, disorder, and/or instability to achieve political ends.¹⁸ Like all forms of warfare it is, to borrow von Clausewitz's phrase, a continuation of politics by other means.¹⁹ International terrorism is a political strategy employed historically by both State (e.g., siege warfare, the obliteration bombing of cities, etc.) and non-state actors (e.g., al Qaeda, Hamas, the IRA, etc.).²⁰

Terrorism is generally recognized in the world community as both illegal and immoral. It is an attack on the moral and legal fabric of civilization, an attack on decent political and social life. The widespread recognition of the criminality of a strategy of terror inflicted within and across national boundaries by governments and nongovernmental organizations indicates a fundamental belief in the existence of an international, perhaps global, moral and legal order. According to the principles of *jus in bello*, in particular the principle of discrimination designed to provide noncombatant immunity, the intentional killing of innocents as a military and/or political strategy is never justifiable. The intentional killing of innocents for military or political gain is the very definition of terrorism. As such, individuals, groups, and States can commit acts of terrorism. Just War Theory prohibits terrorism or wars of terror in absolute terms. The intentional killing of noncombatants is a War Crime. Such a military strategy is an act of terror that is never justified, for it violates the fundamental rights of innocents in order to achieve military and political ends, ends, which cannot justify the means of terror. Given the immoral and illegal nature of terrorism as a tactic, from the perspective of the Just War tradition, it can be argued, therefore, that the use of force in self-defense against terrorism is justifiable. This response may well fall under the established custom of “preemptive” action. The U.S. National Security Strategy does accurately articulate this notion:

For centuries, international law recognized that nations need not suffer an attack before they can lawfully take action to defend themselves against forces that present an imminent danger of attack. Legal scholars and international jurists often conditioned the legitimacy of preemption on the existence of an imminent threat—most often a visible mobilization of armies, navies, and air forces preparing to attack. . p.9²¹

A case in point is the Israeli preemptive action against the Arab armies amassed on their boarder in 1967. In cases such as this the danger is clear and present and thus military action is justifiable in self-defense, even though the enemy has not actually attacked.

¹⁸ Caleb Carr, *The Lessons of Terror: A History of Warfare against Civilians: Why It Has Always Failed and Why It Will Fail Again*. (New York: Random House, 2002). Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*.

¹⁹ Hannah Arendt, *On Violence* (New York: Harcourt Brace & Company, 1970).

²⁰ Carr, *The Lessons of Terror: A History of Warfare against Civilians: Why It Has Always Failed and Why It Will Fail Again*.

²¹ Council, *The National Security Strategy of the United States* ([cited].), p.9

However, *prevention* is different. The Bush Doctrine of “*preemption*” is really “*preventive*.” In such cases there is a potential threat rather than an imminent one, and this is the distinguishing factor between “*preemption*” (imminent threat) and “*prevention*” (potential threat). The Bush administration argues that the nature of the terrorist threat is such that it is never clear and present -- that it always lurks as potential, and thus the criteria of danger must be adjusted in an age of terrorism. Just War Theory may need to adjust to account for this shift in the nature of danger. In other words, on the face of it, given the nature of terrorism, the Bush Doctrine of “*preventive*” action against terrorist training sites, command and control centers, etc., may be justifiable according to the principles of *jus ad bellum*. In the long run, however, given that terrorism is a tactic linked to political aims, the threat cannot be resolved militarily. Any long-term response to terrorism must resolve the political conflict that is its ultimate cause.

However, the linkage between terrorists and States significantly complicates the justifiability of the Bush Doctrine. The Doctrine asserts the principle that terrorists and those who harbor them are equivalent. This principle implies violations of the principle of nonintervention and thus must be morally justified. There seem to be at least two issues here: (1) How closely related are the terrorists with the State? (2) And how extensive is the support given the terrorists by the State? Are they so closely related that the terrorist is indistinguishable from the State, therefore rendering the actions perpetrated by the terrorists an act of State and thus of war? The moral justification for intervening in the affairs of such States would have to be based upon substantial, clear, conclusive evidence of their support for terrorists, which is very difficult at best to produce – case in point the lack of evidence of the existence of weapons of mass destruction in Iraq and Iraq’s support for terrorism. Preventive regime change is highly problematic, for it assumes much and sets a dangerous precedent.

This concern becomes more pronounced when we apply a second principle of *jus ad bellum*: *right intention*. The intention to use force must be in accordance with the just cause: self-defense, protection, and the establishment of a just peace. It does not include the annexing of territory, economic gain, control, increased power, hegemony, or other self-interested intentions.

Intention is however difficult to determine. The credibility of one’s claim for the justification of the use of force is contingent upon one’s commitment to peace itself. If one has not been committed to peace in principle, then one’s claim of justification cannot be credible. The credibility of the claim of just war by any state or official is contingent upon the history of a state’s abiding commitment to peace. In other words, the historical practice of states is an objective criterion for determining right intention. For a state to invoke just war principles to justify its actions when in the past it has acted in violation of those principles calls into question the state’s intentions.

In the case of the Bush Doctrine and its inherent linkage of the war on terrorism with a new global strategy based in U.S. strategic dominance, the right intention of the Bush administration is clearly problematic. The new global strategy is power-driven; some would call it imperialistic. The central question here is: is the war on terrorism

explicitly linked to a foreign policy that has as its central tenet the expansion of power? If the expansion of power is the driving intention, then the doctrine of preemption is unjustifiable; it is being driven by a wrong intention. In turn, intention is intertwined with a claim of just cause. The wrong intention clouds the justifiability of the cause.

A case in point is the invasion and occupation of Iraq. The invasion was justified, in accordance with the Bush Doctrine of “preemption,” as a means to prevent a terrorist attack upon the United States. It was asserted that the Iraqi regime possessed weapons of mass destruction and they were likely, given their previous use of chemical weapons, to sell them to terrorists, including al Qaeda. However, since the Gulf War, Iraq has been a primary example of a rival power in a critical region of the world that must be changed in accordance with the Global Strategy. Iraqi regime change was justified morally as a preemptive act of self-defense, while the primary intention was geo-political. Controlling arguably the most important Arab nation and its oil resources gives the United States significant power, not only in the region, but beyond to Europe, Central Asia, and China.

One could argue here that the above point smacks of a conspiracy theory. The central point being made, however, is that primary driver of the National Security Strategy of the United States is not a set of democratic ethical principles but the pursuit of power. This is not conspiratorial *per se*, for it is explicitly and clearly articulated in the public record.

In recent thinking concerning just cause an additional justification has emerged: humanitarian intervention. This justification concerns intra-state aggression. If a government engages in or allows heinous violations of human rights (e.g., genocide), then humanitarian military intervention is justifiable in order to protect the rights of the citizenry against threats perpetrated their own government, even though it is technically a violation of the principle of nonintervention.

If a sovereign national government commits or allows clear and significant violations of the human rights of its own citizens, committing crimes against humanity (e.g., genocide), then it has invalidated the social contract and thus has lost its claim to sovereignty. In such cases the international community is morally justified, perhaps even obligated, to intervene. Such a nullification of sovereignty and the principle of nonintervention must be confined internationally recognized crimes against humanity to prevent the idea of humanitarian intervention from devolving into a specious justification for aggression.

Given the range of humanitarian abuses the Saddam Hussein regime committed in the course of its reign, a United States lead international coalition to remove the regime on humanitarian grounds could have been justifiable according to the principles of just war theory. However, the central justification for the invasion was not humanitarian, albeit references to the obvious inhumane nature of the regime and the long suffering of the Iraqi people were made. The primary justification was prevention of terrorism and the strategic, geopolitical importance of Iraq: the removal of a regional rival to gain control of a strategic region of the world.

RIGHT AUTHORITY: The legitimate authorization of the use of force lies exclusively with an official agent of a sovereign political entity. The decision to use force is thus limited to a political sovereign. Right authority also requires an official declaration of war, which includes a bill of particulars that clearly articulates the moral justification and aims of the war. By treaty agreement under the jurisdiction of the United Nations Charter, the use of force must not only be authorized by a sovereign state but it also must be authorized by the U.N. Security Council. At the core of the criterion of right authority is the intent of bringing legal and political legitimacy to the use of force, and thereby, to guarantee it is used for just ends.

The claim of the legitimacy of unilateralism at the core of the Bush Doctrine violates the principle of Right Authority. In an era of global interdependence, the United Nations and/or world opinion must be in agreement to give legitimacy to foreign intervention. The clear opposition to the invasion of Iraq in world opinion indicates that Bush unilateralism lacks right authority.

REASONABLE HOPE OF SUCCESS. This criterion entails a calculation of the probability that the use of force will restore a just peace. This stipulation constitutes an attempt to protect the citizens, military and nonmilitary alike, from the imprudence and/or unethical ambitions of their leaders.

When coupled with a strategy of global hegemony a claim to unilateral preemption produces a destabilizing version of the security dilemma. Given the public pronouncements of preemption and global hegemony, it is rational for other nations to arm themselves in self-defense. The result is an escalation of arms, leading to an increased probability of the outbreak of conflict. This phenomenon is referred to as the "security dilemma:" to prepare to defend one's self is to increase the probability of conflict. If there exists a profound imbalance in military power, such as is the case now, then the only means of deterring intervention is through the development of weapons mass destruction, in particular nuclear weapons. Thus, the likely result of the Bush Doctrine is the proliferation of nuclear weapons. In addition, terrorist tactics are also used when conventional military action is not possible. Given the fear generated from the perceived predatory nature of the Bush Doctrine, it is also likely that it will exacerbate rather than reduce international terrorism. In the final analysis it is likely that the Bush Doctrine will reinforce the anarchical nature of the international system, leading to more, not less, insecurity.

LAST RESORT: This last criterion mandates that the use of force be the last resort, that sufficient nonviolent attempts to resolve the conflict have been made and have failed. If all attempts at nonviolent conflict resolution have been reasonably made, and the conflict or threat persists, then the criterion of last resort is met. By "reasonable" it is meant that the judgment that last resort can never be known with absolute certainty. However, a significant effort must be made to resolve the conflict diplomatically. In addition, the threat must be immanent. The principle of last resort places a strong moral restraint on war and is consistent with the overarching goal of a just peace. It encodes the

prima facie presumption against violence as well as giving force to the legitimacy of the just cause .

The Bush Doctrine framed the invasion and occupation of Iraq. Iraq was conceived as both a terrorist threat and a key rival in a critical region of the world. The administration's impatience with an inspection regime as means of restraint is linked to their intentions of countering a rival in a critical region, which entails regime change. The United States could have waited longer for the inspection regime to take hold after its return in the spring of 2003. Being driven more by the global strategy than by the principles of just war theory, the choice of the use of force in Iraq, the military invasion, was not a last resort. As the subsequent lack of evidence of weapons of mass destruction indicates, the situation was not one of immanent danger or emergency. Diplomacy and inspections could have achieved the goal of countering the purported threat.

In conclusion, while there are on the face of it morally justifiable elements of the Bush Doctrine as a security response to terrorism, from the perspective of the Just War tradition the doctrine's linkage with a power-driven, hegemonic foreign policy strategy undermines the moral credibility of the doctrine, and thus the moral credibility of the United States. It is through the strengthening of the international moral and legal order that constitutes the best and most sustainable strategy against terrorism. In a number of ways the Bush Doctrine as a response to international terrorism is, tragically, undermining the international moral and legal order, thereby undermining the very order necessary for sustainable security against terrorism.

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- Dale T. Snauwaert**, Ph.D. is Associate Professor of Educational Theory and Social
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Foundations of Education and Chair of the Department of Foundations of Education at the University of Toledo. He received his B.A. in Philosophy at the University of Illinois at Chicago in 1983, a M.Ed. in Educational Policy and Ph.D. in Philosophy of Education from the University of Illinois at Urbana-Champaign in 1990. He has also taught at Colgate University, The University of Missouri, Teachers College, Columbia University, and Adelphi University. He is the author of Democracy, Education, and Governance: A Developmental Conception (State University of New York Press, 1993), which received an American Educational Studies Association Critics' Choice Award in 1995. He has published in such academic journals as Educational Theory, Journal of Educational Thought, Peabody Journal of Education, Holistic Education Review, Current Issues in Comparative Education, and Encounter on such topics as democratic education, the nature of teaching, moral education, holistic education, and international ethics. He is currently working on a book on the ethics of war and peace and human rights education. He was Associate Editor of Encounter: Education for Meaning and Social Justice from 1997-2002, and remains on their editorial board. His research interests focus on two areas: (1) moral and political philosophy as they pertain to educational theory, especially the ethics of war and peace, democracy, and human rights, and (2) the nature of consciousness and holistic education. He teaches courses in the philosophy and social foundations of education.
