10-19-2011

Just War and Preventive Force Doctrines: An Ethical Analysis of Opposites

Thomas Gilson
Grand Valley State University

Follow this and additional works at: http://scholarworks.gvsu.edu/spnhareview

JUST WAR AND PREVENTIVE FORCE DOCTRINES: AN ETHICAL ANALYSIS OF OPPOSITES

THOMAS GILSON
Grand Valley State University

Since the conclusion of the Cold War in the early 1990's, the security challenges that confront the American national security apparatus, the Department of Defense, the intelligence agencies, and the Department of State have become more complex. Unlike the threat from the Soviet Union, which was clearly defined and understood, the danger that exists in the post Cold War geopolitical environment is opaque, and it may remain unknown until after it attacks American vital interests. This dynamic manifested itself during the attacks upon the United States on September 11, 2001. Since that time, American leadership has attempted to formulate new analytical tools and paradigms in order to comprehend and counter the danger that asymmetric warfare presents to the interests of the United States and it allies in the post cold war geopolitical environment. The purpose of this paper is to meet three objectives. It will examine the impact of the "Bush Doctrine," which stipulates that the United States reserves that right unto itself to act "preemptively" anytime and anywhere on the planet it deems necessary to protect and secure its interests (United States and White House Office 2002). Also considered are the theoretical foundations, practical applications, ethical implications of the theory of preventive force and just war, and whether an alternative policy to preventive force, which is rooted in Augustian just war theory, could better serve American strategic interests, and support democratic values.

NATIONAL SECURITY STRATEGY FOR A GLOBALIZING PLANET

The United States is the remaining superpower on the planet. During the last two decades, it has struggled to redefine its role in the post-Cold War global environment, while it determines what constitutes its vital interests. In addition, American leadership has been tested as it formulates a new comprehensive strategy that will secure American vital interests while positioning the United States to exploit and augment the opportunities that the post-industrial global society presents to it.

During the Clinton Administration, the primary American strategic objective was to manage the political, economic and social instability that emerged after the Soviet Union collapsed. In addition, it appears that this administration wished to facilitate the creation of the global economy by integrating nation states together via global trade agreements and organizations. For example, this administration supported admitting China to the World Trade Organization. Furthermore, it advocated for Russia's inclusion in the G-8 of leading industrial nations, and it was a leading proponent to create an official relationship between the NATO Alliance and Russian military through the Partnership for Peace Program (Berger 2000). The Clinton Administration deployed the military to the Republic of Haiti in 1994 to guarantee that the democratically elected president could assume his office (Ricks 2006). Troops were sent under the auspices of the NATO Alliance to Bosnia in 1995 to prevent genocide in that country and to provide stability after the civil war during the early to mid 1990's (Berger 2000). In 1999 the

United States participated in Operation Allied Force, which was a NATO bombing campaign against the Federal Republic of Yugoslavia. Its objective was to protect the Kosovo Albanian people from ethnic cleansing from Serbian paramilitary police forces and irregular militias and compel the Serbian Government to withdraw its forces from the province of Kosovo. Thus during the 1990's the United States had two primary strategic objectives. The collapse of the Soviet Union had created a power vacuum in its wake. Consequently, two diametrically opposed forces began to coalesce during the 1990's that continue to impact international relationships: integration and disintegration. Globalization began to gain momentum during this time. In Berger's view, the Clinton Administration and specifically President Clinton believed that globalization was the most important dynamic that was impacting the planet, but that it exacerbated both global integration and disintegration. This is indicated in Berger's statement (2000):

> President Clinton understood that the most pervasive force in the world was globalization. He understood that although globalization was inexorable, its benefits were not. It can expand access to technology that enriches life--and technology that destroys it. It can equalize economic opportunity--and accentuate economic disparity. It can make dictatorships more vulnerable to the spread of liberating ideas--and democracies more vulnerable to the spread of terrorism, disease, and financial turmoil (p.23-24).

The Clinton Administration recognized that it was compelled to accommodate global integration, while it worked to minimize variables that would cause the political, economic and social fractures across the planet.

The opposing argument to the Clinton Administration's Policy

Many critics of the Clinton Administration's defense strategy argued that it amounted to nation building and consequently, the military was over-extended. For example, President Bush stated in the first debate in 2000, "I would be very careful about using our troops as nation builders… (Ricks, 2006, p.24). In addition, during the second debate Bush argued that his administration would project American power and conduct American foreign policy with a sense of humility. He stated, "If we're an arrogant nation they'll resent us. If we are a humble nation, but strong, they'll welcome us." (Commission on Presidential Debates) Apparently, during the election of 2000, Bush and his supporters believed that the current American posture had overextended and degraded our military forces while causing the United States to be perceived as a leviathan that was bent upon building nations in its own image. According to Ricks, at this time, the Bush campaign argued that the Clinton Administration had employed the military too often. In addition, it expressed opposition to deploying the American armed forces for humanitarian missions (Ricks, 2006, p. 24). During the election season of 2000, it appears that opposition to the Clinton Administration defense and foreign policy had coalesced around these two arguments.

AN EVOLVING DOCTRINE IN RESPONSE TO NEW NATIONAL SECURITY CHALLENGES

The Post War/Cold War Global Security Paradigm

Since the conclusion of the Second World War in 1945, the presumption has been that the first state that initiates hostilities against another state is the aggressor. Bellamy (2007) points out that, "Proponents of traditional just war tradition argue that contemporary international law is defective because it strips us of our nominative reasoning by focusing almost exclusively on the preservation of order and the question of which side used force first." This perspective clearly manifests itself in the United Nations Charter. For example, Chapter 37, article 39 states:

> The Security Council shall determine the existence of any threat to the peace, breach of the peace or act of aggression and shall make recommendations or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security (United Nations Charter).

It appears that the purpose of the world order that was constructed in the aftermath of the Second World War and remained in place until the collapse of the Soviet Union was to maintain the status quo. During the Cold War, both superpowers became comfortable with this arrangement because it provided a modicum of global security and stability. The Soviet Union and the United States used their power and influence to establish and maintain a stable global order through formal and informal arrangements between them. Moreover, the threat of nuclear war restrained both superpowers from directly deploying their military in a manner, which would upset the balance of power. Ironically, the external environment in which nation states operated in during this time was stable and predictable because it was in the interests of both superpowers to police their spheres of influence. Most importantly, the actors on the global stage were nation states. Therefore, any threat to a nation's security was well defined and understood that perhaps a nation state's behavior can be deterred via the threat of military force (Flynn 2008). During this era, the sovereignty of the nation state to regulate its internal affairs was respected, provided that it did not upset the global balance of power or endanger the interests of the superpower with which it was either a client or ally. The bi-polar global order, where the majority of the nation states aligned themselves with either the Soviet Union or the United States, in my view did serve to afford a modicum of political and strategic stability during the post war period through the conclusion of the Cold War. The ultimate aim of this world order was to deter any client or non-aligned state from initiating hostilities that could have the potential of upsetting the delicate power relationship between the United States and the Soviet Union, which could have served as a catalyst for a global nuclear war.

The New World Order in the Post Cold War Era

The global environment that emerged after the Soviet Union collapsed in 1991 was chaotic, and it presented challenges to the security of the United States that were greater than those from the Soviet Union. During this time, social instability began to appear in the former Soviet sphere of influence. For example, in the former Yugoslavia, the various ethnic groups began to fight among themselves because the specter of Soviet domination did not unite them. In addition, old ethic rivalries in Central Asia began to reemerge after the Soviets exited from the former Asian republics of the USSR. Furthermore, the security, command, and control of the nuclear weapons

in the former Soviet Union was uncertain. Perhaps more importantly, the United States lost interest in Afghanistan after the Soviets withdrew in February of 1989 (Borovik1990). As a result of the conclusion of the Cold War, the predominant security paradigms that had existed were obsolete. The global order had changed radically in a relatively short period of time. The United States was compelled by these events to reposition and redefine its national security policy as a new world order emerged. Thus the primary American national security objective was to manage the political, economic and social instability that emerged after the Soviet Union collapsed. In addition, it appears that the Clinton Administration and the Bush Administration wished to facilitate the creation of the global economy by integrating nation states together via global trade agreements and organizations.

A Shift in National Security Policy from Non-Intervention to Preventative Force

The events of September 11, 2001 radically transformed the manner in which the United States defined threats to its national security. The paradigms that had served it well during the Cold War were proven to be outdated in the wake of the attacks, "The attack of 9/11 changed the landscape of the public debate entirely (Goodnight 2006)." Perhaps more importantly, the Bush Administration altered their position regarding how, when and under what conditions the armed forces would be deployed. Indeed, prior to his election in 2000, then candidate George W. Bush argued during the first presidential debate with former Vice President Gore, "He believes in nation building…I would be very careful about using our troops as nation builders…I believe that we're overextended in too many places (Ricks, 2006, p.24)." Furthermore, then candidate for Vice President Richard Cheney argued that the United States' decision not to occupy Iraq after the First Gulf War was appropriate. During an interview on Meet the Press, Cheney asserted that the United States, "should not act as though we were an imperialist power, moving into capitals in that part of the world, taking down governments (Ricks, 2006, p. 25)." It is clear that prior to 9/11, the Bush Administration believed that the Clinton Administration had over-extended the armed forces and had deployed it too often in "nation building" missions. It appeared that if he was elected, candidate Bush intended to assume a less interventionist posture on the global stage.

After the attacks on 9/11, the Bush Administration formulated and implemented a new national security paradigm. It maintained in the wake of 9/11 that the United States had found itself in a "new war" that required new thinking. President Bush outlined the post 9/11 security policy while he gave an address at West Point during the spring of 2002. Bush stated, "We must take the battle to the enemy, disrupt his plans and confront the worst threats before they emerge…If we wait for the threats to fully materialize, we will have waited too long (Ricks, 2006, p. 26)." Therefore, the events on 9/11 caused the Bush Administration to alter American security posture from one of realist non-intervention to one of utilizing preventative war as an instrument of national policy, which was formulated as *The National Security Strategy of the United States 2001.*

THE NATIONAL SECURITY STRATEGY OF THE SECOND BUSH ADMINISTRATION

The attacks on the World Trade Center and the Pentagon on September 11, 2001 marked a new epoch in terms of American defense policy. It has been compared to the Cold War in terms of its impact upon American security policy paradigms. In the 2002 State of the Union Address,

former President Bush indicated how the American defense posture would be transformed. He stated that, "I will not wait for events while dangers gather. I will not stand by as peril draws closer and closer" (Bush, 2002, p.259). In September of 2002, the White House released The National Security Strategy of the United States (NSS 2002). In Keller and Mitchell's view, this document has special significance because it is the foundation upon which the Bush Administration's response to the tactic of terrorism rests (Keller & Mitchell, 2006, p.1).

In NSS 2002, the Administration reserved the right to act preemptively against an impending terrorist attack. In addition, the United States will attack, "even if uncertainty remains to the time and place of the enemy's attack." However, the Administration argued that nations should not use preemption as a pretext for aggression (United States & White House Office, 2002, p. 15). I contend that the Bush Administration has created a dangerous precedent by reserving the right to use "preemptive" force as defined by NSS 2002.

Historically, there has been a distinction between *preemptive* and *preventive* use of military force. Preemptive use of force has been generally understood as force that is directed against a "a clear and present danger" (Rockmore, 2006, p. 139). For example, During the Arab-Israeli War of 1967, The Israelis attacked the Egyptian military as they were gathering in the Sinai (Keller & Mitchell, 2006, p. 4). Conversely, preventive use of force is military force that is directed against a "future but not imminent danger that may someday occur." Preemptive force as traditionally defined is perceived as legitimate under international law whereas the use of preventive force i.e. against possible emerging threats that may not become a threat is not accepted as legal application of force under international law (Rockmore, 2006, p. 139). In other words, the use of military force to prevent an imminent attack on the tactical level could be acceptable. However, I suggest that it is unlikely that employing preventative force as an instrument of national strategic and defense policy would be permissible under international law. Furthermore, if other nation states assumed the same posture as the United States, the laws that regulate the use of force could be severely weakened if not shelved entirely (Keller & Mitchell, 2006, p. 4). Consequently, I hold that NSS 2002 created a dangerous precedent in terms of the acceptable use of military force in the global arena. I concur with Rockmore that NSS 2002 blurs the distinction between preventive and preemptive use of force because it defines what has been traditionally considered preventive as preemptive. In addition, he contends that the difference is critical. For example, what constitutes a threat to national security? Rockmore argues that if preemption as defined in NSS 2002 is carried to extremes the "mere capacity" to develop WMDs could be construed as possessing them. Therefore, attacking any state with this capacity could be justifiable as a preemptive attack upon a gathering threat per NSS 2002 (Rockmore, 2006, p 138). According to Rockmore, NSS 2002 attenuates the traditionally held view that military force should be used defensively or in a preemptive attack on the tactical level.

Rockmore states that the criterions under NSS 2002 are too vague. (2006):

> On the contrary, as a result of the new language, in simply conflating what would normally be regarded as preemptive military strikes with what would be regarded as preventive military strikes, the doctrine now in force obliterates any difference in authorizing the extension of what in authorizing the extension of what would normally be a reaction to a clear and present danger, hence to an actual situation, to be extended to any potential situation whatsoever. (p140)

Preemptive force as defined in NSS 2002 is too broad. Moreover, it does not specify under what conditions the United States would act "preemptively" (Rockmore, 2006, p. 144).

The objective of NSS 2002 is to establish a comprehensive coherent strategy that utilizes hard power i.e. military force and soft power, diplomatic, economic and/or political influence, to neutralize the threat that terrorism presents to the United States and its allies. The Bush Administration's intent, in my view, was to prevent the global environment from becoming a fertile ground which from which terrorist groups and their sympathizers can freely operate. For example, to accomplish this end the administration states that to accomplish these objectives the United States will: United States & White House Office (2002):

> Champion aspirations for human dignity, strengthen alliances to defeat global terrorism and work to prevent attacks against us and our friends; work with others to defuse regional conflicts; prevent our enemies from threatening us and our allies with weapons of mass destruction; ignite a new era of global economic growth through free markets and trade. (p. 1)

In theory, it appears that the Administration has crafted well-constructed policy objectives. However, in practice, the Bush Administration continued to send our allies and potential adversaries contradictory messages, which undermined the objectives that are presented in NSS 2002. For example, the administration reserved the right to "act preemptively" and unilaterally against any actual or perceived threat (United States & White House Office, 2002, p. 15) while it seeks international seeks international support to counter the tactic of terrorism. It contends that the United States must "invest time and resources into building international relationships and institutions that can help manage local crises as they emerge" (United States & White House Office, 2002, p. 9). Furthermore, NSS 2002 argues that that the United States must use its diplomatic and economic influence to help resolve the conflict between the Israelis and the Palestinians (United States & White House Office, 2002, p. 9-10). The United States also seeks the assistance of its European allies to aid Africa to develop economically and to create institutions that will provide social stability (United States & White House Office, 2002, p. 10-11). The Bush Administration maintained that the United States must facilitate global economic growth via free markets and trade. It appears that the administration assumed fanatical groups will be less able to secure new members and grow in an economically prosperous environment (United States & White House Office, 2002, p. 17-19). The Bush Administration purported to negate the threat of terrorism by applying hard and soft power. In reality, its position on the use of "preemptive" force undermined our ability to utilize it. This administration proposed that the United States must work jointly with its friends and allies to counter terrorism, build, and sustain free markets and democratic institutions throughout the planet (United States & White House Office 2002 p. 9-12, 17-25). These objectives require the cooperation of allies and robust international institutions that have the resources and power to nurture and support these objectives. However, it appears that the American intervention in Iraq diluted the integrity of international organizations such as the United Nations and stretched relationships with European allies to the breaking point. Moreover, American credibility on the global stage was seriously impaired. In order to attain the non-military objectives of NSS 2002, the United States will be compelled to operate in tandem with its friends and allies. However, the American military posture alienated many of its allies. Therefore, the United States was unable to obtain the assistance of its allies, which hampered its capability to implement the non-military objectives of

NSS 2002. The National Security Strategy of the United States does not appear to be a comprehensive, unified plan to secure the United States. Rather, NSS 2002 is a collection of ideas that attempt to move American security policy in two divergent directions. Furthermore, there is no single unifying idea present throughout the document. For example, the United States wishes to promote free trade because, "A strong world economy enhances our national security by advancing prosperity and freedom in the rest of the world." (United States & White House Office, 2002, p.17) and yet the administration argues that, "America must stand firmly for the nonnegotiable demands of human dignity: the rule of law and limits on the absolute power of the state" (United States & White House Office, 2002, p. 3).

American actions have not been congruent with its rhetoric. The United States purports to advocate the rule of law, human dignity, and limits on the absolute power of the state (United States & White House Office, 2002, p.3). After the United States intervened in Iraq, it failed to protect human dignity in its quest to secure "actionable intelligence," in contradiction to its espoused ideals at Abu Ghraib (Mayer 2008). These actions have been rationalized in Machiavellian terms as necessary to fight terrorism, which in the final analysis has made the United States less secure by estranging our allies. American conduct and its disproportionate reliance on military power inflamed anti-Americanism throughout the world. The National Security Strategy of the United States does not appear to constitute a well-crafted policy. NSS 2002 is a compilation of disjointed concepts that were haphazardly merged together to create the illusion of an inclusive strategy. NSS-2002 appears to be a counterproductive policy that exacerbates and augments the conditions that it purports to negate. The Bush Administration maintained that the United States was compelled by the tactic of terrorism that has been unleashed in the aftermath of the Cold War to adapt new national security paradigms in order to counter it, but in doing so, violated basic tenets of a just war.

AN EXAMINATION OF THE THEORY OF PREVENTIVE AND JUST WAR

I suggest that historically, the theory of preventive war is the polar opposite of the theory and concepts of just war as presented by St. Augustine in *City of God* (Reed & Ryall 2007). In addition, it appears that the body of international law that governs the conduct of war has been strongly influenced by the Augustinian model. For example, the Geneva Conventions that stipulate that prisoners of war must be treated humanly (Meyer 2008) is indicative of the Augustian dictum that noncombatants, including prisoners of war, must be accorded protection (Luban, 2003, p.53). Furthermore, the Augustinian model argues that a state may only deploy its armed forces in its own defense. This concept is illustrated in Article 51 of the United Nations charter, which states that "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense (UN charter).

The Augustinian Just War Theory
This theoretical framework has at its root two parts. The first defines under what conditions that a state may engage in warfare (*jus ad bellum)*. The second regulates the manner in which a state may justly affect warfare. In other words, it stipulates means (*jus in bello)* that a state may utilize to engage the enemy (Obrien 1981). In order for war to be just a competent authority must order it. Furthermore, the purpose of the war must be for legitimate self-defense or for the protection of rights. Hostilities may only commence after all options to resolve the conflict have

been exhausted. Warfare is the alternative of last resort. The state must have the right intention. It must engage in war for its avowed cause. Obrien states (1981):

> That the pursuit may not be turned into an excuse to pursue other causes that may not meet the conditions of the just cause. Thus, if the just cause was to defend a nation's borders and protect them from future aggressions, but fortunes of war place the just belligerent in the position to conquer the unjust nation, such a conquest might show a lack of right intention and change the just war into an unjust war. (p. 36)

The second piece of the model defines the methods that the state may use to fight its opponent. Reed and Ryall (2007) contend that the two primary tenets of *jus in bello* are proportionality and discrimination. The notion of discrimination requires that belligerent states discriminate against combatants and non-combatants. The only persons that can be attacked are those that are directly engaged in fighting. Furthermore, prisoners of war that have ceased fighting must be treated with respect, dignity and protected. Indeed, if personnel fail meet this obligation to their prisoners, they have committed a war crime. *Jus in bello* demands that combatants use force that was comparable to the force that was used against them. For example, a state would violate the principle of proportionality if it responded to a small border incursion by launching a tactical nuclear weapon (Elshtain, 2003, p.65). I suggest that a noteworthy strength of the principle of proportionality is that it demands that national leadership weigh the potential impact from engaging in warfare. Would the application of armed force yield a society that is better off than if force were not applied? In addition, the tenets of just war theory demand that leadership consider the likelihood of military success before they mobilize their troops (Reed & Ryall 2007).

The just war paradigm contains a number of attributes that make it a good instrument for national leadership as they consider whether to deploy military force. The underlying presumption of the just war framework is *against war*. The scheme assumes that war is not good. Therefore, it is to be avoided except in very narrowly defined situations. The aim of a just war according to this model is to either defend the state from aggression or to affect justice after injustice has been directed toward it (Elshtain 2003). Therefore, since the objective of a just war is limited, the model should be utilized because it may restrain nations from embarking upon open ended protracted military deployments. In terms of a national security policy, the just war paradigm appears to be very well defined and understandable. Consequently, the model could act as a catalyst to encourage public dialogue regarding the application of armed force, and a positive externality from this dialogue could be a heightened level of transparency. The just war methodology places carefully defined conditions under which states may engage in warfare, and it limits how that force may be applied. If a state employs force outside of the parameters of the model, then the war is unjust. The strength of the model is that it clearly defines a just war. Therefore, any state that deploys its armed forces outside the paradigm may find itself accountable to the global community for engaging in an unjustifiable war. The just war model can function as a curb to temper the passions of leadership and citizens during and in the period following a national security emergency. In the end, it appears that it also serves as an instrument to secure and maintain global security and order.

The Theory of Preventive War

Thus it is important to recognize that there is a qualitative distinction between the just war and preventive models of war. The just war model is defensive. In other words, state A cannot launch

offensive action against state B until after it is attacked by state B. This is the doctrine of right intention and it appears to be the most critical concept within just war theory (Obrien 1981). Conversely, the doctrine of preventive war doctrine is offensive rather then defensive. Preventive war doctrine asserts that a state may engage in offensive operations against another state, provided that it believes that the state presents a threat to its security. Moreover, the doctrine does not qualify itself in terms of the proximity or the immediacy of the threat. Under these precepts, an attack could be justified if the attack would occur at some time in the future (Flynn 2008).

Flynn (2008) suggests that the doctrine of preventive war has been utilized as a pretext to engage in aggressive warfare. For example, he argues that Adolf Hitler persuaded the German people that Germany was in a disadvantaged condition after World War I, which made it subject to attack from surrounding states. Therefore, Germany had to launch a preventive war in order to forestall an attack upon it in the future. It would be foolish to assert that the Bush Administration supported the aims of Nazi Germany. However, this position is identical to the arguments that the Bush Administration presents in the *National Security Strategy of the United States* 2002. In NSS-2002, the administration reserved the right to engage in offensive operations to against any state or organization that it deemed as a potential threat to American security. In NSS-2002, the Bush Administration incorrectly defined preventive force as "preemptive" Under international law a preemptive attack may be legal under narrowly defined situations. For example, state A is staging its armed forces along the border of state B and state A's intelligence service has determined from the composition of the forces that state B intends to launch offensive operations against state A. Under these conditions, state A would be justified to engage state B's armed forces. The distinction between preventive and preemptive force is determined by how "clear and present" the danger. A preemptive strike is against an immediate threat, while a preventive attack is affected against a threat that may or may not appear on the horizon in the future (Rockmore, 2006, p. 139). According to international law, a preemptive strike under these conditions is legal, whereas a preventive attack against a potential threat in the future is not allowed. Flynn (2008) asserts that the Bush administration understood this distinction, but that it wished to muddy the dialogue about the application of force by defining prevention as preemption.

Unlike the just war paradigm, the preventive war model has few positive attributes. It does not contain any principles that can guide leadership in terms of when and under which context it applies except to stave off an attack that may or may not occur. Moreover, it fails to account under what terms and conditions a state should engage and disengage in a conflict. It does not provide for an exit strategy. Its inherent weakness is that it may result in open ended, ill-defined deployments across the planet. The most chilling characteristic of the preventive model is that the presumption is *in favor of engaging in war*. Consequently, the preventive war model can serve as a formula for national disaster.

THE ETHICAL FOUNDATION OF THE THEORIES OF WAR

The preventive theory of war and the Augustinian theory of just war are representative of two ethical schools of thought. The preventive theory is grounded in the teleological school while the just war paradigm appears to be rooted in the deontological counterpart. The teleological framework's intellectual underpinning is utilitarianism and its origins are in Jeremy Bentham's work. The ultimate objective of these precepts is to generate the "greatest good for the greatest number." The consequences or results of an act determine whether it is ethical. Therefore, this

concept, "…tends to elevate the ends over the means to achieve those ends (Adams & Balfour, 2005, p.121-122)."

The deontological ethics basis is found in Immanuel Kant's philosophy. The consequences or ends of an act are unimportant relative to the teleological theory. The predominant value within this model is that the motive and intention behind a given act is the criterion that determines whether it is ethical. The act must be performed because it is "the right thing to do," as opposed to conducting oneself ethically in order to accomplish a separate end (Sandel 2009). For example, during the Vietnam War the United States created many social programs to attenuate poverty in the rural areas of South Vietnam. This was an instrument to secure the political support of the peasant class for the anti-Communist South Vietnamese government against the communist government of North Vietnam (Karnow 1984). According to the deontological criterion, this policy was without ethical merit because the beneficiaries of these programs were utilized as a means to an end (Sandel 2009). While the principle to assuage poverty is laudable, an adherent to the deontological concept would argue that in order for the act to hold ethical merit it must be affected to lift the person from poverty because it is the "right thing to do." Whether the act generates a positive outcome for either the beneficiary or the person that provides the assistance has little importance.

Preventive War: An Application of Teleological Ethics to War Fighting Doctrine

Preventive war as it has been traditionally defined is rooted in teleological ethics. Lichtenberg (2003) suggests that there are two methods to examine retaliation: forward and backwards looking. She states that the forward looking retaliation is "consequentialist: they justify punishment or retaliation as a means to bring about some supposed good consequences, such as deterring or preventing further violence…." This rationale is the superstructure on which NSS-2002 rests. The end of NSS-2002 is to preclude another attack upon the United States. While the majority of Americans agree that the United States is justified in preventing an attack upon its soil, the controversy is centered upon the means to arrive at that end. Since the intervention in Iraq, it appears that the theory of preventive war, as defined in NSS-2002, has been in disrepute. Prior to the American actions in Iraq, the Bush Administration argued that the United States had to intervene in Iraq to remove weapons of mass destruction because they endangered American security. In addition, the administration asserted that the Baathist regime had to be removed because it was an oppressive totalitarian regime. After the intervention, there was no evidence of weapons of mass destruction. Congressional investigators found that intelligence data had been doctored to exacerbate the Iraqi threat (Thielman 2006). Furthermore, while the regime was oppressive to its own citizens, that did not disqualify it from receiving American support during the 1980s during the Iran-Iraq War. The contention was hollow in light of American-Iraqi diplomatic history.

I maintain that these events came to fruition in this manner in large part because of the teleological model, which serves as the ethical foundation for preventive war as defined by NSS-2002. The aim of the policy as presented in NSS-2002 is to preclude another attack upon the United States by whatever means necessary. Moreover, it appears that the Bush Administration believed that any instrument to achieve that end was justified. For example, the administration created a global network of secret prisons to detain and interrogate persons that were suspected of engaging and planing to wage asymmetric warfare against the United States, and the attorney general deemed that the use of "enhanced interrogation techniques" was legal within specific contexts (Mayer 2008). The crux of my position is that once an end is deemed "good," or in the

interest of the well being of the state and its citizens, anything--regardless of how heinous--could be justified as appropriate. Indeed, the heinous vehicle to that end could be repackaged as something that is good (Adams & Balfour 2009).

It appears that the teleological framework that is the ethical foundation of NSS-2002 acted as a medium to fashion a myopic perspective in the minds of American leadership. Berman (2005) contends that the Bush Doctrine rests upon two broad arguments: "The United States and the world are threatened by rogue states and some dangerous non-state actors, who are, at bottom, self-interested." The second component of this position is that persons and groups that are calling for violence and slaughter against the interests of the United States and its allies. Consequently, the United States must contain these threats by decisive military action. This challenge cannot be defeated by military force alone, and the United States must create "institutions that favor liberal and rationalist ideas" in vital regions of the world. In other words, the United States may deploy its overwhelming military to impose American democracy throughout the Middle East, as a means to attenuate the terrorist threat. The United States is viewed by other nation states as a benevolent power, which deploys its military power judiciously. Since the majority of the planet is organized as Western style democracies that are integrated into the global economy, the interests of the United States have been secured since they are inevitably congruent with the growing number of liberally democratic states across the world. These are laudable, noble and benign objectives from the *American perspective*. However, non-Americans may view NSS-2002 as a blueprint for American hegemony during the twenty-first century particularly in light of the unprovoked and premeditated intervention in Iraq (Ricks 2006). In the end, the consequentialist paradigm, which acts as the ethical underpinnings of NSS-2002, may have prevented American leadership comprehending the strategic implications of their decision to intervene in Iraq beyond the objective of affecting regime change in the country.

The American intervention in Iraq created a dangerous global precedent that could function to destabilize the global order through time. Under NSS-2002, the United States reserved the right to deploy its armed forces preventively. Since the attack upon Iraq, other states have claimed the same right also. For example, the Russian Federation, France, and Japan have stated that they will act preventively to ensure their national security (Daalder, 2007). Rather than support global security and stability, preventive force doctrine as presented in *The National Security Strategy of the United States 2002* could unintentionally serve as a recipe for global chaos.

Just War: An Application of the Deontological Ethics to War Fighting Doctrine

According to Litchtenburg (2003), deontological ethics are "backward looking" In other words, war is punishment. Within this framework, states may embark upon warfare to either defend themselves or to right a wrong that has been affected against them or another state. I contend that the purpose of warfare is not to accomplish an end as in the teleological model of war. Within this context, the purpose of offensive operations is to support the principle of justice and equity.

Although Augustine formulated his just war framework prior to the advent of liberal democracies, I contend that this paradigm is congruent with democratic values. Once the just war model is divorced from its philosophical and theological trappings, it is fundamentally a formula to provide due process and protection to individuals and the community during a time of conflict. For example, in order to initiate offensive operations the competent authority of the state must have right intention to engage in war. The state is the sole organ in society that retains the power to engage in war and only under narrowly defined circumstances. Thus the purpose of these

principles is to ensure that armed conflict is rare. Since the competent authority holds a monopoly on the power to declare war, it is accountable to stakeholders. The theory holds that the force employed to right a wrong must be proportional to the force that was affected against the wronged party. This precept would be analogous to proportional punishment in a civil system of justice Litchtenburg (2003). Furthermore, the just war framework affords a distinction between combatants and noncombatants. Consequently, the intent of this dictum is to ensure that only those that should be subject to being injured or killed are injured or killed. This characteristic of the just war methodology is related the legal axiom that only the guilty should be punished (Litchtenburg 2003). Therefore, the just war framework is the only methodology that would permit a democratic state to engage in warfare that is consistent with their public values.

JUST WAR THEORY: AN EVOLVING DOCTRINE IN THE POST-INDUSTRIAL AGE

Is the just war doctrine a relic from the age of the nation state that is immaterial in the new millennium? Today, many would contend that it has become obsolete with very limited applications in an era of digital technology, global trade agreements and religious extremists bent on mass killings in order to hasten judgment day or to be in paradise with their concept of God.

But the preceding analysis shows that the just war framework remains relevant for two reasons. First, the just war methodology is preferable to the alternative of preventive force. The aim of just war theory is to ensure that war is rare, and when it occurs, it serves to limit its destructiveness and duration. Preventive war as defined in *The National Security Strategy of the United States 2002* is either a proscription for global chaos or global hegemony, which can upset social, political stability across the planet. Second, just war theory is evolving to meet new challenges. For example, just war may specify how states conduct themselves in the post war period. Furthermore, the state that initiates hostilities may not be deemed the aggressor if they attack to preclude genocide. In the end, the just war framework is not perfect, but it may serve to restrain the most heinous behavior during and after a conflict.

REFERENCES

Adams, G. B., & Balfour, D. L. (2004). *Unmasking administrative evil* (Rev. ed.). Armonk, N.Y: M.E. Sharpe. Retrieved from http://www.loc.gov/catdir/toc/ecip048/2003019171.html; Materials specified: Table of contents http://www.loc.gov/catdir/toc/ecip048/2003019171.html

Adams, G. B., & Balfour, D. L. (2005). Public service ethics and administrative evil prospects and problems. In H. G. Frederickson, & R. K. Ghere (Eds.), *Ethics in public management* (pp. 114-138). New York, NY: M.E. Sharpe.

Bellamy, A. J. (2009). When is it right to fight? International law and jus ad bellum. *Journal of Military Ethics, 8*(3), 231-245. doi:10.1080/15027570903230299

Berger, S. R. 1. (2000). A foreign policy for the global age. *Foreign Affairs, 79*(6), 22. Retrieved from:
http://search.ebscohost.com.ezproxy.gvsu.edu:2048/login.aspx?direct=true&db=aph&AN=3668 213&site=ehost-live

Berman, P. 1., Boot, M. 2., Buckley Jr., W. F., Cohen, E. A. 3., Ferguson,Niall 4,5,6, Friedberg, A. L. 7., et al. (2005). Defending and advancing freedom. *Commentary, 120*(4), 21-68. Retrieved from

http://search.ebscohost.com.ezproxy.gvsu.edu:2048/login.aspx?direct=true&db=aph&AN=1867 3212&site=ehost-live

Bobbitt, P. (2002). *The shield of achilles : War, peace, and the course of history* (1st ed.). New York: Knopf. Retrieved from http://www.loc.gov/catdir/bios/random053/2001038085.html; Materials specified: Contributor biographical information http://www.loc.gov/catdir/bios/random053/2001038085.html; Materials specified: Sample text http://www.loc.gov/catdir/samples/random041/2001038085.html; Materials specified: Publisher description http://www.loc.gov/catdir/description/random042/2001038085.html; Note: Available to Stanford-affiliated users at: http://site.ebrary.com/lib/stanford/Doc?id=10046403

Borovik, A. (2001). *The hidden war : A Russian journalist's account of the soviet war in Afghanistan*. London: Faber and Faber.

Bush, G. W. (2002). The 2002 state of the union. *Vital Speeches of the Day, 68*(9), 258. Retrieved from: http://search.ebscohost.com.ezproxy.gvsu.edu:2048/login.aspx?direct=true&db=aph&AN=6174 776&site=ehost-live

Commission on Presidential Debates. *October 3, 2000 transcript.* Retrieved April 15, 2010, from http://www.debates.org/index.php?page=october-3-2000-transcript

Daalder, I. H. (2007). Beyond preemption. In I. H. Daalder (Ed.), *Beyond preemption force and legitmacy in a changing world* (pp. 1-18). Washington D.C: The Brookings Institution.

Elshtain, J. B. (2003). *Just war against terror : The burden of american power in a violent world*. New York: Basic Books. Retrieved from http://www.loc.gov/catdir/enhancements/fy0831/2002154549-b.html; Materials specified: Contributor biographical information http://www.loc.gov/catdir/enhancements/fy0831/2002154549-b.html; Materials specified: Publisher description http://www.loc.gov/catdir/enhancements/fy0831/2002154549-d.html

Flynn, M. J. (2008). *First strike : Preemptive war in modern history*. New York: Routledge. Retrieved from http://www.loc.gov/catdir/toc/ecip0727/2007038276.html; Materials specified: Table of contents only http://www.loc.gov/catdir/toc/ecip0727/2007038276.html; Materials specified: Publisher description http://www.loc.gov/catdir/enhancements/fy0903/2007038276-d.html

Goodnight, Thomas G. (2006). Strategic doctrine, public debate, and the terror war. In M. J. Keeffe, & G. R. Mitchell (Eds.), *Hitting first preventive force in U.S. security strategy* (pp. 93-114). Pittsburg PA: University of Pittsburgh Press.

Karnow, S. (1984). *Vietnam : A history*. New York, N.Y., U.S.A: Penguin Books.

Keller, W. W., & Mitchell, G. R. (2006). Preemption, prevention, prevarication. In W. W. Keller, & G. R. Mitchell (Eds.), *Hitting first preventive force in U.S. security strategy* (pp. 3-26). Pittsburg PA: University of Pittsburgh Press.

Lichtenberg, J. (2003). The ethics of retaliation. In V. V. Gehring (Ed.), *War after September 11* (pp. 11-19). Lanham, Maryland: Rowman Littlefield Publishers, Inc.

Luban, D. (2003). The war on terrorism and the end of human rights. In V. V. Gehring (Ed.).

Mayer, J. (2008). *Dark side : The inside story of how the war on terror turned into a war on american ideals* (1st ed.). New York: Doubleday. Retrieved from http://www.loc.gov/catdir/enhancements/fy0835/2008299452-b.html; Materials specified: Contributor biographical information http://www.loc.gov/catdir/enhancements/fy0835/2008299452-b.html; Materials specified: Publisher description http://www.loc.gov/catdir/enhancements/fy0835/2008299452-d.html;

Materials specified: Sample text http://www.loc.gov/catdir/enhancements/fy0901/2008299452-s.html

O'Brien, W. V. (1985). Just-war theory. In J. P. Sterba (Ed.), *The ethics of war and nuclear deterrence* (pp. 30-45). Belmont CA: Wadsworth.

Reed, C., & Ryall, D. (2007). *The price of peace : Just war in the twenty-first century*. Cambridge: Cambridge University Press. Retrieved from http://www.loc.gov/catdir/toc/fy0710/2007296787.html; Materials specified: Table of contents only http://www.loc.gov/catdir/toc/fy0710/2007296787.html; Materials specified: Contributor biographical information http://www.loc.gov/catdir/enhancements/fy0729/2007296787-b.html; Materials specified: Publisher description
http://www.loc.gov/catdir/enhancements/fy0729/2007296787-d.html

Ricks, T. E. (2006). *Fiasco : The american military adventure in iraq*. New York: Penguin Press.

Rockmore, T. (2006). On justifying the first blow. In W. W. Keller, & G. R. Mitchell (Eds.), *Hitting first preventive force in U.S. security strategy* (pp. 137-150). Pittsburgh PA: University of Pittsburg Press.

Sandel, M. J. (2009). *Justice : What's the right thing to do?* (1st ed.). New York: Farrar, Straus and Giroux.

Thielman, G. (2006). Intelligence in preventative military strategy. In W. W. Keller, & G. R. Mitchell (Eds.), *Hitting first preventive force in U.S. security strategy* (pp. 153-174). Pittsburgh PA: University of Pittsburg Press.

United Nations. *Charter of the united nations.* Retrieved April 15, 2010, from http://www.un.org/en/documents/charter/index.shtml

United States, & White House Office. (2002). *The national security strategy of the united states of america.*
http://library.nps.navy.mil/uhtbin/hyperion-image/nss.pdf;
http://library.nps.navy.mil/uhtbin/hyperion-image/nss.pdf
Note: (359 KB) http://www.whitehouse.gov/nsc/nss.pdf
Note: (359 KB) http://purl.access.gpo.gov/GPO/LPS22467