

USAWC STRATEGY RESEARCH PROJECT

**THE BUSH DOCTRINE: SHIFTING
POSITION AND CLOSING THE STANCE**

by

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ABSTRACT

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Subsequent to the President's June 1, 2002 West Point speech the White House published *The National Security Strategy of The United States of America*. This document notes that given the new international security situation, "...the United States can no longer solely rely on a reactive posture as we have in the past." As a result, the President was taking the position that "to forestall or prevent such hostile acts by our adversaries, the United States will, if necessary act preemptively."

This new preemptive policy, otherwise known as the "Bush Doctrine," is, for now, constrained to the war on terrorism. However, given the open-ended nature of the concept of preemption it is difficult to predict which direction this policy will take over the long term. For many, both domestically and internationally, the Bush Doctrine has proven to be highly contentious. While there are multiple arguments against the policy, the controversy typically centers on its legality, unilateral nature and ambiguity. In the author's view, the policy is fundamentally correct, albeit in some need of minor course correction.

In order to bring some level of clarity to this discussion, this paper will analyze the policy in order to gain a broader understanding of its implications, review key criticisms against it, draw conclusions based on this review and finally, make recommendations to ensure its future viability.

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THE BUSH DOCTRINE: SHIFTING POSITION AND CLOSING THE STANCE

Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion and you allow him to make war at pleasure.... If today he should chose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, "I see no probability of the British invading us"; but he will say to you, "Be silent; I see it, if you don't."

Abraham Lincoln¹

The attacks of September 11, 2001 caused a tectonic shift in the national security strategy thinking in the United States. In a relatively brief moment what had once been unthinkable became a very distinct possibility. This new reality was acknowledged at the 2002 graduation speech at the United States Military Academy at West Point when President Bush noted that:

"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."²

Subsequent to the President's West Point speech the White House published *The National Security Strategy of The United States of America*. This document notes, given the new international security situation, "...the United States can no longer solely rely on a reactive posture as we have in the past."³ As a result, the President was taking the position that "to forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively."⁴

This new preemptive policy, otherwise known as the "Bush Doctrine," is, for now, constrained to the war on terrorism. However, given the open-ended nature of the concept of preemption, it is difficult to predict which direction this policy will take over the long term. This is especially true in light of the war in Iraq. While the war in Iraq was, for some, fought under the umbrella of preemption, it appears at this time one of the key issues that led us to preempt (i.e., weapons of mass destruction), is for now, nowhere to be found.

On both the domestic and international front, the Bush Doctrine has proven to be highly contentious. While there are multiple arguments against the policy, the controversy typically centers on its legality, unilateral nature and ambiguity. In the author's view, the policy is fundamentally correct albeit, in need of some minor course correction.

In order to bring some level of clarity to this discussion, this paper will analyze the policy in order to gain a broader understanding of its implications, review key criticisms against it, draw conclusions based on this review and finally, make recommendations to ensure its future viability.

REVIEW OF POLICY

This portion of the paper will review and analyze the Bush Doctrine within the ends, ways, and means framework as used at the U.S. Army War College. Finally, the paper will discuss the risks associated with this policy.

The ends, or objectives, of the Bush Doctrine are relatively simple. Specifically, "...the purpose of our actions will always be to eliminate a specific threat to the United States or our allies and friends."⁵ Furthermore, we will defend "...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...."⁶ As the ends of the Bush Doctrine are simple, so are the ways associated with it.

From a ways, or methods, perspective, the Bush Doctrine lays out the following three concepts for executing the National Security Strategy of preemptive use of force. First, to "build better, more integrated intelligence capabilities to provide timely, accurate information on threats, wherever they may emerge." Second, to "coordinate closely with allies to form a common assessment of the most dangerous threats." Third, to "continue to transform our military forces to ensure our ability to conduct rapid and precise operations to achieve decisive results."⁷ While the ends and ways of this policy are short and to the point, fleshing out the means, or resources, associated with the policy is somewhat more complex.

From a means perspective, the National Security Strategy generally discusses the implied use of resources to execute the policy as opposed to a specific listing of what will be used. For instance, the statement, "we will defend the peace by fighting terrorists and tyrants"⁸ implies the use of the military and all the tools they can bring to bear. Additionally, the statement, "we will preserve the peace by building good relations among the great powers"⁹ is a sound indicator diplomatic and economic resources will be expended in the execution of the policy. Similarly, the statement, "we will extend the peace by encouraging free and open societies on every continent"¹⁰ is again indicative of the use of diplomatic and economic

resources. Notwithstanding the overall general tone of the document there are instances where somewhat more specific means to be employed in executing the strategy are discussed.

In the area of combating weapons of mass destruction (WMD), counter proliferation resources are being integrated into our defense transformation and homeland security systems.¹¹ Additionally, the Bush administration is expending resources on the diplomatic, arms control, multilateral export control and threat reduction assistance fronts to counter this threat.¹²

In the economic and monetary arena, the United States is prepared to dedicate the resources required "...to work with our allies to disrupt the financing of terrorism. We will identify and block the sources of funding for terrorism, freeze the assets of terrorists and those who support them, deny terrorists access to the international financial system, protect legitimate charities from being abused by terrorists, and prevent the movement of terrorists' assets through alternative financial networks."¹³ This item is particularly interesting because to be successful it will require the melding of governmental (economic, law enforcement and diplomatic) and non governmental agencies and resources to be successful.

Finally, in the public arena, the President has committed to "using the full influence of the United States, and working closely with allies and friends, to make it clear that all acts of terrorism are illegitimate so that terrorism will be viewed in the same light as slavery, piracy or genocide: behavior that no respectable government can condone or support and all must oppose."¹⁴ Again, this is another area where governmental and non governmental organizations and agencies will have to work together if success is to be realized.

Naturally, the execution of this policy does not come without some risks. The remaining portion of this part of the paper will examine these risks. First, while there is international precedent for the concept of preemptive use of force, the same cannot be said for the preventative use of force. A shift in focus from preemption to prevention will only serve to further call into question the legitimacy of the Bush Doctrine. The use of force in Iraq, to some observers, rides this fine line.¹⁵

While the National Security Strategy states that we "...will constantly strive to enlist the support of the international community..." it also goes on to state that, "...we will not hesitate to act alone, if necessary, to exercise our right of self defense by acting preemptively..."¹⁶ This stated intent to take unilateral action will continue to cause problems for the Bush Doctrine on both the domestic and international fronts.

Third, Juan Alsace notes, "to a great extent, the United States holds sway over the world—or at least influence over much of it...."¹⁷ This unipolarity of power does not come without costs. Moreover, in a world where asymmetric strategies are being used to offset

overwhelming military power the U.S. still needs friends and allies. However, as G. John Ikenberry has observed, “America’s nascent neoimperial grand strategy threatens to rend the fabric of the international community and political partnerships precisely at a time when the community and those partnerships are urgently needed.”¹⁸

A fourth risk to the Bush Doctrine is the possibility that other countries will adopt a similar strategy. While the National Security Strategy states that, “...nations should not use preemption as a pretext for aggression.”¹⁹ What is to stop them from doing so? What keeps India from attacking Pakistan? What keeps Israel from attacking any of its neighbors? At any time, other nations of the world can make similar claims to the right of preemptive self defense.²⁰

A final risk to the Bush Doctrine is that its full scope is not truly understood or recognized. Most observers solely associate the doctrine of preemption with the use of military force. However, as has been discussed previously, there are other forms of national power being used to execute this strategy. Moreover, the National Security Strategy also makes it clear that “the United States will not use force in all cases to preempt emerging threats.”²¹ So while the Bush Doctrine is a muscular statement of national intent, its execution does not always imply the use of force as many assume.

REVIEW OF KEY CRITICISMS

While the previous section of this paper provided a baseline understanding of the Bush Doctrine, this portion of the paper seeks to review the key criticisms against the policy. The Bush Doctrine has been criticized on several points. First, there is the issue of the legality of the use of preemptive force. Second, there is concern over the unilateral nature of the doctrine. A final critique of the policy is its ambiguity.

Within the context of United States history the subject of preemptive force dates back to the Caroline case. Briefly, “in 1837 a state of peace existed between the United States and Great Britain. There was however, an armed insurrection taking place in Canada, and a ship owned by U.S. nationals, the Caroline, was allegedly providing assistance to the Canadian rebels. On December 29, 1837, while the Caroline was docked on the American side of the Niagara River, Canadian troops boarded the ship, killed several American nationals on board, set the ship on fire and sent it over the Niagara Falls.”²² The United States Secretary of State, Daniel Webster, protested this action to the British Foreign Minister. In the course of diplomatic discussions two criteria for permissible self defense were laid out: necessity and proportionality. For self defense to be claimed “it would have to be demonstrated that the

necessity of that self defense is instant, overwhelming and leaving no choice of means and no moment of deliberation.” Second, “the state must not only show the necessity to respond, it must also demonstrate that its actions were not unreasonable or excessive.”²³

From a legal standpoint, the criteria established in the Caroline case in 1837 apply to instances of preemptive self defense to this day. Additionally, the United Nations Charter also discusses the subject of self defense. Specifically, the 51st article of the charter states, “nothing in the present Charter shall impair the inherent right of individual or collective self defense if an armed attack occurs against a Member of the United Nations...”²⁴

As noted by Mikael F. Nabati, “...a literal reading of the U.N. Charter proscribes any right of anticipatory self defense, while customary international law would allow preemptory attack in very restricted circumstances...”²⁵ Nabati goes on to observe that, “the ‘armed attack’ requirement of Article 51, combined with the ‘immediacy’ limit of the Caroline doctrine, constitutes serious hurdles for a state to justify preemptive use of military force.”²⁶ Nabati concludes by asking, “in the light of the threats posed by global terrorism, are these conditions still rational, reasonable and realistic?”²⁷

The legality of the use of preemptive force is not an instance of *inter arma silent leges*²⁸ rather, it is a case where the discussion is far from complete. As stated by Kofi Annan, in his September 2003 speech to the U.N. General Assembly, “the council needs to consider how it will deal with the possibility that individual states may use force preemptively against perceived threats. Its members may need to begin a discussion on the criteria for an early authorization of coercive measures to address certain types of threats; for instance terrorist groups armed with weapons of mass destruction.”²⁹ While Mr. Annan’s speech is far from an endorsement of the Bush Doctrine it is a recognition of the new reality discussed by Nabati. For now, and the foreseeable future, the debate surrounding the legality of the doctrine of preemptive force will remain an open question.

With regards to the unilateral nature of the doctrine of preemptive use of force, President Chirac of France has stated, “no one can claim the right to use force unilaterally or preemptively.”³⁰ He goes on to observe that, “multilateralism is crucial because it ensures the participation by all in managing the affairs of the world.”³¹ This rejection of the use of preemptive force combined with the desire to take a multilateral approach to international threats, succinctly sums up the opinion of some in the international community with regards to the Bush Doctrine.

From another perspective, Michael J. Kelly cites the shift from moral relativism in the Clinton administration to moral absolutism in the Bush administration as being a key driver in

the unilateral nature of the use of preemptive force.³² To illustrate his point, Kelly quotes the following passage from President Bush's September 20, 2001 speech before a joint session of Congress, "every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime."³³ Kelly contends this monochromatic view of the world, buttressed by a moral absolutist perspective, has driven a unilateral foreign (and use of preemptive force) policy and hence dissention both domestically and internationally with the Bush administration.³⁴

Another critique of the unilateral stance of the Bush Doctrine comes from William A. Galston who contends that, "a global strategy based on the new Bush doctrine of preemption means the end of the system of international institutions, laws and norms that we have worked to build for more than half a century."³⁵ He further points out, "what is at stake is nothing less than a fundamental shift in America's place in the world. Rather than continuing to serve as first among equals in the post war international system, the United States would act as a law unto itself, creating new rules of international engagement without the consent of the other nations."³⁶ Galston concludes his critique by noting that, "we must therefore resist the easy seduction of unilateral action. In the long run, our interest will best be served by an international system that is as law like and collaborative as possible, given the reality that we live in a world of sovereign states."³⁷ In other words, an approach to international relationships that appears imperialist or hegemonic will not serve us well in the long term.

Gu Guoliang observes that the unilateral nature of the Bush Doctrine is just a continuation of its unilateral path of backing out of, or away from, such things as the Anti Ballistic Missile Treaty, Comprehensive Test Ban Treaty and the Biological Weapons Convention.³⁸ Guoliang argues that these type of unilateral actions tend to cause and exacerbate more problems than they solve.³⁹ Jonathan Kirshner takes up this point and notes that policy of preemption will result in "...the accelerated global proliferation of weapons of mass destruction, greater regional instability and war..."⁴⁰ He goes on to observe that,

"Paradoxically, although one of the great concerns motivating the new security strategy is the possibility that weapons of mass destruction will fall into the wrong hands, the Bush Doctrine actually creates strong incentives for more states to seek nuclear weapons. Any country that has reason to believe it is high on the U.S. "hit list" will certainly scramble to get its hands on whatever weapons it can. While certainly dangerous, this is to some extent little more than the acceleration of an existing problem, and arguably one that may have emerged in the absence of a change in U.S. policy. What's new, however, and somewhat more subtle, is the likelihood that many governments, even those not currently at odds with the United States, will need to consider the possibility that they might run afoul of U.S. interests

in the future. Some of these states might easily conclude that a small nuclear stockpile would be the only way to deter a preventive U.S. strike."⁴¹

While the views of Guoliang and Kirshner are perhaps somewhat alarmist, they nevertheless represent a valid school of thought with regards to the dangers associated with such a unilateral approach to national security.

A final point of critique of the Bush Doctrine is its ambiguous nature. Jeffery Record observes that, "the doctrine invites abuse because it offers no criteria by which to judge a threat justifying a preemptive strike."⁴² This lack of objective milestones to determine when force will be used creates confusion and could possibly impact the overall credibility of the policy. For instance, "a rouge state is not automatically a target for preemption; if it were, the Bush administration would be talking about a war with Iran and not talking at all to North Korea."⁴³ Given this point one wonders exactly where is the bar set with regards to triggering the Bush Doctrine?

Striking a similar note, Dave McIntyre states, "the new doctrine sets no bounds. No standard is offered to judge when the U.S. would consider the threat dangerous enough to preempt and when it would not – hence there is no answer to others (India? Pakistan? Israel? China?) who might adopt preemption themselves."⁴⁴ The ambiguity associated with the policy, coupled with the possible adoption by others, combine to make for a very dangerous set of circumstances.

Ivo Daalder, James Lindsay, and James Steinberg continue in the same vein noting, "until the administration can define the line separating justifiable preemption from unlawful aggression in a way that gains widespread adherence abroad, it risks seeing its words used to justify ends it opposes."⁴⁵ Even though the National Security Strategy states nations should "not use preemption as a pretext for aggression,"⁴⁶ the inherent ambiguity in the Bush Doctrine ushers in the law of unintended consequences and opens up the potential for unchecked aggression. Again, Record speaks to this point in observing that, "Russia has already invoked American endorsement of preemption as justifying possible military action against Georgia, from which Chechen separatists (or terrorists, if you prefer) conduct operations in Chechnya. India could attack Pakistan, happily invoking the Bush Doctrine on the charge of Pakistan's sponsorship of terrorism in Kashmir. And China could justify a preventive war against Taiwan as a means of forestalling its threatened independence or unfavorable (to China) alteration of the military balance across the Taiwan Strait."⁴⁷

Zbigniew Brzezinski takes on the ambiguity issue by observing that the entire notion of preemption is based on strong intelligence and that, "without a revitalized American intelligence

service, the United States simply does not know enough to be able to pre-empt with confidence."⁴⁸ Brzezinski further cautions that, "it is terribly important not to plunge headlong into the tempting notion that America will unilaterally take preemptive action on suspicion that a country possesses weapons of mass destruction...."⁴⁹ Clearly, if our intelligence deficit is as bad as Brzezinski believes, then there is a the very strong possibility that our view on a given situation may be flawed. Such being the case, it follows that a significant level of ambiguity could be injected into a situation where the United States is trying to decide when to use or not use preemptive force. Moreover, if it turned out, or it was perceived that the U.S. was moving forward on mere suspicion alone, then the Bush Doctrine could well be doomed.⁵⁰

CONCLUSIONS DRAWN FROM REVIEW

After reviewing the literature on the subject of the Bush Doctrine, the author believes five broad based conclusions can be drawn. First, while the policy of preemption may not meet all the legal niceties others would have it attain, it nevertheless appears the Bush Doctrine is within the boundaries of international law.

As noted by Abraham Sofaer, "properly applied, preemption is an aspect of a state's legitimate self defense authority."⁵¹ In reviewing the literature there appears to be consensus that the U.S. use of force in Afghanistan was more than justified. On the other hand, the debate on the use of force in Iraq is somewhat more complicated and problematic. However, in this instance it is worth remembering that in a recent report to Congress, Richard Grimmert noted, "when President Bush launched U.S. military action against Iraq on March 19, 2003, he stated he was doing so, with coalition forces, to enforce existing U.N. Security Council Resolutions that expressly contemplated the use of force should Iraq not comply with them...."⁵² So, from the U.S. perspective, and acknowledging our actions in Iraq may have had a preemptive flavor to some, they were nevertheless taken under the umbrella of solid legal authority.

In a more practical sense, we live in a world where lawyers sit next to combatant commanders and vote thumbs up or down on which military targets are, or are not, struck. Consequently, one would have to believe that a fleet of lawyers were used in crafting the policy of preemption. Moreover, one would expect that two fleets of lawyers would be involved in any decision to actually use preemptive force. Of course this is nothing more than speculation. It is, however, reasonable to assume that at this point in history the Bush Administration has sufficient enemies that if there were grounds to bring action against the U.S. for using preemptive force illegally, such a course would have already been pursued.

With regards to the use of preemptive force in general, and Iraq specifically, Peter Dombrowski and Rodger Payne note that, “numerous states and international lawyers explicitly view the U.S. action as illegal.”⁵³ While this may or may not end up being the case what is clear, is that the issue of the legality of the Bush Doctrine is mainly confined to the realm of academic and diplomatic discussion versus the arena of law or international sanctions.

Second, it can reasonably be concluded that while a unilateral policy of this nature serves the interests of the United States very well, it may have the negative effect of making the world a more complicated place to live by bringing to the forefront “...a tool every President has quietly held in reserve.”⁵⁴ That a nation would act preemptively is not much of a surprise. That a nation would make preemption its avowed national security strategy is a surprise. As David Hendrickson notes, the doctrine of preemption “...represents a radical departure from the twin pillars of national security policy during the Cold War – containment and deterrence.”⁵⁵ This in turn changes a security bargain that has been kept for more than half a century.

Throughout the Cold War the international community was, for the most part, assured that if military action were to be taken it would not be taken unilaterally on the part of one nation rather, it would be as a part of a coalition (NATO or Warsaw Pact). The very nature of coalition action presupposes that nothing occurs until endless rounds of deliberation have taken place. This reality fostered a relatively stable international order. However, under the doctrine of preemption, the same checks and balances no longer exist. Until the boundaries of the unilateral nature of this policy are understood, and the rule set for its use is established, the international scene will remain in a state of flux.

Third, this policy has earned us few friends abroad and may well have damaged relationships with existing allies. In a recent speech in the United Kingdom, President Bush stated, “it was pointed out to me that the last noted American to visit London stayed in a glass box dangling over the Thames. A few might have been happy to provide similar arrangements for me. I thank Her Majesty the Queen for interceding.”⁵⁶ While this anecdote received the requisite polite laughter, it nevertheless speaks volumes about our relationship not only with Britain but also the rest of the world.

As David Hendrickson notes, “the Bush Doctrine is but one policy in a long string of unilateral actions such as withdrawal from the Kyoto Accord on Climate Change, opposition to the International Criminal Court and withdrawal from the Anti Ballistic Missile Treaty that have served to sour U.S. international relations.”⁵⁷ In each of these instances the United States may well have had sound reasons for the action taken. However, the nature of the situation we find ourselves in now demands that we must find a way to repair our relationships with our key

friends and allies. Michael Hirsh asserts “there is a middle choice between the squishy globalism that the Bush sovereigntists despise and the take-it-or-leave-it unilateralism they offer up as an alternative.”⁵⁸ While this assertion may not be true it is clear this middle ground must be found and settled upon.

Fourth, the Bush Doctrine does not plow new ground with regards to the causes of war. Seyom Brown notes there are relatively few reasons why nations go to war. Specifically,

“Some are physical, tangible interests, such as territory and economic assets that supposedly need to be defended or acquired for the nation to sustain itself in an acceptable material or economic condition. Some are ideational interests, such as a religion, an ethnic linguistic culture, or particular kind of political system, without which life itself is believed to have drastically diminished value. Other interests that may be deemed worth a war are derived, by strategic reasoning or psychologically, from the basic material and ideational interests of a nation-state. Foreign military interventions on behalf of allies and friends often are justified by such strategic or psychological extensions of basic national interests.”⁵⁹

The National Security Strategy states, “we will never forget that we are ultimately fighting for our democratic values and way of life.”⁶⁰ This philosophical stance dovetails neatly with the underlying root causes of war as expressed by Brown.

Finally, and perhaps most curiously, the majority of the discussion on this policy tends to focus on the possibility of military preemption while ignoring other preemptive options that could be exercised under the Bush Doctrine. Given that conflicts have been fought in Afghanistan and Iraq this unidimensional focus is somewhat understandable. However, countries that have been identified as candidates for preemptive action (North Korea and Iran) are not presently facing military action. On the other hand, they have been subjected to varying degrees of preemptive force on the diplomatic, economic and informational fronts for some time. This force, in the short term, has been successful in preventing these situations from flaring up into military conflicts.

Clausewitz likened war to a duel where two wrestlers strive “by physical force to compel the other to submit to his will.”⁶¹ While the Bush Doctrine does not depart from the underlying theme of compelling the enemy to do our will. It does recognize that the United States, because of its unique position in the world, can compel others to do its will by means other than physical force. So it is fair to conclude that while the policy of preemptive use of force is not a major change to the nature of war, it does represent a change in the tools we use to achieve our ends.

RECOMMENDATIONS

In order to ensure the long-term viability of the Bush Doctrine, the administration must take action to solidify the legality of the use of preemptive force, address the concern over the unilateral nature of the doctrine and work to clear up ambiguity inherent in the policy. This portion of the paper will make recommendations to resolve the foregoing issues.

The legal disconnect between the Caroline case and the U.N. Charter needs to be resolved. The author maintains, that when exercised, the Bush Doctrine has remained within the bounds of international law. However, this in no way changes the fact there are legal issues associated with the policy that demand resolution.

In order to preserve the doctrine of preemptive use of force, the Bush administration should take the lead in amending the U.N. Charter (and thereby international law) with regards to the use of preemptive force. While not meeting any type of legal standard there is language contained in the National Security Strategy that sketches the outlines of a potential amendment. The specific passage states, "the reasons for our actions will be clear, the force measured and the cause just."⁶²

Of course, the final form of such an amendment is best left to lawyers and diplomats but any change must account for the reality of state and non-state sponsored terrorist organizations with global reach and the ability to inflict mass casualties. Nations, not just the United States, must have clear legal authority to preempt terrorist acts, and those who would support them, where sufficient cause exists. Again, it is worth restating that the Kofi Annan held the door open for this type of action when he noted, "...members may need to begin a discussion on the criteria for an early authorization of coercive measures to address certain types of threats; for instance terrorist groups armed with weapons of mass destruction."⁶³

For more than 50 years world peace was kept through a series of multilateral international institutions. While the policy of preemption serves the interests of the United States, it has yet to find its place in the international order. What is clear from the literature and political discourse is that the Bush Doctrine is viewed as a highly unilateral policy that must be toned down or, as a minimum, repackaged if it is to survive.

The emergent and flexible nature of the terrorist threat dictates an international (multilateral) approach if the threat is to be defeated. Unilateral action may be required in some cases, but multilateralism will ensure short term success. To this end, the Bush administration should first look to recast the doctrine of preemption, at least for international consumption, in less moral absolutist terms. While a "with us or against" attitude may sell within the United States it is not palatable internationally. Second, the administration should

seek to create and foster international organizations capable of responding to emergent terrorist threats in a timely fashion. To ensure success these organizations should include all elements of national power. Finally, and at all costs, the U.S. should avoid unilateral military action. This is not to say it shouldn't be taken rather, it is to say it should be avoided. As noted by Noelle Quenivet, the United States "...may trigger a very hostile attitude towards its current policy as a result of which it may lose any support in the international war against terrorism."⁶⁴ This loss of international support could well have a catastrophic impact on the United States.

As a basic statement of policy the Bush Doctrine provides an adequate declaration of intent but beyond that it remains ambiguous to many. This ambiguity must be resolved. It is now time to put flesh on the bones of the basic policy. The trigger points of when the policy will be invoked must be defined. Further, stronger rationale must be developed as to why this policy is good for the United States but not good for others. To a certain degree, Condoleezza Rice has addressed these points as follows, "the number of cases in which it might be justified will always be small. It does not give a green light – to the United States or any other nation – to act first without exhausting other means, including diplomacy. Preemptive action does not come at the beginning of a long chain of effort. The threat must be very grave. And the risks of waiting must far outweigh the risks of action."⁶⁵

Additionally, recognition that the policy includes more options than just the use of military force, are ignored or unknown to most observers. Very clear statements such as, "the United States will not use force in all cases to preempt emerging threats..."⁶⁶ are lost in the overall debate surrounding this issue. Madeline Albright has argued that, "it would be helpful now if the doctrine of preemption were to disappear quietly from the U.S. national security lexicon..."⁶⁷ While Ms. Albright's position is somewhat extreme it does reflect a certain level of frustration associated with, among other things, the ambiguity of the Bush Doctrine.

As Keir Lieber and Robert Lieber have observed, "...documents such as the NSS rarely mark a significant departure in U.S. strategy or spark public debate."⁶⁸ Clearly, such is not the case with the Bush National Security Strategy. This policy has sparked more than its fair share of debate. If the domestic and international debate is not to be the cause of death for this policy its ambiguous aspects must be resolved.

FINAL WORD

Max Boot asks the question, "might Osama bin Laden have been prevented from launching these bloody attacks if the U.S. had done more than lob a few cruise missiles at him in 1998?"⁶⁹ While we may never know the answer to this question it nevertheless speaks to the

potential value of the preemptive use of force. As the President has noted time and time again, we live in a time where terrorists and rouge nations seek weapons of mass destruction. Waiting to absorb the next blow before reacting is not longer an option.

In summary, while there are valid criticisms of the Bush Doctrine, they in no way invalidate the policy. Rather, in the words of Dave McIntyre, "with a little shifting of position, with a slight closing of the stance in future speeches, with an effort to keep preemption inside the boundaries that other legitimate players will accept, this can be a winning Strategy for a wartime nation."⁷⁰

WORD COUNT= 5733

ENDNOTES

¹Abraham Lincoln, quoted in Bernard Brodie, *War and Politics*, (New York: MacMillan, 1973), 157.

²George W. Bush, "President Bush Delivers Graduation Speech at West Point," 1 Jun 2002, Available from <<http://www.whitehouse.gov/>>, Internet, accessed September 26, 2003.

³George W. Bush, *The National Security Strategy of The United States*, (Washington, D.C.: The White House, September 2002), 15. (hereinafter the NSS)

⁴Ibid.

⁵Ibid, 16.

⁶Ibid, 6.

⁷Ibid, 16.

⁸Ibid, 1.

⁹Ibid.

¹⁰Ibid.

¹¹Ibid, 14.

¹²Ibid.

¹³Ibid, 6.

¹⁴Ibid.

¹⁵See Jeffery Record, "The Bush Doctrine and War with Iraq," *Parameters* 33, no. 1 (Spring 2003): 4-21, for a discussion of this issue.

¹⁶NSS, 6.

¹⁷Juan Al Alsace, "In Search of Monsters to Destroy: American Empire in The New Millennium," *Parameters* 33, no. 1 (Spring 2003), 122

¹⁸G. John Ikenberry, "America's Imperial Ambition," *Foreign Affairs*, 81, no 5 (September/October 2002), 45.

¹⁹NSS, 15.

²⁰For a more in-depth discussion of this issue see, Charles W. Kegley, Jr. and Gregory A. Raymond. "Preventative War and Permissive Normative Order." *International Studies Perspectives*. 4, no. 4 (November 2003): 385 -394.

²¹NSS, 15.

²²Anthony A.Clark and Robert J. Beck, *International Law and The Use of Force* (London and New York: Routledge, 1993), 18.

²³Ibid.

²⁴United Nations, *Charter of the United Nations and Statute of the International Court of Justice*, (New York: United Nations), 27.

²⁵Mikael F. Nabati, "Anticipatory Self-Defense: The Terrorism Exception," *Current History* 102, no. 664 (May 2003): 224.

²⁶Ibid.

²⁷Ibid.

²⁸In time of war, the laws are silent.

²⁹Kofi, Annan, "U.N. Secretary General Kofi Annan Speaks to U.N. General Assembly," September 23, 2003 [newspaper on-line]; available from <<http://www.washingtonpost.com/ac2/wp-dyn/A52439-2003Sep23?language=printer>>; Internet; accessed September 24,2003.

³⁰Jaques Chirac, "French President Speaks to the U. N. General Assembly," September 23, 2003 [newspaper on-line]; available from <<http://www.washingtonpost.com/ac2/wp-dyn/A52828-2003Sept23?language=printer>>, Internet, accessed September 24,2003.

³¹Ibid.

³²Michael J. Kelly, "The Bush Foreign Policy 2001 – 2003: Unilateralist Theory in a Multilateral World, and the Opportunity for Change Offered by Iraq," [document on-line], available from <<http://law.wustl.edu>>, Internet, accessed September 30, 2003.

³³George W.Bush, "Address to a Joint Session of Congress and the American People," September 20, 2001, available from <<http://www.law.ou.edu/hist/bush-addr-jsc-nation-9-20-01.shtml>>, Internet, accessed October 5, 2003.

³⁴Kelly.

³⁵William A. Galston, "The Perils of Preemptive War," *Philosophy & Public Policy Quarterly* 22, no. 4 (Fall 2002): 3.

³⁶Ibid.

³⁷Ibid, 6.

³⁸Gu Guoliang, "Redefine Cooperative Security, Not Preemption," *The Washington Quarterly* (Spring 2003): 139.

³⁹Ibid, 139-140.

⁴⁰Jonathan Kirshner, "Prevent Defense: Why The Bush Doctrine Will Hurt U.S. Interests," [database on-line], available from Ciaonet, Internet, accessed October 21, 2003.

⁴¹Ibid.

⁴²Record, 18.

⁴³Ibid.

⁴⁴Dave McIntyre, "Understanding the New National Security Strategy of the United States," September 2002, [document on-line], available from <<http://www.homelandsecurity.org/HLSAnalysis/hlsstratgyanalysis.doc>>, Internet, accessed October 14, 2003.

⁴⁵Ivo H. Daadler, James M. Lindsay, and James B. Steinberg, "The Bush National Security Strategy: An Evaluation," October 2002, [document on-line], available from <<http://www.brook.edu/comm./policybriefs/pb109.htm>>, Internet, accessed October 14, 2003

⁴⁶NSS, 15.

⁴⁷Record, 19.

⁴⁸Zbigniew Brzezinski, "To Lead, U.S. Must Give Up Paranoid Policies," International Herald Tribune, November 15, 2003, [newspaper on-line], available from <<http://www.iht.com/cgi-bin/generic.cgi?template=articleprint.tmplh&Article=1117730>>, Internet, accessed November 15, 2003.

⁴⁹Ibid.

⁵⁰The primary research and writing of this paper occurred when there was still a reasonable expectation that Weapons of Mass Destruction would be found in Iraq. While it has yet to be conclusively proven that the weapons no longer exist, it appears that such may be the case. Accordingly, if it does finally turn out that the weapons do not exist, then we have either suffered a glaring failure in U.S. intelligence capabilities or a policy failure in how the administration chose to portray the reasons for going to war. Either of these eventualities does not bode well for the future use of preemptive force. However, the most problematic of the two is the failure of intelligence. In the case of Iraq, it appears we may have erred on the side of over estimating a capability (on the other hand while many countries did not agree with our going into Iraq, most agreed with the pre war assessment of WMD presence). What happens should we underestimate a capability in the future? In any event, how does the administration regain the credibility required to sell the need for preemptive action to an already skeptical world audience when Iraq was apparently such an intelligence failure? It appears that Brzezinski's caution about a revitalized American intelligence service was right on the money. Clearly future cases where preemptive force may be an option will be under a greater level of scrutiny. Certainly a critical review of future intelligence is in order but this should not force decision makers into only accepting intelligence assessments that rise to the level of metaphysical certitude before they will take action. While these developments in no way change the authors view of this subject it does give pause to reconsider the direction the research for this paper would have taken had this apparent intelligence failure been know earlier. In consideration of

this point, a recommendation for further research in this area would be to focus on how, in a world of ambiguous intelligence, can the nation be sure that the preemptive use of force a justified response to resolving the problem at hand (of course the use of force presupposes that other instruments of national power were unsuccessful or not suitable to the case in question). The National Security Strategy is correct in noting that, "...the United States can no longer solely rely on a reactive posture as we have in the past." However, if the presence, or non presence, of Iraqi WMDs proves to be a huge intelligence failure, future instances where preemptive force may be a desired response could be held up to incessant reviews of the intelligence inputs to insure their veracity. Unfortunately, while ensuring our intelligence is 100% correct may well stave off a public relations disaster it could bring forth an even worse disaster as we miss the opportunity to interdict a catastrophic event because we were so busy lining up our intelligence ducks.

⁵¹Abraham D. Sofaer, "On the Necessity of Pre-emption," *European Journal of International Law*, 14, no. 2 (April 2003): 225.

⁵²Richard F. Grimmett, "U.S. Use of Preemptive Military Force: The Historical Record," *U.S. Foreign Policy Agenda*, 7, no. 4 (December 2002): 6.

⁵³Peter Dombrowski and Rodger A. Payne, "Global Debate and the Limits of the Bush Doctrine," *International Studies Perspectives*, 4, no. 4 (November 2003), 405.

⁵⁴Madeline K. Albright, "Bridges, Bombs or Bluster?" *Foreign Affairs*, September/October 2003. [database on-line], available from EBSCO Host, accessed September 18, 2003.

⁵⁵David C. Hendrickson, "Toward Universal Empire: The Dangerous Quest for Absolute Security," *World Policy Journal*, 13, no. 3 (Fall 2002): 1.

⁵⁶George W. Bush, "Text of President Bush's Speech," November 19, 2003, available from <<http://www.guardian.co.uk/world/latest/story/0,1280,3407397,00.html>>, Internet, accessed November 23, 2003.

⁵⁷Hendrickson, 1.

⁵⁸Michael Hirsh, "Bush and the World," *Foreign Affairs*, 81, no. 5 (September/October 2002): 41.

⁵⁹Seyom Brown, "The Causes and Prevention of War," (New York: St Martin's Press, 1987), 38-39.

⁶⁰NSS, 7.

⁶¹Karl Von Clausewitz, "On War," (Baltimore, Maryland: Penguin Books, 1968), 101.

⁶²NSS, 16.

⁶³Annan.

⁶⁴Noelle Quenivet, "The United States VS The International Community: Are Their Two Approaches Towards the Eradication of Terrorism Compatible?" *Perceptions: The Journal of International Affairs* 7, no. 4 (December 2002- February 2003): 224.

⁶⁵Condoleezza Rice, "Dr. Condoleezza Rice Discusses President's National Security Strategy," October 1, 2002; available from <<http://www.whitehouse.gov/>>; Internet; accessed October 16, 2003.

⁶⁶NSS, 15.

⁶⁷Albright.

⁶⁸Keir A. Lieber and Robert J. Lieber, "The Bush National Security Strategy," Commentary, December 2002, [database on-line], available from Ciaonet, Internet, accessed September 30, 2003.

⁶⁹Max Boot, *The Savage Wars of Peace*, (New York: Basic Books, 2002), 330.

⁷⁰McIntyre.

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