

12-1-2005

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### Repository Citation

Shue, Henry (2005) "Preemption, Prevention and Predation: Why the Bush Strategy is Dangerous," *Philosophic Exchange*: Vol. 35 : No. 1 , Article 1.

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*Henry Shue*

## Preemption, Prevention, and Predation: Why the Bush Strategy Is Dangerous

Henry Shue

In the 20th century, what passed for Western civilization sank very low in the depths of the two World Wars: WWI, “that savage war of attrition”<sup>1</sup> in which combatants slaughtered each other between unmoving trenches, and WW II, in which civilians were massively targeted in fire-bombings like Dresden and Tokyo, culminating in the U.S. use of weapons of mass destruction against Hiroshima and Nagasaki.<sup>2</sup> The *Charter of the United Nations*, launched in the United States, opens with an eloquent appeal against the repetition of slaughters of either kind: “We the peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind ... have resolved to combine our efforts ...” The *Charter* firmly establishes, in Article 2:4, that, as a matter of binding international law, military force may be used only in defense. This principle of self-defense only constituted a fundamental narrowing of what had previously counted as acceptable grounds for going to war.

In academic discussion questions about the resort to war subsequently narrowed down strictly to consideration of what constituted aggression; Michael Walzer could write in his now-classic volume, “Aggression is the name we give to the crime of war.”<sup>3</sup> What was right was self-defense; what was wrong was aggression. And aggression was assumed to be the first-use of military force.

The first Administration of President George W. Bush announced what sounded like a radical challenge to this clear paradigm. In its *National Security Strategy of the United States of America* in September 2002 the Bush Administration announced its policy of what it called “preemption,” asserting: “The United States has long maintained the option of preemptive actions to counter a sufficient threat to our national security. The greater the threat, the greater is the risk of inaction — and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy’s attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively.... The United States cannot remain idle while dangers gather.”<sup>4</sup>

In advocating “anticipatory action to defend ourselves” the *National Security Strategy* attempts to break the link between first-use of force and aggression. The proposal is that force can be initiated in a manner that is defensive. It is the meaning and prudence of this policy that I want to explore here: does the policy of “preemption” make the world that the United States confronts safer or more dangerous? In the Summer 2004 issue of *Philosophy & Public Affairs*, David Luban largely defends the Bush Administration’s policy in an article

titled “Preventive War,” a title that reflects Luban’s judgment — correct, in my opinion — that although the *National Security Strategy* uses the terminology of “preemption,” what it actually defends is preventive war.<sup>5</sup> ‘Preemption’ is a response to an attack that is imminent or in some sense already on the way.<sup>6</sup> Preventive war is an attack intended to disarm an adversary before the adversary can launch an attack. President Bush has made it quite clear that although he uses the wrong term, “preemption,” what his administration is advocating is preventive war. I will return to this point later.

Although Luban is on the whole defending the Administration’s policy, he mentions a criticism of the policy based on work done by Thomas Schelling concerning the nuclear balance of terror during the so-called Cold War. I believe that the problem seen by Schelling is more serious than Luban credits it with being, although there is a significant exception to it, and some qualifications are needed. So I will first elaborate the objection to preventive war based on Schelling’s reasoning, and then note the limitation and some of the qualifications on the objection when the preventive war is aimed against terrorism.

Schelling’s objection applies to first-use of force as such, irrespective of whether the first-use can be argued to be defensive. David Luban puts the criticism of the doctrine of preventive war derived from Schelling as follows: “The doctrine actually *makes* rival states into potential threats to each other by permitting preventive invasion of potential adversaries based on risk calculations whose indeterminacy makes them inherently unpredictable by the adversary — and then it licenses attacks by both of them, because now they are potential threats to each other. In Thomas Schelling’s imagery, it is always possible that I will have to shoot my rival in self-defense to stop him from shooting me in self-defense.”<sup>7</sup> I will spell this out a bit more fully.

Suppose nations A and B are rivals, but live in a world in which a norm of no-first-use of force is well-established, that is, (1) it is well-understood that while a military response to an attack is permissible (and perhaps even obligatory), an initial attack is impermissible; and (2) most of the time nations do not launch attacks on each other, in part because of the understanding that such initial attacks are impermissible. The rarity of attacks is “because of the understanding” about the norm in two respects.

One reason why leaders do not initiate attacks is that they understand that it is wrong; this need not be a conclusive reason, but it is a reason of some strength.<sup>8</sup> A second reason why they do not attack is that they realize that there is most likely nothing to gain by attacking and certainly much to lose: most likely nothing to gain from attacking because, in particular, there is little reason to fear that if they do not attack, they will be attacked, since others too generally abide by the prohibition on first-use of force; and much to lose because if they attack, they entangle themselves in the unpredictable destructiveness of war, so emphasized by Clausewitz, in which the advantages, if any, of attacking

first ordinarily are vastly outweighed by the advantages of staying out of war.

It is certainly not the case that a world with even a very well-established norm of no-first-use of force is a safe world, because there will still be violations of the norm: sometimes one nation attacks another nation, and the victim must then defend itself, after having suffered the disadvantage of undergoing the attack. The extent of disadvantage depends upon the kind of attack — at the extreme, if the attack were a massive attack with nuclear forces, the disadvantage would be enormous, quite possibly devastating. The world of no-first-use is far from being a world of full security or a worry-free world. One must always worry to some extent about norm-violators. A nation that violates the norm and attacks in spite of it may inflict terrible damage on its victim. But the world with the well-established norm of no-first-use has one huge advantage: namely, it is a world from which a major reason for starting wars has been removed. The reason that has been removed is the reasonable fear that the price of not attacking first is most likely to be suffering an attack oneself.

It is not, as I have just said, that it is impossible that one will be attacked if one does not go ahead and attack — even the mostly deeply entrenched norms cannot not make violations impossible. But it is much more likely than not that one will not be attacked, because generally nations do not attack each other if a norm against attacking is well-entrenched. Nothing is certain: one's own case may be the exceptional case in which the norm is violated and the attack comes. But the odds are that it is safer to wait and see than to launch a war that most likely would never have occurred at all if one had not started it oneself. The norm against first-use does not, and cannot, guarantee one's security, but it raises the odds in favor of security high enough to make it generally safe to wait and see.

The crucial factor is that a virtuous, not a vicious, circle is created by the content of the norm. It is safer for everyone to wait, so it is safer for one's rival to wait, which means that the rival will probably not attack, which means that it is safer for oneself to wait, which means that it is safe for one's rival to wait. It is not reasonable for anyone to believe that they are better off attacking first on the grounds that they will otherwise be attacked. A world in which everyone is waiting to see if anyone else is going to attack them is a world with no wars occurring.

I do not want to seem to exaggerate the advantages of the world with the entrenched norm of no-first-use of force; this is a matter of what actually tends to happen, not what we would like to have happen. Two limits in particular must be emphasized. First, this is a matter of probability, not certainty. The entrenched norm makes the initiation of force much less likely than otherwise and makes the initiation of force less likely than not in many circumstances. Nothing, however, is guaranteed. Second, only one reason for attack is removed by the entrenchment of the prohibition on first-attack, namely the

fear that if one does not attack first, one will be attacked first. Many other reasons for attacking other than the fear of being attacked are available, for example, having a strong first-strike capacity and a weak retaliatory capacity, or simply hating the people of the other nation so much that you would like to see them all dead. Nevertheless, the fear that if one does not attack first, one will be attacked, is a powerful and common motive for the initiation of war. That fear cannot be completely removed, but the odds can distinctly favor not acting on the fear over acting on the fear, in a world of general no-first-use.

I hope this makes clearer the significance of Luban's saying, in Schelling's imagery, that in the world lacking the norm against first-use — the world of permissible preventive war — it is always possible that I will have to shoot my rival in self-defense to stop him from shooting me in self-defense. In the world of no-first-use I can of course try to shoot my rival — I may simply hate him and want to destroy him. What I cannot ordinarily do is to claim that I attacked out of fear that he would shoot me, because in the world of no-first-use he more than likely was not going to shoot me, even if he would like to.

In the world of preventive war the calculations really are different. Since there is no norm-grounded general practice of not attacking first, but on the contrary it is taken to be permissible to attack first, I have much more reason to fear that my rival will attack me, especially because he has much more reason to fear that I will attack him — and, of course, most especially if I have issued a *National Security Strategy* announcing that I will henceforth be attacking my enemies before they can attack me! In this case, he has excellent published grounds for thinking that unless he attacks me first, I will attack him first, which means that he could indeed attack me in self-defense, which means that I could indeed attack him in self-defense. Here we have a vicious circle of the worst sort precisely because we have renounced the prohibition against first-attack. Now he may have to kill me in self-defense lest I otherwise kill him in self-defense. In the circumstances attacking becomes the reasonable option. The situation in the world of no-first-use has been reversed. A virtuous circle has been replaced by a vicious circle. A world in which it was more reasonable not to attack has been traded for a world in which it is more reasonable to attack. A relatively secure world has been degraded into a highly dangerous world.

Have we then shown the Bush war-doctrine to be misguided? Not so fast. What we have seen is what Thomas Schelling already showed nearly half a century ago: other things equal, a world of mutual prevention is far more dangerous than a world of mutual restraint, where the restraint takes the form of a shared norm against first-use of force.<sup>9</sup> The normative restraint makes a practical difference if what I am calling one's rival is reasonable in the respect that he adjusts his strategy to the situation and, in particular, when he feels reasonably safe from attack, he is willing to refrain from attacking. He is content to leave us safe provided he seems safe from us. He may not like us, but he is

not primarily interested in destroying us but in being safe from being destroyed by us. He is content with what used to be called ‘peaceful co-existence’ — he tolerates us if we tolerate him, at least to the extent of not attacking us. In dealing with such rivals, doing anything to weaken the prohibition against preventive war is foolish.

What I am ignoring so far, however, is that some of our “rivals” are terrorists, whose primary intermediate goal appears to be our destruction and who prefer mutual destruction to the mutual security that entails a policy of peaceful co-existence. Now, there is much about terrorism that I do not understand or know about, and I want to avoid the pretense, all too common nowadays, of being an expert on terrorism — suddenly everyone claims to have in-depth understanding of terrorists. Without pretending that this is the only kind of terrorist there is, or that I know which kind of terrorist there are the most of, let me simply talk about what I take to be one kind of terrorist, which certainly has some claim to be the worst kind and which I will call predatory terrorists. I am simply stipulating that predatory terrorists are people who are determined to destroy us insofar as possible. Perhaps they hate us, and they want to harm us. In any case, their critical feature is their inflexibility, so their attempted killing is unconditional. It is definitely not that they want to kill us if they think we are trying to kill them — their desire to kill us is not conditional on what we now do or do not do. They want to kill us, period — unconditionally. This at least simplifies matters.

In dealing with predatory terrorists, the standard objection against legitimizing preventive war, and de-legitimizing the norm of no-first-use of force, which we have just been examining, is, unfortunately, irrelevant. The now-standard, Schelling objection is that by weakening the prohibition on first-use we risk creating a vicious circle that increases the danger to ourselves. But there can be a vicious circle only where one’s rival’s strategy is to some degree responsive to one’s own. The predatory terrorist, however, does not respond to what I do or try to do. He is simply trying to kill me, whatever I do. I cannot make matters worse by choosing the wrong strategy, because his strategy will not respond to mine — it will not change conditional on what I do. Whatever I do, he is still simply trying to kill me. Again, I do not claim to know how many such terrorists there are, but there certainly are some.

Therefore, Schelling’s objection is not a reason not to issue a statement to all predatory terrorists informing them that we will do our best to kill them before they kill us. They were doing their best to kill us before we issued the statement, and they will continue to do their best, unless they change their minds for other reasons entirely of their own, to kill us after we issue the statement.

Have we then shown the Bush war-doctrine not to be misguided? Once again, not so fast. What I have claimed is that with regard to people who are in fact unwaveringly predatory terrorists, we may not make them more dan-

gerous by waging preventive war against them. If we can accurately identify and precisely target predatory terrorists who are actively preparing to kill us, we do not have the standard reason to think that by trying to attack them before they can attack us, we make the world more dangerous for ourselves.

Do we make the world less dangerous? Consider two ways preventive attacks may go wrong. One's first thought probably is that at least there will then be fewer predatory terrorists gunning for us. However many we kill makes that many fewer. Unfortunately, this is a simplistic factual assumption about a complexly dynamic situation. It is perfectly possible that every time one kills one predatory terrorist, two more volunteer to take her place. I do not know that this is true, and I am not claiming to know. But I am fairly confident that those 'experts' who claim to know otherwise are basically making it all up — many of those we see on TV do not know much more than I do about this psychological dynamic and are simply spinning out their theories without a great deal of real evidence. We certainly know some cases in which this body-count mentality turned out to rest on fantasy. The case I know best is the U.S. invasion of Vietnam in the '60s and '70s. The Pentagon kept counting dead Vietcong, and the numbers of living, fighting Vietcong kept rising. Young people were clearly joining faster than they were being killed. Are terrorists like guerrilla fighters in this respect? I do not know, but I have not seen any evidence to show otherwise. Nevertheless, since this is a tangled factual question about which I have no special knowledge, I will drop it simply with the caution that the number that matters for your own safety is not how many you have killed but how many come to take their places. Absolutely nothing stops both numbers from rising simultaneously. Body-counts often have nothing to do with military victory, especially when "the adversary" is a broad and fluid insurgency.

So, I leave aside the question whether killing terrorists leads to fewer or more terrorists and turn to a second way in which preventive war might go wrong. It is critical to understand how narrow the point I have initially made in defense of preventive war against predatory terrorists really is. It applies exclusively to attacks upon people who are "unwaveringly predatory." Attacks that are indiscriminate between the predatory, on the one hand, and the possibly not predatory and the certainly not predatory, on the other hand, remain subject to the standard (Schelling) objection. A sure-fire way to give people of many different kinds a compelling incentive to act like predatory terrorists, irrespective of whether they started out as predatory terrorists, is to treat them all like predatory terrorists. The underlying logic is this: those who are fairly confident that they will not be attacked need not attack out of fear that they will otherwise suffer attack, but those who do fear attack do have a reason to attempt to attack first. The absolutely vital question about preventive attack, then, from the point of view of one's own safety, is: who is in fact likely to fear

being attacked?

Compare two critically different cases. On the one hand, if the policy says that only predatory terrorists will be attacked, and in practice only predatory terrorists are attacked, then it will be as clear as such matters can be that only predatory terrorists (and anyone likely to be mistaken for a predatory terrorist) need to fear attack. Thus only predatory terrorists (and anyone who believes himself likely to be mistaken for a predatory terrorist) would have an additional incentive to attack first, an incentive that the predatory terrorists will be unaffected by since they will attack as soon as they think they successfully can in any case. On the other hand, if the policy is so vague that it is not clear who will be attacked, or if the policy says that only predatory terrorists will be attacked, but in practice other people are attacked, then people other than predatory terrorists will fear attack by us and will thereby have a reason to attack us. We will indeed have made the world a more dangerous place for ourselves.

How does the Bush policy look with regard to this second source of danger? The officially specified targets extend well beyond predatory terrorists, in two respects. First, the policy statement speaks simply of “terrorists” and so presumably includes all terrorists. Conceivably, all true terrorists are what I am calling ‘predatory terrorists,’ in which case it could be that simply saying terrorists is all right. But obviously this has to be read as: everyone the Bush administration calls a terrorist, at any given time. So a reason to fear U.S. attack, and therefore a reason to attempt to attack the U.S. first, is provided to everyone belonging to any group that the Bush administration describes as ‘terrorist.’ I have not investigated this, but one question is whether the label ‘terrorist’ is being applied to people who are not already unconditionally committed to attacking Americans.

Second, and much more important, those informed by the *National Security Strategy* that they are likely to be attacked include some sub-set of the world’s states: “rogue states,” which of course means every government the Bush administration calls a rogue state, at any given time. So a reason to fear U.S. attack, and therefore a reason to attempt to attack the U.S. first, is provided to any government that the Bush administration describes as a rogue state — “is provided to” it only if it does not already have all the reason it thinks it needs to be planning to attack the U.S. if it can. So one critical question is: how many governments that the Bush administration calls “rogue states” are already unconditionally and unwaveringly planning and preparing to attack the U.S.? “None now” would be my answer. The Taliban government was a rogue state in the relevant sense of not only planning to attack but having already assisted in attacking the U.S., and I believe the U.S. could have been justified in attacking the Taliban government in Afghanistan if it had been willing to have completed the task before diverting resources into the previously planned

adventure in Iraq and leaving the Taliban in a position to attempt to come back to power. But I know of no evidence that the Saddam Hussein government in Iraq was, or that the current governments in Iran and in North Korea, or any other governments now in power, are firmly and unconditionally committed to conducting, or assisting in conducting, attacks on the U.S.

If there is a government that is already firmly committed to conducting, or assisting others, such as terrorists, in conducting, attacks on the U.S., such that this government already has all the reason it thinks it needs to attack whenever and however it can, then informing that government that the U.S. intends to attack it first adds nothing significant to its reasons for attacking and therefore does not create the vicious circle that Thomas Schelling noted. To such a government David Luban's criticism of the doctrine of preventive war that "the doctrine actually *makes* rival states into potential threats to each other" [emphasis in original] is irrelevant. Such a government cannot be made into a threat because it is already a threat. It is nevertheless quite conceivable that the fear of imminent attack would make it panicky and cause it to do something genuinely crazy that it would otherwise not have done, so it is far from guaranteed that matters cannot be made worse in important respects by the threat of preventive attack. No state that was not already an enemy is made into an enemy, but a complacent enemy might be turned into a desperate enemy, believing it has nothing to lose by doing whatever is the worst it is capable of, prior to being attacked, such as using whatever weapons of mass destruction it has on whomever they will reach.

So, the first problem is that even an implacable enemy that is not behaving in a completely crazy manner may be turned into a crazy implacable enemy. How serious this problem is obviously depends partly on the capabilities of the government in question, including whether it has operational WMD and some means of delivering them. But I want to emphasize two other potential failings that can create completely new likely attackers: vagueness and changeability. The safety of those who invoke a doctrine of preventive war depends on their making the specification of the identity of the targets of likely attack precise and firm, not vague and changeable.

It is a well-known feature of deterrence that ambiguity can be helpful, although this becomes a complicated matter. Up to a point, however, if an adversary is not clear what you might do when to whom, the adversary may be very careful lest he inadvertently crosses some vague line in the sand that you have drawn but he cannot see. If you think I am likely to fly into a rage at some point, but you are not sure where that point is, you may decide just to be very nice to me. The threat of preventive attack, by contrast, works in the opposite way from deterrent threat. I create no new enemies by threatening to attack those who are already going to attack me as soon as they can, but it must be unmistakable that I threaten them alone. For if others, who are

not committed to attacking me, come to fear that they will nevertheless be attacked by me, they have an entirely new reason — not necessarily conclusive, of course — to attack me. I have provided others with a reason for attacking me — this is dumb. Enough enemies will appear on their own steam — I do not need to manufacture extra ones myself.

Accordingly, in order not to threaten governments that are not already predatory — to use the same label I used earlier for terrorists — it must be and remain absolutely clear who might be attacked. Frequent or arbitrary changes in a list of governments, or vague specifications of categories of governments who are on the list, make the world more dangerous for the people living under the government doing the threatening.

Preemption, or anticipatory self-defense, is an attack against a force from whom an attack on you is imminent. Preemption attempts to stop or disrupt an imminent attack. Determining what counts as an imminent attack is a difficult but at least familiar problem concerning which a fair amount of literature exists. But if there was ever any doubt that when the Bush White House says “preemption,” it does not mean preemption, but means instead preventive war, the doubt was settled during the President’s appearance on NBC’s “Meet the Press,” broadcast Sunday, February 10, 2004, when he said: “I believe it is essential — I believe it is essential — that when we see a threat, we deal with those threats before they become imminent. It’s too late if they become imminent.”<sup>10</sup> At first there seems to be some kind of logic here — perhaps of the form: if early is good, earlier is better. If eliminating a threat when it is imminent is good, eliminating it before it is imminent is even better. But when one is talking about starting wars, it may not be the case that earlier is better.

The primary two reasons why starting a war sooner may not be better, for others or for yourself, than starting it later are the following. First, it might be that if you had not started it sooner rather than later, it would never have started at all, because it was in fact not going to start later. I believe that there are rare cases in which preemption is justified — where in the face of imminent attack, one is justified in attacking first. This is a longer story than I can tell here. But even those of us who believe that preemption is sometimes permissible must acknowledge the profoundly worrying possibility that what was intended to be a preemption — what was intended to be an earlier start to a war that was going to start in any case — was in fact the start of a war that would not otherwise have started at all and was therefore a tragic case of a war that need not have occurred and that occurred only because you yourself mistakenly began it. Quite simply, it is always possible that a war that looks imminent is not in fact imminent — that although it appears certain to start later, it would never in fact have begun except that you began it with your so-called preemption.

I still believe that the bare fact that one could be mistaken is not a good

enough reason to wait if the case for an imminent attack by your adversary is sufficiently compelling and if — and this is an absolutely necessary condition — the costs of waiting will be extremely high. If your defense will probably succeed whether you preempt or not, then surely you should wait for the actual attack, lest you be mistaken in thinking that the attack is coming. But if the first strike is likely to be devastating and to leave you unable to resist, then, I think, preemption may be justified. Still, you may never be sure that you did not start a war that could have been avoided and that all those who die and are maimed in the fighting suffer only because you got it wrong.

Clearly, if one ought to hesitate to attempt to preempt what is from every indication an imminent attack, lest one cause an avoidable war, one ought for the same reason to hesitate to attempt to, in the President's words, "deal with those threats before they become imminent." If one might make a mistake about the apparently imminent, one is at least as likely to make a mistake, as President Bush himself did by attacking Iraq in March 2003, about the earlier-than-imminent.

Plainly, that one is "at least as likely to make a mistake" understates the danger of error and confusion so greatly as to be positively misleading. The second reason to worry about preventive war is that however unlikely a preemption is to be grounded in a mistake, a preventive war is far, far more likely to be grounded in a mistake. It is hard enough to know that an attack is imminent — movements of troops and aircraft may be a feint, a bluff, an attempt at intimidation with no intention of follow-through if the intimidation fails. For instance, Henry Kissinger in October 1973 increased the alert level of U.S. nuclear forces, which has the effect of making it easier to launch missiles, simply to signal the Soviet Union to stay out of a conflict.<sup>11</sup> This was a recklessly irresponsible act because the Soviet Union might well have thought a nuclear attack was imminent and have tried to preempt it with a nuclear first-strike of their own, or, somewhat more cautiously, might have raised the alert level of Soviet nuclear forces to signal Kissinger, who might then have thought a Soviet attack was imminent even though it was not. Given how difficult it is to tell genuine preparations for a real attack from signaling and bluffing, one would like to know the operational criteria of a not-yet-quite-imminent threat.

The policy of preventive war makes an heroic assumption: reliable intelligence. One can precisely and firmly designate the predatory governments in time for preventive attack only if one can obtain reliable intelligence in time. The intelligence failures concerning Iraq are nothing new — the U.S. intelligence establishment has been performing badly for a long time. For example, in spite of fabulous sums spent spying on Communist governments, especially the Soviet Union, during the decades of the Cold War, U.S. intelligence did not even come close to foreseeing the collapse of the Soviet Union. In order to specify precisely, one must know precisely. How likely is this? One

comforting assumption is that while under-inclusiveness is a serious problem, over-inclusiveness is not. If a predatory government were overlooked, that would be dangerous, so the solution is to err on the side of listing too many rather than on the side of listing too few. But this comforting assumption that simply being pessimistic is the panacea, is false. Over-inclusiveness — threatening preventive attack against governments that are not predatory — is the formula for creating incentives for attacks on yourself that would otherwise not have occurred because the attacker would otherwise have felt reasonably safe against attack by you. Threatening a few extra governments could be far from harmless.

The one thing worse than threatening attack against governments that are not predatory is actually attacking them. This is one of the principal reasons why I believe that the U.S. and British attack on Iraq launched in March 2003 is such a disaster for American and British interests (not to mention Iraqi interests). Iraq was invaded on the grounds that it was close to attacking some other country with weapons of mass destruction or to providing weapons of mass destruction to terrorists who would attack. This was not true. Iraq was nowhere near being able either to use weapons of mass destruction itself or to provide them to terrorists (even leaving aside the question whether a secular dictator like Saddam Hussein would want to help a religious fanatic like Osama Bin Laden).

The Bush administration's attempts to avoid facing the truth that they made a huge mistake by starting a war that did not need to be fought might be forgivable if they were not so dangerous to those of us who live in the U.S. or the U.K. in the way that they broaden and confuse the category of which states might be the target of a U.S./British preventive attack. Perhaps the final reduction to absurdity came when John Bolton, then-Undersecretary of State and subsequently Ambassador to the United Nations, told the Associated Press that part of the justification for the U.S. invasion of Iraq was that the government had working for it scientists capable of building nuclear weapons: "In an interview with The Associated Press, John Bolton, undersecretary of state for arms control, said that whether Saddam's regime actually possessed weapons of mass destruction 'isn't really the issue.' 'The issue I think has been the capability that Iraq sought to have ... WMD programs,' Bolton said at the U.S. Embassy in Paris. Bolton said that Saddam kept 'a coterie' of scientists ...."<sup>12</sup>

I would imagine that at least half the governments in the world have 'a coterie' of scientists capable of building nuclear weapons working for them. Should they expect to have their governments overthrown by U.S. and British troops? Of course not — Secretary Bolton was obviously just grasping at straws in an effort to cover up a major mistake — but it is dangerous to spread such confusion about which regimes might be susceptible to attack at the discretion of the U.S. government. Making numerous regimes fearful that they may be

invaded by the U.S. and the U.K. is not a way to make U.S. and U.K. citizens safer. First, indiscriminately broadcasting the fear of attack can make the world a more dangerous place by giving more actors the conviction that they might as well attack before they are attacked, as we have already seen. Second, if one believes one's own rhetoric, one may actually decide to attack governments that there is insufficient reason to attack, starting additional unnecessary wars. Not only does this get people killed pointlessly on both sides, but it is a diversion from urgent matters like dealing effectively with predatory terrorists, a diversion that may allow yet other people to be killed unnecessarily.

We have just noticed in succession two different problems that have essentially the same effects: faulty intelligence, like the false speculations about Saddam Hussein's weapons of mass destruction, and sloppy talk, like Ambassador John Bolton's asserting that having nuclear scientists capable of building nuclear weapons is a good reason for being attacked. Both sloppy talk and faulty intelligence lead to unjustified attacks and to dangerous confusion about who is liable to be attacked and why. A doctrine of preventive war, of all doctrines, must be precise. If we are not to take scientists capable of building nuclear weapons being on the government's payroll as compelling evidence of a not-yet-quite-imminent threat of using nuclear weapons, what are we to take as evidence? The current U.S. Administration is yet to demonstrate that it is capable of spelling out any clear and defensible criteria. And until they do they are making the world progressively more dangerous, for non-Americans and for Americans.

*University of Oxford*

### Notes

<sup>1</sup> A.J. Coates, *The Ethics of War* (Manchester and New York: Manchester University Press, 1997). p. 253.

<sup>2</sup> Ronald Schaffer, *Wings of Judgment: American Bombing in World War II* (New York and Oxford: Oxford University Press, 1985), chs. 7-8.

<sup>3</sup> Michael Walzer, *Just and Unjust Wars*, 3rd ed. (New York: Basic Books, 2000), p. 51.

<sup>4</sup> *The National Security Strategy of the United States of America*, September 2002, p. 15. <http://www.whitehouse.gov/nsc/nss.pdf>

<sup>5</sup> David Luban, "Preventive War," *Philosophy & Public Affairs*, vol. 32, no. 3 (Summer 2004), pp. 207-48.

<sup>6</sup> Walzer, *Just and Unjust Wars*, ch. 5.

<sup>7</sup> Luban, "Preventive War," p. 23. Emphasis in original.

<sup>8</sup> On the actual role of ethical considerations in international affairs, see Neta C. Crawford, *Argument and Change in World Politics: Ethics, Decolonization, and Humanitarian Intervention* (New York and Cambridge: Cambridge University Press, 2002), chs.1-2.

<sup>9</sup> Thomas C. Schelling, *The Strategy of Conflict* (New York and Oxford: Oxford University Press, 1963), ch. 9, "The Reciprocal Fear of Surprise Attack."

<sup>10</sup> "Meet the Press with Tim Russert," Transcript for Feb. 8th, p. 5. <http://www.msnbc.msn.com/id/4179618>; accessed 3/24/2004.

<sup>11</sup> See Scott D. Sagan, *The Limits of Safety: Organizations, Accidents, and Nuclear Weapons* (Princeton: Princeton University Press, 1993), pp. 215-224; and Scott D. Sagan and Jeremi Suri, "The Madman Nuclear Alert: Secrecy, Signaling, and Safety in October 1969," *International Security*, vol. 27, no. 4 (Spring 2003), pp. 150-83.

<sup>12</sup> "U.S. arms control chief says capability of scientists under Saddam helped justify invasion," Associated Press, September 4, 2003, by Joseph Coleman. <http://archive.ap.org/cgi-bin/display.cgi?id=4068157d60488>, accessed 3/29/04.