

## FROM DETERRENCE TO PRE-EMPTION\*

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### Abstract

*International terrorism is a matter of growing concern to governments since the 1980s. According to the United States, international terrorism became more dangerous in this new century, now that rouge states are acquiring WMD. How can we deter rouge states from resorting to WMD attacks? Before it is too late to act, the US decision is to remove this danger. Traditional Cold War approaches in deterrence policy are no more used. US policy is to apply pre-emptive strike against rouge states believed to develop WMD. This article examines pre-emptive strike strategy in the struggle against international terrorism. It is divided into two sections. The first part involves conceptual analysis of the term pre-emptive strike and its recognition in the UN. The second section reviews some of the critics of this strategy. Rather than evaluating if the pre-emptive strike is right or wrong, it is an attempt to explain the changes in US policy.*

**Key Words:** pre-emptive strike, preventive strike, deterrence, intervention, Iraq

### Özet

*Uluslararası terör 1980'lerden sonra hükümetler için gittikçe artan öneme sahip olmuştur. ABD'ye göre yeni yüzyılda haydut devletler kitle imha silahlarına sahip olmaya başlayınca uluslararası terör daha tehlike hale gelmiştir. Haydut devletlerin kitle imha silahları kullanarak saldırmasına nasıl engel olabiliriz? ABD bu tehlikenin geç olmadan ortadan kaldırılması*

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\* The first version of this article is presented at the first World International Studies Conference (WISC), Bilgi University, Istanbul, August 24-27, 2005

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*görüştürmektedir. Klasik Soğuk Savaş dönemi caydırma politikaları artık geçerli değildir. ABD politikası kitle imha silahları üretildiği varsayılan bu haydut devletlere karşı önlem alıcı müdahale yapılması yönündedir. Bu makalede uluslararası terörle mücadelede önlem alıcı saldırı stratejisi incelenmiştir. Makale iki bölüme ayrılmıştır. İlk bölümde önlem alıcı müdahale ile ilgili kavramsal analiz ve Birleşmiş Milletler’de tanınması yer almıştır. İkinci bölümde bu strateji ile ilgili bazı kritiklere yer verilmiştir. Bu çalışma önlem alıcı müdahalenin doğru veya yanlış olup olmadığının analizinden ziyade Amerikan politikasındaki değişimi göstermeye çalışmaktadır.*

**Anahtar Kelimeler:** önlem alıcı saldırı , önleyici saldırı, caydırma, müdahale, Irak

## INTRODUCTION

Intervention is one of the most important political issues since international interventions increased after the end of the Cold War. Intervention is also a very critical issue. “Intervention means various forms of nonconsensual action that are often thought to directly challenge the principle of state sovereignty.”<sup>1</sup> Thus, the key discussion point has been whether intervention violates state sovereignty and whether it is legal or illegal. Intervention is a normative concept with both proponents and opponents making moral, ethical and legal arguments to address the issue.

Proponents of intervention point out that in the Post-Cold War era humanitarian intervention seems appropriate action, especially if the UN carries it. Since 1989 humanitarian intervention under the UN control has come a real political option.<sup>2</sup> Intervention undertaken for humanitarian purposes such as to save lives and for relief of society from suffering under harsh and evil domestic forces in control does not seem selfish. On the other hand, opponents argue that humanitarian intervention is the violation of the nation state’s sovereignty for the protection of human life from government repression or famine or breakdown. States might abuse humanitarian intervention for their own interests. Also, they tell that humanitarian intervention often cause immigration and refugee problems. They see humanitarian intervention through the UN as “the cheapest, albeit messy, way for wealthy countries to cope with the most

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<sup>1</sup> The independent International Commission on Intervention and State Sovereignty (ICISS) was established by the Canadian government in September 2000. “Intervention”, in *The Responsibility To Protect*, Report of the International Commission on Intervention and State Sovereignty, December 2001, p. 15-25.

<sup>2</sup> Richard Falk, “Hard Choices and Tragic Dilemmas,” *The Nation*, (December) 1993, p. 757-8.

bothersome humanitarian crises.”<sup>3</sup> Furthermore, the opponents see the UN as a tool of the US, because they believe that “US-led coalition states” give decision to intervene. Moreover, the opponents think that by intervention they are violating the sovereignty of that government. Ayoob presents a strong argument against humanitarian intervention.<sup>4</sup>

Is there a moral or legal base to intervene? Donnelly and Kratochwill suggest that despite legitimate humanitarian concerns there is no legal right of intervention.<sup>5</sup> There is the principle of nonintervention in a state’s internal affairs. So what went on within a state’s own borders were considered as no one else’s affairs. It is not easy to answer if there should be a humanitarian intervention or not. Nevertheless, it has been practiced in many different countries such as Somalia, Liberia, Bosnia, Angola, Sudan, Zaire and Haiti.

Based on military power- overwhelming nuclear superiority and having the world’s dominant airforce and navy, the United States has world wide intervention capacity. After the end of the Cold War, with the collapse of the Soviet Union, there was no more risk that a limited military intervention could escalate into a global confrontation. Blechman and Wittes examined the use of military threats during the Bush and the first Clinton administrations to answer why US threats have failed and US military intervention is required in the post-Cold war period. They have examined 8 cases: Panama (1989-1990), Iraq (1990-1996), Somalia (1992-1995), Macedonia (1992-Present), Bosnia (1992-present), Haiti (1994-96), Korea (1994-96), Taiwan (1996). They have found out that threat to use military force clearly succeeded in three cases -Macedonia, North Korea, Taiwan. In other four cases- Panama, Iraq, Bosnia, Haiti, the use of military power succeeded, where as failed in one-Somalia. Thus, threat of use of force has not worked alone, use of force, i.e., intervention was required in the post-Cold War period.

The sovereignty/humanitarian intervention debate has been largely discussed after the end of the Cold War. However, after September 11, 2001 (9/11) as stated by Weiss, the new focus became “rules of the game for pre-emptive war” as the moral discussion on humanitarian intervention fade away.<sup>6</sup> Nevertheless, we have observed, that “the US shifted its rationale for attacking

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<sup>3</sup> Mark Duffield and John Prendergast, “Sovereignty nad Intervention after the Cold War”, *Middle East Report*, Vol. 24, No. 187-188, 1994, p. 9-15

<sup>4</sup> Muhammed Ayoob, “Humanitarian Intervention and State Sovereignty”, *The International Journal of Human Rights*, Vol. 6, No. 1, 2002, p. 87-95.

<sup>5</sup> Jack Donnelly, “State Sovereignty and International Intervention: The Case of Human Rights”, and Friedrich Kratochwill, “Sovereignty as Dominion: Is there a Right of Humanitarian Intervention”, in *Beyond Westphalia? State Sovereignty and International Intervention*, Gene M. Lyons and Michael Mastanduno (eds.), 1995, p. 115-146.

<sup>6</sup> Thomas G. Weiss, “The Sunset of Humanitarian Intervention? The Responsibility to Protect in a Unipolar Era”, *Security Dialogue*, Vol 35, No. 2, 2004, p. 135-153.

Iraq from (a) preventing WMD attack on the US by Iraq; to (b) ending Saddam Hussein's brutal repression of the Iraqi people; to (c) democratizing the whole Near East by establishing democracy in Iraq."<sup>7</sup> The President's call for democratization, especially in the Middle East is noteworthy, but due to its range it might be a topic of another article.

After 9/11 terrorist attacks, US policy is to apply pre-emptive strike in order to prevent acts of terrorism, which is spelled out in many statements. This policy has been used as a justification for military intervention in Iraq. "Although American friend and allies are concerned about terrorism and nonproliferation, the debate about Iraq clearly signaled that the world is quite skeptical about the Bush doctrine's threat to use preemptive force to address these dangers."<sup>8</sup> Thus, intervention by the United States in its pre-emptive or preventive war mode seems the most pressing concern in the recent years. Nevertheless, the terms 'preventive' and 'pre-emptive' are two distinct strategic concepts. In the first section of this article, the pre-emptive/ preventive strike strategies are examined in the light of international law in order to clarify the difference between the two strategies. The second section reviews some of the critics of this strategy. Rather than evaluating whether pre-emptive / preventive strike is right or wrong, this study is an attempt to explain the changes in policy.

### **Conceptualization of Preemptive/ Preventive Strike**

Preemptive and preventive are conceptually quite distinct. Yet, they are practically related. Preemptive strike is defined, "as an attack initiated on the basis of incontrovertible evidence that an enemy attack is imminent."<sup>9</sup> Thus, preemptive strike is waged in an attempt to repel or defeat an imminent offensive or invasion. Preemption is "the use of military force in advance of a first use of force by the enemy."<sup>10</sup> It is an act of "anticipatory self-defense in a war initiated by the enemy."<sup>11</sup> It is "resorted to by government under the pressure of a conviction that the outbreak of nuclear war is imminent and it must strike first rather than forfeit to the adversary the undoubted advantages of

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<sup>7</sup> The US Doctrine of Preemptive Attack – Real Problem, Wrong answers", Report of the Task Force on Peace and Security, UN Association, June 17, 2003, p. 6.

<sup>8</sup> Peter Dombrowski and Rodger A. Payne, "Global Debate and the Limits of the Bush Doctrine," *International Studies Perspectives*, No.4, 2003, p. 395-408.

<sup>9</sup> The US Department of Defense Dictionary of Military Terms (2003).

<sup>10</sup> Anthony Arend, "International Law and Preemptive Use of Military Force", *The Washington Quarterly*, vol. 26, no. 2, (Spring) 2003, p. 89-103.

<sup>11</sup> Richard K. Betts, "Suicide from Fear or Death", *Foreign Affairs*, vol. 82, no.1, (Jan/Feb) 2003, EBSCOhost, April 20, 2005

executing a disarming blow.”<sup>12</sup> The important characteristic of preemptive strike is that it sees a necessity- considering it is certain that attack will occur and use of force by other state is imminent. Thus, it considers that a war is unavoidable and has to make the first strike. Preemptive attack is launched only after the state being attacked has either initiated or has given a clear indication that it will initiate an attack.

On the other hand, preventive strike is an attack used by a state under the assumption of preventive self-defense. It is assumed that war is ultimately inevitable. It is better to face it earlier, when chances of military success are greater. But there is no certainty that war is inevitable.<sup>13</sup> It is defined as a war “initiated in the belief that military conflict, while not imminent is inevitable and that to delay would involve greater risk.”<sup>14</sup> It is “premeditated to be carried out at a time of the attacker’s own choosing.”<sup>15</sup> Thus, preventive strike is based on subjective evidence.

A recent example of preemptive strike is observed when the United States decided to apply pre-emptive strike in order to prevent acts of terrorism after 9/11.<sup>16</sup> The Bush administration considered that WMD (the three main WMD types being chemical, biological and nuclear) as well as terrorists posed threat to the United States and its allies. A link has been made between rouge states, terrorist groups and WMD. It is warned that terrorists could attack the United States with WMD through their rouge allies. In 2003, the Bush administration pointed Iraq and identified Iraq as the most dangerous rouge state with WMD. It was considered that Iraq continued to produce and possess WMD and it had links with terrorist organizations, including al Qaeda. There was an increasing risk that Iraq or al Qaeda could attack with WMD against the United States or its allies. Thus, the fact that Iraq was a producer of WMD, and even of trying to produce nuclear weapons, possessing such weapons and their means of delivery, and that such weapons posed a significant threat to the world, furthermore, the Iraqi administration was considered unreliable were the reasons for preemptive strike.<sup>17</sup>

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<sup>12</sup> James E. Dougherty and Robert L. Pfaltzgraff, Jr., *Contending Theories of International Relations*, New York: Addison Wesley Longman, Fifth Edition, 2001, p. 344-397.

<sup>13</sup> Richard K. Betts, “Striking First: A History of Thankfully Lost opportunities”, Carnegie Council on Ethics and International Affairs, (March 2) 2003, on Carnegie Council web site (<http://www.carnegiecouncil.org>)

<sup>14</sup> The US Department of Defense Dictionary of Military Terms (2003).

<sup>15</sup> Dougherty, *Contending Theories...*, p. 344-397.

<sup>16</sup> “*The National Security Strategy of the United States (NSS)*” issued by the Bush administration (*September 2002*), from World Wide Web page [Http://www.whitehouse.gov/nsc/nss.html](http://www.whitehouse.gov/nsc/nss.html).

<sup>17</sup> There were also other reasons such as the need for the Middle Eastern oil, the security of the Persian Gulf and Israel, which the United States considered as a threat to

There was a great emphasis in the US statements on the right of self-defense for preemptive strike. The administration argued that the nature of WMD, plus the emergence of international terrorist groups that may strike without warning radically changed the situation with regard to defining imminent attack and thus, justify a pre-emptive attack. They claimed right to preemptive strike against its enemies.

We must adapt the concept of imminent threat to the capacities and objectives of today's adversaries.<sup>18</sup>

By the time imminent WMD use has been established, it may be too late to take any kind of successful action.<sup>19</sup>

The United States considered that it was too risky to wait, thus can use force in self-defense against the threat posed by WMD and terrorism.

### ***Status in International Law and the United Nations Charter***

In evaluating the justifications of pre-emptive strike in relation to international law the principle of 'jus ad bellum', or the rightness of a decision to go to war will be considered. Sovereignty is the fundamental basis of international law, so international law clearly implies that state should not interfere with each other's sovereignty. Thus, preventive war is considered to violate international law and not a "just war", where as pre-emptive war is considered to be justifiable. A simple example of pre-emptive war is an attack against enemy that is preparing to invade. Thus, according to traditional international law if there is an imminent danger of attack pre-emption is permissible. However, though preventive war is forbidden by international law, it is justified by states engaging in preventive war that another state may attack them in the future.

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American oil-based economy and to American security. Moreover, it is noted that the Bush strategy in the Middle East depended on the assumptions that the status quo in the Middle East requires to be changed, Iraq's WMD poses threat, there was a need to push for Israeli-Palestinian peace and regime change, as well as promote democracy and freedom in the region. See Philip H. Gordon, "Bush's Middle East Vision", *Survival*, vol. 45, no. 1, (Spring) 2003, p. 155-165. Though there are other reasons for intervention, what we shall emphasize here is that threats presented by WMD and availability of these WMD to rouge and failed states as well as terrorist organizations present a threat to US homeland during the peacetime.

<sup>18</sup> "The National Security Strategy of the United States (NSS)" issued by the Bush administration (September 2002), from World Wide Web page [Http: // www.whitehouse.gov/nsc/nss.html](http://www.whitehouse.gov/nsc/nss.html).

<sup>19</sup> Anthony Arend, "International Law and Preemptive Use of Military Force", *The Washington Quarterly*, vol. 26, no. 2, (Spring) 2003, p. 89-103.

The UN Charter has a general prohibition against the use of force, “but authorizes the Security Council to use force even in the absence of aggression by the target, and permits unilateral and non-UN multilateral acts of self-defense under certain constraints.”<sup>20</sup> According to the Articles 39, 41 and 42, the Security Council can use force; Article 51 permits unilateral and non-UN multilateral acts of self-defense. Thus, according to the UN Charter there are two exceptions where force can be used: in case of self-defense and when there are threats to peace and security. First, Article 39 provides right for the Security Council to determine if there is threat to peace and Article 42 tells that the Security Council can authorize use of force against the offending state. Second, about right of using force in anticipatory self-defense, there are two interpretations of the Charter on Article 51. It says that before there is actual attack, states cannot use preemption as self-defense. Other interpretation is that it does not limit the use of force in self-defense to actual attack has occurred. But it should be nearly certain that the attack would occur. Thus, there are two interpretations about the permissibility of preemptive war.<sup>21</sup>

In short, the Charter explicitly permits the use of force in self-defense and enables the Security Council to authorize force to confront threats to international peace and security. There have been cases that have violated the UN Charter framework, such as the Soviet invasion of Afghanistan (1979), the Argentine invasion of Falklands (1982), the Iraqi attack on Kuwait (1990) and many more. Also, the US invasion of Iraq is considered as violation of international law by a large number of international lawyers.<sup>22</sup>

Furthermore, an evaluation of the Bush administration’s doctrine of preemptive strike by the UN Task Force on Peace and Security noted that there were two defects of this policy. One is that it was based on assumptions and “forecasts that certain adverse developments may take place in the future”. There was the threat of WMD, but “the potential rouge state-terrorist-WMD threat should not be treated as an ultimate one involving the life or death of the entire nation.”<sup>23</sup> Second is that it was based “on intelligence that is difficult to collect and that may be incomplete or inaccurate.” Thus, it had “credibility gap”.<sup>24</sup> Furthermore, they share the view that it was preventive rather than preemptive strategy saying that, “US action would prevent a possible future attack, not preempt an imminent attack already being prepared.”<sup>25</sup>

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<sup>20</sup> Steven C. Welsh, “Preemptive War and International Law”, International Security Law Project, (December 5) 2003.

<sup>21</sup> Arend, “International Law and Preemptive...”, p. 89-103.

<sup>22</sup> Mark A. Drumbl, “Self defense and the use of force,” *International Studies Perspectives*, no.4, 2003, p. 409-431.

<sup>23</sup> Ibid.

<sup>24</sup> “The US Doctrine of Preemptive Attack – Real Problem, Wrong answers”, Report of the Task Force on Peace and Security, UN Association, June 17, 2003, p.1.

<sup>25</sup> Ibid, p. 2.

## Rethinking the policy of deterrence

Deterrence posited that weapons are necessary for to assure that no enemy would attack the United States or its allies. During the Cold War, deterrence heavily relied “on a readiness to retaliate with robust and survivable nuclear forces-in-being (long range bombers, ICBMs, and SLBMs)”.<sup>26</sup> However, the US-Soviet rivalry that dominated the deterrence theory for 40 years ended living its place to political, economic and military cooperation between the United States and Russia starting in the 1990s. The new threats are non-state actors, such as terrorists, ethnic militias, cults, organized criminals, and drug smugglers.<sup>27</sup> Furthermore, neo-conservatives<sup>28</sup> have assumed that threat to the United States and the world can come from ‘rouge states’ such as Iraq, Iran and North Korea, weak and failed states like Afghanistan and Iraq, because they relate religious terrorism with WMD. Cha and Kay notes that the technological dynamics of globalization makes asymmetrical power especially dangerous with the use of WMD.<sup>29</sup> Asymmetrical power provides alternatives for small or weak state to challenge more powerful states. Furthermore, technological dynamics of globalization such as proliferation of WMD makes asymmetrical power more dangerous. Thus, the meaning of threat has broadened after the Cold War.

This broadening was noted in the NSS. The NSS stated that failed or rouge states pose a danger like strong states during the Cold War. The United States applied deterrence policy against strong states, but this policy considered not applicable and reliable against these unfamiliar enemies. There is a complex challenge to deterrence, therefore “the possibility of deterrence failure will increase.”<sup>30</sup> The administration appeared less confident that deterrence alone could protect the United States and its allies. If deterrence could not work alone, the administration suggested preemption. The NSS asserted the right for preemption and no restraint on the US power.

In short, there were four factors that led the Bush administration to reconsider its deterrence polices and see preemptive strike as an alternative. The first reason was the United States could prevent attacks by “destroying opponents or opponents’ capabilities to achieve their objectives.” Second,

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<sup>26</sup> Dougherty, *Contending Theories...*, p. 344-397.

<sup>27</sup> Victor D. Cha, “Globalization and the Study of International Security”, *Journal of Peace Research*, Vol. 37, No. 3, 2000, p. 391-403; Nilufer Karacasulu Goksel, “Globalisation and the State”, *Perceptions*, Vol. 9, No. 1, 2004, p. 1-13.

<sup>28</sup> Today generally, the policies undertaken by the Bush administration are labeled as neo-conservative.

<sup>29</sup> Cha, “Globalization and the Study...”; Sean Kay, “Globalization, Power and Security”, *Security Dialogue*, Vol. 35, No.1, 2004, p. 9-25.

<sup>30</sup> Dougherty, *Contending Theories...*, p. 344-397.



deterrence did not work against terrorists. Third, due to 9/11, there was little toleration inside the administration for 'wait and see policy'. Fourth, earlier nonproliferation efforts failed to stop countries such as North Korea and Iraq to acquire WMD and thus still pose threats to international security. Under these circumstances, the Bush administration adapted a new doctrine to meet new dangers, which is preemptive strike.<sup>31</sup>

The Bush administration advanced a war against Iraq in March 2003 with the policy of pre-emptive strike, though its success has been questioned to establish a stable, democratic Iraq<sup>32</sup> and risks the international legitimacy<sup>33</sup>, because it did not have a decision by the United Nations.

Let us examine some of the arguments whether preemption is justified in the case of Iraq. Nye<sup>34</sup> and Arend<sup>35</sup>, Lindsey<sup>36</sup>, consider that the argument of waging preemptive war against Iraq was a strong one. Thus, they have defended the new strategy of the United States and supported preemptive strike. Lindsey noted that Iraq invaded its neighbors, fired on the United States and coalition aircraft, defied the UN resolutions calling for disarmament, and committed human rights violations. Moreover, Iraq was in pursuit of WMD and actively supported for international terrorist groups. Iraq would give WMD to terrorist groups such as al-Qaeda. He argued that the US war with Iraq would show the US determination to pursue global war on terror.<sup>37</sup>

Nye also supported pre-emption, but he stated the need for multilateral cooperation and besides the US military power, the growing importance of 'soft power' - "in the ability to attract and persuade rather than coerce"<sup>38</sup>

*"Pre-emption that is legitimized by multilateral sanction is far less costly and sets a far less dangerous precedent than the United States asserting that it alone can act as a judge, jury and executioner."*<sup>39</sup>

On the other hand, the critics of the shift toward pre-emption told that there is need to promote the existing multilateral agreements, use of diplomacy (whether cooperative or coercive or other means) and respect for international

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<sup>31</sup> James J. Wirtz and James A. Russell, "U.S. Policy on Preventive War and Preemption", *The Nonproliferation Review*, (Spring) 2003.

<sup>32</sup> Charles A. Kupchan (February 4, 2003), "United States should scrap Iraqi occupation plans", *The Modern Tribune*.

<sup>33</sup> Charles A. Kupchan (February 17, 2003), "Uneasy Alliances", *The Modern Tribune*.

<sup>34</sup> Joseph S. Nye, "US power and Strategy After Iraq", *Foreign Affairs*, vol. 82, no. 4, (July/August) 2003.

<sup>35</sup> Arend, "International Law and Preemptive...", p. 89-103.

<sup>36</sup> John Mueller and Brink Lindsey (2003), "Should we invade Iraq", *Reason*, vol. 34, no. 8, EBSCOhost. April 20, 2005.

<sup>37</sup> *Ibid.*

<sup>38</sup> Nye, "US power ..."

<sup>39</sup> *Ibid.*

law.<sup>40</sup> Rather than preemptive they insist that preventive war is an element of the Bush doctrine, although the Bush administration has labeled the war in Iraq as being pre-emptive. According to Currie, Lakensky, Moore, Mueller and Hammond, Iraq war could be considered as the first application of preventive war doctrine.<sup>41</sup> Furthermore, Lakensky stated that it was the Bush administration's mistake to involve preventive war policy in its policy.<sup>42</sup> By insisting on preventive war the United States has isolated itself and still after the war they continued to operate outside the multilateral approach, which Lakensky considered would lead negative consequences for the future of the United States. Mueller<sup>43</sup> and Hammond<sup>44</sup> similar to Lakensky, made the case against war. Mueller questioned the justifications to go to war with Iraq. Some people have justified due to Saddam had very little support in his own country and threatening the Middle East security. He questioned if Saddam was powerful enough to threaten the Middle East and considered that it was exaggerated. Moreover, he questioned the US interests in intervention, such as the importance of Israel, the Middle East oil and humanitarian argument. According to Mueller, American interests in the Middle East were limited.<sup>45</sup> Hammond considered US foreign policy as 'aggressive unilateralism' ignoring previous deterrence policy and alliance. He advised the US administration to return to multilateral policies since the United States could not cope effectively with terrorist threats as well as threats to the global economy and environment.<sup>46</sup>

Betts told about the risks of preventive war<sup>47</sup> and argued that internationally there was nothing to enforce the rules, thus, governments engage in war defending on their moral judgments, then, they try to find ways to justify their actions. Thus, one has to analyze the wisdom or error of the military

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<sup>40</sup> Duncan E. J. Currie (2003), "Preventive War and International Law After Iraq", on Global law web site ([http://www.globallaw.com/Iraq/preventive\\_war\\_after\\_iraq.htm](http://www.globallaw.com/Iraq/preventive_war_after_iraq.htm), 22/03/2005); Scott B. Lakensky, March 30, 2003. "Right war, Wrong Doctrine", The Jerusalem Post; John Mueller and Brink Lindsey, "Should we invade Iraq", Reason, vol 34, no. 8, 2003 EBSCOhost. April 20, 2005; John L. Hammond, "The Bush Doctrine, Preventive War, and International Law", *the Philosophical Forum*, vol. 36, no. 1, Spring 2005, EBSCOhost, April 20, 2005

<sup>41</sup> Currie, "Preventive War ..."; Lakensky, "Right war..."; Mike Moore, "Truman Got it Right", Bulletin of the Atomic Sciences, vol. 59, no. 1, (Jan/Feb) 2003, EBSCOhost, April 20, 2005; Mueller and Lindsey, "Should we..."; Hammond, "The Bush Doctrine...".

<sup>42</sup> Lakensky, "Right war...".

<sup>43</sup> Mueller and Lindsey, "Should we...".

<sup>44</sup> Hammond, "The Bush Doctrine...".

<sup>45</sup> Mueller and Lindsey, "Should we...".

<sup>46</sup> Hammond, "The Bush Doctrine...".

<sup>47</sup> Betts, "Suicide from ...".

options of governments. “Governments making war believe that they are acting defensively and legitimately.” Nonetheless, he considered that preemption was justifiable in certain conditions:

“If fully reliable intelligence is ever obtained that an adversary is preparing attack and if striking first can reduce the damage that will otherwise be absorbed as a result of waiting to defend against the blow, preemption is the moral decision for any responsible guardian of national security.”<sup>48</sup>

Currie going further found the US administration responsible for the consequences of their attack on Iraq.<sup>49</sup> Kellner also criticized the Bush doctrine of pre-emptive strikes and unilateralism. Like other critics he emphasized multilateral and global solutions to problems such as terrorism, WMD and rogue states.<sup>50</sup> Kegley and Raymond argued that the US preventive war strategy was a negative example on how states might use military force undermining normative restraints. This would erode America’s reputation.<sup>51</sup> Schroeder noted that use of preemptive attack against Iraq fails on evidence of being an imminent and critical threat to the United States and its allies.<sup>52</sup>

### **Conclusion**

On January 2005 George W. Bush began his second term. It seems that while the US troops are still in Iraq, Iran developing nuclear weapons and working to enrich weapons-grade uranium and new leadership in the Palestinian authority, the Middle East will continue to dominate the US administration’s attention. In relation, the concept of preemptive strike will also continue to dominate many discussions. Pre-emptive strike is more legitimate than preventive, because of practical difference in the weight of evidence that adversary could attack. However, it is rarely possible to be sure that enemy preparations are offensive means as discussed among the Cold War strategists with the concept of ‘security dilemma’, ‘offense-defense balance’ and ‘spiral model’. Are there good examples of pre-emptive strike? Looking at the

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<sup>48</sup> Betts, “Striking First...”.

<sup>49</sup> Currie, “Preventive War...”.

<sup>50</sup> Douglas Kellner, “Preemptive strikes and the war on Iraq,” *New Political Science*, vol. 26, no. 3, (September) 2004, p. 417-440.

<sup>51</sup> Charles W. Kegley and Gregory A. Raymond, “Policy focus: Military Intervention in a changing World”, *International Studies Perspective*, vol 4, no. 4, 2003; Charles W. Kegley and Gregory A. Raymond, “Global Terrorism and Military Preemption: Policy problems and Normative Perils”, *International Politics*, no. 41, 2004, p. 37-49.

<sup>52</sup> Paul W. Schroeder, “Iraq: The case Against Preemptive War”, *The American Conservative*, no.1, (October 21) 2003, p. 8-20.

discussions it seems that there are cases defending as well as trying to show problems with preemptive strike.

We found out that US foreign and security policy has a significant change. New policy is emphasizing preponderance of US power, especially military power. It will not be bound by international law. Thus, the United States has replaced the Cold war doctrine of containment and deterrence with a policy of pre-emptive strike. The United States has applied this new policy in Iraq emphasizing 'the risks of inaction are far grater than the risks of action.' Thus, when it comes to the international war on terrorism, it seems that we can continue to see preemptive strike.

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