

The Perils of Preemptive War

William A. Galston

Introduction

On June 1, 2002 at West Point, President George W. Bush set forth a new doctrine for US security policy. The successful strategies of the Cold War era, he declared, are ill suited to national defense in the twenty-first century. Deterrence means nothing against terrorist networks; containment will not thwart unbalanced dictators possessing weapons of mass destruction. We cannot afford to wait until we are attacked. In today's circumstances, Americans must be ready to take "preemptive action" to defend our lives and liberties.

On August 26, 2002, Vice President Dick Cheney forcefully applied this new doctrine to Iraq. Saddam Hussein, he stated, is bolstering the country's chemical and biological capabilities and is aggressively pursuing nuclear weapons. "What we must not do in the face of a mortal threat," he declared, "is to give in to wishful thinking or willful blindness . . . Deliverable weapons of mass destruction in the hands of a terror network or murderous dictator or the two working together constitutes as grave a threat as can be imagined. The risks of inaction are far greater than the risks of action."

After an ominous silence lasting much of the summer, a debate about US policy toward Iraq has finally begun. Remarkably, Democratic elected officials are not party to it. Some agree with Bush administration hawks; others have been intimidated into acquiescence or silence. The Senate Foreign Relations

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Committee hearings yielded questions rather than answers and failed to prod Democratic leaders into declaring their position. Meanwhile, Democratic political consultants are advising their clients to avoid foreign policy and to wage their campaigns on the more hospitable turf of corporate fraud and prescrip-

tion drugs. The memory of the Gulf War a decade ago, when the vast majority of Democrats ended up on the wrong side of the debate, deters many from re-entering the fray today.

The Democratic Party's abdication has left the field to Republican combatants—unilateralists versus multilateralists, ideologues versus "realists." The resulting debate has been intense but narrow, focused primarily on issues of prudence rather than principle.

Arguments from Prudence

This is not to suggest that the prudential issues are unimportant, or that the intra-Republican discord has been less than illuminating. Glib analogies between Iraq and Afghanistan and cocky talk about a military cakewalk have given way to more sober assessments. President Bush's oft-repeated goal of "regime change" would likely require 150,000 to 200,000 US troops, allies in the region willing to allow us to pre-position and supply those forces and bloody street battles in downtown Baghdad. With little left to lose, Saddam Hussein might carry out a "Samson scenario" by equipping his Scud missiles with chemical or biological agents and firing them at Tel Aviv. Senior Israeli military and intelligence officials doubt that Israeli Prime Minister Ariel Sharon would defer to US calls for restraint, as Yitzhak Shamir's government did during the Gulf War. Israeli retaliation could spark a wider regional conflagration.

Assume that we can surmount these difficulties. The Bush administration's goal of regime change is the equivalent of our World War II aim of unconditional surrender, and it would have similar postwar consequences. We would assume total responsibility for Iraq's territorial integrity, for the security and basic needs of its population, and for the reconstruction of its system of governance and political culture. This would require an occupation measured in years or even decades. Whatever our intentions, nations in the region (and elsewhere) would view our continuing presence through the historical prism of colonialism. *The Economist*, which favors a US invasion of Iraq, nonetheless speaks of the "imperial flavour" of such a potential occupation.

But the risks would not end there. The Bush administration and its supporters argue that the overthrow of Saddam Hussein would shift the political balance in our favor throughout the Middle East (including among the Palestinians). Henry Kissinger is not alone in arguing that the road to solving the Israeli-Palestinian conflict leads through Baghdad, not the other way around. More broadly, say the optimists, governments in the region would see that opposing the United States carries serious risk, and that there is more to be gained from cooperating with us. Rather than rising up in injured pride, the Arab "street" would respect our resolve and move toward moderation, as would Arab leaders.

Perhaps so. But it does not take much imagination to conjure a darker picture, and the performance of our

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intelligence services in the region does not inspire confidence in the factual basis of the optimists' views. If a wave of public anger helped Islamic radicals unseat Pakistan's General Pervez Musharraf, for example, we would have exchanged a dangerous regime seeking nuclear weapons for an even more dangerous regime that possesses them.

All this, and I have not yet mentioned potential economic and diplomatic consequences. Even a relatively short war would likely produce an oil-price spike that could tip the fragile global economy into recession. Moreover, unlike the Gulf War, which the Japanese and Saudis largely financed, the United States would have to go it alone this time, with an estimated price tag of US\$ 60 billion for the war and \$15 billion to \$20 billion per year for the occupation.

Our closest allies have spoken out against an invasion of Iraq. Gerhard Schröder, leading a usually complaisant Germany but locked in a tough re-election fight, had gone so far as to label this possibility an "adventure," sparking a protest from our ambassador. Some Bush administration officials seem not to believe that our allies' views matter all that much. Others argue, more temperately, that the Europeans and other protesters will swallow their reservations after the fact, when they can see the military success of our action and its positive consequences. They may be right. But it is at least as likely that this disagreement will widen the already sizeable gap between European and American worldviews. Generations of young people could grow up resenting and resisting America, as

they did after the Vietnam War. Whether or not these trends in the long run undermine our alliances, they could have a range of negative short-term consequences, including diminished intelligence sharing and cooperation.

Broader Implications

Republicans have at least raised these prudential issues. For the most part, however, they have ignored broader questions of principle. But these questions cannot be evaded. An invasion of Iraq would be one of the most fateful deployments of American power since World War II. 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. To his credit, Kissinger recognizes this; he labels Bush's new approach "revolutionary" and declares, "Regime change as a goal for military intervention challenges the international system." The question is whether this revolution in international doctrine is justified and wise.

I think not. 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 postwar international system, the United States would act as a law unto itself, creating new rules of international engagement without the consent of other nations. In my judgment, this new stance would ill serve the long-term interests of the United States.

There is a reason why President Bush could build on the world's sympathy in framing the US response to al Qaeda after September 11, and why his father was able

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to sustain such a broad coalition to reverse Saddam Hussein's invasion of Kuwait. In those cases our policy fit squarely within established doctrines of self-defense. By contrast, if we seek to overthrow Saddam Hussein, we will act outside the framework of global security that we have helped create.

In the first place, we are a signatory to (indeed, the principal drafter of) the United Nations Charter, which explicitly reserves to sovereign nations "the inherent right of individual or collective self-defense," but only in the event of armed attack. Unless the administration establishes Iraqi complicity in the terrorism of 9/11, it cannot invoke self-defense, as defined by the charter, as the justification for attacking Iraq. And if evidence

Liberal Pluralism

**The Implications of Value Pluralism for Political
Theory and Practice**

William A. Galston

Isaiah Berlin first advanced the moral theory of value pluralism in the 1950s and it subsequently was developed by a number of distinguished scholars, including Galston. In *Liberal Pluralism*, Galston defends a version of value pluralism for political theory and practice. Against the contentions of John Gray and others, Galston argues that value pluralism undergirds a kind of liberal politics that gives great weight to the ability of individuals and groups to live their lives in accordance with their deepest beliefs about what gives meaning and purpose to life. This account of liberal pluralism is shown to have important implications for political deliberation and decision-making, for the design of public institutions, and for the division of legitimate authority among government, religious institutions, civil society, parents and families, and individuals.

Liberal pluralism leads to a vision of a good society in which political institutions are active in a limited sphere and in which, within broad limits, families and civil associations may organize and conduct themselves in ways that are not congruent with the principles that govern the public sphere.

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of Iraqi involvement exists, the administration has a responsibility to present it to Congress, the American people and the world, much as John F. Kennedy and Adlai Stevenson did to justify the US naval blockade of Cuba during the 1962 missile crisis.

The broader structure of international law creates additional obstacles to an invasion of Iraq. To be sure, such law contains a doctrine of "anticipatory self-defense," and there is an ongoing argument concerning its scope. Daniel Webster, then secretary of state, offered the single most influential statement of the doctrine in 1837: There must be shown "a necessity of self-defense . . . instant, overwhelming, leaving no choice of means, and no moment for deliberation." Some contemporary scholars adopt a more permissive view. But even if that debate were resolved in the manner most favorable to the Bush administration, the concept of anticipatory self-defense would still be too narrow to support an attack on Iraq: The threat to the United States from Iraq is not sufficiently specific, clearly enough established or shown to be imminent.

The Bush doctrine of preemption goes well beyond the established bounds of anticipatory self-defense, as many supporters of the administration's Iraq policy privately concede. (They argue that the United States needs to make new law, using Iraq as a precedent.) If

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the administration wishes to argue that terrorism renders the imminence criterion obsolete, it must do what it has thus far failed to do—namely, to show that Iraq has both the capability of harming us and a serious intent to do so. The abstract logical possibility that Saddam Hussein could transfer weapons of mass destruction to stateless terrorists is not enough. If we cannot make our case, the world will see anticipatory self-defense as an international hunting license.

Just War Theory

We must also examine the proposed invasion of Iraq through the prism of just war theories developed by philosophers and theologians over a period of centuries. Just war theory begins with the proposition that universal moral reasoning can and should be applied to the activity of war, thereby helping us determine together whether a particular use of force is just or unjust. One of its most distinguished contemporary exponents, Michael Walzer, puts it this way: First

strikes can occasionally be justified before the moment of imminent attack, if we have reached the point of “sufficient threat.” This concept has three dimensions: “a manifest intent to injure, a degree of active preparation that makes that intent a positive danger, and a general situation in which waiting, or doing anything

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other than fighting, greatly magnifies the risk.” The potential injury, moreover, must be of the gravest possible nature: the loss of territorial integrity or political independence.

Saddam Hussein may well endanger the survival of his neighbors, but he poses no such risk to the United States. And he knows full well that complicity in a 9/11-style terrorist attack on the United States would justify, and swiftly evoke, a regime-ending response. During the Gulf War, we invoked this threat to deter him from using weapons of mass destruction against our troops, and there is no reason to believe that this strategy would be less effective today. Dictators have much more to lose than do stateless terrorists; that is why deterrence directed against them has a good chance of working.

In short, the US cannot claim it undertakes a war of national defense. Iraq has not attacked the US and, in spite of determined efforts by some in the administration, it is not yet clearly implicated in attacks on us by others. The just war tradition suggests that four criteria exist that can justify preemption, and each of them is a continuum of possibilities rather than an on/off switch. These criteria are: 1) the severity of the threat; 2) the degree of probability of the threat; 3) the imminence of the threat; and 4) the cost of delay. But if one tests the proposed intervention in Iraq against these criteria, I suggest one finds the following: 1) the threat is high in the worst case—that is, the acquisition of transferable nuclear weapons; 2) the probability of the threat is contested—many experts have argued that a transfer of nuclear weapons by Saddam Hussein to terrorists is contrary not only to his past behavior but also to his clear and present interests; 3) no one has argued that the threat of attack is imminent; and 4) the cost of delay is low if it is measured in months as the US tries to exhaust other options.

According to this four-part analysis, then, the case has not been made that Iraq poses a sufficient threat to justify a preemptive strike. Further, in its segue from al

Qaeda to Saddam Hussein, and from defense to preemption, the Bush administration has shifted its focus from stateless foes to state-based adversaries, and from terrorism in the precise sense to the possession of weapons of mass destruction. Each constitutes a threat. But they are not the same threat and do not warrant the same response. It serves no useful purpose to pretend that they are seamlessly connected, let alone one and the same.

The United Nations, international law, just war theory—it is not hard to imagine the impatience with which policy makers will greet arguments made on these bases. The first duty of every government, they will say, is to defend the lives and security of its citizens. The elimination of Saddam Hussein and, by extension, every regime that threatens to share weapons of mass destruction with anti-American terrorists, comports with this duty. To invoke international norms designed for a different world is to blind

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ourselves to the harsh necessities of international action in this new era of terrorism. Now that we have faced the facts about the axis of evil, it would be a dereliction of duty to shrink from their consequences for policy. Even if no other nation agrees, we have a duty to the American people to go it alone. The end justifies—indeed requires—the means.

These are powerful claims, not easily dismissed. But even if an invasion of Iraq succeeds in removing a threat here and now, it is not clear whether a policy of preemption would make us safer in the long run. Specifically, we must ask how the new norms of international action we employ would play out as nations around the world adopt them and shape them to their own purposes. (And they *will*; witness the instant appropriation of the United States’ antiterrorism rhetoric by Russia and India, among others.) It is an illusion to believe that the United States can employ new norms of action while denying the rights of others to do so as well.

Also at stake are competing understandings of the international system and of our role within it. Some administration officials appear to believe that alliances and treaties are in the main counterproductive, constraining us from most effectively pursuing our national interest. Because the United States enjoys unprecedented military, economic and technological preeminence, we can do best by going it alone. The response to these unilateralists is that that there are

many goals that we cannot hope to achieve without the cooperation of others. To pretend otherwise is to exchange short-term gains for long-term risks.

Even after we acknowledge the important distinctions between domestic and international politics, the fact remains: No push for international cooperation can succeed without international law and, therefore, without treaties that build the institutions for administering that law. This is one more reason, if one were needed, why the United States must resist the temptation to set itself apart from the system of international law. It will serve us poorly in the long run if we offer public justifications for an invasion of Iraq that we cannot square with established international legal norms.

But if There Be War . . .

I have argued that war with Iraq *is* avoidable and *should be* avoided. But if the US does go to war, I contend that there are better and worse ways of prosecuting such a war. The US must make a visible and credible effort to explore and exhaust all other *reasonable* options—not logically possible options—but all reasonable ones. The US also must state a public rationale that focuses on enforcement within some viable international system. And most important of all, if regime change means the unconditional surrender of Iraq and abdication by Saddam Hussein of all reins of power, then the US must commit itself to doing for Iraq what it did for Germany after World War II. The US must commit itself to political, economic, and social reconstruction of Iraq such that a decent regime capable of standing on its own will be the likely outcome of US efforts. If that means an occupation measured in decades rather than months, and it means the expenditures of tens of billions of dollars a year in order to sustain that—then we must commit ourselves to that here and now, because if what we really have in mind the destruction and abandonment of a nation, that, in my judgment, is absolutely the worse outcome imaginable.

We are the most powerful nation on earth, but we must remember we are not invulnerable. I conclude by stressing that to safeguard our own security, we need the assistance of the allies whose doubts we scorn, and the protection of the international restraints against which we chafe. We must therefore resist the easy seduction of unilateral action. In the long run, our interests 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.

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Sources: The text of President Bush's June 1, 2002 address at West Point is available at, among other sources, <http://www.whitehouse.gov/news/releases/2002/06/20020601-3.html>; Vice President Dick Cheney's August 26, 2002 remarks can be found, among other places, at: <http://www.whitehouse.gov/news/releases/2002/08/20020826.html>; Henry Kissinger's remarks concerning regime change can be found in the *Washington Post*, opinion and editorial section (August 12, 2002) and repeated in interviews in various media. The United Nations Charter, Ch. VII, art. 51; Daniel Webster's views of the necessity of self-defense were occasioned by the *Caroline* incident of 1837, in which the American ship was attacked by a Canadian naval force to end the ship's supplying of armed rebels plotting the liberation of French Canada. Michael Walzer, *Just and Unjust Wars* (Basic Books, 1977).