

MEASUREMENT CRITERIA FOR THE US WAR ON TERROR:
A PRAGMATIC INTERPRETATION OF JUST WAR THEORY AND A CRITIQUE
OF NEO-CONSERVATIVE POLICIES

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Sine ira et studio – Without anger or bias

Cornelius Tacitus

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Chapter 1: Introduction to the US War on Terror

Did the terrorist attacks of September 11th change the way the United States ought to contain, confront, or neutralize threats abroad? Or, can the US use the same set of tools and responses in crafting a response to terrorist threats, present and future? These are the questions that underlie the debates, discussions, critiques, and conclusions throughout this work on the US war on terror.

After Al Qaeda attacked the US on September 11th 2001, the US launched its war on terror. This global war builds upon the premises of the just war tradition while using the policies of the American neoconservative movement.¹ In essence, the neoconservative movement takes a piecemeal approach to just war theory in order to meet its various goals. This is embodied by politicians from both the left and right that represent this movement, particularly those that run the current American administration. The reason is that the neo-conservative agenda has become a pervasive part of American foreign policy and any discussion of the US execution of the war on terror must necessarily include a discussion of neoconservative practices within its literature review.

The question posed with regard to the war on terror as it is currently executed is whether it is just against measures of just war theory and other normative measures. Choosing the rubric of just war theory allows an evaluation of the US war on terror through measures that are prevalent in the international community.

¹ The rationale here is that the international community uses accepted practices within just war theory to show causality for action or inaction as the case may be. The neoconservative interpretation of just war practices is at a near peak during the current American administration as further expanded in the literature review and case study of this work.

The measurement of the successes and failures of the war on terror is grounded in the overarching framework of just war theory because it represents the prevailing norms and the international community understandings with regard to the conduct of war and armed conflict. For instance, the permissibility of action in war is rooted in causality. Does a state have an appropriate cause for action? Also, the permissibility of action in war is based upon the principle of proportion. Is a state's response proportionate to the action that caused it? These are a few of the principles of just war theory and help to show how pervasive just war theory is in the legal framework of waging war.

The thesis of this work believes that the US, despite its policy of preemption, has been successful in working within just war theory on the short term (tactical) level. However, in the long term (strategic) sense, where the goal is to ferret out the root causes of terrorism, the US has failed in the four years since September 11th.

The second chapter is the literature review, which discusses the policies and philosophies of the neoconservative movement. The thinkers discussed are Leo Strauss, Irving Kristol, and Natan Sharansky. Each of these authors represents a different phase of neoconservative thinking. After discussing the neoconservative thinkers, individual policy makers are discussed with regard to how neoconservative strategies affect their policy decisions. Next, just war theory is discussed with regard to Michael Walzer because he encapsulates so much of traditional just war theory and has updated his theoretical work post September 11th, which makes him one of the few just war theorists to have approached the subject of global terrorism in the post September 11th environment.

The literature review lays the groundwork for the third chapter. Measurement criteria for evaluating the US war on terror are laid out in the third chapter. This begins with the temporal, short term tenets of just war theory and then attempts to improve just war theory by offering a lens by which to evaluate long term strategies and approaches for a just war on terror. In brief, this chapter takes the short term framework of just war theory as it applies to tactical uses of military, covert and financial tools. At the same time, this is applied against a long term framework of normative approaches to strategic measures of socio-political, economic, and religious dealings. The measurement criteria lays out a pragmatic approach by which the US war on terror is evaluated in the fourth chapter. This chapter concerns itself with presenting ethical and moral measures by which to judge the US war on terror. The reason that the evaluation is split into short term and long term measures is due to the real world circumstances that confront the US at each level. So while the tactics for evaluation may change, the overarching moral and ethical standards remain universal throughout.²

The US war on terror is evaluated by looking at the US versus the Al Qaeda terrorist organization in Afghanistan as well as a limited treatment of the US invasion, occupation, and nation building actions in Iraq. The evaluation is based upon the measurement criteria laid out in the third chapter and attempts to answer several policy based decisions like what are the ramifications of the US war on terror? Or, what is its efficacy as compared to other possible strategies? This fourth chapter is laid out as a case study.

² For instance, the short term goal of the war on terror is to neutralize current terrorist threats, e.g. Al Qaeda, while the long term goal is to seek the obsolescence of the factors that cause terrorism and, thus, terrorism itself.

The fifth and final chapter is a discussion of how the US can work within the international institutional framework in order to build coalitions that will, all at once, offset the costs of its war on terror and affect root cause change in regions in order to stem the tide of future terrorism. Now this work turns to the literature review.

Chapter 2: Literature Review

This literature review is accomplished in two parts. First, literature and policies of the neoconservative movement are presented, analyzed, and critiqued. Second, the literature of just war theory with regard to Michael Walzer is presented, analyzed and critiqued. The goal of this literature review is to unpack the terms, positions, theory, and policy of the neoconservative and just war establishments, respectively, and provide a sufficient critique of the established literature in order to ‘set the stage’ for the measurement criteria presented in chapter three.³

2.1 *Neo-Conservative Perspectives*

This section discusses various perspectives rooted within neoconservatism. As for terrorism response and neo-conservatives, there are no greater practitioners of this theory than the official within the Bush Administration. It is necessary to understand that neo-conservatives spend little time in academia and tend to eschew scholarly discourse; instead, they favor engagement in the world of public policy. Much of the literature reviewed in the section on neo-conservatism and terror response is garnered from opinion editorials from major newspapers and periodicals as well as published works from conservative think tanks. Neo-conservatism is not a theory within international relations, per se, but is important to discuss because of the major public policy power that the neo-conservatives wield in American foreign policy.

³ Additionally, the goal is to see how the neoconservative policies play with and against just war theory and practice, i.e. where do they agree or conflict.

The term neo-conservative is one of the most oft-used, least understood terms in modern international relations and political science. I will attempt an exhaustive definition of this term to understand what neo-conservatives stand for but also what they are not at the same time. After defining key terms, the review of the literature will then discuss the ideas of neo-conservatism followed by a discussion of the practitioners of American neo-conservatism.

Neo-conservatives may be defined as those who want the US to be the world's unchallenged superpower, share unwavering support for Israel, support American unilateral action, support preemptive strikes to remove perceived threats to US security, promote the development of an American empire, equate American power with the potential for world peace, seek to democratize the Arab world and push regime change in states deemed threats to the US or its allies.⁴ Neo-conservatives tend to have roots in some sort of neo-liberal political economy⁵ so it is important for the reader to keep in mind that in some sort of basic terms, neo-conservatives advocate a near libertarian view of economics but only to the extent that it is beneficial to the United States advocating what ends up being, as one author called it, imperial hubris.⁶ Note that the neo-conservative movement is not confined to the American right and also exists on the left as well.⁷ As it turns out, the left and right tend to agree on neo-conservative aims but disagree on the means by which to achieve those aims.

⁴ "Neocon Quiz." *The Christian Science Monitor*. <http://www.csmonitor.com/cgi-bin/neoConQuiz.pl>. 30 December 2004.

⁵ "Neoconservative." Disinfopedia. http://www.disinfopedia.org/wiki.phtml?title=Neo-conservative#Neoconservative_is_conservative_neoliberal. 18 December 2004.

⁶ Anonymous. *Imperial Hubris, Why the West is Losing the War on Terror*. 2004. Washington DC.

⁷ A neo-conservative can be a Democrat or a Republican. It could be plausibly argued that every US president since Ronald Reagan has been a neo-conservative of varying degrees. Also, some of the staunchest neo-conservatives are democratic Senators, e.g. Sens. Biden and Kerry.

The so-called godfather of neo-conservatism is Irving Kristol. Kristol has likened neo-conservatism to less of a theory and definitively not a movement; instead, he prefers to call it a persuasion.⁸ Further, neo-conservatism is a purely American movement that has no parallel in any other part of the world.⁹ For the neo-conservative, the justification of 'national interest' is broad and malleable is used to justify a broad range of policies.

The philosophy of Leo Strauss greatly influenced neo-conservatives.¹⁰ Nevertheless, many are vehemently critical of Strauss saying that his views are analogous to fascist machinations hell bent on creating a world run by the intellectual right.¹¹ If this seems strong, then it is probably because it is. In reality, Strauss, saw a world where democracy was essentially flawed but was the best form of government that humanity could produce. Democracy is the best tool in preserving liberty, thus making it the form of government that should be enacted throughout the world.¹² What makes Strauss different than a democratic peace theorist is that Strauss was willing to see democracy spread at the tip of the sword. In addition, Strauss was a classical thinker that had a clear disdain for relativism. Strauss believed the world was black and white. However, by dying in 1973, Strauss would fail to see the neoconservative movement take hold in the US and it is also unclear what he would think of it. As the famous Straussian Alan Bloom said, "My only politics is philosophy."¹³ In short, traditional Straussian thinking did not

⁸ Kristol, Irving. "The Neoconservative Persuasion." *The Weekly Standard*. 25 August 2003.

⁹ Ibid.

¹⁰ The reader will notice throughout this section on Strauss that very little reference is made to actual Straussian doctrine; this is important since it is unclear whether Strauss would consider himself a neo-conservative or even agree with the ways in which he has been interpreted posthumously. As such, I have concentrated on the deification of Strauss by the neo-conservative persuasion.

¹¹ Steinberg, Jeffrey. "Profile: Leo Strauss, Fascist Godfather of the Neo-Cons." *Executive Intelligence Review*. 21 March 2003.

¹² Berkowitz, Peter. "What Hath Strauss Wrought?" *The Weekly Standard*. 2 June 2003.

¹³ Unknown. "Leo Strauss." *Brainy Encyclopedia*.

http://www.brainyencyclopedia.com/encyclopedia/l/le/leo_strauss.html. 19 June 2005.

see the nexus between politics and philosophy. The reason Strauss is looked to by the neo-conservatives is because of the moral clarity that allowed a smooth transition from conservatism to its more active neo-conservative machination.

As the neoconservative movement evolved, the nexus between philosophy and politics strengthened and eventually politics became the tool of choice for the neoconservative thinker. Gone were the days when Leo Strauss would philosophize on the sidelines of policy debates. In this new era, the neoconservative not only engaged in political debate, but had become principal decision makers in the world of public policy. Neo-conservatives possess a belief regarding terrorism that is best encapsulated by the following quote:

We are in the midst of the first world war of the twenty-first century, waged between the world of terror and the world of democracy, between a civilization in which human life is held in the highest value and one for which human life is merely an instrument to reach certain political aims. The world of democracy will win this struggle. But in order for the victory to be everlasting, it is crucial, but not sufficient, to destroy the terror. It is imperative to expand the world our enemies try to destroy, to export democracy.¹⁴

Neo-conservatives wish to export American ideals abroad, which they believe will help to ferret out terrorists and end terrorist insurgency. Many of the prominent individuals in the Bush Administration are neoconservatives. The current policy objectives of the neoconservative Bush Administration focuses on the military side of foreign policy. Prior to September 11th, however, the neoconservative movement did not focus on an active military foreign policy. Instead, the neoconservative chose to promote

¹⁴ Sharansky, Natan. "Democracy for Peace." American Enterprise Institute for Public Policy Research, World Forum. Washington DC. 20 June 2002.

its objectives through strict liberal economic policy while maintaining moderate protective measures in the US for key industries, i.e. steel. This focus on economics is an attribute of the post Cold War shift from military answers to economic strategies. Evidence of this is apparent in the reduction in US military end strength during the 1990's.

The catalyst of September 11th caused a shift from the economic tools of the 1990's to active military engagement. Neoconservative thinking post September 11th, believes in the pacifying effect of spreading democracy even at the cost of preemptive attack. This cost is great since it comes at the price of just war thinking that sets a very high bar for preemptive action.¹⁵ For instance, just war theory would not traditionally condone the March 2003 invasion of Iraq by the US. Therefore, if one can gain an understanding of the American neoconservative movement, then one will understand how the US attempts to frame its foreign policy.

The change in neoconservative movement thinking from economic tools to active military engagement is a return to traditional Straussian thinking whereby the spread of democracy comes 'at the tip of the sword' as opposed to more passive economic measures. There is something intrinsically ironic about the idea of 'forced democracy' and it is a concept not discussed by neoconservative thinkers. The closest explanation that the neoconservatives discuss is the notion that desire for democracy is latent and the risk of revolution is more dangerous for a populous than the costs of inaction. Therefore, the US, because of its war fighting capability, can aid revolution by deposing despotic rulers. This then lowers the risk for a local populous to stand up a fledgling democracy.

¹⁵ Just war theory does allow for preemption to varying degrees but, practically speaking, the international community as represented by the UN General Assembly and Security Council has been reticent to condone or authorize preemption.

However, in classic ‘do as I say not as I do’ fashion, the neoconservative ignores just war tenets and principles of territorial integrity and sovereignty in order to spread democracy.

The neo-conservatives are extraordinarily savvy in crafting their message and they even advocate helping to change the image of America and other countries abroad through increased public diplomacy.¹⁶ Although, it seems to amount to little more than a ‘smoke and mirrors’ public relations effort; propaganda or dogma analogous to the Cold War’s Radio Free Europe.¹⁷ Nevertheless, the neoconservatives dogged determination has proved a potent foreign policy tool often outlasting its critics by never straying too far off message or simply depicting all opposition as unpatriotic thus cutting off debate. The foreign policy belief within neo-conservatism is to defend the American national interest by quelling terrorist insurgency and by exporting American style democracy, at whatever cost of political capital on the world stage. This completes the sense of what neo-conservatives believe are necessary means in order to wage a successful war on terror. Next, are a few examples of policy application from the practitioners of American neo-conservatism.

High profile neo-conservative politician include Vice President Dick Cheney, Secretary of Defense Donald Rumsfeld and the former Deputy Secretary of Defense Paul Wolfowitz. The tragic events of September 11th, 2001 served as a sort of coming out party for a new and wholly brazen American foreign policy that justifies acts with little opposition or debate justified solely by the war on terror. The following are a few examples of the neo-conservative slant to the application of the United States foreign policy as it relates to the war on terrorism.

¹⁶ Rampton, Sheldon. “Terrorism to End Terrorism.” *PR Watch*. 4th Quarter 2001.

¹⁷ Glassman, James K. “To Win Hearts and Minds, Get Serious.” *American Enterprise Institute*. 17 May 2004. http://www.aei.org/news/newsID.20536/news_detail.asp. 28 December 2004

To begin it would seem that for the American neo-conservative, democratic elections abroad have become a measure of success unparalleled to any other measure, e.g. equal protection, religious tolerance, women's suffrage, etc. Neo-conservatives believe in the primacy of 'free and fair' elections in Afghanistan and Iraq as the precursors to freedom from terrorism.¹⁸ This amounts to little more than spurious causation because while the neoconservative believes that democracy is the harbinger of stability, they do not account for the presence of solid infrastructure and institutions in the stability calculus. For instance, in terms of securing freedom, the neo-conservatives point to elections in Indonesia as a good first step in combating terror;¹⁹ unfortunately without solid institutionalized concepts of justice through toleration and openness, democracy alone will not help the neo-conservatives create an Indonesia free from the spawn of terror.

As to the war in Iraq, the neoconservatives have created a policy by which action to remove terrorist sympathizers is a greater priority than any sort of regard for international law. The neoconservatives argued the presence of weapons of mass destruction, which was only the ostensible reason for action. Strauss argued that under select circumstances, government officials could deceive for reasons of expediency.²⁰ In reality, the military action taken in Iraq was an attempt to secure a part of the world that had been confrontational to the United States. This is consistent within the 'hawk' community to follow their own prevailing interest rather than working with international

¹⁸ Safire, William. "The Fourth Election." *The New York Times*. 1 December 2004.

¹⁹ Wolfowitz, Paul. "The First Draft of Freedom." *The New York Times*. 16 September 2004.

²⁰ Unknown. "Leo Straus." *Brainy Encyclopedia*.

http://www.brainyencyclopedia.com/encyclopedia/l/le/leo_strauss.html#Quotes. 15 June 2005.

legal instruments or institutions.²¹ In fact, it is indicative of the neoconservative mindset that blame for insurgency in Iraq is attributed to the fact that the United States has not exacted enough control of the country.²²

Finally, the proponents of neo-conservatism are vehement defenders of the enemy non-combatant status that is given to foreign terror suspects that are detained or captured in the so-called war on terror.²³ The neo-conservatives have a notion that the provisions (they call them constraints) of the Geneva Convention do not apply since this is an action against a non-state actor, namely Al Qaeda. To the letter of the law, the neoconservatives are correct although the neoconservatives do not understand the protections of the conventions are about morals and ethics in war and more than simple definitions. The detention of the enemy combatants stands on wobbly legal ground in even a domestic sense, let alone provisions of international law.²⁴ Nowhere is this more obvious than in the manner in which recent stories of interrogation by torture justified by the war on terror have emerged.²⁵ Adding insult to injury, it appears that the neoconservatives knew that their actions were legally murky since their lawyers prepared classified memoranda detailing possible arguments to prove the permissibility of torture in set circumstances.²⁶

The practitioners of the neo-conservative persuasion appear to let little stop them from acting in the so-called national interest, even if that means treading on the law, rights, and principles of one's own state. Now to follow is a brief critique of the overarching principles that appear in the neo-conservative persuasion.

²¹ Brooks, David. "Hawk vs. Hawk." *The New York Times*. 14 September 2004.

²² Friedman, Thomas L. "Iraq: Politics or Policy." *The New York Times*. 3 October 2004.

²³ Lewis, Neil A. "Guantanamo Prisoners Getting Their Day, but Hardly in Court." *The New York Times*. 8 November 2004.

²⁴ Ibid.

²⁵ Higham, Scott. "Law Experts Condemn U.S. Memos on Torture." *The Washington Post*. 5 August 2004.

²⁶ Ibid.

Neoconservatism is a persuasion or a movement since it can not be considered a theory. It seems to pick and choose from other theories, namely realism and liberalism, in order to achieve a set of policy aims; it is not rich in explanatory power and seems to have a definition that floats across the spectrum in order to suit a variety of needs. Second, it is a persuasion that is morally suspect and bereft of any sort of ethics of respect for dissimilar cultures. By placing a superlative value judgment upon the national interest of one's own country it breeds a culture that is condescending. Third, and worst of all, the policies of the neo-conservative act with reckless regard for the intricacies of a society favoring the over simplistic axiom that democracy is a cure-all and justification for action; they go no further than 'might makes right.' In addition, there is this idea that Leo Strauss, Donald Kagan, and Irving Kristol have essentially birthed a theory that is more overrun by cliché and jingoist justifications than a credible response to terrorism.²⁷

The reckless export of democracy is more likely to create ethnic hatred and global instability (read: causes of terrorism) rather than acting against terrorist threats.²⁸ Notice the word threat. Neo-conservatives tend to think in terms of neutralizing threats through reactive action. This knee-jerk reaction ignores the root cause of problems and is more like diplomatic triage than a coherent policy, let alone theory.

In the end, the policies of the American neo-conservatives leave much to be desired. In partial contrast to the pervasive security and hegemonic concerns of the neo-conservatives, come the theories just war theory in relation to Michael Walzer, which are discussed in the following section.

²⁷ Lind, Michael. "A Tragedy of Errors." *The Nation*. 5 February 2004.
<http://www.thenation.com/doc.mhtml?i=20040223&s=lind>. 20 December 2004.

²⁸ Chua, Amy. *World on Fire*. New York. 2003.

2.2 *Just War Theory*

Walzer is a prolific writer on the subject of just war and has approached the subject of terrorism as it relates to just war with careful qualification. He provides case evidence of his arguments against various historical illustrations.

Instead of taking a broad look at Walzer's moral arguments, I have instead chosen to concentrate on two main areas and subsets of his theory within each of these areas. The first area is his theory of aggression and the subjects of anticipation and intervention within the theory of aggression. The second area is what he loosely termed the 'war convention' and the subjects of noncombatant immunity and terrorism. The reason I have chosen these two areas is because they highlight the greatest points of contention between the neoconservative and just war movements.

First, Walzer presents his theory of aggression, which is defined as the crime associated with war understood as the way that crime interrupts peace.²⁹ Aggression, according to Walzer, is the only true crime that is transacted between states, all else being 'misdemeanors,' e.g. trade sanctions, embargo, etc. Also, his argument is crafted as presenting the crime as a crime against the rights of political communities. In explicit terms, these are the rights of territorial integrity and political sovereignty.³⁰ In analyzing Walzer's theory of aggression, I am struck with the importance he places on the 'legalist paradigm.'

Every reference to aggression as the international equivalent of armed robbery or murder, and every comparison of home or country to personal liberty and political independence, relies upon what is called the *domestic*

²⁹ Walzer, Michael. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. Basic Books. 1977.

³⁰ Ibid.

analogy. ...These notions, I should stress, are not compatible with the fact that international society as it exists today is a radically imperfect structure.³¹

Walzer's words show that while it is tempting to draw a domestic analogy, it needs to be made with careful qualification since the judicial process of crime and punishment that exists at the domestic level has no analog in the international community. However, in creating a theory where states possess rights the same way that individuals do, Walzer has created two corollaries: First, while acknowledging that the 'domestic analogy' is about as imperfect as the legal system of the international community, he sets a bar that asks the world to continue to improve and codify its rules of war so that it may act in the same way as domestic legal systems. This, however, is not particularly interesting.

What is interesting is how Walzer fails to allow for individuals to wage war against a state or states. Walzer does not place equal weight on the individual and the state rights.³² This is a major weakness in his writing since, as a practical matter, individuals do wage war against states. Today, Osama bin Laden acts without the explicit approval of any state yet he wages war against Western powers, namely the United States. In addition to Osama bin Laden's actions as a stateless individual, his actions supercede domestic social contracts when such actions are condoned by a state that he may reside in, i.e. Afghanistan in the fall of 2001.

Walzer would probably argue that a state waging a war on an individual runs the risk of violating the sovereignty and territorial integrity of another state. Nevertheless, if a state can make the careful distinction that states that either actively or passively harbor

³¹ Ibid.

³² Walzer, Michael. *Arguing About War*. Yale University. 2004.

terrorists are themselves subject to aggression, then a state can be justified in waging war against not just an individual but also the state that may harbor that individual. The historical example of this is the manner in which the Bush Administration deposed the Taliban government of Afghanistan for its refusal to relinquish Osama bin Laden and his deputies. In critique, Walzer weaves a very tight argument over state's rights but stops short of bridging the gap into a consolidated theory of how a state ought to confront terrorism, thus creating a major theoretical misstep for the reasons highlighted heretofore.

He does, however, give a discussion on anticipations in the conduct of a just war. This is important since recent debate has highlighted the international community's deficiency in dealing with the question of preemptive action where one state, absent material *cassus belli*, attacks another state based upon that state's supposed intent. Walzer argues that several events must occur before anticipation may be judged as just or unjust. First, a statement of fact must be made and agreed as to who began the hostility.³³ This statement is not a debate, it is historical fact. The argument goes on to say that just as in the domestic sense, a state may act preemptively so long as the attack is imminent and there is no room for deliberation. The practical problem is that the current construct within the international community is prohibitively restrictive in allowing anticipations.

...states can rightfully defend themselves against violence that is imminent but not actual; ...this is recognized in domestic law and also in the legalist paradigm for international society. In most legal accounts, however, it is severely restricted. Indeed, once one has stated the restrictions, it is no longer clear whether the right has any substance at all.³⁴

³³ Walzer, Michael. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. Basic Books. 1977.

³⁴ Ibid.

Simply put, while the theory of anticipation exists, practice has all but ruled it out as a just action. Finally, Walzer asks the reader to think of anticipation along a spectrum where at one end imminent strike requires quick and decisive action on the part of the state while the other end is the deliberate act of perpetrating a preventive war.³⁵ He writes that, “States may use military force in the face of threats of war, whenever the failure to do so would seriously risk their territorial integrity or political independence.”³⁶ In analyzing this statement, I am struck by how permissive it is. Not only has Walzer created a major revision to the current international legalist paradigm, but he has also triggered several what if situations. Teetering on the line that divides theory and practice is a dangerous place to be because while theory may exist from the comfortable armchair of academia, a coherent policy must foresee the permutations that will challenge that policy. While Walzer’s statement makes sense in principle, he has definitional problems that I do not believe he has unpacked to a sufficient degree. This is important in the next chapter in the discussion of measurement criteria where Walzer’s position on anticipation is used as a starting point that is later expanded. As it relates to terrorism, Walzer’s notion of permissive anticipation is key in creating a coherent strategy as well as policy.

Also within the theory of aggression and with the same vein as his section on anticipation, Walzer writes about interventions. Concerning the Iraq question, Walzer’s section on interventions lay important groundwork that is discussed in the next chapter because the US invasion of Iraq was an interventionist action so Walzer provides a good lens by which to judge that action.³⁷ He begins by couching his argument by noting that the aggressor state can never be justified in war but that interventions are viewed in a

³⁵ Ibid.

³⁶ Ibid.

³⁷ Walzer, Michael. *Arguing About War*. Yale University. 2004.

different light and aren't war at all but rather interventions with military means. That said, Walzer goes on to note because interventions are different, they carry a high bar for the state that is intervening to show to the international community its just cause for action. Walzer gives specific historical instances by which to judge the justness of an intervention ranging from civil wars to humanitarian interventions.³⁸ The question of Iraq is dealt with in a subsequent work but he uses the basic model presented here to say that the war in Iraq was not justified based upon the evidence displayed in the run up to March 2003. Specifically, Walzer believes that while removing Saddam Hussein from power is moral and just, the removal could very well have been accomplished without war. In analyzing this and Walzer's other arguments, Walzer seems to do well in discussing historical events but fails to produce a rubric by which to judge future events; specifically, Walzer fails in specificity of requirements for interventions; he is too broad and this is a component of the just war tradition that will be improved upon in the measurement criteria of this work.

For now, Walzer's lack of definitive clarity has a lot to do with the temporal factor of decision making in the present tense. For instance, the US decision to invade in Iraq was ostensibly based upon its possession of weapons of mass destruction (WMD). I fear that Walzer's ultimate conclusion that the US war was not justified is based more on the fact that WMD did not exist in the final analysis rather than the evidence that supported the presence of WMD. However, while he tentatively supported UN inspectors in Iraq, it is unclear whether he believed in the existence of WMDs as a material cause of war. Nevertheless, this is expounded upon further in the discussion of 'enormous

³⁸ Walzer, Michael. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. Basic Books. 1977.

evidence' requirements within the measurement criteria. In short, while Walzer creates a compelling argument for the act of intervention in various cases, he fails to consider how intervention would play out in a state that is complicit in the act of terrorism. (Iraq would be an example of a complicit state while Afghanistan would be directly tied.) This deficiency is not resolved in Walzer's later work but, in spirit, Walzer lays the necessary groundwork when he writes about the burden of proof lying with the state that intends to intervene in the affairs of another state. This too, shall serve as a jumping off point in the chapter on measurement criteria.

The second area that Walzer discusses deals with what he calls the 'war convention.' This is not an actual legal convention, per se. It does not have formal signatories nor does it have the legal weight of a formal convention. Instead, Walzer's war convention is made up of the norms, practices, traditions, and ideals that surround the international understanding of what is permissible and impermissible in the conduct of war.³⁹

The first subject of discussion is non-combatant immunity. This is the principle that states that non-combatants can not be attacked at any time. Walzer states that non-combatants cannot be attacked at any time although when fighting takes place in close proximity to non-combatants, the fighters shall take care in avoiding civilian casualties. Walzer goes further to lay out four principles whereby the killing of non-combatants is allowable. They are as follows:

1. The act is good in itself or at least indifferent, which means, for our purposes, that it is a legitimate act of war.

³⁹ Ibid.

2. The direct effect is morally acceptable – the destruction of military supplies, for example, or the killing of enemy soldiers.
3. The intention of the actor is good, that is, he aims only at the acceptable effect; the evil effect is not one of his ends, nor is it a means to his ends.
4. The good effect is sufficiently good to compensate for allowing the evil effect...⁴⁰

The fact that Walzer sees exceptions to the axiom of never killing non-combatants is a major strength in his arguments in the subject of immunities. By understanding that negative externalities are unavoidable in the reality of war, his argument is strengthened by these four clear cut qualifications.

Next, Walzer describes a just response to terrorism in terms of identifying acceptable targets and combatants. For Walzer, once terrorists are identified, a state should surgically neutralize their threat proportionately and minimizing collateral damages in much the same way as humanitarian interventions; also, each action must be considered on a case by case basis, which is hardly surprising from a mechanical standpoint⁴¹ Also, action against terrorists should not carry the same burden as a court of law in terms of the permissibility of evidence.⁴² His argument is that it is unlikely that terrorists will have the same record keeping as the Nazis that played so heavily in the Nuremburg Trials and as such, no requirements should be imposed for judicially admissible evidence. This is a bit problematic since his definition is so loose. I can foresee situations where evidence may be enough for one state while the international community may seem incredulous, e.g. the United States invasion of Iraq.

⁴⁰ Ibid.

⁴¹ Walzer, Michael. *Arguing About War*. Yale University. 2004.

⁴² Ibid.

Also, Walzer notes that covert action is necessary although he punts on defending moral rules or even constructing arguments for covert action beyond assassination; Walzer is fine with assassination of terrorists because of the lack of a civil/military distinction.⁴³ Unfortunately, Walzer cannot complete his arguments without discussing covert action since, as a practical matter, is a major component of any war on terror. As such, the subject of covert action is in desperate need of moral arguments for what is permissible and impermissible. I attempt to answer these questions later in the measurement criteria.

In summation, this literature review has been a presentation and critique of neoconservative perspectives and just war theory as they relate to the terrorism generally and the US war on terror specifically. To some extent, these two camps countervail between US national interests and generally accepted international laws and norms. The next chapter will draw on both the neoconservative and just war camps to create measurement criteria by which to judge the conduct of the US in its war on terror.

⁴³ Ibid.

Chapter 3: Measurement Criteria for the US War on Terror

The third chapter lays out the measurement criteria for the US war on terror by advocating a just war theory framework for actions and root-cause change. This includes an emphasis on using the tactical and strategic prongs together as a balanced relationship to provide a framework by which to judge the US war on terror in the fourth chapter case study. The tactical focuses on short term uses of military, covert, and financial tactics to confront terrorism while the strategic focuses on long-term changes in socio-political, economic, and religious relations.⁴⁴ The criteria laid out in this chapter builds upon the just war tradition by looking at various components of action within tactical and strategic prongs.⁴⁵

The criteria laid out in this chapter take the arcane and prosaic language of just war theory and puts the theory into clear and unambiguous categories for action that are relevant to individuals in a policy making capacity. Above all, I attempt to create language that is understood by all affected parties whether an academic, policy wonk, or warfighter.

⁴⁴ The choice of language with regard to tactical and strategic is important. In the sphere of military operations, tactical and strategic are crudely analogous to short and long by a measure of distance, e.g. tactical attack aircraft vice strategic bombing aircraft. Likewise, in a time horizon sense, there are short terms tactics that compliment long term strategies. My definition focuses on the latter with a twist. The twist being that the aims of my tactical prong are different than at the strategic prong. This is typified by the US desire to hunt the terrorists of today (tactical prong initiative) while curbing the recruitment of terrorists for tomorrow (strategic prong initiative). However, while the temporal aims may be different, the overall normative goal is the eventual and permanent obsolescence of terrorism.

⁴⁵ The construction of the measurement criteria will rarely depart from just war rationales; however, when such departure does occur, a new rationale is given.

This aim of this chapter is to create a framework for terror response in the short term while affecting root cause change in the long term. The goal of these measures is the containment of terrorism and then its eventual obsolescence.

The criteria balance the jingoistic tendencies of reactionary responses against the ‘turn the other cheek’ mantra of a pacifist. The chapter concludes with a discussion on permissibility of action and causality within the construct of the approach at both the tactical and strategic levels.

The criteria are modeled on just war theory and provide concise inputs and outputs that act as triggers for action. In creating these triggers, an emphasis is drawn between the tactical and strategic spheres being used in concert for the greatest effect.⁴⁶ Using only a tactical approach would be analogous to a medical doctor treating only a symptom instead of the cause of an ailment. As a caveat to what is to follow, the measurement criteria is an affirmation of the overall framework of just war theory as much as it is a critique of current neoconservative policy means; at the same time, the criteria are meant as a sort of policy guidebook for individuals practically involved in the fight against terror.

3.1 The Tactical Prong

Tactical shall be defined as a procedure or set of maneuvers engaged in to achieve an end, an aim, or a goal from a short term point of view. From one standpoint, this action is permissible when *cassus belli* is present as well as very strict instances when *cassus belli* is implied, which will be discussed in detail later. The cause of action may only take place when such criteria are met, e.g. an attack on the homeland or a colossal

⁴⁶ The calamities of not using the prongs concurrently are outlined later in this chapter.

body of evidence from multiple sources that such an attack is imminent. This is to say that if one of the criteria is met, then a government is justified in proportional action. The question thus becomes, what sort of action does the tactical prong contemplate? The tactical considers the use of military, intelligence (covert) and financial tactics for the purposes of short-term goal seeking and immediate action.

In order to discuss the methods by which a military, intelligence, or financial response may take place, it is important to consider certain scenarios to set the stage.

An overt military response is permissible only within the construct of when action has been taken against a sovereign state that has caused material damage to one or more organs of that state, e.g. a bombing of a financial center, diplomatic outpost, a monument, etc.⁴⁷ Once an attack takes place, this can be considered just cause for seeking redress through military means. Such military responses may include but are not limited to precise bombings, placing troops on foreign soils of those countries that house terrorists and, in very limited cases, affecting regime change with the sponsorship of an international coalition.

However, in each case, the government must ensure that the cause of action is well laid out upon the ‘international stage’ (defined as the media and foreign governments). All military responses must be proportional and minimize collateral damage. For instance, if a sovereign has been attacked by a terrorist organization, then it might be apparent that an attack has taken place, like if a bomb were to explode in a busy subway station. Conversely, there may be instances where the evidence of an attack is

⁴⁷ This comes under a category that one could call egregious acts against a sovereign. It is accepted fact in just war theory, international law, and prevailing norms that such acts, when unprovoked by similar military actions, are cause for war, e.g. the bombing of Pearl Harbor, the German occupations of France, the Soviet invasion of Afghanistan. Further examples are too numerous to name here.

less obvious, like if a cyber attack were to take place upon the information infrastructure of a state. In the less obvious cases, this would constitute an instance where a state would be obligated to provide enough transparency to show that indeed an attack has taken place and the damage, either real or intended, warrants action by that government upon the terrorist organization that launched the attack. This obligation shall be fulfilled out in the 'open' by allowing access to the evidence.⁴⁸ However, if the details of the attack are sensitive in nature, e.g. they might expose some sort of threat to national technical means,⁴⁹ then it is permissible for the attacked state to consult with foreign governments in order to meet their obligations. This is not to suggest that a government, if attacked by terrorists, must gain permission by international test. On the contrary, the intent of this obligation is to introduce transparency into a government's terror response increasing awareness and accountability within the international community. A response to a terrorist attack need not be delayed in order for the attacked state to fulfill its obligation to explain its cause for action. The realities of timing in the use of force are a consideration in the employment of tactical military force.

In addition, the attack must be proportional and just, which is to say that the indiscriminate killing of one state's citizens does not give it the right to kill indiscriminately in retaliation.⁵⁰ (The 'Law of Hammurabi' is clearly not justified.) As a corollary, collateral damage must also be minimized. This is to say that a government is

⁴⁸ The chief reason that evidence is 'open' to the international community is one of transparency. Just as the legislative branch of the US government exercises its fiduciary and oversight responsibilities against executive departments and agencies, so too must the international community act in a quasi oversight capacity and agree when an attack has taken place. Some might be concerned over a sacrifice of sovereignty; to which I would reply that just as the executive branch remains the independent master of its decisions, so too does the attacked sovereign.

⁴⁹ This could be the proprietary intelligence gathering apparatus of the state, for instance.

⁵⁰ The notions of proportionality presented here are rooted in just war theory. However, the difference here is that while this may read like an instruction manual, the attempt is to remove ambiguity and grey areas from the interpretation of the specific criteria used to measure the US war on terror.

not justified in casually risking civilian life in order to neutralize terrorists. The example of this would be a government is not justified in bombing an apartment complex filled with civilians only to kill a single apartment of terrorists. And while it is easy to write these axioms about what is permissible and what is impermissible for military action in the tactical prong; it is noted and understood that there exists a ‘fog of war’ in which decisions must be made with imperfect information. In those situations, this work does not offer any insight except to say that the permissibility of military action post terrorist attack must be made in an environment that respects the rules of war in a transparent and accountable manner. The decision making process must never use the tactics of the terrorists and should make decisions on the side of caution. A war of the just against terror attacks must be flexible enough to remember that while each attack should be treated equally, they need not be treated the same.⁵¹

As a companion to military action, there are times when the subtlety of covert action is warranted. Covert action is defined action that is undertaken outside of the public view through clandestine means. This action does not normally employ the military organ of a government. Typically, covert action against a terrorist organization is taken at the direction of a head of state and carried out by that state’s intelligence community, e.g. the Central Intelligence Agency, et al in the United States or Military Intelligence Six in the United Kingdom, et cetera. The question becomes, under the

⁵¹ The idea of equal treatment not bearing the same treatment is an idea drawn from the equal protection clause of the 14th amendment. Just as affirmative action allows for unequal measures to create equal protection, i.e. a favoring of minorities in college applications, there is also a military analog in my argument. For instance, an individual that perpetrates an act of terror may become the target of a surgical air strike while another individual who has committed an identical act may be kidnapped and thus brought to justice in another way. What this shows the reader is very simple: Both terrorists have been treated equally, i.e. a wrong has been righted, although they were not treated the same. This allows the US maintain flexibility and not be pigeonholed into specific and, frankly, needless rules.

tactical prong when is it just and permissible to employ the covert apparatus of a government?

Covert action requires carefully weighed considerations on behalf of a government that seeks action. The guiding principles are as follows: First, it is assumed that covert action is taken as a method of surveillance where a government attempts to ascertain as much specific information as possible about a terrorist organization. This can be defined as passive intelligence seeking where the act of intelligence gathering does not actually affect the outcome of plans already set in motion by a terrorist organization.⁵² The covert action tactical prong of this approach places no restriction on covert passive intelligence gathering and since passive covert action does no harm to a state's sovereignty of territorial integrity, this is permissible within the framework of just war theory as well.

What this approach contemplates is active covert intelligence tactics such as assassinations, interrogations, torture and other active means that, absent *cassus belli*, are currently without legal sanction within international law. Therefore, it is important to look at the set of conditions that must be present for active intelligence seeking to be permissible and, in increasing degrees, moral.

When an enormous amount of evidence exists that a terrorist attack is imminent, then a government is authorized to use action or force in order to assuage that threat.⁵³

The shades of grey come in defining 'enormous amount' and 'imminent.' The danger

⁵² Passive covert action is permissible solely because it does not affect anyone's freedom or basic rights. Such examples may include foreign eavesdropping or remote sensing. Besides, a long description of passive covert action is probably otiose to this work insofar that the debate regarding the permissibility of passive covert means has remained relatively static in the security, legal or ethical sense over the past sixty some years.

⁵³ Even the United Nations Security Council appears to condone limited pre-emptive action if the measure were to be authorization by precedent.

here is that these terms are so malleable that a government may use them to suit any purpose or goal they wish to seek by doctoring their own definitions of what is enormous evidence or precisely how imminent is imminent? This work attempts to remedy the debate surrounding these definitions by offering the following precise definitions:

Enormous amount is taken to mean evidence that is obtained from multiple sources and is verifiable through either independent means or upon analysis.⁵⁴ What this shows is intent. Just as in criminal law, a suspect may be arrested and prosecuted for intent to commit murder. Therefore, if situations develop within the presence of enormous evidence, then an active covert action should be warranted. To do otherwise would be analogous to a police officer waiting for a murder to take place even though the signs and evidence existed to have reasonable assurances of the intent to commit the act of murder. In the international construct of government action against terrorist organizations, if a government were to not act against terrorism despite the presence of enormous evidence, then that government would be negligent in its moral obligation to protect and defend its citizenry. Again, the legalist paradigm is at work.

This approach calls for a greater understanding to execute action in a preemptive manner when the causality of intent exists.⁵⁵ This may seem a radical departure from the current construct of just war and international law. While just war theory allows for

⁵⁴ There will be some that admonish the fact that I do not provide a number to represent ‘enormous amount’ or ‘multiple sources.’ The problem is one of quality and some sources and evidence are better than others. However, the superseding requirement shall be rooted in the need for independent analysis, which has the aim of validating not just an overall cause for action but has the responsibility to say yea or nay, this evidence and its sources satisfy a cause for action. In short, evidence must be repeatable and reliable.

⁵⁵ Some might allege that the metaphor that compares domestic murder to international terrorism is weak because domestic politics allow for governing bodies and police forces, while the world, overall, is anarchic and has no international policing mechanism. To this, the author would reply that domestic structure in many countries provides successful means by which to prosecute based on intent; therefore, ‘a path of least resistance’ can be found in using domestic politics to answer some of the more irksome questions in the international community.

preemption in the manner I have laid out, the practical deliberations within the international community have placed severe restrictions on preemption. That said, preemption through active covert means has little oversight perhaps alleviating the broad litmus test of the international community instead favoring consultation with other branches of government. Back to the legalist paradigm, in both common and civil law systems, judicial procedures allow for a charge of ‘intent’ to be levied against the accused, carrying much the same weight and penalty as the actual crime. Nevertheless, the domestic legal example only allows for so much comparison since it has inherent checks and balances between law enforcement, plaintiffs, defendants and magistrates. The case for active covert action is made within a single government acting as judge, jury, and executioner. So then, how can this moral quandary be alleviated? This approach proposes that the evidence that serves as justification for active covert action is checked in two ways: One, authorization for action should be granted at the highest level of the US government, i.e. the president. Two, an independent member of the judiciary should concur prior to the start of active covert action. These checks are in addition to whatever compulsory oversight that is already exercised by the legislative. What this serves to do is provide an appropriate level of checks and balances and a thorough decision making procedure. The aim is to allow a system that is flexible yet morally sound.

Certain attention needs to be given to the definition of imminent. The term imminent means a time horizon that is so small as to not allow the minimum period in which to employ *any other measures* beside active covert action.⁵⁶ This means that the

⁵⁶ This principle is best understood by looking at an analysis of alternatives. Namely, what would happen if the state did nothing? If the answer is that citizens will be adversely affected in such a way that to ignore the situation would be analogous to a government reneging upon its social contract, then a state has no choice but to preemptively act.

information showing causality threatens to result in material harm upon a state if active covert action is not undertaken immediately and that no time exists to remedy the situation in a less abrasive manner. For instance, if an attack could be thwarted through negotiation, diplomacy, or third party intervention, then the attack would not be considered imminent and, therefore, it would not provide appropriate causality for active covert action.

In a discussion of morality in active covert action, it is important to look at the ways in which action may manifest itself; namely in the form of assassination, kidnappings, interrogations and torture. Assassination without legal trial is exceedingly difficult to justify even under the gravest of threats and even in the presence of enormous evidence and imminent attack. Therefore, this approach advocates the *judicious use* of assassination absent traditional *cassus belli* in the most *extreme instances* where there is enormous evidence of an imminent threat present. While assassination is tantamount to a slippery slope, the hands of leaders protecting their citizenry cannot be tied for lack of traditional *cassus belli*. The stakes are simply too high. Just as killing is permissible in traditional just war, so must assassination of terrorist leaders and terrorist combatants in any pronounced war on terror.⁵⁷

However, assassination should be treated as a method of last resort held only after such options as capture and kidnapping have been considered or employed. Assassination must not be the first option because the loss of human life should not be taken lightly. It is important to remember that the fight against terror may be viewed within the context of

⁵⁷ This is an improvement on just war theory, which only says, for Walzer, that assassination is permissible sometimes when it is necessary. Throughout this section, I categorize instances when permissibility should be expressly allowed.

right versus wrong. In a government's attempt to combat terror with active covert action, that government must not resort to using terror tactics itself.⁵⁸

Pretend that in the presence of enormous evidence and imminent attack, a president has authorized with judicial concurrence, the capture/kidnapping of terrorist-combatants that are directly involved in an attack plot. What can that government morally do with the captured combatants? Interrogation of the subjects is permissible under the charge of intent as previously outlined and defended. The provisions of the Geneva Conventions should be upheld even if the governance of the Conventions is not acknowledged by the government. Similarly, the climate for interrogation should be set in such a way as to provide for the humane and ethical treatment of the individuals that have been captured and detained. The act of torture is the fodder that terror supporters expect, which is to say that terror organizations expect the captured to be tortured and beaten. To provide for the ethical and humane treatment of the captured is to provide for a situation that will not meet the expectations of the captured or their supporters.⁵⁹ A government must not lose its position or presumption of morality since that degrades the government's position to a stance that is akin to that of the terrorist.

This discussion on the permissibility of covert action goes a step further to provide detailed instructions to bridge the gap between approach and practice.⁶⁰ Active covert action is permissible after having satisfied the triggers of enormous evidence and

⁵⁸ To use terror to fight terror creates the further proliferation of the immorality of terror. No matter how grave the situation, to lose the 'high ground,' to borrow a phrase, is not only tragic but it is morally reprehensible.

⁵⁹ The importance of which is further elucidated in the Strategic Prong during a discussion of root-cause change.

⁶⁰ Active covert action is one of the largest grey areas in just war theory. In practical terms, it is a necessary evil that is not discussed. However, this discussion tries to draw out a codified description of actions that are moral and ethical based loosely on just war theory but more on a utilitarian ethic. The utilitarian notion is that the covert action while somewhat distasteful in its crass methods of kidnapping, etc., is nevertheless important since it helps to preserve the overall integrity of a sovereign.

imminent threat. This is a central strength of the tactical prong and provides significant improvement over other actionable approaches on how a government ought to deal with terrorism. The next section discusses ways in which to financially isolate terrorist organizations in the tactical prong.

The world requires financial capital in order to operate. All business undertaken is conducted at some transactional level that exchanges goods and services, often in the form of currency. The business of terrorism is no different. A terrorist organization relies upon the free flow of capital in order to finance its operations. When currency fails to meet their needs, then the system of barter suffices.

This section discusses ways in which a government might restrict the flow of capital to terrorist organizations in a just and moral way within the tactical prong of these measurement criteria.⁶¹ This is discussed in the three very basic areas of donations, banking, and capital flows.

Morality and ethics are seldom discussed in terms of how to isolate a terrorist organization financially. From a business perspective, recent scandals in the West have given credence to the ethical conduct of business leaders and those with fiduciary responsibilities to shareholders. It is the contention of this argument that a government that is attempting to financially isolate a terrorist organization has a moral, ethical and fiduciary responsibility to the marketplace to isolate only the capital that can be directly

⁶¹ Here again, just war theory is silent on financial measures that can be used to wage traditional war, let alone a war on terror. (It is noted that just war theory does consider the bombing of factories and means of war production.) I believe this section is a major improvement from the tactical perspective in terms of categorizing what is permissible and impermissible in the financial sense. Indeed, the proliferation of the internet, e-commerce, and globalization has changed the ways in which financial capital markets function in their most basic sense. Any war against terror (or its measurement criteria in this instance) must contemplate not just the labor side of equation, but also the flow of capital. This section contemplates measurement criteria for the means by which capital flows at the current state of technology; the argument here is one of both economics and technical ability.

linked to real or intentional acts of terrorism. This duty to leave the marketplace as unfettered as possible has to do with strict due diligence which must take place so that other markets are not disrupted by the activity to financially isolate the terror organization.

Like in the hitherto section on military response, a government must either make its case for financial isolation either to the media or in close consultation with other sovereign governments. The goal is transparency in the process and while ends should be identified, it is not presumed to be necessary that a government divulge its means or methods.⁶² The case for financial isolation of a terrorist organization is much more defined once a terrorist organization has carried out an attack; in which case a government is well within its right to financially isolate the attacking organization. However, what one needs to consider is when action is permissible in the face of a perceived threat. In this case, the just options are as follows:

The government may seek to degrade the funding of the terrorist organization, usually by blocking donations. This can be moderately difficult to accomplish, since it will require banking forensics to trace the capital flows to the terrorist organization. However, since the goal of a terrorist organization is to limit the liberty of individuals through terror tactics and donations to aid terrorist organization ought to be viewed as attempts to degrade liberty within society. Therefore, it is just to restrict donations or funding to terrorist organizations through restrictive financial tactics.

A government is well within its rights to appeal to banking and financial institutions to freeze the assets of capital being held by terrorist organizations. A bank is

⁶² This is loosely based up the international war against narcotics trafficking.

often the intermediary node between the terrorist and the funding source. By limiting access to banks, this will greatly degrade the funding network for various terror organizations; this may even include the permanent seizure of assets attributable to terrorists.

The basic flow of capital to terrorists must be slowed as much as possible for without capital their intentions will become impotent. This will allow the terrorist organization to become further isolated and reduce the threat they may pose.

As a final caveat, the degradation of the financial infrastructure for a terrorist organization can only be so effective. For instance, bombs are relatively cheap to make and only require a moderate level of skill and an entire large-scale terrorist operation can be launched for only a few hundred thousand dollars. However, this should not dissuade governments from isolating terror funding in order to assuage the attempt of terrorists to carry out an attack.⁶³

The beauty of the option of financial isolation with the tactical prong is that it is non-violent in nature and can achieve the goal of ‘softening’ terrorist organizations before any other action is necessary. This is very much the same way a military in war might conduct an air campaign in order to pave the way for ground forces in a later stage. Financial isolation reduces the overall vitality of the organization, paving the way to extinguish the terrorist threat in later stages.

In conclusion of the tactical prong, the three basic areas of concentration through military response, covert action and financial isolation allow for immediate responses to terrorist organizations once they have attacked or if they threaten to attack. This has

⁶³ Further, while degradation of a terrorist’s financial means might not serve as a deathblow to its organization, the hope is that a convergence of many factors, e.g. military, covert and financial, will all lead to the eventual capitulation of a terrorist.

focused on the ethical and moral methods of action in each instance. However, the tactical prongs will never be capable of focusing anything other than the short term. If a government finds itself considering one of the tactical prong tools, then chances are they have already lost. The true win set within governmental responses to terrorism lies not within the construct of tactical action; but instead through the strategic ability to affect root-cause changes. To follow now is the cornerstone and the greatest hope for the future of this work. It is the strategic prong.

3.2 The Strategic Prong

The strategic prong emphasizes the long-term time horizon with plans based upon social change and relations at the individual unit level. The penultimate goal of the strategic prong is to treat the causes of terrorism. The ultimate goal of the strategic prong is to affect change at the individual unit level leading to the obsolescence of terrorism.

The strategic prong is the measurement criteria for confronting the values that are present or absent in certain societies that have set conditions for terrorism. The strategic prong uses methods for peaceful change.

The three sections that are discussed in the strategic prong are socio-political, economic, and religious.⁶⁴ The discussion on the socio-political is one of social interaction among the body politic and basic rights. The economic is a discussion of both public and private development, investment, and justice through wealth distribution. The

⁶⁴ These three categories of socio-political, economic and religion are chosen as three major subsections of sociological study; these three categories are the areas that I believe are the most relevant in terms of affecting root cause change. One could make an argument that one might be more important than another. However, it is my belief that the convergence of these three pillars of sociology provides the basis for fundamental root cause change in individuals, groups, societies, governments, etc. The measurement criteria for the strategic prong is very much a bottoms up method that draws initially upon individuals that later comprise an aggregated group-view at various levels.

religion section is a discussion of common tenets in world religion, condemnations of extremism and separations of church and state as organs of society.

The discussion of the socio-political may be divided into two areas of domestic and foreign societies.⁶⁵ The domestic is the society of the country that is seeking to affect root-cause change in order to assuage the threat of terrorism. The foreign society is the societies of other states and geographic regions that are one of the targets of the root-cause change that is attempted by government action.

The societal portion of the strategic prong is an attempt at long run social change with an emphasis on inter-state and inter-societal relations. This stratagem is undertaken by a state government and is therefore operating in the political organ of a society. The actions of that government are taken in the interests of justice, toleration and openness. This will be shown first in the domestic sense and then in the international sense by showing how a government through measured action can affect root-cause changes in order to limit the likelihood of terrorist activity.

With an emphasis on toleration at the domestic level, the US government ought to provide equal protection under the law and to legislate tolerance through codified infractions such as hate-crime laws and equal opportunity acts. It is not enough to create laws that individuals must follow but the citizens must view the laws as just. Therefore, a government must foster a spirit of tolerance amongst its citizenry in order to have a decent, moral, just society. In order to accomplish this, the government must allow for certain social welfare to occur, e.g. funding of arts programs, affirmative action, and civic

⁶⁵ Early on there were two sections, one for society and the other for politics. I've decided to combine them here for synergies sake. After all if 'man is a political animal,' then the thought process should be clear. Also, politics is but a different level of social behavior, which further explains why the social and political are lumped here.

involvement at the community level. If this seems a bit nebulous, that is because it is. The domestic understanding of how to affect social constructs at the root level is further expounded in the subsequent discussions of economics and religion. They are intimately intertwined with this discussion of root cause change at the domestic socio-political level.

In terms of foreign policy, a government that wishes to affect change at the root-cause level in a foreign society is left with two options for furthering an emphasis on tolerance abroad. A government may either show foreign cultures that the society of that government is indeed just; or it can show emphasis on the virtues of a tolerant culture to a society abroad that may be less that tolerant. For instance, the government may choose several media choices by buying airtime to advertise or putting individuals in the home country on local media programming, or even a show of ‘good faith,’ e.g. nothing did more for early Franco-American relations than the gift of the Statue of Liberty.⁶⁶ The basic tool of a government wishing to affect opinion and attempt root-cause change in a foreign country is to create a concerted diplomatic and media campaign to create positive change over time. This process is slow and often arduous. Progress is measured over a long time horizon instead of the short time horizon.

Also, a government may attempt to show that tolerance is a laudable quality in a foreign country. This is a scenario where it is very important for the government taking action to tread lightly and not offend the culture they are attempting to influence. In a situation like this, a government should attempt to influence culture and society in the foreign land through cultural exchange, diplomacy and public relations. By cultural exchange it means that exchanges should be made between the different societies; e.g. a

⁶⁶ A bit anecdotal, I know. Nevertheless, the intent is clear: If the US can make functionally productive overtures to various states, it may foster some of the more intangible qualities of good will.

conference of cultural elites, etc. The ultimate goal is the ability to raise awareness of the dissimilar and to show that while different, there are many common traits through all societies. In the subject of diplomacy, both countries should attempt to find common ground in which to show diplomatically that the goals of the two countries are aligned however broadly. Finally, through public relations, a government wishing to show an emphasis on toleration may wish to advertise in the local media of another society in order to show that tolerance is a praiseworthy goal.⁶⁷

In regions that have acted as a cradle to terror, there exists a preponderance of hate, deceit, and racism that preaches a belief that oneself is superior to another. Over time, a concerted effort can be made to make these cultures tolerant at the societal level; then the fight for justice, tolerance and openness will be a step closer to fruition.

In terms of consideration for democracy, a few thoughts need to be considered: First, this work does not make a value judgment that democracy is the best form of government in order to create a society that is just. It is the opinion of this work that democratization should not be a primary tool of fighting terrorism as proffered by so many neo-conservatives. This section should serve as a warning to governments that believe democratization will solve terror problems in a region.⁶⁸ The argument is that creating a democracy with universal suffrage overnight will most certainly create a tyranny of the majority by which a portion of a society's minority will become

⁶⁷ This may raise the ire of some as hegemonic, however, absent actual acts of coercion, the action described here are more persuasion or inducement based than coercive.

⁶⁸ Whereas a neo-conservative believes that democracy leads to stability, peace, and economic openness, I offer that those attributes are spuriously linked to democracy. What a society needs is good infrastructure and institutions; political governance must be left to individual states and while it is my preference toward democracy, I do not believe in the tyranny of mandatory democracy.

subjugated.⁶⁹ A government trying to affect change in a region that is known to be a cradle of terrorism, ought to be concerned with strengthening institutions in that region through an emphasis of the primacy of law, a separation of church and state, and social welfare. Strengthened institutions and basic rights will help affect changes in the society of a region.

A US government attempting to affect change should make their overall focus on securing basic rights, ensuring liberties, and a clear delineation of specific duties within a society in order to protect those rights and liberties. Building institutions that will preserve as well as protect and defend the liberties of the individuals within a respective society ought to be the primary goal before democratization. This will create a just form of government, founded in openness and toleration. While this government may be democracy, it does not matter so long as it is a form of government that ensures pervasive justice.

In sum, the US government must make emphasis on change at the socio-political level in regions or states that it believes to have conditions conducive to terrorist organizations or terrorist recruiting. This may be accomplished by a willingness to make a profound emphasis over the long run on toleration, institution building, and helping regions and states understand the importance of basic rights, liberties and duties as fundamental to the creation of just societies that can free themselves from the conditions that create terror.

The following section on economy is a dialogue concerning public/private development, investment, and justice through measures of wealth distribution. The area

⁶⁹ Chua, Amy. *World on Fire*. New York. 2003.

of public development use measurements derived from the role of the International Monetary Fund and the World Bank to stem the tide of terrorism. The area of private development will discuss various definitions in which to measure return on investment, return on capital and ethical business practices. Finally, a third section will deal with state centric behavior regarding income distributions.

Economy is one of the contributing factors that cause terrorism. Those living in economically undesirable states often seek redress through violent means in order to right a perceived wrong. Say there is a country that is run in oligopolistic fashion whereby the economic wealth of the state is enjoyed by very few within the state or is enjoyed by investment firms outside the state. This may breed hate and discontent over the long term thereby setting the necessary conditions in which terrorism may flourish. The basic argument is gross economic inequality is a condition by which terrorism shall flourish. How can a government affect change in a country or a region through economic means?

A government may affect change in a country or region economically by focusing on public development and investment institutions such as the World Bank or the International Monetary Fund (IMF). These institutions possess tremendous bargaining power in order to help or fund the efforts of states. The IMF itself, along with its Washington Consensus, provides nations with a strict blueprint for liberal economic reforms.⁷⁰ A government wishing to affect change in a region of the world that provides conditions for terrorism may use the IMF as an intermediary in order to help with macroeconomic reforms within a country. In terms of development, the World Bank is tremendous tool that can help a country diversify and stabilize its society and economy.

⁷⁰ Frieden, Jeffrey A. & Lake, David A. *International Political Economy: Perspectives on Global Power and Wealth*. Belmont. 2000.

World Bank programs might include investing in a states infrastructure in order to improve its roads, water, or electrical grid. It may also help its citizens learn to diversify their economy so they are no longer reliant upon single revenue economies, e.g. oil in much of the Middle East or poppy in Afghanistan. A government is well within its rights to form ad hoc strategic partnerships with the IMF and World Bank in order to help assuage economic disparities that may occur in countries that are 'more prone' to terrorist activities. By creating stability in sound liberal macroeconomic policies and basic infrastructure through economic development, public institutions along with governments have the ability to create meaningful change in regions.

Second, a government wishing to affect economic change in a country or region may wish to do so through the private sector. This may be accomplished by encouraging foreign direct investment⁷¹ and in emphasizing ethical business conduct. For foreign direct investment, the notion is that economies that are inequitable, thus setting certain conditions that breed terrorism, are often underdeveloped. Therefore, the encouragement of the right kinds of foreign direct investment will help alleviate the conditions of terrorism. Foreign direct investment is when a firm sets up either a wholly-owned subsidiary or a licensing agreement in a host country in order to take advantage of factor endowments that that state may possess. What foreign direct investment allows is the diffusion of capital into the host country, which helps to employ the local workforce and raise the standard of living in the host country. Unfortunately, foreign direct investment often causes a parasitic relationship between a corporation and the economy of the host country. In order to diminish this problem, firms that undertake foreign direct investment

⁷¹ Hart, Jeffrey A. & Spero Joan E. *The Politics of International Economic Relations*. Belmont. 2003.

strategies must engage in the ethical conduct of business. From a government's perspective, this will provide conditions whereby the economic plight of a country or region can be improved through foreign direct investment strategies. This may be accomplished by the home country's government requiring the use of minimal benefits within the working environment of the host country. This may also include a minimum wage, health care, pension, etc. In order to act justly and ethically, a firm must not engage in a purely profit-seeking parasitic relationship with a country that will only breed hate and discontent toward the home country.

A historical example of this would be late colonial Britain and the parasitic relationship between the trading and holding companies and the regions that they exploited, e.g. India, Pakistan, et cetera. This relationship festered and directly caused the retaliation of the indigenous population against citizens of the United Kingdom that resided in the region.⁷²

A state must encourage and require firms based in the state to act justly and morally in order to allow stable economies to flourish. To some critics this is analogous to filing for non-profit status. However, firms have a responsibility to their customers and stockholders to act both morally and ethically when doing business at home and abroad. Within the context of executing a fight to curtail terrorism, a state has an obligation to ensure that firms acting in the marketplace are not acting unjustly so as to exacerbate conditions of terrorism.

In addition, the distribution of income within states is of particular importance. In general, it can be shown that states that produce a highly concentrated distribution of

⁷² Along the same lines, instances of violence against US and European oil companies operating in the Middle East have always been a concern. For instance, expatriate labor often live in sequestered expatriate communities to avoid violent backlash.

income will be more likely to have a population that is prone to terrorism or violence. A state that wishes to affect change upon another state that it deems likely to produce terrorism should look at the distribution of wealth within that state. If the distribution is highly concentrated, then the government should urge the other government to undertake social welfare programs in order to create a more equitable distribution of income, or at bare minimum, ensure that a state's citizens are not left in poverty.

To sum up the economic arguments of the strategic prong, it can be understood in the following example: A state sees another state that it views as being a place where the growth of terrorism is likely since the state is what can be termed as economically disadvantaged.⁷³ The characteristics of this state include its concentration of wealth confined to a very small portion of its citizens, an economy based upon a very limited range of products or services, firms investing in the country are engaged in parasitic practices because they are taking advantage of low wages with no benefits within the workforce, and the system of trade between the disadvantaged state and the state wishing to affect change is protectionist in nature. The just and ethical treatment of one state wishing to affect change in another state would include working with the IMF, World Bank as well as other investment and development agencies in order to help diversify the economy while building its infrastructure. It would also require that firms engaged in foreign direct investment to provide a certain livable wage with benefits; and setting up inducements that will lead to a better distribution of wealth.

This system of economic change will eventually help create a society within a state that is based upon moral and ethical duties whereby each citizen is treated equally

⁷³ Of course there are other examples but the main purpose here is showing that economics is important and plays a role in the strategic prong. A more detailed statistical analysis would be worthwhile in a later work.

and fairly in the economic sense, which will lead to a net reduction in the likelihood of that society nurturing terrorist organizations.

Next, is religion under the strategic prong. Why is religion so important in terms of affecting root-cause change in the strategic prong? The answer lies in history:⁷⁴ Many of the great wars throughout the written history of humanity have been fought over religion. Whether between Moses and the Pharaoh, the Crusades of the Middle Ages, the Final Solution a la Adolf Hitler, wars between India and Pakistan, the Arab-Israeli Wars of 1967 and 1972, the United States versus Islamic Extremism in relation to Al Qaeda and the list goes on. These are a few examples of major conflict that has been fought with an ostensible objective of religion in mind. Despite possessing common roots, the major religions of the world are often at odds with one another.

The question is why are these major religions so conflicted despite their common roots? The answer to this is not an easy one but it is an extension of the dichotomous relationships that helps to define humanity. Individuals tend to define themselves against another creating a dualism, based upon what we are and often, what we are not.

This relationship of dualism creates a sense that the dissimilar or that which one is not, is intrinsically different. While these views are easy to assess and quantify (“if it is not like me, then it must be this...”); these are views that often serve to breed distrust from those that are not like oneself. In the same way that an investment banker in a three piece suit assumes that a mechanic in oil stained coveralls cannot possibly relate; so is the

⁷⁴ Huntington, Samuel P. “The Clash of Civilizations.” *Foreign Affairs*. Summer 1993.

relationship between a Christian and a Muslim, or a Hindu and a Muslim, or a Hebrew and a Palestinian.⁷⁵

Instead of seeing what they have in common, they only see what is different. Instead of seeing individuals that all come from a mother and father and common social underpinnings, they see only different clothes, different languages and different food preferences. Religion and the moral ethic that it breeds is a very powerful tool for change within these constructs.

This religious discussion shows how a government that wishes to employ the religious options set forth in the strategic prong may help religious institutions affect root cause change. The section on tolerance will explore the common tenets and historical foundations found in the Christian Bible, the Jewish texts (Talmud and Torah), and the Islamic Koran. The section on the separation of church and state will discuss the religious implication of instances when religion interferes with the organs of the political state. The final section will discuss religious extremism and what states and religious institutions can hope to accomplish.

To say that religions, despite common beliefs and historical ties, are intolerant of one another would be a gross understatement. In fact, two of the largest religious traditions in the world, Christianity and Islam possess the same creation story and the same primogeniture for their respective races. It is worth remembering that two major cultures that seem so diametrically conflicted, share very common beginnings. This concerns almost two-thirds of the world's religions through Christianity, Islam, and Judaism.

⁷⁵ This is what Huntington would call motivations based upon ideology. In an attempt to break down these ideological motivations, I have chosen to focus to religion and it dichotomous tendencies with other religions.

A government may rightly and justly encourage religions to reach out across boundaries in the attempt to foster religious exchange and tolerance. A model for this can be the recent discussions between the Holy Roman Catholic Church and the Eastern Orthodox Church. These discussions have helped to mend a thousand-year-old schism between these two religions. Amongst the many breakthroughs in these discussions, Eastern Orthodox and Roman Catholic members may receive communion in each other's churches, which is tantamount to saying that these two religions share very common roots and beliefs. Also, Pope John Paul II was able to end centuries of church sanctioned anti-Semitism by reaching out to Jewish leaders around the world. The understanding and mending of cultural and religious divides between other world religions might not be as insurmountable as some might think given dedicated leadership.

A government can encourage religious leaders to speak to other religious leaders in order to create a system that preaches inter-faith tolerance.⁷⁶ This may be accomplished by allowing for budget allocations to aid in cultural exchange between religious leaders. The point is that the more interactions that occur between the leaders of religious institutions, the more tolerance will steep through what divides these religions. In time, joint research between major religions in text interpretation, theological study, or even archaeological excavation will serve as major breakthroughs and will move intolerant religions to the domain of gains. If religious leaders themselves are becoming understanding and tolerant this will diffuse religious toleration down through their

⁷⁶ There will be some that will reject this argument as an undesirable mingling between church and state. In reality, I see no problem with mingling religion and tools of political policy. A separation of church and state may be important from a secular governance perspective, i.e. religious leaders might not be the best political leaders because of conflicting/competing aims; however, this should not preclude a church and a state from working hand in hand to achieve policy goals. As a caveat, nowhere in the US constitution is a separation of church and state referenced.

congregations, thus allowing for openness and toleration to provide a culture of change and alleviating issues in regions where religious intolerance had previously served as an incubator for terrorism.

Also, there are universal tenets that occur across all religions like honoring ones father and mother, a prohibition against killing except in extreme instances and honoring thy neighbor etc. This ought to be treated in companion with the historical underpinnings that tend to link all the major world religions. From these common tenets, one can begin to create moral arguments for what can be considered right and wrong in a universal sense. Thus by introducing universal morals and ethics, one is able to appeal on moral and ethical grounds in order to further a concept of justice as measured in toleration and openness. The increased discourse that can be had by the realization of common religious underpinning (both in terms of beliefs and history) is able to help so-called dissimilar cultures discover that what they have in common often outweighs that which makes them different.⁷⁷

In coordination with preaching a just notion of tolerance between religions, it is important for governments to understand that church and state must act as separate organs of discourse within a society. Specifically, a state should never have a religious influence because that influence affects the primacy of law, sovereignty, and leads to conflicting interests that may breed terrorism. Imagine a situation where a state is run by a religion. First, the laws of the state will be replaced by religious rule, which has two problems. The first of which is that religious law is not sufficiently codified so as to

⁷⁷ This subject is politically and emotionally charged. Also, it is difficult to walk the fine line between tolerance and openness; however, the real point here is that we need to value societies that look at commonalities rather than differences and condemn extremism. In order for religious differences to evolve into religious toleration that glass has to be seen as half full.

provide remedy for all social grievances; and second, the law of religious texts has no means to amend;’ it only has a means to interpret causing some laws which are antiquated, to seem Draconian if followed to the letter. The primacy of law over religion is important because the law is ultimately representative of a society and culture. The law provides methods for adaptability where a religion takes a much more historical approach. A religion’s beliefs and tenets can hold true over thousands of years but its adaptability as a governing institution leaves much to be desired Secondly, when a religion governs a state, there are issues of sovereignty that ultimately arise. The Anglican Church’s break from the Catholic Church (while ostensibly regarding King Henry VIII desire to divorce) is generally considered to be England’s wish to assert its unequivocal sovereignty. In short, a government wishing to affect change in a region should encourage the political leadership of a state to keep the affairs of the state formally separate from the affairs of the religious community in order to further good governance and toleration.

Finally, religions and states need to commit to a firm and unequivocal condemnation of religious extremism. It can be written that states do a decent job of denouncing religious extremism but the leadership of religions is, in many cases, negligent in denouncing religious extremism. A state that wishes to stem the tide of religious extremism must be committed to a policy that attempts to have religious leaders condemned for tacitly encouraging fanatical acts. This will allow a peaceful and tolerant culture to grow over time. A religion must always preach passive means in which to accomplish change since the moral relativism that can be attributed to holy war is a

dangerous and slippery slope where conventional moral ethics are simply explained away or justified for the cause of religious justification.

In concluding this discussion on religious implications for root cause change, a government must work in concert with religious institutions in order to lessen or lighten the cultural divides that occur between the religions of the world. By emphasizing toleration by analysis of the common tenets and of religious texts, the separation of the organs of church and state, and a condemnation of extremism by both political and religious leaders; will create a culture within societies that lead to conditions whereby terrorism will no longer be a viable population within a society or state.

In conclusion of the strategic prong, the three basic areas of concentration through socio-political, economy, and religion allow for long term responses to affect root cause change within regions or states. Throughout the elucidation of the strategic prong of this approach, there is an overarching concern to produce moral and ethical responses that lead to the indoctrination of moral and ethical behavior within all societies. It has been previously mentioned that the strategic prong is the best hope for the future and that still holds true. Long-term change takes time, a long time, and results are sometimes years in the making but the prudent steps of the strategic prong will only help if employed morally and ethically by a government wishing to affect root cause change.

The first years of the twenty-first century has witnessed a growing concern over global terrorist insurgency and in no greater way is this insurgency personified than by the leader of Al Qaeda, Osama bin Laden. Some would say that the condition we are

observing constitutes a paradigm shift in international relations.⁷⁸ To be certain, the threat of asymmetric action (i.e. terrorism) will continue to be a major policy issue for decades to come. The next chapter of this work will provide a case study of an actual war on terror and how that government has confronted the threat of terrorism. This case will serve as an evaluation point in which to apply the measurement criteria against the US war on terror.

⁷⁸ Janos, Andrew C. *Politics and Paradigms: Changing Theories of Change in Social Science*. Stanford University. 1986.

Chapter 4: Case Study: The US War on Terror from Al Qaeda to Iraq

This chapter lays out a case with which to evaluate real life events against measurement criteria from the previous chapter. The case chosen will discuss the United States war on terror against Al Qaeda and the later invasion of Iraq. The case will begin in the early 1990's, run through early 2005 and give analysis from varied actors. The Al Qaeda and Iraq perspectives include discussions on oppression and tyranny through social, political and economic measures; while the United States perspective includes a discussion of their position within international law and sovereignty. A third perspective includes the so-called world perspective of various semi-exogenous actors that have indirectly been involved in the United States war on terror.⁷⁹ Next, the case analyzes current governmental responses by the United States as employed from the neo-conservative slant by the current United States government. This analysis serves to 'set the stage' in order to evaluate the case against the measurement criteria. Several recommendations are made in order to aid in correcting actions that are inconsistent with those criteria.

⁷⁹ Semi-exogenous actors are secondary and tertiary actors that while not directly involved in the primary conflict between Al Qaeda and the US, have compelling interests and are indirectly affected by the actions of the primary actors. Likewise, the influence of the semi-exogenous actors is able to affect change at the margins.

4.1 *On History*

History gives a sense of perspective and is important when looking at this account of the Al Qaeda terrorist organization and its enigmatic leader, Osama Bin Laden. There are some that would say that Al Qaeda became a terrorist organization in 1998 when it issued a fatwa, effectively a declaration of war asking all Muslims to wage war against the West. Bin Laden and his deputies went further a few months later to say that Americans should be a primary target of violence because of their heavy involvement in the affairs of the Middle East.⁸⁰ Al Qaeda believed their cause was just because they were justified by their religion despite none of its leadership coming from Islamic clergy. Further, Al Qaeda gave three ostensible reasons for the war against America. These are: The United States support of Israel, the United States close relationship with the Saudi royal family, and the United States embargo against Iraq.⁸¹ To Al Qaeda, this amounted to one overarching reason, which is United States involvement in the Arab Muslim world. Al Qaeda believed that the United States had economically and politically shackled the governments of the Middle East and were vehemently worried about 'impure' Western influences. Al Qaeda viewed all of this as an affront to the sovereign right of the Arab Muslim world as well as the Islamic population throughout the world.⁸²

While Al Qaeda has planned many attacks against United States targets both within its borders and without, the three attacks worth mentioning are the United States Embassy bombings in East Africa during August 1998, the attack on the USS Cole in Yemen during 2000, and the events of September 11, 2001 with attacks against the World

⁸⁰ *The 9/11 Commission Report*. Washington DC. 2004.

⁸¹ *Ibid.*

⁸² Anonymous. *Through our Enemies' Eyes*. Washington DC 2003.

Trade Center in New York and the Pentagon in Virginia. These three attacks represent the greatest terrorist damage ever inflicted upon the United States in both isolated terms and in the aggregate.⁸³

These three events occurred within ten years of the end of the Cold War. These times are marked by the decrease of United States diplomatic presence worldwide, declining intelligence budgets for the clandestine services, a stagnation of military procurement, and the failure to recruit professionals to stem the tide of retirements within the intelligence, defense and diplomatic communities.⁸⁴

The point being that in a time where threats to the United States were moving from bi-polar relations to a highly fractured environment of shifting threats, Al Qaeda was able to capitalize on the devolved United States security posture, and was thus successful in launching these attacks which were, by many accounts either actively supported by Middle Eastern populations or tacitly condoned.⁸⁵ But as important as this is from a tactical triage perspective, the attacks or how they were allowed is not really salient.

One important question is why Middle Eastern populations reacted to these attacks with tacit approval. To understand this one must look in detail at a few events in the life and actions of Osama Bin Laden and then at United States Influence in the Middle East.

Osama Bin Laden's life is well documented and this work will add nothing to the material facts of his life. Although, for the purposes of later evaluation against the measurement criteria, it is important to examine a few events in the life of Al Qaeda's

⁸³ Ibid.

⁸⁴ Barnett, Thomas P.M. *The Pentagon's New Map*. New York. 2004.

⁸⁵ Anonymous. *Imperial Hubris*. Washington DC. 2004

leader. First, Bin Laden as a young man traveled to Afghanistan where he took part in the decade long struggle to liberate that country from Soviet control. The struggle was defined in the terms of jihad or holy war; it was a struggle to expel an invader; it was a struggle to maintain the sovereignty of a nation of Muslims.⁸⁶ In basic terms, Bin Laden showed up in Afghanistan in 1980 to help logistically fight a war of religion against an infidel invader. This acts as one of the first instances where we can see Bin Laden acting out of some sort of religious duty, albeit in a militant fashion. It is important to note here that for as religiously extreme as Bin Laden is, he is equally an adept leader, recruiter, and field commander, the concert of which has created a very potent threat in Al Qaeda.⁸⁷ At the close of the struggle for Afghan independence from the Soviets in 1989, Bin Laden turned his religiously fervent character to a much larger worldview.

Bin Laden learned in his twenties and early thirties that Islam found it aberrant to allow infidels to control regions of the Middle East and these infidels should not exercise any influence over the vestiges of Islam. Further, he learned the mechanics of terror, of bomb making, of recruitment and of attack execution. He believed that his religion justified the means so long as the ends were noble.⁸⁸ It is hardly surprising that Bin Laden would look at the political and economic interests of the United States in the Middle East and view them as an affront to Islam. The fait accompli was the United States led Operation Desert Shield and later Desert Storm that aimed at removing Iraqi forces from an occupied Kuwait that started with building a massive invasion force on Saudi Arabian soil.⁸⁹ The fact that such a number of infidel soldiers would be allowed to amass in the

⁸⁶ Various. *The 9/11 Commission Report*. Washington DC. 2004.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Anonymous. *Through our Enemies' Eyes*. Washington DC 2003.

country of Islam's most holy cities while preparing for a war against a neighboring country of Muslims, coupled with the later economic sanctions against the despotic Iraqi government, was simply too much for Bin Laden. Something had to be done and he had all the tools he needed: He had learned them in Afghanistan fighting the Soviets. Only this time the fight would take place on a global scale in a fashion the world had never before experienced.

However, from a United States perspective, their interest in the Middle East was starkly different from how Osama Bin Laden had perceived it. To follow is the extent to the United States involved itself in the political, economic and military affairs of the Middle East.

In political terms, the United States has a heavy involvement in the state of Israel for the purpose of supporting the region's only democracy, which is one of the major aims of United States foreign policy. Further, the United States provides billions of dollars in foreign aid through its Agency for International Development, primarily being paid to the states of Israel and Egypt.

In economic terms, United States businesses are heavily involved in terms of foreign direct investment mostly in the energy sector, specifically in resource extraction of crude oil. This has led to allegations of capital flight from some countries that have also affected the distribution of wealth in the Middle East. In this regard, the lines between political influence and economic influence become more or less blurred. On one hand, the United States government is protecting the interest of its private businesses, which are at best, profit-maximizing. On the other hand, the social economic state of the Middle East has been in decline over the past thirty years, which negatively impacts the

image of the United States businesses engaged in Middle Eastern operations. In effect, this has created a double-edged sword for American business and diplomacy in the Middle East.

Finally, the United States military has been engaged in operations across the Middle East. The United States Navy has a fleet command headquartered in Yemen, major military exercises are held in Egypt every year, and the United States Air Force bases operations out of Turkey and Kuwait. In addition to overt military presence, the United States, through commercial and foreign military sales, has allowed the purchases of advanced military hardware, training and support services to various states in the Middle East, provided that they do not act against United States diplomatic aims.

In addition, the United States has had an influence and continues to cultural influence the Middle East by providing university level education to Middle Easterners in the United States. These individuals bring views of the United States back to their home country. In societies which are largely closed to outside influence, like the Middle East, instances of interaction with local populations often serve as cases of first impression whereby individuals have a built in perception of the United States regardless of ever having any direct interaction. The expectation of Middle Easterners is that the United States is a hegemonic power that is entirely self-interested at best and sinfully decadent at worst.

4.2 Individual Actor Perspectives

The purpose of this section is to discuss the individual actor perspectives in terms of their external policies toward one another.⁹⁰ Also discussed are the motivations of Al Qaeda and the United States from which one can discern the beliefs that each actor is following within its own external policies.

The perspective of Al Qaeda will be discussed according to constructs of oppression and tyranny that it perceives itself to be combating.⁹¹ This oppression and tyranny is discussed in social, economic and political terms ultimately showing the reasons and justifications, in Al Qaeda's terms, of why their terrorist actions are justified.

A second section is a discussion of the perspective of the United States and how it perceives its interests in the Middle East. Going further to show how it perceives Al Qaeda in a Jus ad Bellum point of view, having provided *cassus belli*, its violations of United States sovereignty and territorial integrity through the act of war.

A third section discusses the perception of exogenous and semi-exogenous actors within the construct of the triangular relationship between Al Qaeda, the Middle East and the United States. These actors are various in their composition and are defined as those that have a compelling interest in the relationship of Al Qaeda and the United States. This list is by no means complete but will minimally include the European Union, the United Nations and various multi-national corporations that are affected by the threat of hostile action or actual hostile action between Al Qaeda and the United States.

⁹⁰ The perspectives of the individual actors are important as they help to frame the important points and background that each actor believes is important within the debate of Al Qaeda versus the US. The point being that each actor is motivated differently and therefore finds different arguments and facts more important than others. To understand the motivations behind each actor is to understand how to confront their arguments. This becomes more apparent throughout the case.

⁹¹ Al Qaeda believes that its fight is just since they are confronting what they believe to be tyrannical and oppressive acts against Islam and Muslim culture.

The perception of Al Qaeda, the United States and the exogenous actors provide a picture by which one can understand the motivations and duties sought by each respective actor. This sets the stage for the section on the historical government responses of the United States. Also, by examining the motivations of the United States, it helps to prepare for the evaluation of the case against the measurement criteria.

The Al Qaeda organization believes that their actions are justified through an extreme interpretation of its religion.⁹² They believe that the United States is comprised of infidels that are meddling in the affairs of the Middle East and thus the affairs of all Islamic peoples. Further, through a rationale that allows Al Qaeda to believe that all citizens of the United States are complicit in the affront to the Islam, they are thus combatants under the fatwa issued by Osama Bin Laden and his deputies in 1998.⁹³ Al Qaeda believes they are justified in killing any and all US citizens by whatever means necessary in order to secure their stated goals of an unoccupied Iraq, a Saudi Kingdom free of Western influence, the eradication of Israel and the inception of a sovereign Palestinian state.

The perspectives of Al Qaeda are best explained within social, economic and political terms through the looking glass of oppression and tyranny. What this allows is a basic understanding of why Al Qaeda views the United States as an enemy and what Al Qaeda believes it is justified in doing in order to combat its perceived enemy.

Socially, Al Qaeda believes that a culturally dominant United States has inflicted its decadent lifestyle upon much of the world, especially the Middle East. Also, the

⁹² While it can be noted that Al Qaeda does not find its religious interpretations extreme, there are many Muslim clerics that have denounced the violent acts of Al Qaeda as standing on questionable religious underpinnings.

⁹³ Various. *The 9/11 Commission Report*. Washington DC. 2004.

United States' criticism regarding the subjugation of women in Islam is latently offensive to the Al Qaeda organization.⁹⁴

Economically, Al Qaeda believes that a tyrannous United States has imposed its economic will through its oil interests in the Middle East, which has led to a decreased standard of living for the majority of citizens of Middle Eastern states. It is the contention of Al Qaeda that United States businesses, through aggressive resource extraction, have created a system by which much of the wealth of the region is exported leaving the indigenous citizenry unable to take advantage of the resources endowed to their respective countries.⁹⁵

Politically, the United States has been willing to exude pressure on various Middle Eastern states in order to achieve its stated goals. Al Qaeda views this action by the United States as a hegemon attempting to strong arm its policies onto other states. Furthermore, Al Qaeda believes that an oppressive United States has imposed its political will by basing many of its military assets in the region, 'bribing' ruling governments with foreign aid, and showing military willingness to unequivocally back Israel and invading Iraq in order to depose Saddam Hussein.⁹⁶

The United States perspective toward Al Qaeda is grounded in interpretation of international law that is both clear cut in terms of dealing with Al Qaeda but controversial when applied in the larger context of the United States' war on terror. After Al Qaeda bombed two embassies in East Africa in 1998, actions taken by the United States were condoned by the United Nations Security Council retroactively. The United States

⁹⁴ The purpose of this explanation is to remind the reader of the basic argument that Al Qaeda makes in order to show evidence that it is confronting tyranny and oppression.

⁹⁵ Ibid.

⁹⁶ Ibid.

reprisal included dozens of cruise missiles launched into Afghanistan aimed at Al Qaeda's terrorist training camps.⁹⁷ In 2000, the USS Cole was bombed while docked in the Middle East. The US launched a hunt to find those responsible for the egregious attack on the US Navy. Despite the efforts to neutralize Al Qaeda, their next attack would strike the very heart of the US and a symbol of its economic prowess.

The attacks of September 11th, 2001 were condemned the next day by a special session of the Security Council and the United States was authorized to invoke its right to self-defense under various articles of the United Nations Charter.⁹⁸ Again, the United States action in the overthrow of the despotic government of Afghanistan is authorized because Al Qaeda within the sovereign borders of Afghanistan knowingly allowed Al Qaeda to train, plan, and execute terrorist acts from within that country, thus constituting the Taliban's sanction of subversive acts that threaten peace. Instances such as these have been well documented as just cause for action within the conduct of war, thus allowing the United States and a North Atlantic Treaty Organization alliance to overthrow the Taliban and capture or kill remaining members of Al Qaeda within Afghanistan.⁹⁹

Where the United States begins to digress from its morally secured position within international norms and laws, is as it makes arguments for action against a broader war on terror, which has been the subject of the Iraq question leading up to the March 2003 invasion of Iraq. In the lead up to that war, the United States argued a policy of preemption based upon the alleged presence of weapons of mass destruction in Iraq. The

⁹⁷ Franck, Thomas M. *Recourse to Force: State Action Against Threats and Armed Attacks*. Cambridge University. 2002.

⁹⁸ Ibid.

⁹⁹ Ibid.

argument (presence of weapons notwithstanding) was met with a great deal of skepticism by the United Nations and the world community.¹⁰⁰

The perspective of the United States is that the world changed on September 11th and in order to combat terrorism in an altered world, a policy of preemption must be supported. Further, because members of Al Qaeda are not directly represented by a state, they are not afforded the protections of the Geneva Convention. The United States believes that a new emphasis on human intelligence collection must rely heavily on interrogation and even relaxed definitions on torture.¹⁰¹ It would seem that the United States is acting in its own self-interest while disregarding established laws, norms and conventions regarding the just conduct of war and self defense.

So on one hand, the United States is acting within the confines of international law as it relates to its direct war against Al Qaeda while, on the other hand, the United States has eschewed the norms and international law as it acts in its larger war on terror.

In terms of exogenous and semi-exogenous world perspectives, there are three actors worth mentioning; they are the United Nations, the European Union and multi-national corporations. The term exogenous or semi-exogenous is defined as actors that are not primary actors but still bear enough clout with either of these organizations or on the world stage so as to offer legitimacy by their opinions, deliberations, or judgments; these secondary (read: the United Nations and the European Union) and tertiary (read: affected multi-national corporations) are able to affect change only at the margins between the primary actors.

¹⁰⁰ Walzer, Michael. *Arguing About War*. Yale University. 2004.

¹⁰¹ Lewis, Neil A. "Justice Dept. Toughens Rule on Torture." *The New York Times*. 1 January 2005.

First, the United Nations serves as a stage in which to debate the morality and legality of the relationships by either of the two primary actors. For instance, the Security Council is able to pass judgment or provide non-binding authorization to states when it desires to contain elements of terrorism; like in the fall of 2001 during the overthrow of the Taliban in Afghanistan or during the spring of 2003 during the overthrow of the Iraqi government. The perspective of the United Nations is mostly to maintain the status quo in terms of conventional just war approach. This is to say that aggressive action is only warranted in the face of documented *cassus belli* and a strict prohibition against any policy of preemption.

Second, the European Union has a much-fractured position when it comes to relations between the United States and Al Qaeda. For instance, in the aftermath of September 11th, 2001, the United States enjoyed broad support from the North Atlantic Treaty Organization and the broader European Union in terms of the coalition to remove the Taliban from power and capturing members of Al Qaeda in Afghanistan.¹⁰² In stark contrast to that broad support, when the United States stated its intention to seek regime change in Iraq in the context of a broader war on terror, the European Union was split in two. On one hand were those states that sided with the United States.¹⁰³ On the other hand, there were vocal and vehement opponents to the potential action in Iraq by a Franco-German policy that opposed military invasion of Iraq.¹⁰⁴ It is believed by some that it was the vocal and staunch opposition of any unilateral action in Iraq, which

¹⁰² Broad support may be defined here as all NATO states in addition to several of the former Warsaw Pact states.

¹⁰³ Most notably, these states were Italy, Poland, Spain, and the UK.

¹⁰⁴ The Franco-German coalition opposed a military invasion of Iraq absent direct material evidence of WMDs. Specifically, the direct material evidence sought by this coalition would have come from IAEA Inspectors on the ground in Iraq in the form of a finding.

eventually caused the United States Secretary of State to seek approval from the United Nations Security Council for action in Iraq. The only overarching concern for the European Union is that they desire broad international consensus prior to aggressive action on the world stage, which is very internationalist in its stance.

Third, there is the perspective of multi-national corporations that have operations that are affected by conflict between the United States and Al Qaeda. As a caveat, terrorism and responses to terrorism directly raise the costs of doing business, i.e. security costs, etc. Because of this, there are businesses and industries that have been affected by the hostile relations between Al Qaeda and the United States. For instance, the airline industry has suffered from increased costs for security and taxes, which are met with a corresponding decline in the number of passengers. Also, transportation costs have greatly increased due to enhanced port security; or businesses that have operations or employees in areas affected due to increased terrorism have seen the market realize a premium in terms of price as it relates to providing goods or services in those areas. This has been a ‘thorn in the side’ of multi-national corporations in the time since September 11th.¹⁰⁵ The obvious preference for these multi-national corporations is to have nil costs attributed to terrorism related security; this perspective is important to remember during the evaluation at the end of this chapter as well as in the fifth chapter that discusses a better global framework.

The three exogenous and semi-exogenous actors that are concerned with relations between Al Qaeda and the United States are the United Nations, the European Union and multi-national corporations that have business concerns that are affected by terrorism.

¹⁰⁵ Although security costs due to terrorism affected business prior to September 11th, the phenomenon is far more acute in the period after these terrorist attacks, the war in Afghanistan and the war in Iraq.

The United Nations has an interest as a deliberative body, the European Union has a desire to build broad consensus prior to actions as evidenced by the Brussels initiatives to build a common security and foreign policy, and businesses have a concern over security costs as they affect price elasticity within the marketplace.

4.3 *Current Governmental Responses*

How the United States has responded to the threat of terror in general and the transgressions of Al Qaeda specifically, are the subject of much debate. The current governmental response of the United States is in accordance with what it perceives to be a larger calling perhaps best encapsulated in the way the conflict is portrayed as a war on terror rather than a war against Al Qaeda or Osama Bin Laden. By casting the war in a broader context, the United States has let it be known that all perpetrators of terror will be the subject of scrutiny from the United States and its so-called ‘coalition of the willing.’ It is this broader context that allowed the United States, in its own mind, to be justified in invading Iraq, deposing its leader, and setting up a new government. After all, Iraq was part of the Axis of Evil, comprised of Iran, Iraq and North Korea.¹⁰⁶ Looking toward the future, the United States has set the precedent and indeed the expectation that those states thought to be complicit in terror, will be met with the same fate as that of Iraq and Afghanistan.¹⁰⁷ However, military response is still a tool of last resort. It is US policy to exhaust all non-violent means prior to military action.¹⁰⁸

¹⁰⁶ Bush, George W. “State of the Union Address.” Washington DC. 2002.

¹⁰⁷ Wolfowitz, Paul. “The First Draft of Freedom.” *The New York Times*. 16 September 2004.

¹⁰⁸ Whether this is for moral reasons or political ones is unknown and not contemplated here. The point is that the US has created a preemptive precedent for regime change under the current administration. Whether this is for coercive purposes also remains unclear.

In addition, the war on terror is not always a conventional war fought against a state. In many ways, it is more like a war on hunger or a war on drugs; it is a war on a phenomenon and because of that, this war is not traditional and the United States believes that winning the war on terror will likewise be untraditional.¹⁰⁹ However, the United States believes that winning the war on terror will look something like creating “conditions so that those that use terror as a tool are less acceptable in parts of the world.”¹¹⁰ This is an important statement, since it implies a long-term strategy for dealing with the causes of terrorism. In contrast, the American neoconservatives have responded to terror in ways that have not helped create conditions by which terror will be viewed as a less acceptable tool in the Middle East.

The American neoconservative response to Al Qaeda and terrorism in general is like a newer, more military oriented phase of the neo-conservative movement. As mentioned above, the United States has a policy by which its government will aggressively pursue terrorists and terrorist organizations through policies of preemption and are willing to act unilaterally if necessary. The policies of the United States bear a few peculiarities that are worth mentioning, not just because of its neo-conservative tilt, but also because it marks a sea change in the United States’ foreign policy.

First, the designation of captured terrorists as enemy combatants as opposed to prisoners of war, has allowed the government to deny rights afforded to combatants under the Geneva Convention. Next, prisoner abuse scandals, such as those at Abu Ghraib and

¹⁰⁹ Bumiller, Elisabeth. “Bush Cites Doubt America Can Win War on Terror.” *The New York Times*. 31 August 2004.

¹¹⁰ Ibid.

Guantanamo Bay have served to degrade the moral position of the United States.¹¹¹ This moral degradation has left much of the world questioning the moral authority by which the US is executing its war on terror.¹¹²

United States officials publicly contend that the threat of terror far outweighs jail abuse, which further exacerbates the situation.¹¹³ The reclassification of detainees, prisoner abuses, and the denial of basic legal rights, has taken the United States from a position of moral clarity in fighting terrorism to a position that in some cases is morally dubious at best.

Second, the neoconservative response has the long standing belief that democracy will create peace. As such, the United States has pursued aggressive and rapid policies of democratization for both Iraq and Afghanistan.¹¹⁴ Their policies ignore areas of the world where democracy has only been marginally effective like in much of Latin America.¹¹⁵ So committed are the neo-conservatives to democratization, that policies of ‘democracy at any cost’ have seen funding shifted from the rebuilding of Iraq and Afghanistan to funding more security, i.e. security forces instead on construction crews.¹¹⁶

In many ways this is a ‘chicken or the egg’ question: The neo-conservative believes that a democracy will create good institutions; while others might contend that building

¹¹¹ Onishi, Norimitsu. “Transforming a Prison, With U.S. Image in Mind.” *The New York Times*. 16 September 2004.

¹¹² This should be fairly intuitive; the US enjoyed a broad moral mandate to right the wrong perpetrated against it, i.e. the September 11th attacks. However, when the US engages in activity that is torturous, the perception is the US is amorally approaching its war on terror. In essence, the US must maintain a clear moral mandate in both its own eyes, and the eyes of the world in order to maintain a morally secured position; prisoner abuse scandals, desecration of the Holy Koran, and egregious interrogation tactics only serve to compromise the US war on terror and embolden its enemies, i.e. terrorists.

¹¹³ Unknown. “Rumsfeld Says Terror Outweighs Jail Abuse.” *The Washington Post*. 11 September 2004.

¹¹⁴ Friedman, Thomas L. *The Lexus and The Olive Tree*. New York. 2000.

¹¹⁵ Dominguez, Jorge I. & Shifter, Michael (editors). *Constructing Democratic Governance in Latin America*. Johns Hopkins University. 2003.

¹¹⁶ Stevenson, Richard W. “Seeing Threat to Iraq Elections, U.S. Seeks to Shift Rebuilding Funds to Security.” *The New York Times*. 15 September 2004.

good institutions will lead to democracy. There are even some that believe rapid democratization will only lead to more violence.¹¹⁷ In fact, even with the democratically elected president of Afghanistan, it can be noted that he presides over a country that is not in the least bit peaceful or stable. So much for institutions to follow democracy as evidence points to new emerging leaders for Al Qaeda in both Afghanistan and Pakistan.¹¹⁸ The point being that democracy, the so-called neo-conservative silver bullet has a less than impressive record of accomplishment.

Third, the United States' neo-conservative response has not focused adequately on 'winning the hearts and minds' of citizens in the Middle East and confessions of Islam around the world. As the Arab and Muslim worlds continue to see the United States as occupiers, then it remains that the situation in Iraq will be one of pessimism.¹¹⁹ Further, while there have been instances where the killing of innocent Iraqis has been publicly explained by United States military officials, it is increasingly the case that the moral position of the United States in the region has sunk so low that mistrust rather than trust is how most public statements by the United States are viewed by the citizens of Iraq and its neighbors.¹²⁰

Up until the beginning of 2005, the United States, specifically the neoconservative response of its leaders has been met with mixed success. It is the argument of this thesis that success should be measured by the criteria laid out in the third chapter through both the tactical and strategic prongs.

¹¹⁷ Chua, Amy. *World on Fire*. New York. 2003.

¹¹⁸ Johnston, David & Sanger, David E. "New Generation of Leaders Is Emerging for Al Qaeda." *The New York Times*. 10 August 2004.

¹¹⁹ Jehl, Douglas. "U.S. Intelligence Shows Pessimism on Iraq's Future." *The New York Times*. 16 September 2004.

¹²⁰ Filkins, Dexter. "Civilian Dead, and Bitterness: No Way to Bridge the Rage?" *The New York Times*. 16 September 2004.

4.4 Measurement Criteria Evaluation

By discussing measurement criteria across the qualitative medium, this work is able to discuss the tactical and then the strategic evaluations. This will show that the United States, in the assessment of this work, has made good marks in the tactical sense but is also far below par in the strategic goals of this approach. The prescription for the future is mixed and will be discussed in the conclusion of this chapter's case study.

As far as a tactical evaluation goes using the measures of military response, covert action and financial isolation, the United States government generally receives high marks. Within the tactical prong and military response, the United States military forces, in the opinion of this work, effectively use conventional military forces and special forces to the best of its ability in order to tactically confront the threat of Al Qaeda in Afghanistan.¹²¹ However, while there have been some critics that have contended that focusing on Iraq took the focus off of Al Qaeda, the evidence appears so conflicting and nascent so as to not bear mentioning in this work.¹²² In addition, the vision of military transformation from a Cold War defense posture to that of a light, rapid, expeditionary force is an effort to be commended since it helps the United States military respond faster in a world of shifting threats, perhaps most epitomized by the threat of terror.¹²³ This rapid use of tactical military responses in a precision manner is a swift and considered

¹²¹ This is hard to judge as I am not an military expert or consultant. However, my rationale is this: Secretary Rumsfeld has made it known that military transformation from a Cold War military to a lighter, more nimble, expeditionary force is a primary goal of his tenure as Defense Secretary. In addition, Pentagon leadership has successfully cancelled major procurements that would not meet the transformation vision for either cost, technical or schedule reasons. (Canceling major procurements is politically charged to say the least.) Rumsfeld is overseeing one of the largest measured expansions of Special Forces in US military history. Nevertheless, change takes time, but I believe Rumsfeld's transformed military structure is a the right move toward a rapid, integrated and capable 21st century US military.

¹²² Risen, James. "Evolving Nature of Al Qaeda Is Misunderstood, Critic Says." *The New York Times*. 8 November 2004.

¹²³ Barnett, Thomas P.M. *The Pentagon's New Map*. New York. 2004.

form of justice. In short, the initial military response in Afghanistan post September 11th, is the type of military response that the tactical prong proposes. Besides all of these institutional and technological changes, the US military has fought a war that has minimized collateral damage and has remained a proportional as can be expected.

Now to the use of covert action, first off, evaluating changes in the nature of the clandestine operations of the United States is not something that this work is prepared to discuss specifically. However, it can be generally said that there appears in the media and through statements by public officials to be a shifting focus by the United States' intelligence community. This shift is a sea change from reliance on the state's national technical means¹²⁴ to an emphasis on human intelligence and operational intelligence. In the opinion of this work, these changes are necessary, prudent and welcome with the use of covert action in the tactical prong of this approach.¹²⁵ However, this work is concerned that the United States appears to have a willingness to deny basic rights to the captured or detained and that levels of interrogation appear to have drastically increased due to revised definitions of torture.¹²⁶ The United States has stated that this is necessary as part of some supreme emergency based upon the struggle to win the war on terror.¹²⁷ This is fairly unpalatable since the subject of emergency ethics is generally confined to examples where a threat is so enormous as to threaten the extinction of a society or a way of life,

¹²⁴ National technical means are space-based assets that are tasked to look, listen and measure events on Earth. Data collected by such means are then processed, exploited and disseminated through various level of the United States government.

¹²⁵ The recent consolidation of the US intelligence apparati under a single National Intelligence Director is, without hesitation, a step in the right direction. The 9/11 Commission proposed this change but beyond that, the myriad intelligence agencies had grown so large and bureaucratic that it was high time for a rationalization process to occur.

¹²⁶ Higham, Scott. "Law Experts Condemn U.S. Memos on Torture." *The Washington Post*. 5 August 2004.

¹²⁷ Unknown. "Rumsfeld Says Terror Outweighs Jail Abuse." *The Washington Post*. 11 September 2004.

e.g. genocide or England 1940-41 during World War Two.¹²⁸ In any case, the United States gets good marks in terms of shifting the focus of its intelligence community while some major ethical questions are raised about the role of its intelligence community in the crafting and execution of interrogation policy.

Writing toward the use of financial isolation, the United States has unequivocally worked with the international community to financially isolate the work of terrorists. The very fact that the United States has learned the financial lessons of its war on drugs and applied those lessons to the war against Al Qaeda; by cutting off funding and forcing banks to identify suspicious lines of monies.¹²⁹ The United States also appears to be erring on the side of caution attempting not to disrupt the commerce of capitalism as it financially isolates terrorist organizations.¹³⁰ Additionally, terrorist plots can often be launched on the cheap but every little bit counts and the United States deserves high marks for its efforts to date.

In sum, the United States has performed well in executing its war against Al Qaeda as measured against the different facets of the tactical prong; to include military responses, covert action and financial isolation.¹³¹

To write that the United States has room for improvement as evaluated against the strategic prong would be a drastic understatement. In fact, to evaluate the actions of the United States in its war on terror across the three pillars of the strategic prong; socio-

¹²⁸ Walzer, Michael. *Arguing About War*. Yale University. 2004.

¹²⁹ Bai, Matt. "Kerry's Undeclared War." *The New York Times*. 10 October 2004.

¹³⁰ Various. *The 9/11 Commission Report*. Washington DC. 2004.

¹³¹ Keep in mind that it is not my purpose to evaluate the Iraq occupation/transition in the tactical prong. The tactical prong is only a measure at how well the US confronts specific terrorists threats. The strategic prong will look into allegations that the US presence in Iraq is creating a breeding ground for future terrorism.

political, economic and religion all entail anecdotes of either depressing failure or blatant inaction.

To begin with the socio-political pillar of the strategic prong, the United States has done little to show to the Arab and Islamic world worlds that the United States is friend not foe.¹³² In fact, the United States has shown far more emphasis in attaining military victory, than fostering justice and liberty in the Middle East.¹³³ Concerning institution building in the foreign sense, the United States seems more bent holding elections at any cost rather than creating the core institutions of a civil society, e.g. the primacy of law, civil liberties, protection from tyrannous majorities, et cetera.¹³⁴ Out of this disregard for institutions comes how the United States has ignored the creation of basic rights, the stability of liberty, and the duties of citizens of a civil society. Instead, the opinion has been that from democratic elections will flow these institutional safeguards of society or are the responsibility for a sovereign indigenous government to deal with.¹³⁵ This focus on importing Western democracy has led many to believe that terrorism only grows stronger as the United States fails to confront the realities of weak institutions and rights in the region.¹³⁶

The second pillar in the strategic prong is the measure of economy. The reader will recall that the tenets of the economic pillar are sustainable development, just investment and an evolved sense of economic justice. In the foreign sense, the United

¹³² The invasion of Iraq, coercion against Iran, strong-arm tactics in Syria are but a few examples of US deeds that have caused a growing distrust.

¹³³ Filkins, Dexter. "Raising the Pressure in Iraq." *The New York Times*. 14 September 2004.

¹³⁴ Ibid.

¹³⁵ The insurgent elements in Iraq have given no sign of abating so long as the US presence is maintained. The US position is that Iraqis must be self-governing and have a capable autonomous security capability before the US will leave. The argument becomes tautological since, the insurgency needs to cease for the the Iraqis to be capable but the insurgency will not cease so long as there remains a US presence.

¹³⁶ Risen, James. "Evolving Nature of Al Qaeda Is Misunderstood, Critic Says." *The New York Times*. 8 November 2004.

States has basically maintained the status quo. There has not been a remarkable amount of increased public investment in the Middle Eastern region. In fact, writing toward development and investment in Afghanistan, it would appear that the Afghan economy has regressed to producing the black market cash crop of poppy for use in the manufacture of heroine. In addition, the economies of the Middle East are still marked with the dubious distinction of severe income stratification between rich and poor, which negates any sort of sense of economic justice; although this could be ameliorated by allowing for an evolved social welfare system, the United States has not advocated any sort of reforms in the Middle East. The United States has had little effect in encouraging investment in the region beyond defense contracting and resource extraction although this work gives consideration to the United States given the tenuous security situation in the region.¹³⁷ However, this is not an excuse for the overall system of economic oppression that occurs in the Middle Eastern region and the United States' seeming willingness to ignore such oppression in favor of 'going along to get along.'

The fourth pillar of the strategic prong is that of religion, which suffice it to say, still leaves much to be desired. The United States has not placed sufficient emphasis on religious toleration in the region.¹³⁸ The United States should stand 'shoulder to shoulder' with leaders of the Christian, Islamic, Jewish, Hindu and Buddhists faiths to preach commonality, condemn extremism, and foster an understanding of tolerance. Instead, much of Al Qaeda is still able to tap deep seeded emotions of religious hatred.

¹³⁷ Here again, the high costs of security have dampened the supply of firms willing to do business in Iraq. It must be a central goal of the US to aid in economic investment in the region.

¹³⁸ On the contrary, the US has no such entity to promote religious interests worldwide. A central recommendation might be to create an office with sufficient funding to coordinate multi-lateral missions between religious elements. While the US pays lip service to the idea of religious tolerance, it is not an actual policy goal in US public diplomacy.

Furthermore, an effective separation of church and state as different organs within a state has not been properly emphasized in the opinion of this work.

And while each of the pillars that the United States has chosen to virtually ignore, are of a nature that they take several years to affect change, they are the single greatest tools for treating the causes of terrorism.

The United States, by heavily emphasizing on the tools of the tactical prong while virtually ignoring the tools of root cause change within the strategic prong, is merely placing a band aid on the gaping wound that is the global terrorist insurgency of Al Qaeda. Further, this work would be remiss if it did not point out that by ignoring the pillars of the strategic prong, the United States will either suffer the continued effects of terrorism at best, or stoke the fire and create more powerful strains of terrorism, which will require attention in the future.¹³⁹

In conclusion, this case study is able to show the largest and most complex instance of global terrorism and how when evaluated against the approach of this work, the actions of the United States have received high marks for its tactical response and has room for improvement in its strategic response.

¹³⁹ There have been recent suggestions that the situation in Iraq is the single greatest breeding ground for terrorism since the 1980's Soviet occupation of Afghanistan. However, there is not empirical evidence to support this and it will be years if not decades before the veracity of this may be confirmed.

Chapter 5: Toward A Better Global Framework

The question becomes whether the approach espoused by this work, if followed, will leave the world a better place? This last chapter will attempt to show how the various entities of the world can move toward a better global framework. Also, this chapter will look at the measurement criteria and ways in which to measure its success in the future. This ultimately serves the purpose of expressing a vision for the future by showing how institution building based upon pragmatic normative goals will increase peace and prosperity in the global framework.

The tactical prong lays out a careful cause and effect system for when action is permissible (based largely on just war theory) and, once action is permissible, how that action should be structured. The more the world community can create an integrated decision making body (under whatever auspices), the more the facets of the tactical prong may be applied for just causes of action. The caveat being that such a body must not become bogged down in bureaucratic largesse and should instead be capable of quick but deliberate decisions. The creation of such an institution will go a long way to help resolve conflict and understand the nature of a transparent decision making process.

While strengthening international institutions and cooperation are laudable goals, the real heart of the matter is how to measure success and progress made under the normative ideals laid out in the strategic prong. The method of measurement within normative theories is often lacking so this will attempt to remedy that weakness through the use of concrete, albeit qualitative measures.

The strategic prong advocates changes in socio-political, economy, and religion in order to affect root-cause change. The first success measure is the socio-political measure. In short, the strategic prong objectives should be deemed successful when such a time exists that the world is absent of fear from terrorism and the costs spent in the economy on security are in decline. Imagine a world where metal detectors are no longer necessary to board a commercial airliner or a world where the threat of terrorism seems anachronistic and is talked of in the same way as the Cold War. The strategic prong will have been successful in a world where the cost of doing business is unfettered by exorbitant security costs that make doing business cost prohibitive. The socio-political requirement will have been met when the huge budgets of anti and counter terrorism no longer seem necessary. To measure the absence of fear or the enhanced sense of security can be measured through survey data, but above and beyond that, the success of the strategic prong will have been successful when full length papers on governmental responses to terrorism no longer seem necessary or when discussion of terrorism is confined to the subject of history and not in the social sciences.

The greatest measure will be in the attitudes of society at large. When the citizens of the world become universally tolerant of dissimilar cultures and peoples, then the threat of terrorism will have been assuaged. When groups or individuals seek redress in non-violent means, then the success of the strategic prong measured in society will have been satisfied. In order for this to occur, oppression and tyranny must be ferreted out of the world in which we live so that peaceful manners of protest and change can be addressed morally and with respect.

Lastly, there are economic measures by which one can objectively measure the success or failure of the approach proffered by this work. It should be noted that perceived economic injustice is one of the many causes of terrorism today and in that spirit, the strategic prong will have met its objectives when all the economies of the world have embraced liberal models, with emphasis on an equitable distribution of wealth. Markets must be open and free to trade in order to gain efficiencies within the world economy but also governments must be committed to provide measures of social welfare for its citizenry, e.g. health care, compulsory education, et cetera. This will allow for citizens of the world to exist from a position of justice for once gross inequalities in the global distribution of wealth are resolved, then one of the ostensible reasons for terrorism will in effect disappear. In addition, when the transactional cost of doing business no longer includes costs for security, or those costs have become negligible, then the approach ought to be viewed as successful.

So as this work on the US war on terror draws to a close, it is important to remember that the tactical and strategic prongs need to be employed together in order to achieve full effect in fighting terrorist attacks. However, while the tactical prong is best for immediate, near-term reaction to the terrorist threat; it is the strategic prong that allows for root cause changes in behavior over time, thereby stemming the tide of global terrorism.

The global fight against terrorism as begun after the tragic events of September 11th is still in its infancy. Now is the best chance for attacked governments to undertake the aggressive measures for root cause change as advocated in the strategic prong. If a state can accurately and faithfully employ the approach presented in this work, then the

world for our children and our children's children will be a peaceful and equitable place to live.

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