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HISTORICAL TRENDS ON PREEMPTION

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University of Maryland

Report prepared for the Office of Net Assessment

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ABSTRACT

I. SOME BASIC ISSUES OF DEFINITION

In face of the new threats of mass destruction that can not be deterred or defended against, there is a general need for "preemption" or "preventive war". While academics criticize the Bush administration for blurring these terms, such academics have difficulty in themselves drawing clear distinctions here. Much of any distinction on these terms is not so analytic, but instead a strong moral preference for peace over war, with "preemption" perhaps referring to situations where war was inevitable, and "preventive war" instead reflecting an immediate choice for war over peace. But this raises all kinds of other analytical problems, illustrated well by recent history, on whether the world's preference for immediate peace over war can be so absolute.

II. INTERNATIONAL SYSTEMS ACHIEVING PEACE

A survey of four kinds of international system that have produced peace illustrates varying roles for preemption, with only one of these systems being directly designed and intended to produce peace. One such system is that of world empire or hegemony, illustrated well by the *Pax Romana* of the Roman Empire, which was produced by a constant preemption of supposed threats from the outside, until no such threats remained, so that what we think of as international war became impossible. A second system is that of the balance of power, which

normally reinforces peace because outside powers will intervene in any war on the side of the likely loser; where a state is growing too large by natural processes, however, preventive war may be called for, by the logic of the balance-of-power system. These two systems produce peace indirectly, as the by-product of other goals.

A third system, that of collective security, is more directly intended to produce peace, condemning whichever state is the first to resort to violence. This system would at first glance have no use for preventive war or preemption, but it faces some major logical problems. A fourth system, illustrated by the attempt to prevent the return of revolutionary ideas after the defeat of Napoleon, produces peace by a cooperation of states against domestic dissidents, and also calls for preventive or preemptive interventions. The logic of all these systems must today be compared to the logic of nuclear non-proliferation regimes.

III. SOME UNDER-REMEMBERED HISTORY

We tend to repress our historical memories of preemption and preventive war because we do not want to dignify dictators with being driven by fears of their neighbors, and we do not want to sully democracies with planning for the initiation of wars. An array of serious political scientists thus have concluded that such wars are rare. But the reality of history brings important examples to light, including British talk of "Copenhagening" adversary fleets, Polish and French thinking about a preventive war against Hitler, the actual blame for World War II coming to Scandinavia, and Hitler's fears of attack by Stalin. Important examples for World War II and then for the entire Cold War emerge in the roles of Iceland and Finland.

IV, THE LEGACY OF WORLD WAR II

We too often think that the world's disapproval of preventive war dates from the founding of the United Nations in 1945. Such an attitude was in fact much stronger in the thinking behind the League of Nations as envisioned by Woodrow Wilson and others in 1919. The experiences of confronting the Axis in World War II made Franklin Roosevelt and others more sympathetic to Stalin's preemptive moves forward at the end of World War II. The peculiar wording of Articles 53 and 107 of the United Nations Charter, allowing the resumption of hostilities against any of the former Axis states can be likened to the world's attitudes toward Napoleon's attempt to return to the rule of France in 1815. The post-war situation of Finland and Iceland illustrates the greater tolerance for preventive military action here. It can indeed be argued that "Finlandization" is the model of what Roosevelt and his advisers envisioned for Eastern Europe after the defeat of the Axis. When Stalin went beyond this, to the actual imposition of Communism on all the East European countries except Finland, the Cold War then ensued.

V. NUCLEAR PREVENTIVE WAR?

By a certain logic, expressed by Bertrand Russell, Winston Churchill and others, Stalin's Soviet Union should have been subjected to preventive war just as Hitler's Germany should have been, while the United States still possessed a monopoly of nuclear weapons. George Kennan's reasoning, by which Stalin would be much less adventurist than Hitler, explains part of why this

advocacy of preventive war never got a serious hearing. A series of other explanations can be advanced for why the United States did not exploit its nuclear monopoly, but the most important is probably the strong moral aversion in the United States to initiating war. It must be remembered that the Manhattan Project producing the atomic bomb was a preemptive race against supposed parallel efforts in Nazi Germany. All of this must logically be related to today's effort to stem the proliferation of weapons of mass destruction. The Cuban missile crisis, and the Israeli strike at the Iraqi facility in Osirak, offer confusing and contradictory lessons on the world's tolerance for preemption.

VI. THE AMERICAN HISTORICAL TRADITION

Our normal view, as expressed by Jimmy Carter, is that Americans have a historical tradition of never starting wars. A counter view, expressed by John Gaddis and others supporting the Bush administration, is that we historically have often launched wars when threats loomed. Some of the cases cited by Gaddis, for example the move into Florida, are however "failed state" situations, where there was no local law and order, no real "peace". Other cases, for example, the Spanish-American War, amount to preventing human rights violations, something today's liberals tend to approve of, rather than preventing the growth of foreign military strength. Some clearer examples of American Presidents launching preemptive actions would include President Polk, Abraham Lincoln, and Theodore Roosevelt, and later the example of Franklin Roosevelt facing both Japan and Nazi Germany in 1941. Also relevant is the American attack early in the

19th century on the Mediterranean bases of the Barbary pirates. The American historical tradition is thus a subtle mixture of examples, many of which are relevant to today's problems in confronting the threat of WMD terrorism.

VII. SOME LESSONS FOR THE FUTURE

One lesson for today's world is that exercises in preemption or preventive war will always be cross-examined by doubters on whether such action was necessary; heading off a a threat may destroy the evidence that there was really a threat. Another lesson is that the logic of non-proliferation involves an acceptance of some inherent inequality among states, and this is very parallel to the logic of preventive war and preemption. The world may moreover be quite supportive ("band-wagoning") of American anticipatory action here, or it may instinctively ("balance of power") oppose it; our predictions on world attitudes here can be compared with the reactions to British naval hegemony in the days of "Copenhagening". A related lesson is that the world's gratitude for militarily assertive leadership will always be muted and incomplete. Much will depend on how power is used. If (like the British Empire) a nation serves the general good, it is more likely to be tolerated in its preemptive or preventive moves. If (like the USSR) it does not restrain itself, altering the political and social characters of the territories into which preemptive moves are made, it is less likely to be tolerated. As illustrated in Japan's sneak attack on Russia in 1904, dangerous precedents can be set when a major power like Britain talks of preemption. In any event, much will depend on the style by which allies and other states are addressed.

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I. SOME BASIC ISSUES OF DEFINITION

It is undeniable that the United States, and all the other governments of this world, face a major new strategic problem with the proliferation of weapons of mass destruction.

In the distant past, the defenses at one's national borders protected one's cities. Once nuclear weapons and missiles were introduced, such defenses promised to be inadequate, but one could rely instead on deterrence, by the prospect that any attack on one's own cities would be punished by a retaliatory attack on the aggressor's cities.[1]

But if nuclear and other highly-destructive weapons fall into the hands of regimes that do not seem to mind such retaliation, or into the hands of non-state actors that do not govern any cities of their own, it may not be possible to rely on such deterrence. Governments may thus have to be willing to strike first militarily at a potential destroyer of their cities. This is what some analysts would call "preemption", but others would call "preventive war".

When United States forces invaded Iraq in March of 2003, President George W. Bush described the action as a "preemption". Critics of the action described it instead as a "preventive war" and accused the President of deliberately or ignorantly muddying an important distinction.[2]

Yet those who see a real distinction between these terms tend to disagree about exactly what the distinction is. And a closer look at the processes involved in decisions to go to war may show that a responsible national leader might quite naturally see the two terms converging.

The intention of this book will be to explore the distinction between "preemption" and "preventive war" in some depth, with a view to judging how such inclinations toward initiating a war tend to occur in the confrontations of states. And, against the background of cases where

states in the past have asserted the prerogatives of initiating armed conflict, an attempt will further be made to judge whether such postures always tend to produce resentment and hostility among the other governments of the international system, or whether there are circumstances and situations where such postures are more likely to be tolerated.

Preemption vs. Preventive War Analytically

Those seeing a clear distinction between preemption and preventive war sometimes define this as a matter of timing, with preemption presumably being an act of war where an opposing attack is extremely imminent, or already underway, and with preventive war instead being an act of war taking a longer future period of time into account (i.e. an attack initiated on the assumption that the balance of forces favored our side at the moment, but would shift to favor the other side in the future.)[3]

Other analysts have shifted the distinction away from simple timing to whether an attack is driven by an assumed advantage of the attack (i.e. military technology, or geography, etc, favoring the offense) or whether it is driven instead simply by calculations of trends in the balance of forces.[4] In the "preemptive" case, *both* sides might feel better off attacking, especially if the other side was seen to be contemplating such an attack. In the "preventive war" case, by contrast, only one side to the confrontation would at any particular time be inclined to have the war begin.

The more one probes this latter distinction analytically, the deeper one gets into the nuances here of stability and instability in crises, into the nature of what makes *any* national leader ever prefer war to peace. When the military weapons that have been deployed favor the

offense, it is indeed possible that *both* sides will be tempted to launch an attack, whenever political events have seemed to make war more likely, as "crisis stability" will be low, as the tensions of game-theoretical "prisoners' dilemma" will seem to have settled in. If the military situation instead seems to favor the *defense*, the possibility fades that *both* sides could want to lunge forward to attack. *One* side, if it is numerically very superior, may still wish to attack, for political reasons or because of long-run calculations about the trends in force comparisons; it will be willing to pay the price that a defensive military technology imposes on any attacker, paying this price because it still has a chance of winning a military victory. But the weaker side in such a case would be militarily well advised to let the attack come, as this would be its best chance of avoiding a military defeat.[5]

In the case of an *offensive* bias, country A has an option for victory when it is numerically preponderant, and B has such an option when B is preponderant, and *both* sides have such an option in the middle, when they are equal to each other, or near-equals. It is this middle case that might be identified by Van Evera and others as the "preemptive" case for analytic purposes, where each side might be striking on the assumption that the other is about to strike, where neither side perhaps indeed prefers war to peace, but each prefers the war that it begins, over the war that the other side begins.

When analysts of international politics were still using Latin, the operative phrase here was *praevenire quam praeveniri*, meaning "prevent rather than be prevented". In the normal interactions of anarchic international relations, where striking first *often* seemed preferable to having to respond to an adversary's initial move, this was a stream of advice for statesmen that was passed along from century to century.[6]

But it is not always the case that nature plays this kind of trick on the two sides to a confrontation. Even when anarchy reigns (i.e. where these is no higher authority capable of punishing the initiator of violence and taking away the fruits of victory), one is sometimes better off in being attacked than in initiating the attack. Where this is the case, in terms of geography or military technology, we have what we probably intuit as a bias towards the *defense*.

In this case of a *defensive* bias to military technology, a mutually preemptive situation does not develop at or near the point of equality, because whichever side initiates a conflict pays a price thereby in accepting the greater rates of casualties. To initiate a war is to lose a war; no matter how much one dislikes the other state, the strategists and statesmen on each side will not want to make such a mistake (in examples of extreme hate, each side may indeed be hoping that the *other* state will be so foolish as to attack).

In this second "defensive technology" situation, state A might attack and win when it has a great numerical superiority, and so might state B, when B is very preponderent. Victory can be won by attacking, but only when one has a large enough numerical advantage to offset the penalties imposed by the power of the defense.

Such attacks, when A is preponderant over B, or vice versa, might in either situation be labeled as "preventive war", since only *one* side wanted war at that point, with the other side wishing to avoid it for the moment.

Preemption vs. Preventive War Morally

It will be argued through the rest of this book that the analytical complexities of these situations are indeed very interesting and important, but that the real reason they grip our

attentions is more moral than analytical. Human beings in general prefer peace to war, wherever war can be avoided. The measure of judgement we are intuitively applying to the decisions made is thus whether the war was avoidable or not, whether the loss of peace was really inevitable.

By this moral measure of the words we are using, "preemption" in the narrow sense of the term is of course to be *lamented*, but neither side is to be blamed, since everyone is racing to beat everyone else to the punch. Preemption converges here on being "no-fault", with the real blame being directed at the destabilizing military technologies that set up such a trap for all concerned in the first place.[7] Multiple warhead intercontinental missiles are thus to be eliminated, and so are tanks, as they too much reward whoever strikes first in a crisis. "Strategic stability" or "crisis stability" are to be pursued, while anything that pushes toward instability is to be avoided.

By the same moral yardstick, "preventive wars", wars that are launched in the absence of such a pressing instability, are to be *condemned*, because war was not yet "inevitable", and because peace could have been maintained for a while longer.

As a sign of how much "preventive war" draws moral disapproval, a survey of journal article titles shows almost no reference to the term from 1945 to 2001, when the American responses to the September 11 attacks at last produced a new round of discussion on "preemption" versus "preventive war".[8]

We may thus often judge and condemn, drawing distinctions between "preemption" and "preventive war", on the basis of our assessment on whether the net total of peace was reduced by the actions taken. In the case of "preemption", war was inevitable. But "preventive war" is interpreted instead as a *choice* for war, when peace was still the alternative. This would be a choice for which there is indeed some *fault* to be found, some blame to be allocated.

Distinctions That Get Blurred

Yet, if this is the real source of our desire to draw a distinction here, it is very easy to see how this distinction between preemption and preventive war can again quickly blur for any national leader. War might be "inevitable" over the next day or so, perhaps because each side is tempted to strike first, in fear that the other side might be similarly tempted. Or war might seem inevitable over the longer term, as the opposing side grows in military power.

A prudential and responsible national leader is very persuadable by "worst-case" estimates. "If we do not attack them in this decade, they will attack us in the next." The narrow definition of preemption sometimes refers to an enemy attack "already underway"; but if the other side is rearming in defiance of its previous treaty obligations, or reaching for weapons of mass destruction, or training its reserves, or if it is merely experiencing a rapid (and perhaps entirely natural) population growth, is this not also an "attack already underway"?

The narrow definition of preemption focused on the middle sector of the "offensively-inclined" diagram I above, seeing this as a situation of "prisoner's dilemma" in game-theoretic terms. But a more macroscopic focus would see the entire array of possibilities, even in the defensively-inclined diagram II, as well as all in of diagram I, as part of a grander "prisoner's dilemma ", where one has to strike when one has the opportunity, since war is inevitable, with the question merely being whether it is a war that one wins now, or a war that one loses later.

As a sign of how scholars, and not just a politicians like President George W. Bush, can also erase the distinction between "preemption" and "preventive war", one can note a book published by Alfred Vagts in 1956 which describes virtually every case we might note in this

book as "preventive war",[9] and a more recent book by Richard Tuck on *The Rights of War and Peace,* which never once mentions "preventive war", but refers to all the same cases as "preemption".[10] If the distinction blurs in practice for the statesman, who is burdened by extreme caution in protecting the interests of his country, it has also been blurred for the many thoughtful analysts freed of such responsibilities. Referring back to our Latin phrase of "*praevinire quam praevniri*", it would be interesting to search for any distinction ever being drawn in this classic language between prevention and preemption.

Sequence and Surprise

The "prisoners' dilemma" metaphor captures some of what we anticipate in preemptive situations in armed confrontation, or in other aspects of life, but not all of such situations. The game theoretical problem involves opposing sides making *simultaneous* moves, where neither can know what the other is doing until it is too late to change one's own move.[11]

But many competitive situations involve players or sides taking turns on moving, with the phrase "preemptive bid" of course being very familiar in the card game of Bridge. Some of the situations of political competition also entail opposing sides making decisions at different points of time, with each being able to watch the last move, as it makes its next move. The "preemption" here would indeed be imminent and immediate, but it would nonetheless be making a hostile move before the other side's hostile move was set in motion. Not just in a card game, but in decisions as to whether to engage in negative campaigning during an election, or in the scheduling of military attacks, the exchange of hostile and competitive moves may not be simultaneous.

In a world where everyone sees oscillating transitory advantages (e.g. "they are better at attacking by night, while we are better at attacking in daylight"), the temptation may be great to strike at the moment of temporary advantage.

Related to this debate on what constitute's "preemption", there has been some discussion of whether preemptive attacks are likely to be *surprise* attacks.[12] By one perspective, they almost certainly would *not* be, as each side had been expecting the worst of the other, because this is the very core of the problem. What one laments the most about "prisoners' dilemma" or "security dilemma" situations is how the mutual fears and antipathies turn out to be self-confirming, as everyone's worst fears about the other side seem to be confirmed, as no one thus has any reason to be "surprised".[13].

Yet taking the offensive in warfare has usually had to entail *some* surprise, not so much about whether attacks would come, but in particular about *where* and *exactly when* the attack was to occur. If the essence of victory in battle is to bring most of one's forces to bear against only a portion of the enemy's forces, surprise has to be a key element in winning such victory.

American or other supporters of collective security will be against the initiation of war. Even stronger might be the moral opposition to a *surprise* initiation of armed conflict, where a state is attacked without warning, as at Pearl Harbor, without a prior declaration of war. Such an action violates not only the general ban on warfare, but the particular understanding between any two countries that, until an announced amendment of this situation, they are at peace. Apart from the choice for violence, there is also thus a heavy dose of deceit in this kind of decision..

Americans generally remember themselves as having numerous times been the *victims* of such an attack, at Pearl Harbor in 1941, and then again on September 11, 2001, but as not ever

launching such an attack. One could hardly claim in Baghdad or in Kabul that the Bush administration had launched an *unexpected* attack, for the United States had been issuing warnings for an extended period that it would attack if its demands were not met.

During the Cuban missile crisis, Attorney General Robert Kennedy, representing his brother, President John F. Kennedy in meetings of the Excom executive committee, is reported to have objected in the end to an unannounced air attack on the Russian missiles in Cuba, because he did not want his brother to have launched "a Pearl Harbor".[14] A portion of the American indignation about the missile deployment to Cuba had arisen, of course, because the Soviets had deployed these missiles *secretly*, without any public notice, and had denied any such deployments when the issue had been raised in a meeting with Gromyko at the White House some weeks earlier

We do not so much lament "preemption" within a war that is already underway. In talking of the ongoing campaigns of military tactics, we sometimes note "spoiler" attacks, or even "preemptive attacks". As such, these are temporary spikings and increases in the level of violence, but we do not tend to condemn them morally, anymore than we would condemn a "surprise attack" in the middle of war; "war is war", and it is perfectly reasonable for each side to seek to win, once peace has already been terminated.

Drawing more moral fire, even if a war has already been begun, will be an *expansion* of a war drawing in states that had been neutral, as with the German entry into Belgium in 1914, or the German race with Britain to enter Norway in 1940. Here, even if a war would have been fought between two belligerents on other fronts, peace has now been replaced by war for an entire new territory, with one of the intruders to be condemned morally, or at least with the

situation being lamented that produced such a preemptive race to expand the war.

Surprise is thus entirely "fair" *during* a war that is already in progress, as this is often the key to victory in on-going campaign. Each side here knows that there is a war already underway, that its opponent will be trying to win, and that each will be trying to outguess the other on where forces should be massed, etc. There might be moral outrage about what targets were hit during a war, about how prisoners and civilians were treated, etc., but there could not be such indignation about secrecy and surprise during a war, as there would be about its *outset*.

It is on this interface between peace and war that the intelligence problem of anticipating an adversary's actions becomes the most severe. The United States was able to read Japanese coded messages before and during World War II. While excellent use was made of this intelligence source at the Battle of Midway in 1942, the Japanese attack on Pearl Harbor in December of 1941 was not sufficiently anticipated.[15]

A part of the explanation for this is that the interface between peace and war has to be more than a little traumatic for any democracy, and indeed for every country in the world. To be at peace with an adversary, and to have to anticipate that, as of tomorrow, one will be at war, is psychologically very difficult.

But someone very familiar with the interactions of offensive advantage during a crisis, as in the outbreak of World War I, might have come to regard war as inevitable, and would have no compunctions about trying to launch it first, as well as no indignation about the other side trying to be first. In a certain sense, then there would be no "surprise" in 1914 about the kind of interaction that everyone would label preemptive.

Nuclear Weapons and the Intensification of Preemptive Logic

"Preemption" is not a word that is used only for military situations. As has been noted, the word was apparently not used very much in this context until Thomas Schelling and others began pointing to the reciprocal fear of surprise attack at the end of the 1950s, in discussions of the confrontations of Soviet and American nuclear forces.[16] We of course use the term in discussions of Bridge strategy, and we sometimes hear it used in conversational exchanges, when someone else "preempts" us by making the point we were about to make. Seeking for what such references have in common, it converges on taking action in light of what adversary action was about to be taken, with the imminent action perhaps being virtually simultaneous, but perhaps not.

The "preemption" phrase was indeed to be more often used in discussions of the causes of war after the development of nuclear weapons, and the new bomber and missile delivery systems for such weapons, raised some important risks of mutual first strikes in the 1950s. But the inherent logic of preemption was part of the strategic scene much earlier.

The inherent mission of navies had always been seen as the destruction of opposite navies, as outlined quite generally by Mahan,[17] after which the dominant fleet could turn to any other service of the national interest, crippling an enemy's commerce or harassing its coast, etc. The inherent mission of armies would have been to defeat other armies. And the inherent mission of an air force was deemed to be the destruction of the opposing air force, winning air superiority, after which effective support could be given to ground forces, etc.[18]

Until the advent of air forces, however, and naval air forces, it would have been less usual to imagine a situation where *either* fleet could sink the other fleet, depending only on who struck first. In the confrontations of nuclear-equipped air forces after 1949, the possibility loomed that

either strategic air force could catch the other on its bases, and thus win a total victory in a World War III (total in the sense that the adversary could not, after being attacked on first-strike, launch a meaningful second-strike retaliation).

When the first intercontinental missiles were being developed to augment or replace each side's bomber forces, the risk seemed even greater that such missiles might enable one or both sides to launch what was sometimes called a "splendid first strike", "splendid" in that the entire nuclear force of the other side would be crippled, perhaps in a matter of hours and minutes, rather than days.[19]

Albert Wohlstetter led a 1954 RAND Corporation study of the possible vulnerability of Strategic Air Command bomber bases to Soviet first-strike attack, a study that was worrisome and persuasive enough to produce some major changes in how American bombers were deployed.[20]

Thomas Schelling in the same years produced discussions of "the reciprocal fear of surprise attack" that pulled the concept of preemption into centrality, along with concepts of "strategic stability" and "crisis stability".[21] One might have been able to find examples of preemptive temptations and fears in the earlier history of warfare, with the outbreak of World War I perhaps being a grand example of this.[22]

Historians on each side might debate the events of 1914 in terms of war guilt, but World War I is also a very plausible example of a guiltless war initiated on all sides by fear that the other side was initiating it. And the best guess for how World War III would have been begun was precisely that each side might be quick on the trigger, fearing that the other was trying to launch a disarming first-strike. If one incoming bomber carrying a nuclear warhead could destroy

an entire base full of bombers on our side, or if an incoming missile could destroy a number of missiles standing exposed on our side, the military advantage might seem to favor shooting first.

Lessons From World War I

Well below the issues of the overall outbreak of war in 1914, one can find a parallel debate about the German violation of Belgian neutrality.[23]

In the aftermath of World War I, as "revisionist" scholars questioned the one-sided American interpretations of who was at fault in that war, it also became fashionable to scoff at the atrocity reports circulated during the war about German behavior in Belgium. The phrases of "bayoneted Belgian babies" and "crucified Canadian soldiers" had too much alliteration to be acceptable as genuine accounts of facts, and instead looked like propaganda intended to trick Americans into coming into the war on the Allied side.[24]

Some of the later slowness of Americans and others to believe the reports of Nazi genocide during World War II stemmed precisely from the exaggerations of the Allied propaganda mills in World War I. German behavior in the First World War was in truth much less barbaric than in World War II, but closer examination shows that reprisals were indeed inflicted on Belgian civilians, and that towns *were* destroyed as retaliatory punishment. In short, German behavior in Belgium and France matches the pattern that is now familiar around the world for armed force responses to guerrilla operations, as shown later in Vietnam or Iraq, or earlier in the Philippines. When one side uses soldiers fighting out of uniform (soldiers in effect disguised as civilians) it is always the genuine civilians that then suffer, because the soldiers in uniform do not know who to shoot back at, because the soldiers in uniform become angry at

having lost their buddies in what seems like a cowardly sneak attack.[25]

One interpretation of the German harshness in Belgium is a bit more condemnatory, however, in that the Germans, based on their experiences in France at the end of the Franco-Prussian War, came into Belgium *expecting* Belgium to utilize guerrilla warfare, what were known then as *franc tireur* tactics; the Germans thus began with a premature and anticipatory policy of harshness.[26]

The world at the onset of the twentieth century was generally ready to condemn harsh reprisals, with German behavior in Belgium (even without the distortions of Allied propaganda) playing a major role in turning American opinion against Germany. But the world also was inclined to condemn guerrilla war tactics, with international law denying soldiers out of uniform the protections of prisoner-of-war status, precisely because such guerrilla or *franc-tireur* tactics made war so much more destructive.

If the German military approach in 1914 was intended to anticipate and head off what was imminently likely to be a guerrilla response, it may have succeeded, because the Germans were not hampered by major French and Belgian guerrilla resistance behind their trench lines for the rest of the war. But if it was premature, if it was a "preemptive first strike" or a "preventive first strike", it caused the outside world to disapprove much more of the Germans than of the Belgians.

Leaving aside the German reprisals in Louvain and other Belgian cities, Germany was viewed as fault from the outset simply because of its violation of Belgian neutrality. The Kaiser might have tried to claim, as Hitler did 26 years later when Germans invaded Norway, that he was merely preempting a similar French or British move into Belgium, but the claim here would

have been weak, not because the British and French were guided by a higher set of moral principles about the rights of neutrals, or about avoiding the initiation of conflict, but because the French war plan called for a *southern* offensive across Lorraine and across the Rhine into Germany, while the Germans planned an attack further north.[27]

The military situation in 1914 very much *seemed* to favor the attack, for both sides, since whichever side could mobilize its reserves first, to strike across the frontiers first, might thereby disrupt the mobilization on the other side, and win a grand victory.[28] Discussions of the "guilt" for starting World War I might thus often converge on a "no-fault" interpretation, by which neither side really preferred war to peace, but each preferred the war they started, over the war the other side started. Once the Austrian Archduke had been assassinated, therefore, a "prisoner's dilemma" situation had thus in effect settled into place, where each side had to mobilize, and then each had to strike as soon as possible.

It would be incorrect to paint the confrontation between the opposing sides before 1914 as continuously that of the "prisoner's dilemma", because the maintenance of peace would thus be impossible to explain. The costs of war were still real enough, and the normal preference for peace tangible enough, so that the gains of double-crossing the other side with a sneak attack were not enough to carry the day. When any set of events, such as the assassination of the heir to te Austrian throne, sufficed to increase the disagreement between two powers, however, the result would be a race to initiate the war.

If "prisoners' dilemma" is the politically most interesting matrix that game theory has to offer, the rival in terms of interest is that of "chicken". In this matrix of "chicken" or "endurance contest", a "crisis" emerged because an Archduke had been assassinated, etc., such that a mutual

disaster faces the opposing sides, a disaster than can only be headed off if one side or the other conceded the issues immediately in dispute.[29] Either the Central Powers would accept a new situation compromising the entire stability of Austria-Hungary, or the Czar would have to accept a situation compromising the sovereignty of Serbia. Each side is better off in giving in, either in terminating the immediate costs of the confrontation, or in terms of heading off a major disaster. But each knows that opposite side is also better off giving in, by the same set of calculations. And each is thus ready to hold on for a day or a week longer, in the hope that the other side will give in first.

If neither side gives in, one of the forms of a catastrophic outcome is that the sunk costs of the commitments and sacrifices that have already been made will now change the payoffs for each side such that a "prisoner's dilemma" situation will materialize. The "crisis" is defined here by an enhanced risk of war as seen by *both* sides. The actuator for this enhanced risk may well be the perceived advantage, *at some stage of the mutual endurance contest,* of striking first.

Once such preemptive incentives drove German and French forces to lunge at each other, with German and Russian forces similarly fighting in the east, there may not have been much moral issue remaining about a choice between war and peace. For all sides, it might have become a choice between war and war, as warfare had to be seen as inevitable. (But, where such preemptive calculations added the territory of a third country to the carnage, a country which was not planning to launch attacks across any of its frontiers, an additional and different moral issue was raised.)

The aftermath of World War I produced a literature painting Imperial Germany as having launched the war as a "preventive war", i.e. as having *wanted* a war in 1914, rather than waiting

to see how the power relationships would evolve. This would be an interpretation that did not see the opposing sides trapped so much by the supposed advantage of the offensive, but rather saw the Kaiser and his advisers as fearing the decline of Austria-Hungary as an ally, and fearing the recovery of Imperial Russia and the growth of France.[30]

Naturally enough, such charges produced a counter-literature from the German side accusing France and Britain of having been the launchers of a preventive war, as London and Paris feared the economic growth and scientific expertise demonstrated by Germany, as Britain of course feared the growth of the German Navy.[31]

It is difficult, but not impossible, to imagine a confrontation where *both* sides feel inclined to launch a preventive war; if time is on the side of France, it should not be on the side of Germany. (One could, of course, imagine a situation where both sides, on *differing* assumptions, *think* that the trends of power favor the adversary, such that each prefers to attack this year rather than next. Both Germany and France might thus have preferred war to peace in 1914, based on differing calculations of the likelihoods of victory at various times into the future. Even if each side were solely driven by considerations of power, however, one side here must have been erroneous in its calculations.)

The situation of true "preemption" is really only introduced here where both sides may actually prefer peace to war, but where each (for reasons of the military technology at play at the moment) sees advantages to attacking, over being attacked. Here everyone prefers war that it has launched, over the war the other side has launched. If war is thus inevitable here, the moral "war guilt" problem tends to fade away.

Why Preventive War Comes to Look Like Preemption

If preemption is therefore taken to mean the situations where one assumes war is already going to happen (so that one is not *increasing* the total of war), then many of the cases an outsider might regard as preventive war may, as noted above, seem like preemption to the government leader making the decision. Nothing is ever certain about the future, but "worst-case" analysis and elementary prudence will cause a dictator, or a democratic leader, to brace for the worst, and perhaps then will cause his adversary also to brace for the worst, all of which then may become a self-confirming prophecy.

To be "paranoid" is to sense enmity when there is no such enmity in reality. But one old cliche about anarchical international politics is that "paranoids tend to make enemies", as the fears one shows cause others to become hostile. One can push the self-fulfilling logic hard here, to the point that we might even conclude that "if you think you're preempting, you will be preempting in reality".

For an early illustration showing a "realist" sympathy for *all* sides to a preemptive confrontation, one can turn to the writings of Francis Bacon in the 15th century, where he notes that the side that has been premature in its suspicions of others, and that has acted on those suspicions, inevitably has made those suspicions real:

"An offensive war is made, which is unjust in the aggressor; the prosecution and race of the war carrieth the defendant to assail and invade the ancient and indubitate patrimony of the first aggressor, who is now turned defendant; shall he sit down, and not put himself in defence? Or if he be dispossessed, shall he not make a war for the recovery?"[32]

In a world where defenses are not dominant all by themselves, everyone may have to fear everyone else. Indeed, what may *most* have to be feared is the fears of others, which will lead them, in distrusting *us*, to be a threat to us.

Regimes and leaders will vary as to how brutal and violent they would be if no one in the world were ready to resist. Hitler and Mussolini thus strike us as the classic models of the kind of dictators who could never have been successfully appeased, who would have taken all concessions merely as a sign of weakness. Yet aggressive brutes also tend to be paranoid, projecting their own faults on to others. And we live in a world where even the most democratic and peace-loving of states will be ready to respond to violence with counter-violence. We really thus have very little experience with a world where other powers are totally disinclined to resist.

Even in domestic affairs, where the existence of a sheriff precludes a lot of violence and insures some degree of peace and order, "preemption" and preemptive reasoning are, as noted quite commonplace ideas. A great number of students confess to having done some cheating on exams, with the explanation often being that they assumed everyone else was cheating, so that their own cheating was merely a step to restore the final distribution of grades to what it would have been if everyone had behaved honestly.

Professors writing letters of recommendation routinely exaggerate how well they personally know their students, using information supplied by the students about their extra-curricular activities, on the assumption that all the admissions officers involved will be aware that no one truly knows their students that well. With each of the letters being discounted somewhat for exaggerated familiarity and hyperbole, the process is restored to fairness and reality. But every input has to be distorted, to preempt and match the competing distortions.

One again and again sees election campaigns where two perfectly reasonable and moderate candidates for a position become ensnared in negative campaigning and mud-slinging contests, each depicting the other as morally-flawed and ideological extremist. The logic that drives the candidates to do this is simple enough. If the other side is going to begin negative campaigning tomorrow, our side had better start such a campaign tonight.

The need to make negative or uncooperative moves, in anticipation of similar moves by one's adversary, thus indeed explains a great deal of conflict in ordinary life. In domestic society, this is enormously moderated, of course, by the existence of a central authority which would severely punish any recourse to violence. I do not have to worry about my opponent in a mayoral contest shooting me, and I do not have consider shooting him first, because the police would arrest whichever of us was the first to shoot. But I do have to worry about mud-slinging.

In international politics, where there is no such central authority with a dominating ability to punish violence, the preemptive logic also includes shooting first, before the other side shoots, i.e. it includes war.[33]

All of this is merely meant to argue that preemptive logic is not rare as human calculations go, not something that one has very much difficulty in understanding. Rather than being an object of mythology, something bizarre that political science "realists" make too much of, it is indeed virtually a household word.

Preemption is not only a concept that is always with us, it is closely linked to prudence and caution. We value in our societies those who plan ahead, those who seem guided by long time-horizons, those who take out insurance and plan for the worst. "A stitch in time saves nine". Yet, in competitive situations, planning ahead with long time-horizons may well entail assuming

the worst in others, and heading off their actions before they head off ours. The competitor who assumes the worst in others may be labeled "paranoid" or "unnecessarily combative"; and the task for others may importantly be to help pairs of competitors avoid getting into preemptive contests, since cooperative solutions would be best for all concerned. But where the conflicts of interest are just a little bit more real and serious, they may well outweigh the cooperative interests of the larger community, so that outsiders will have great difficulty in steering the adversaries away from the traps of a "prisoners' dilemma".

The prudent and cautious decision-maker may thus see no real distinction between "prevention" and "preemption", for all of what is anticipated on the other side amounts to an attack of sorts on our side, an attack that is coming sooner or later, *unless* some action on our side heads this off ("preempts" this).The other side's mobilizing of forces is already the launching of a war. The other side's engaging in war plans is already the launching of a future war. The other's sides mere growth in population or economic potential is already the launching of a future war. And anything we can do *earlier* is merely to change the war that was inevitably coming.

However much we wish to morally condemn the launching of wars, we thus have to take into account the moral calculus of the national leaders involved, who see the protection of their own country as their primary duty, and who see anticipations of the future as central to that responsibility.

Judging the Reliability of Peace

Someone seeking to keep alive the moral distinction between "preemption" and "preventive war" might shift the focus one more time, to the preexisting *probability* of war. One

might thus contend that "preemption" should be reserved as a designation for cases where war was *certain*, as enemy troops are steaming toward Norway, or as Japanese aircraft carriers are steaming toward Pearl Harbor, with everything else that is less certain being labeled instead (and presumably *condemned)* as "preventive war".[34] One should presumably not be in the business of changing 75% probabilities of war into certainties of war. One should not allow a war that *might* begin a month from now, or a decade from now, to become a war beginning immediately.

Yet one difficulty with this kind of distinction between the terms is that one never has *total* certainty of an imminent war being launched by the other side. Those troopships or aircraft carriers in motion on the high seas might indeed have been part of a clever feint, designed to trick *us* into firing the first shot, and thereby perhaps into losing the support of neutrals. Or, even more innocently, they might simply have been a practice military maneuver.

Even if many of us might be ready to condemn "preventive wars", while relaxing somewhat our moral disapproval of "preemptions" more narrowly defined, it would thus have to be conceded that these "preemptions" also still retain a fair degree of uncertainty. When one shoots back after *actually* being invaded, this is straightforward self-defense, which no one would condemn (and which no one would call preemption). But preemption involves violence or shooting *before* the other side has actually begun shooting. However quantitative we may be in our approach to political analysis, we are not capable of defining the exact percentage likelihood of enemy attack that would pull a case across the line from "preventive war" to "preemption".

Cease-Fires and Peace

And, what if our "peace" has merely been a truce, a temporary suspension of an earlier

war? An inherent problem for the victor in any war relates to how to make that victory permanent. If a truce or cease-fire is arranged, the loser in the war may then be tempted to renege on the promises made as part of this truce. When some time has elapsed after the suspension of armed conflict, the opinion of the world (and indeed the opinion of people in the victorious country) may become inclined against any resumption of hostilities, regarding this as a new *initiation* of war, as a new disruption of the peace.[35]

This was the problem of the Bush administration viz-a-viz Iraq in 2003, of course, when Iraq had promised in 1991 (as a condition of suspending the war that had been initiated by its invasion of Kuwait) to submit to international inspection safeguards reliably proving that it was not developing weapons of mass destruction. As Saddam Hussein was violating these promises, one could have claimed that he was ending the truce by violating its conditions, and the United States could indeed have argued that no further United Nations Security Council resolutions were needed, as warfare against Iraq had already been authorized by existing resolutions, a warfare terminated only under very specific truce terms.

But the common sense of the world was instead that enough time had passed since the 1991 suspension of the conflict so that any new use of armed force would somehow be a new war, requiring new authorizations. Indeed, since the violated truce terms related to assurances about what weapons might come into the possession of Saddam Hussein's regime, the new round of warfare would have the character of a preventive war, heading off an important change in the distribution of military power.

A similar problem was faced by France and the other allies after 1919, as the democratic Weimar Republic systematically evaded many of the disarmament commitments it had accepted

in the Versailles Treaty, i.e. failed to comply with the terms by which the fighting had been suspended in 1918.[36] Some French military officers and political officials favored a resumption of military action, and a further advance into Germany, perhaps all the way to Berlin, on the grounds that the German failure to stick to the armistice agreement terminated the armistice. The French move into the Ruhr in 1923 was one venture of this form, opposed by Britain and by most of world opinion, regardless of the record of what Germany had promised and reneged on, opposed also by many Frenchmen, as a possible reopening of what had been a very costly war.

The Bolsheviks, in confronting the Imperial German forces in 1917 after their seizure of power in Russia, had earlier adopted a policy of "neither peace nor war", announcing that they were suspending armed conflict, without making any concessions to the victorious German military forces.[37] This amounted to another exploitation of the paradox we are outlining here, the paradox by which "war initiation" in our common sense gets calibrated from any recent suspension of war. With World War I still underway on other fronts, the German high command was able to escape this trap of seeing a victorious war ended with no concessions by the loser. It merely announced that, until the Bolsheviks signed a peace with definite commitments to concessions, the German forces would continue advancing and taking over more and more territory.

In effect, this is what some French Generals wished to do viz-a-viz the Germans after 1919, as various German politicians had indeed called for an imitation of the Bolshevik gambit, for an "adherence" to Versailles without any subsequent fulfillment.[38] World public opinion, and even French public opinion, made this a much more difficult undertaking, however, once the bloodshed of the trenches had been suspended.

German accounts of the end of World War I will assert that Germany was not so much reneging on its commitments in the armistice, but that it was instead the Allies who were reneging, as the German willingness to retreat from France and Belgium had been based on an acceptance of Woodrow Wilson's 14 Points, with the actual treaty imposed at Versailles then being much more harsh than Wilson's offer.[39] The British and French at times openly disowned the 14 Points, and at other times simply ignored them, or interpreted them in a way that made Wilson's commitments to self-determination for the various peoples of Europe look quite meaningless.

The end of World War I by an armistice had thus amounted to an exchange of promises, as each side agreed to stop shooting, and agreed to a series of other steps. The shooting did indeed stop. What the other steps were then to be is what is disputed. Germany claims that the Allies had promised also to stop blockading shipments of food to Germany, but the blockade was maintained. German forces were required to withdraw not just from France and Belgium, but across the Rhine, with Allied forces to be allowed to occupy the west bank of the Rhine for perhaps fifteen years.

A peace is probably simpler, with fewer grievances about broken promises, where there is a decisive defeat of one side's armed forces, a grand counterforce victory, as in World War II, where the winner does not have to offer as much in the way of conditions to the loser.

Where peace comes about instead because the loser is the first to *quit* (in what has become an endurance contest of who can persist the longest), this kind of "countervalue" victory is more likely to produce recriminations about the bad faith of the winner, if the conditions for halting the conflict are at all vague and subject to conflicting interpretations, and thus to charges

of bad faith.

Each side in 1918 may have been acting out of hate and vengeance, but also out of elementary concerns, at the moment of the armistice, that the truce might break down, with warfare having to be resumed. This mixture of motives would explain the French and British determination to advance to the Rhine, and also the maintenance of the blockade which was imposing malnutrition on the great bulk of the German population, but also reducing the recovery ability of the German Army. And this mix of motives similarly explains the German decision to flood various coal and iron mines in the French and Belgian territories they were vacating, for these mines would have reinforced Allied military potential, if fighting had resumed.

"Armistice" was indeed the correct word for the ending of active fighting in 1918, because warfare could resume at any moment. Yet the memories of how horrible the war had been would soon enough make this armistice capture the moral standing of "peace", so that the burden of moral feeling would settle in against anyone on *either* side who wanted to resume fighting, no matter how many grievances there might be about the other's violated promises.

Some French (and Polish) leaders were thus considering what was in effect a preventive war already in the early 1920s, long before the Nazis emerged as a major force in Germany.[40] Such ideas would cast more than a little doubt on the theories of the "democratic peace" by which political democracies are never likely to go to war with each other.

One could try to rescue the theory by noting that the violations of the disarmament provisions of Versailles were conducted mostly by the German military, which was hardly an enthusiastic supporter of Weimar democracy. Yet the great majority of Germans in the Weimar years saw the Versailles Treaty as unjust, and saw its provisions on German disarmament and

reparations, and on the borders with Poland, as something that should be frustrated and circumvented in any manner possible.[41]

Just as it is unclear that a democratically representative government in an Arab state will be inclined to peace with Israel, it was hardly clear that a democratic representation of German opinion in Weimar Germany would have wished to fulfill the commitments undertaken when Germany had sued for pace.

The Arab resistance to Israel has for decades seen the same "no war, no peace"gambit applied, as the many military defeats by the Israelis, followed by United Nations demands for a cease-fire, have been followed by the Arab side accepting the suspension of hostilities for the moment, but without any commitment to a longer-term peace and to an acceptance of the existence of Israel.[42]

As the winner of the last round of warfare sees that the promises of the truce agreement are not being adhered to (the promises that were meant to guarantee against a resumption of warfare later on the enemies' terms), it may be perfectly within its rights in immediately resuming warfare. But the logic will be all too parallel to that of a preventive war, the war launched *now* because the military balance would be different *later*, and this is the kind of war logic that the world has come to reject on moral terms.

Any period of cease-fire runs the risk of conditioning all concerned to conclude that war is not inevitable, is not already underway, so that a choice of war over peace will be an unwelcome choice.

Our normal human intuitions can thus indeed mislead us in several ways about war and peace. When an aggressor strikes against a weaker adversary, as Hitler did against

Czechoslovakia in 1939 and Saddam Hussein did against Kuwait in 1990, the world may intuitively sense that no war is yet underway because the victim of the aggression does not resist. A peace-loving world may thus have to ask itself whether it really wants to fight a war over this, and aggressors can hope to exploit the world's common-sense intuitions and taste for peace. Clausewitz captured this well in his observation that "the aggressor is always peace-loving". [43]

And, as just noted, where an aggressor is forced to retreat and sue for peace, our intuitions can mislead us again, when such a state then fails to comply with the conditions for a truce. Rather than focusing on the inherently warlike tendencies of the rebuffed regime, we may instead indict ourselves for being ready to punish the aggressor with a *resumption* of hostilities.

What is Being Prevented or Preempted?

If the United States can be fairly described to have been "preventing" something that it anticipated as the 21st Century began, a very important question will concern *what* it is preventing or preempting.

The kind of "preventive war" that is condemned, and the kind of "preemption" that is generally lamented because "prisoners' dilemma" makes it so inevitable, relates to the *counterforce* considerations of which military can defeat and disarm which opposing military. To sink their navy before they grow able to sink yours, or to destroy their air force lest it attack and destroy yours, are the driving motivations of the kind of war-initiation that has more generally been deplored and condemned.

But a very different kind of "prevention" pertains to *countervalue* aspects of warfare, to the death and destruction that can be inflicted on cities and civilian populations if it is not headed

off, if it is not "preempted" or "prevented". Here the driving considerations are not comparative military power and comparative political domination, but guarding one's people, or another people, against mass destruction.[44]

The United States did not have to disarm the Taliban in Afghanistan because the Afghan Islamic militants were building a force that soon might disarm the United States. It rather was anticipating further attacks like those of September 11th, attacks which could kill thousands of ordinary people. The world's acceptance of the American invasion of Afghanistan after 9/11 reflected this fundamental shift in what was being anticipated, in what was being "preempted".[45]

The same claim was made for the American invasion of Iraq, not that Iraqi armed forces would soon be able to outclass those of the United States militarily, but that Saddam Hussein's regime soon would be acquiring weapons of mass destruction, nuclear, chemical or biological, such that American and other world cities would be endangered. The world did not endorse the validity of the American claim here. Yet this was not because the world categorically rejected the national prerogative of anticipating and heading off the destruction of one's cities, but because it questioned whether the facts of the case truly fit into this category.[46]

"Power Transitions" vs. "Human Rights"

Analysts of "power-transition" theories argue that war is likely whenever one major state is passing another in the totals of military power, as the declining state will feel the need to preempt and challenge its new rival, and as the growing state will expect and anticipate such challenges.[47] Such theories are pessimistically applied today to an allegedly coming conflict between the United States and Communist China, with the rapid economic growth of China

supposedly posing military threats to the United States in the future.[48] If Americans become inclined to head off this threat, or if Chinese anticipate that Americans will be so inclined (and then in turn move to preempt the American preemption, etc.), conflict becomes very likely.

Some parallel "realist" analyses of economic growth argue that the focus has to be on *relative* gains, rather than *absolute* gains.[49] Rather than applauding the great economic progress made in China, which amounts to a long overdue relief from poverty for a very hard-working people, and which contributes to the economic improvement of people all around the world, one is warned instead to be careful lest Chinese growth outpace that of the West, with the difference being convertible to a military power which can be used someday to rob the West of all of its wealth.

The classic preventive war was thus supposedly predicated on the existing hegemon relishing its dominant status, and taking steps to head off some other power acquiring this status, all of which was to be condemned by Wilsonian liberals at the end of World War I, for plunging the world into a needless risk of destructive warfare.

Yet a different moral judgment might be rendered if the established power is not simply heading off a power rival, but heading off the destruction of its home cities. What is new and very different in the years since 1945 is that the development of a nuclear weapons capability in another state will almost immediately give that state the ability to destroy cities all around the globe. Even if this other state can not defeat our armed forces, it can destroy our homes.

There was a time where one's conventional military superiority (or the superiority of the military defense on land or sea, such that neither side had to be superior to be safe), was the guarantee of the survival of one's home cities. The arrival of nuclear weapons ended this. For the

bulk of the Cold War, the prospect of *mutual* assured destruction, and mutual deterrence, supplied the reassurances that a military defense could not. But then we have to move to the kinds of governments or non-state actors that can not be deterred by the prospect of matching retaliation. [50]

A most important distinction thus has to be drawn here between the preventing of a future military victory by an enemy, and the preventing of an attack killing large numbers of civilians . The world may condemn the kinds of preventive war that are seen as a mere jockeying for power and national advantage, arguing since 1918 that peace is all-important, and that war should not be launched merely because one country is passing another in power. But if what is to be headed off is an ethnic massacre, or the irresponsible launching of a missile with a nuclear warhead, the world's moral calculus might offer a much more supportive judgement on anticipatory interventions.[51]

The Bush administration was certainly not concerned that Iraq would somehow catch up with and surpass the United States in military power. Rather it argued that Saddam Hussein's regime was likely to share weapons of mass destruction with terrorist groups like Al Qaeda, so that the development of such WMD had to be headed off, before an American city was destroyed. If this was a preventive war, something very different was being prevented.

The liberal community in the United States and in Europe has thus been ensnared in an interesting contradiction on whether interventions by the United States or by any major power, violating the sovereignty of some other state, were justified. If the lives of thousands of Hutus or Tutsis were at stake in a state like Rwanda, many people would argue that a new standard of "human rights" took precedence over the prerogatives and immunities of traditional Westphalian

sovereignty, and would condemn an administration that did *not* intervene.[52] But if the lives of thousands of people in an American city were to be in danger because some other small state was acquiring a nuclear warhead, the same people might accuse an American president of being arrogant and provocative in intervening to head this off.[53]

Uneven World Resolve

The world's concern for the human rights of minorities inside various countries is hardly new as of the twenty-first century. The end of World War I had already seen special requirements imposed at Versailles on some of the newly independent states of Eastern Europe, as a condition of their international recognition [54]Such requirements stemmed from the world's fears of Polish and Romanian anti-Semitism, and from the knowledge that the new boundaries being drawn would inevitably violate the principle of ethnic self-determination when German-speakers were left inside Poland or Czechoslovakia (because of considerations of geography or economics, or simply because France insisted that Germany not be allowed to become demographically dominant). Forerunners for this had appeared even earlier in internationally-imposed treaty requirements that Romania accord citizenship to its Jewish inhabitants, requirements that were subsequently ignored.

What was very unclear at Versailles, however, and earlier, was whether the world would be *willing* to go to war to insist that such treaty requirements be fulfilled.[55] Romania had ignored its earlier treaty requirements, and Poland between 1919 and 1939 did not live up to the conditions it had so grudgingly accepted at Versailles.

There are thus two different questions at play here. Will the outside world tolerate and

appreciate an initiation of war to head off a human rights violation? And will any particular nation be itself willing to undertake the burdens of such a war initiation? If the world disapproves of the way minorities or entire populations are being treated by some sovereign regime, will this have the backing of force, and will such force be morally approved?

When Democrats and others criticized the George W. Bush administration for ignoring the absence of the United Nations Security Council mandate in invading Iraq, defenders of the administration could note that the Clinton administration had also ignored the absence of a UN mandate when it intervened against Serbia to prevent the mistreatment of the Albanian minority in Kosovo.[56] Clinton got less criticism than Bush, not just because he was a Democrat rather than a Republican, but also because the broader tone of his foreign policy did not radiate a general lack of respect for the UN and for world opinion, and because the objective was protecting a minority group that was directly under attack by its neighbors. A portion of the American and world criticism of the Bush invasion of Iraq stemmed from skepticism about the factual basis of the threat to people, i.e. whether Saddam Hussein was really acquiring nuclear or other WMD weapons, and whether he would be so irresponsible as to attack an American city.

When the United States went to war with Spain in 1898, it was similarly motivated by a desire to preserve the lives of endangered Cubans.[57] The Europeans powers were generally unsympathetic to the United States in that war, seeing it as caused by American greed in an assertion of power. If someone today wants to extract a historical tradition for Americans launching a preventive war, they might include the war with Spain as such a case, but it is important to designate what was being preempted here, not a resurgence of Spanish naval and military power, but the imposition of further casualties among the Cubans.

It is interesting to speculate about what 2001 and the aftermath might have been like if Al Gore had been elected President in 2000 rather than George W. Bush. The superficial tone of American unilateralism and contempt for world opinion would not have been adopted, but the need to respond to the September 11th attack would have been much the same. Indeed, one must remember how broad was the world support for the American intervention into Afghanistan, even despite the tone that had been adopted by the Bush administration.

A Democratic Gore administration might well have continued the precedent established by Clinton, of intervening in situations of ethnic conflict even without Security Council approval. Whether it would have concluded that it was desirable to impose a regime change on Iraq is more debatable.

There has indeed been an international sympathy for a longer time for interventions where a nominal sovereign authority had collapsed into a failed-state status, when the territory recognized on a map as belonging to some state was devoid of any policing by that state, so that pirates and Indian tribes could launch raids from that territory, so that anarchy and violence were endemic. Some of the earlier examples of American preemption approvingly cited by a historian like John Gaddis[58] fit into this category, as Florida officially belonged to Spain, but was not being policed effectively by Spain. The UN interventions into Somalia and Haiti similarly will shock the entire world a bit less, and will not seem such arbitrary violations of sovereignty.

Wars launched to prevent human suffering (to prevent what in the jargon of military targeting might be called "countervalue" attacks) may thus be easier for the world to accept, for the prospect of such wars will not be as cyclically reinforcing. By contrast, wars launched to preempt or prevent military attacks by others (what in the jargon would be labeled "counterforce"

attacks) threaten to make everyone ready to preempt everyone else, i.e. to "preempt the preemption". This would bring back the pattern of military actions that were blamed for World War I, the patterns of "the old diplomacy"that the League of Nations and collective security were intended to replace.

Yet some of "human rights" may depend on one's definitions of what humans are entitled to. If a Roman Catholic were to believe that all human beings had a right to go to heaven, and that this entry into heaven required avoiding heresies on this earth, one would be fighting wars across borders, against Protestants who had just the opposite assumptions about human rights and heaven. This kind of "preventive interventions" on behalf of "human rights" are exactly what the Peace of Westphalia and the establishing of separate sovereignties were intended to head off.[59]

Perhaps everyone can agree that humans have a right not to be massacred. But can everyone agree that females have a right to literacy and job opportunities? Some of the kinds of "human rights interventions" that American liberals favor when they speak of an "end to Westphalia" will thus be a bit more debatable as to their legitimacy, with the third world countries that are challenged here seeing the intervention proposals as every bit as arbitrary and threatening as the postures of the Bush administration.[60]

An American liberal here might then seek some consistency by saying that all of such international interventions should be undertaken *only* with the approval of the United Nations Security Council. Yet, as noted, the Clinton administration had intervened in Kosovo without such approval. The United Nations might indeed be the closest approximation to an embodiment of world legitimacy, but the Security Council is surely somewhat arbitrary in the rotation of its

non-permanent members, and in the allocation of the permanent memberships with their veto. The United Nations indeed emerged as a sort of "coalition of the willing" in the wartime alliance of powers opposing the Axis, with the Soviet Union hardly being a political democracy.[61]

An American launching of a preventive war is arbitrary, but the United Nations is thus also somewhat arbitrary, an assertion of global authority by what began as a simple military alliance, with the membership initially being limited to the states that had declared war on Germany or Japan. The UN Charter may in effect forbid the launching of wars (as the League of Nations Covenant had also sought to do), but it *allows* the initiation of military action by the vote of the Security Council. A pure believer in collective security might have balked at such initiation of war ever *being allowed* under any circumstances.

Supporters of the American assertion of the option of preventive war conversely face at least two logical consistency problems here. First, if the United States is to have this option, independent of any need for UNSC or other outside approval, what will stop other nations from feeling free to launch such wars themselves, whenever *they* felt some future threat? Countries like India and Israel come to mind, but the list of nations engaging in preemption or preventive war, or anticipatory self-defense, could become quite long.

Other countries may thus seek to emulate the United States in the assertion of prerogatives here. But they may also *fear* such assertion, on the ground that mistakes can get made when aggression is anticipated, and that preventive wars may get launched when there was nothing to prevent, when alarm bells had been rung falsely. The outside world's reactions to the new American prerogatives here can thus go beyond the simple resentment of arbitrary assertions, reflecting an outright fear for one's own safety. The United States, or any other power

claiming the prerogative of preemption, would have to reassure others that such preemptions are restrained enough to avoid round after round of warfare.

The Illusiveness of Credit for Preemption

One of the inherent problems with most possibilities of preventive war is indeed that no one will afterwards be certain that there was a real danger to be headed off, that the gains of launching a war outweighed the costs.

If, as will be discussed later, the French and Poles had launched a preventive war against newly-Nazi Germany in 1933, and had deposed Hitler to reestablish democracy in Germany, there might have been very few Germans thereafter who would have been willing to speak out in praise of this "regime-changing" intervention.

And, apart from the lack of gratitude among German commentators, "revisionist" analysts all around the world would afterwards have been speculating that Hitler and the Nazis had most probably not been serious about the plans outlined in *Mein Kampf*. To really be certain that Hitler was so evil that he needed to be deposed, one had to let him demonstrate that evil, in a manner that cost many millions of lives.

The evidence unearthed by the interveners in 1933 would have been entirely tentative and hypothetical, a series of guesses that Nazi Germany was "about to" rearm and aggress against its neighbors, but the real fact would simply have been that the neighbors had instead aggressed first. Even if one does not agree with the decision of the Bush administration to invade Iraq, one similarly has to have some sympathy with the manner in which the evidence has to be weighed here. In the aftermath of the invasion, one found very little proof that Saddam Hussein was

already producing weapons of mass destruction. Yet, in the absence of such an invasion, the risk would always have been that the Iraqi dictator would soon again commence programs for producing such weapons.[62]

It is thus always difficult to prove that a preventive war or a preemptive attack was really necessary. The problem of assessment and justification here is analogous to the challenge that had been posed all through the Cold War as to whether extended nuclear deterrence and conventional defensive preparations were really required to keep the countries of Western Europe from being invaded by the armored forces of the Soviet Union. Skeptics about these western preparations long argued, and sometimes still argue, that Stalin and his successors had no intention of advancing to Paris; and they similarly scoff at the effectiveness of nuclear or conventional deterrence, comparing it to the Asian mystic who comes to North America and chants "let this house be safe from tigers", after which, of course, no tigers appear.[63]

Wherever deterrence indeed works, it will tend to eliminate the evidence that it was needed. Deterrence is indeed just another form of anticipatory activity, sensing the worst that an adversary can do, and then taking advance steps to keep that worst from happening. The difference, of course, is that one has not taken the additional step of *initiating* violence here to head off violence, but has merely posed threats of violence, and initiated an arms race. The same humane calculus that condemns an *unnecessary* initiation of war condemns (not quite as much) an *unnecessary* buildup of nuclear arsenals. Yet the question is always the same, whether such anticipatory action was really necessary or unnecessary.

II. INTERNATIONAL SYSTEMS ACHIEVING PEACE

As we trace our moral attitudes on the initiation of war further back in history, it is hardly surprising that our typical baseline has been that peace is desirable; the initiation of war is normally to be condemned, with any exceptions to this needing to be very carefully specified. As we thus pursue peace, one can find an interesting array of explanations as to how this can be accomplished, tied to alternative theories of an international system.

Imperial Hegemonic Peace

One kind of interpretation of international politics might thus be quite sympathetic to imperial rule or hegemonic power, seeing this as the ultimate guarantee for peace.[1] Our nostalgic memories of the glories of the Roman Empire show up in the later pretensions of the "Holy Roman Empire" and titles derived from "Caesar" such as "Kaiser" and "Czar", but these memories relate also to "Pax Romana", with today's international law often citing Roman Law as precedent, reflecting back to a time when the known world was all governed from Rome. If today's lawyers still use a bit of mis-pronounced Latin in their arguments, this reflects an intuition that the anarchy of today's international politics would be eliminated, if only there were to be a truly world hegemon, as there was in the days of the Roman Empire.

Europe has thus had a nostalgic memory for the Roman Empire, as a basically very civilized place, with no real threats of war, with much less of the tensions we associate with international anarchy. If we have a fond memory for *"Pax Romana"*, "Roman Peace", with its high rates of literacy and commerce, with its unity of civilization as it was known, the question raised

here would be whether this was sought so deliberately and consciously, or whether it was simply the by-product of endless rounds of *anticipatory* suspicion, leading to the conquests that once and for all (or at least for some four centuries) ended such suspicions.[2]

Historically, it is indeed possible to explain the development of the Roman Empire by the logic of preemption or preventive war. In case after case, a neighboring region was conquered because fears were expressed in Rome that this neighbor *might* in the future attack Rome. Rather than risk such an attack, the Roman Legions were deployed to head it off, and the Empire grew in all directions, until in effect *no* such potentially challenging neighbors remained, i.e. until the territory on the frontier was so thinly settled that it could pose no military threat.

Did the Romans thus want to rule the world, which might be what we would style as "offensive realism", or did they merely not want to risk being ruled by others, which is what might be labeled instead as "defensive realism"?[3] The behavior under either motivation might be the same, as one adopts the same approaches to conquering as to avoiding conquest by others. Roman civilization might thus have been simply the by-product of Roman fears, even if centuries later it would be fondly remembered in most of the territories that had been conquered.

Advocates of preventive war in future centuries could thus quote Cicero among the Romans who felt that any foreign state was a potential threat to the Empire, and thus had to be subdued and conquered.[4]

One can pose similar questions about the growth of the British empire in India, or elsewhere around the globe toward the end of the 19th century, where each new territory added was seized only perhaps because it posed some threat to the territories already held.[5] And the same would hold, of course, for the British maintenance of a naval two-power standard and a

readiness to "Copenhagen" other threatening fleets.[6]

The moral point would be that our positive memories of the Roman Empire, of its civilization and law, its commerce and culture, its freedom from the conflicts of what we today regard as anarchic international politics, might render us sympathetic to the preemptive actions taken by such empires. Unless the central power is totally barbaric and selfish, the world benefits from being domesticated by such preventive wars, as the taking of the initiative in the end eliminates the possibility of further initiatives.

Just as Greeks and others might declare themselves Roman citizens, this was a kind of "band-wagoning" approach, whereby the smaller factions would join in applauding and supporting any faction that had a chance to exercise leadership, a chance to achieve dominance.

Balance of Power Systems

A very different attitude about the world would come, of course, from anyone who had become accustomed to the balance of power, welcoming the separate freedom and separate sovereignties where no state could be the imperial hegemon. In such a system, every king might like to become an emperor himself, for it would be very satisfying to dominate the known world. But every king would be opposed to any *other* king becoming such an emporer, because emporers by definition put all the rest of the kings out of business.[7]

It would be the most fun to be an emperor, but it was tremendous fun to be a king. In any conflict between two other kings, the third, fourth and fifth powers would thus watch to see who was winning, and would then intervene on the weaker side, since to allow the first kingdom to absorb the second would have posed a threat thereafter to the independence of the third, fourth

and fifth.

A system of imperial hegemony achieved peace (on the model of Pax Romana) by eliminating and absorbing all rival powers. But a system of balance of power *tended* to reinforce peace in a very different way. If country 3 was tempted to attack country 4, it was discouraged from doing so by the foreknowledge that countries 1,2, or 5 would intervene to deny it the fruits of victory. And, if country 4 was fearful of an attack by country 3, it would be less nervous, and less eager to try to preempt such an attack, because of the foreknowledge again that the other powers would come to the rescue if country 3 attacked.

The outside powers would be intervening not because of any inherent sympathy for the underdog, or because they loved and identified with those of us who lived in country 4, but because it was to their own interest to keep the power assets of countries 3 and 4 from being combined. Indeed, if we inhabitants of country 4 had turned the tables and were advancing into country 3, the other powers would quickly switch sides. "We have no eternal allies and no permanent enemies", was the expression of this balance-of-power principle voiced by Palmerston for Great Britain, but enunciated by many other statesmen, and this was the principle for everyone in the balance of power system.[8]

The balance of power system, in the process of serving the narrow interests of the separate sovereigns intent on maintaining their independence, thus *generally* discouraged wars and preemptive attacks, but did it ever have the opposite effect? The answer would be yes, whenever one state or another was growing too powerful by natural means without any recourse to warfare, perhaps as a result of an economic boom, or rapid population increase, or the discovery of gold in some colony, growing so that it would have more power than other nations, so that it could

actually threaten to take on the international system and begin absorbing other countries.

A nice illustration of this logic is presented in a monograph that Frederick the Great had composed under the tutelage of Voltaire before Frederick ascended to the Prussian throne, entitled *Anti-Machivel*,[9] in which Frederick purported to be rebutting and rejecting the amorality of Machiavelli, offering instead a moral interpretation of how states should behave. We can speculate about whether Frederick was simply young and gullible when he composed this work, or was cynically leading the world to believe that he would be more high-minded and moral than the average ruler, thus setting the stage for such later coups as his seizure of Silesia, etc.

Putting aside our skepticism or cynicism here, one must note that Frederick presented a very plausible version of what the world regarded as a moral standard for international behavior at the time. And, against this standard, Frederick offered some specific justifications for preventive war, whenever any particular power was growing too strong in the normal course of events.[10]

What Frederick wrote up here was very plausibly the general sense of those who had come to like the balance of power system. Peace was desirable, but this was the by-product, and not the direct goal of those who made the balance system work, for the real goal was the maintenance of one's separate sovereignty and independence.

As an example of Frederick putting his theories into practice, the Prussians, anticipating a coalition against them of Russia, Austria and France (when Prussia had only Britain as an ally), headed off a likely defeat by striking first into Bohemia in 1741.[11] Had Frederick lost the ensuing battles, he might have been written up in history as merely a militaristic war-initiator. But because of his own skills as a military commander, and because of his preemptive move here, he was able to keep Prussia viable, with significant consequences for history thereafter, and with the result that

he is indeed remembered as Frederick *the Great.*

British historians during World War I were inclined to describe Frederick as an aggressor and violator of the peace, as part of a propaganda tapestry that then was extended all the way forward to Kaiser Wilhelm.[12] But, at the earlier time, when Prussia was the much-needed ally for Britain against the power of France (i.e the ally that won the necessary battles), the British were hardly so inclined to condemn Frederick for any immorality in how he had held off the grand coalition against him on the continent. British gratitude and admiration for the Prussian ruler was rather expressed in the series of towns in the American colonies named "Frederick", or "King of Prussia". Aggressive wars might normally be a threat to separate sovereignty; but under *some* circumstances they might be the reinforcement and protection of such sovereignty.

The Europeans and others who yearned for imperial law and order would thus have had very opposite instincts from those fearing such empire above all. Yet either attitude on the overall shape of international politics would thus have been sympathetic to some kinds of anticipatory military action, to preventive war.

Among the political theorists who presented analyses sympathetic to preventive war, one must include the already-mentioned Cicero, and also Alberto Gentili, Francis Bacon and Thomas Hobbes in Britain, and even Immanuel Kant.[13]

The British could in particular have been accused of having a double-standard on the above debate about the shape of the international system, as Britain favored the balance-of-power on the European continent, but very much opposed and over-rode it at sea. Yet, before one writes this off as a simple selfish hypocrisy, one would have to probe whether the world at large did not see the seas as very different from the European continent. On land, there would perhaps be a

great resistance to any attempt to restore Pax Romana, because of the important differences of religion and culture that would be lost if such a single law and order were reestablished. At sea, there might rather have been a quiet tendency to welcome Pax Britannica, for the reasoning cited earlier, as a hegemon established a sort of law and order.

Commitments to Peace Above All

The western world's moral and philosophical outlooks on the launching of preventive wars thus have to be sorted on at least two dimensions. First, there is a tension between those of us who today would humanistically deplore war more categorically (who might thus see *any* causal enhancement of the likelihood of war as something which had to be condemned), as opposed to those who will regard some other considerations as more important, so that peace is not so paramount.

Second, among this latter group who regard war as *at times* preferable to peace, there has been the tension noted just above between those who would launch such preventive war or preemption to achieve and maintain an empire, and those who would regard separate independence as the more important human value, and thus basically oppose such empire. Each of these camps, those who are so attached to empire, or those who so much oppose it, will hardly denigrate peace as a value; but they set it into a context where other values are important as well.

But in the more democratic world of the twentieth century, where democracy promised to be the normal form of government, and where entire populations and societies had become targets of attack during a war, the emphasis has shifted more to the categorical maintenance of peace, and to the *avoidance* of such "normal" preventive wars of the balance of power system.

"Band-wagoning" attitudes on preventive war, if carried to their logical extreme, tend to make wars obsolete, as no powers will be able to oppose the major power. "Balance of power" attitudes on preventive war, by contrast, tend to produce repeated cycles of war, as the balance has to be restored again and again. This is more clearly the kind of "preventive war" that was meant to condemned and prevented by the new system of collective security envisaged by Woodrow Wilson's 1918 plans for the League of Nations.[14] For the launching of wars to cut a prospective hegemon down in size, to head off some nation that, by the processes of economic development or demographic growth, was growing too much, has threatened to be a never-ending process.

When historians look back on any long period of "band-wagoning", they will, after some time has passed for resentments to recede, see something beneficial for all concerned in the leaderership and dominance of a particular state. When historians look back on a long period of "balance of power", on the other hand, there may be no resentment, as "everyone plays the same game", but the story they have to tell will be one of a series of wars, perhaps increasingly horrible and unacceptable wars.

A total pacifist in the Christian tradition (the Society of Friends ,"Quakers", being an example) would take quite literally the injunction of Jesus to turn the other cheek. But the greater body of Christendom had fairly early evolved a doctrine of "just war" where violent responses were appropriate against a violent aggressor who would otherwise have inflicted much greater violence on the innocent. This "just war" reasoning is per se already somewhat preemptive, as one, in resisting an aggressor like Hitler, has to *foresee* that this aggressor will otherwise kill many others.

The aggressor usually makes his deadly intentions apparent enough by having already initiated warfare. Here the totally pacifist outlook is violated only in that we turn to arms in *defending* ourselves, where a war is already underway. The moral outlook of the world has far less problem with military action in *self-defense*, where the war was launched by others; a much greater leap of logic is involved with preventive war, where it is the side that would have been defending itself later that initiates the war *now*.

Christ's literal statements about "turning the other cheek" might amount to a total pacifism, to the non-violent resistance that was to be espoused, for example, by Mahatma Gandhi. But St. Augustine would speak for most of Christendom after the 4th Century A.D. by presenting the case where innocent people might be killed or injured by some aggressor, so that our own violent intervention would reduce the total of violence by protecting the innocent.[15] Where such an attack was already underway, or where it was clearly and certainly about to occur, i.e. was almost underway, analysts in this tradition might justify this as "interceptive self-defense" (to be distinguished somehow from "anticipatory self-defense", with the threat in the latter case being less imminent, less certain, and with one's own violent military action therefore being less justified.)

Endorsements of preemption and preventive war are thus not new, in the western historical tradition. But neither then are expressions of opposition to this, endorsements of maintaining the peace whenever there is still *some chance* of peace. Among the philosophers to be noted here, in addition to St. Augustine, will be Luis deMolina (taking the opposite side of the debate with Gentili), Hugo Grotius, and Samuel Pufendorff.[16]

The Logical Problem of Collective Security

This growing world attachment to peace is hardly to be regretted, for peace is much preferable to war. Yet there has also been a moral paradox here, brought out very clearly in Clausewitz's observation that "the aggressor is always peace-loving". If the victim of an attack does not resist, we in our normal intuitions conclude that there is no state of war. If asked to tell when World War II began in Europe, the good student would respond with September of 1939, when Hitler's forces invaded Poland, and not with March of 1939, when Hitler's forces occupied the remainder of Czechoslovakia. This is simply because the Czechs did not resist, while the Poles *did* resist.

Clausewitz's observation, based on the world's experience with Napoleon, was that peace-loving states will always have difficulty in resisting aggressions by the states that are more ready to risk war. The aggressor will claim that he is simply taking territory that is rightfully his, or simply spreading the rights of man and the metric system, and the opposing states, more attached to peace, will be less than resolute in resisting this.

By this logic, the chronic defect of a collective security system, as was intended to be established by the League of Nations, and then somewhat resurrected by the United Nations, is that it is *explicitly* based on a general desire for peace, to the point that all warfare is to be condemned, so that the world, regardless of prior alliances, regardless of ethnic attachments, etc., is committed to responding with military force against whoever has *initiated* warfare. The world will care so much about peace that it is ready to go to war to punish those who launch wars.

But it is easy then to imagine a Mussolini or Hitler, or a Saddam Hussein in 1990, who calls the world's bluff here, just as Napoleon did earlier. If the Czechs or the Kuwaitis or any other

local victim of military aggression do not immediately resist, the world will not see a war as being under way, since the aggressor professes his love of peace, since the aggressor offers the world the choice of accepting his new territorial acquisitions, or of *launching* a war. "The aggressor is always peace-loving" in truth means that the aggressor is always ready to offer the world peace on *his* terms.

President George H. W. Bush, in mustering the Congressional and outside-world support to force Iraq out of Kuwait, thus faced the inherently difficult task of convincing the world that actual military hostilities had to be initiated, where no such violent conflict for the moment was underway.[17] In succeeding in this effort, he breathed life into the concept of collective security, where many had concluded that it could never pass this test, the test by which truly peace-loving states would be ready to go to war, to set the example, to maintain the deterrent, that maintains peace more generally.

All of this is merely introduced to show that the moral preference for peace, however deeply rooted it is in any humane view of the world, can impose some drawbacks for the actual achievement of peace. The senior President Bush had difficulty in getting Americans and others to see the need to intervene against Saddam Hussein in 1991. The younger President Bush had even more difficulty in winning such support against the same dictator in 2003.

In the former case, the difficulty was overcome, in that enough of the world had concluded that there was already an "act of war" when Iraqi tanks had rolled into Kuwait (although no Kuwaiti tanks really resisted them), and had thus concluded that introducing American and other tanks into the scene would not be shifting from "peace" to "war". President George H.W. Bush in 1991 did not have to get into a debate about whether he was engaged in preemption or preventive

war, for his argument was that the war had already been launched. Yet the counter-view, the intuitive perception that Clausewitz had warned against, was that there really was no war underway as yet, that Saddam Hussein was willing to keep the peace as long as he got to keep Kuwait, so that it would have been the United States and its partners who were initiating war here.

It is only fair to record the opponents of Desert Storm in the U.S. Congress as accusing the senior President Bush of needlessly initiating war here, of needlessly rejecting the state of peace offered by Iraq. What persuaded the majority was a counter-intuition reinforced by memories of Mussolini and Hitler and the failure of the League of Nations. Each of the two Presidents Bush were in effect accused of choosing war over peace in their confrontations with the Iraqi dictator. The senior could more easily rebut this by referring to a "war already under way", while the junior had instead to describe himself as preempting a war that would have happened later.

Collective Security and Regime Change

A portion of the condemnation that the later Bush's actions have drawn must be attributed to something else, to the fact that American forces went all the way to Baghdad to impose a regime change on Iraq, and then have drawn a very painful counter-attack of guerrilla warfare and terrorism. One can guess that the same counter-attack would have emerged if the senior President Bush had gone all the way to Baghdad in 1991, even if his action could not be labeled as "preventive war" by its critics.

The advisers to President George H. W. Bush in 1991 had counseled against a total defeat and occupation of Iraq, precisely on the grounds that the ensuing chaos would produce very painful results for American forces and for Americans in general.[18] A different set of advisers to

the younger President Bush after 2000 regarded this failure to go into Baghdad and depose the Iraqi dictator as a mistake, as a disservice to long-term peace. Iraq, pushed back within its pre-aggression borders, might simply nurse its wounds and restore its conventional military forces, forces superior to any of its Arab neighbors, and it might move again to acquire various kinds of weapons of mass destruction.

The argument for punishing aggression *totally*, in the case of Iraq, was the same as that for punishing aggression totally in the case of Nazi Germany. Almost no one in 1945 would have argued for simply pushing the Germans back inside their 1937 boundaries, and thus undoing the aggressions that Hitler had launched. The argument for "unconditional surrender" was instead that Germany would otherwise aggress again, that future aggressions would have to be headed off by making this war quite total.[19] (Inside the White House, of course, another argument would have been that Hitler or some other German, if left at peace within the 1937 borders, would be developing nuclear weapons or other weapons of mass destruction).[20]

Collective security calls for repelling and punishing aggressions. But it takes a little more in the way of anticipatory and preventive reasoning to conclude that it calls for the total occupation and the unconditional surrender of the aggressor. In the heat of a war as total as World War II, with the atrocious behavior of the Axis forces, it was easy enough to move all the way forward on the scale of Allied goals. The same Allied powers that, in their love of peace, had given in too readily in appeasing Hitler, now felt driven, in their love of peace, to continue the war until Hitler could be deposed.

The moral choice for peace over war has thus hardly been absolute. The victorious Allies in World War II always had the choice of offering the Axis powers something less than

unconditional surrender. The enormity of the opposing side's atrocities during the war required a degree of justice and vengeance that made it unthinkable to settle for only a partial defeat of the Axis. Most of the Allies were now agreed that the Axis powers were inherently aggressive, such that the mere anticipation of future wars meant that this war had to be continued until Tokyo and Berlin were occupied. (As noted, the apprehensions about a German nuclear weapons programs may have reinforced the argument for unconditional surrender and total occupation, at least in the small circle that was privy to the Manhattan Project).

Some leaders of the Republican Party in 1918 had already demanded that Woodrow Wilson demand an "unconditional surrender" by Imperial Germany, rather than somehow being bound by pre-existing conditions of the 14 Points.[21] When Franklin Roosevelt used the phrase in 1943 with regard to the Axis powers, many have retrospectively seen this as stiffening the resistance of the Germans and Japanese.[22]

Paul Kecskemeti outlined an argument in 1959 by which "unconditional surrender" was indeed a contradiction in terms, because there would always have to be *some* conditions to a surrender, for otherwise the losing side would have no reason to stop shooting.[23] Yet the phrase was indeed meaningful (even if the elementary "conditions of a surrender" were that people would not be massacred, etc), in that it entailed a total disarmament and total political takeover of the defeated power.

Supporters of an unconditional surrender, in either war, could cite the alleged or real moral transgressions of the opposing side. In the case of Nazi Germany, the transgressions were real enough. Yet the point remains that someone citing a *moral* case for unconditional surrender is indeed making a moral case for war over peace, for continued war over immediate peace. Those

advocating preventive war today are hence not alone in making a judgement that reverses the normal moral preference for peace over war.

If nuclear weapons had not been invented, World War II most probably would not have ended with a Japanese surrender in 1945, and might have dragged on into 1946 and 1947, with the United States and its allies facing the high casualties of an amphibious invasion of the Japanese home islands, an invasion that would have been a much larger project than the Normandy landings.[24] In the way of counterfactual history, it is always possible that the high casualties produced by the fanaticism of Japanese resistance would have driven the American public and government to settle for less than the total defeat and occupation of Japan. Considerations of current casualties would have been set against fears of future Japanese militarism, and the experience of the later American reactions to Vietnam and Iraq might suggest that the anticipation of future trouble would be questioned, when the price of that anticipation in current casualties had become too high.[25]

One can thus see a logical parallel between the decision for a preventive war and the decision to extend a current war with a demand for total victory. Yet the normal intuition of most Americans and most peace-loving people around the world would indeed be to dismiss this parallel. It is one thing to finish a war that someone else has started, to finish it by defending oneself successfully and then carrying the battle forward to a victory where justice is achieved and compensation is demanded. It might seen quite another thing to *start* a war oneself.

Collective Security, Non-Proliferation, and Arms Control

The world's standard of collective security directs blame to the initiation of war, just as

normal domestic law and order directs blame at whoever is the first to use violence.

An important argument for preemption advanced by the Bush administration is that there may be possessors of weapons of mass destruction who can not be deterred from attacking with such weapons. If deterrence can not thus work as well as it did against the Soviet Union and against Communist China, and if there are no adequate defenses to shoot down such weapons on their way to American cities, the only way to protect the American people may be to launch an attack on these WMD systems *before* they come into use, in what could be labeled either as "preemption" or "preventive war", in what would in any event be anticipatory.[26]

As an alternative to thus opening the door for the launching of wars, advocates of another, less violent, approach to the problem would stress the advantages of arms control, of treaties like the Nuclear Non-Proliferation Treaty (NPT), and parallel arrangements in the fields of chemical and biological weapons. Rather than launching violent attacks to keep our cities from being destroyed, a less destructive approach, one step earlier, would be to keep weapons of mass destruction from slipping into the hands of additional countries around the world.[27]

The world generally approves morally of disarmament, even while it disapproves of the initiation of wars. Yet the opponents of the NPT and of anti-proliferation regimes in general have often characterized such regimes as also being violations of sovereignty. An armed crossing of a nation's border is a violation of classic Westphalian sovereignty, and so supposedly is requiring a nation to renounce an entire array of weapons, and requiring it to tolerate the free entry of foreign inspectors verifying that such a renunciation is being adhered to.[28]

Yet one important development of the years since 1967 is that much of the world has come to see weapons of mass destruction, in particular nuclear weapons, as qualitatively different, such

that the compromises of sovereignty entailed by the NPT are necessary and justified. Italian diplomats for a time characterized the NPT as "the first unequal treaty of the 20th century", but the Italian government signed and ratified it in the end, and so did many more countries that had initially objected to what had seemed like a change in the classical rules, the rules by which nations were free to develop whatever weapons served their national interest. India and a few other states continue to denounce the NPT *on principle*, but a great many countries around the world do not, and are quite content to submit to a ban on such weapons, along with an open door for the inspectors of the International Atomic Energy Agency (IAEA), as long as their neighbors do the same.[29]

Iran and North Korea (and Iraq before it was invaded) were examples of countries signing and ratifying the NPT, but then failing to cooperate with IAEA safeguards in the manner required by the treaty, i.e. failing to let such safeguards function sufficiently to reassure the outside world that no nuclear weapons were being produced. But most of the nations that have accepted the treaty are also prepared to live by it, meaning that IAEA inspectors can not be denied visas and turned away at the borders, etc.[30]

As we contemplate the legitimacy or illegitimacy of proclaimed policies of preemption, an important question to be addressed is thus whether "arms control" and "military intervention" should really be set up as alternatives to each other, with partisans of either approach denouncing and scoffing at the other.

Advocates of the Bush administration's invasion of Iraq supported their plans at times by ridiculing and scoffing at a reliance on international inspections and related non-proliferation measures.[31] Advocates of arms control theories condemn any reliance on armed force as a

violation of the standards of international behavior, as aggressive and immoral.

Yet the case can be made, as noted just above, that the two approaches to preventing mass destruction, non-proliferation regimes, and preventive or preemptive wars, are *both* violations of the classical standards of interaction among sovereign states. Each of these approaches amounts to a challenge to and modification of international standards, a modification which will be difficult, but perhaps not impossible.

And the practical case can be made that each of these approaches depends upon, and logically supports, the other. Without the threat of invasion in 2003, Saddam Hussein would never have allowed the international inspections of his nuclear, chemical and biological operations to resume.[32] Without the threat of a launching of war, some other states may not maintain their compliance with the NPT

Conversely, even an elementary assessment of the costs of actual military intervention, of actual warfare, suggests that much greater investments should be made in the technological support of international safeguards, and in the material backing of the diplomacy to accomplish this kind of arms control arrangement.

The threat of war may be necessary to keep weapons of mass destruction from spreading, just as preventive war may become necessary once such weapons have actually proliferated. But if the threat of war has to be gone through with more than just once in a while, the cost of such warfare will mount very high. Compared to such costs, the economic bill for a more robust arms control effort will seem like a very good investment.

Arms control agreements are often included in the category of "preventive diplomacy",[33] where the "preventive" term is shed of the negative connotations attached to "preventive war", as

far-sighted diplomacy is applied to head off wars before they happen. It is difficult to condemn any public officials, Presidents, Generals or diplomats, for trying to protect their national survival into the future, for trying to anticipate problems before they can no longer be managed.
It is similarly not fair to criticize military planners for "worst-case analysis" or for excessive pessimism, for leading their countries into self-confirming loops of mutual suspicion, with the risk ultimately of arms races and wars; one's duty to the people one is charged with protecting may inherently require this. When diplomats can apply the same anticipatory analysis to solve the problem with a treaty, liberals will applaud. But most experienced diplomats would agree that treaties are difficult to achieve here unless one goes into the negotiations with the backing of at least some prospect of the use of force.

Some of the critics of the NPT have attacked it as an unfair treaty, as a case of the military "haves" disarming the "have-nots". To soothe such criticisms, the NPT was expanded to include an Article VI which calls upon the states allowed to retain nuclear weapons (The United States, Soviet Union, Britain, France and China) to "negotiate in good faith" toward getting rid of their own nuclear arsenals, and indeed toward "general and complete disarmament". But it is very uncertain that such a total nuclear disarmament, and indeed total disarmament in *all* categories of weapons, will ever be feasible, because of the inherent difficulties of inspection, because of the enormous risk that one nation or another might cheat and sneak into being the sole possessor of such deadly weapons.

As noted, there are a great many states around the world that are prepared to live in a world where a few states like the United States and Russia retain nuclear arsenals, and deter and check each other, and where the rest of the world remains better off without the proliferation of

deadly arsenals. Sweden and Germany, or Brazil and Argentina, or Japan and Australia are all separately better off without such weapons, *as long as* they have reassurance that their neighbors also do not have such weapons, and this will remain true even if the Russian and American nuclear arsenals continue in being.

Cynics might claim that this only holds true because the Russian and American nuclear arsenals became so large during the Cold War, so large that no Brazilian general or Argentine admiral can make a persuasive case for a national nuclear weapons program. In running a major arms race against each other, the Cold War rivals also in effect ran one against Brazil or Sweden, in a manner that they decisively won.

As we look for historically analogous interactions to the logic of military preemption, we might thus find parallels also with the logic of arms races in the past. The British built battleship after battleship in the past, in part to discourage other nations from building them. The warning to others was that rival fleets might be preemptively attacked as at Copenhagen in 1801 and 1807, or, as less of a violation of international law, that Britain would out-spend and out-build any such rival. A Dreadnought built in 1908 might head off a German or other equivalent in 1909.[34]

The logic of anticipation of possible conflict applies here just as in actual warfare. The world tends to condemn arms races, just as it condemns preventive war attacks, for the waste of the resources. Far fewer people are *killed* in a mere arms race, but the opportunity cost will still be large in the civilian purposes that might have been served with the same funds.[35]

But, if a major power *wins* such an arms race, there may be less to condemn. If the dominance of the first possessor of some category of weapons heads off the acquisition of parallel weapons, this also heads off their use. If the British naval dominance after Trafalgar headed off

several rival rounds of warship construction, it was not called "non-proliferation" or "arms control" at the time, but it might have been just as benign in its impact.

The world may condemn the winner of an arms race for simply outspending and dominating its rivals, and may accuse the winner of arrogance. The condemnation is less than when Rome dominates Carthage by sheer violence, but the other states may still see this as a "have" dictating to the "have-nots". This, after all, is the way Indian scholars and government spokesmen have often portrayed the Nuclear Non-Proliferation Treaty (NPT).

Germans were thus not alone in seeing British policies on naval warship numbers as a sign of arrogance here, for many Americans (including President Woodrow Wilson) shared the feeling. One can appreciate some of what anyone would have seen in British attitudes at the time in the off-hand comment of a senior British official on the "impudence" of the Germans for declaring an intention to match British battleship building totals, "when they had not even gotten past the opposition of the Socialist bloc in the Reichstag".[36]

Yet, to repeat, one observer's "domination by the superpowers" is another's "non-proliferation", and one man's "British navalism" is another's Pax Brittanica. If the result is avoiding nuclear attacks more generally, and avoiding disruptions of peace more generally, rather than simply a more narrow national interest, much of the world will come to see this in more approving terms. Prevention and preemption are key components in either version of the phenomenon, but these can be benign as well as malignant.

A Fourth Relevant Model: Collective Reaction

Our analysis of systems that achieve peace above addressed three such systems, of which

only the last one, collective security, was directly *designed* to prevent war. This third, collective security, system really had no role for preventive war or preemptive attacks at the outset of a political disagreement, as everyone would be expected to stay at peace until they were actually attacked, whereupon all other states would come to the aid of the victim.

The achievement of an imperial hegemony would, as noted, produce a peace of the form of Pax Romana (with more than a little warfare first occurring to establish the hegemon), and the workings of a balance-of-power model would also *normally* reinforce peace (except for the cases where an initiation of war was required to maintain the balance). The system of empire and the balance of power system might thus produce peace, but only as a *by-product*, as the real drivers were the desire of someone to be an emperor, or the desires of kings to remain kings, and to head off others becoming emperor. And both of these first two systems had a substantial role for preemptive attacks.

Yet another such *inadvertent* peace-keeping arrangement can be noted in the collective-reaction system established by Metternich and his colleagues after the defeat of Napoleon in 1815.[37] The hereditary monarchs of Europe now shared the fear of a resurgence of any of the liberal or nationalistic sentiments that had produced the French Revolution and the conquests of Napoleon, and such fears outweighed the military fears they had of each other, to the point where international peace was thus reinforced by the fears of revolution from below. The system established at the Congress of Vienna indeed called for military interventions from across an international border whenever any legitimate monarch had been overthrown, with French troops being despatched into Spain in 1838, and Russian troops into Hungary in 1848.[38] Such crossings of international borders were to be ordered and sanctioned from Vienna, in a manner that might

resemble the authority of the United Nations Security Council since 1945, and the structures established under Metternich's influence after 1815 are often seen as crucial setters of precedent for the standing of international civil servants today.

What was to be headed off, or "preempted" here, was not Islamic extremist terrorism, or ethnic massacres, but any resumption of the liberalism of "government by consent of the governed", or of the new nationalism by which all the speakers of some language were to be united in an ethnically-cohesive unit, regardless of the inheritances of monarchs.

As we review past instances of preemptive military action, and the degree to which such actions were accepted by the rest of the world, it is important to include this category in our list, while at the same time remembering the differences in *what* was being preempted, not the military plans of other states, but the activities of non-state actors, or the emergence of what Vienna might have seen as "failed states".

Also on the list of accepted violations of sovereignty (perhaps again classified by some as "failed states") was the practice of military intervention to collect unpaid international debts.[39] The newly independent states of Latin America would at times see an elected ruler deposed by a violent coup, with the successor junta or ruler then declaring invalid the international debts incurred by the prior regime. With no international system of law and order to turn to, a country that had made the loans and investments might have felt that it had no choice but to despatch its navy and landing parties to see to it that the debts were honored. For much of the 19th century, this was regarded as legitimate in Europe, while of course being disputed in Latin America, with the United States being of two minds, noting the legitimacy of the rights of property here, but also fearing the return of European imperial power to the western hemisphere territories that had so

recently won their freedom.[40]

We have thus far been listing peace-keeping systems, deliberate or inadvertent, and tracking how they relate to the phenomenon of preventive or preemptive military initiatives. But relatively few analysts today would see the workings of "gunboat diplomacy" as a peace-keeping system. If a Venezuelan dictator refused to honor the property rights of European investors, most today would not see this per se as a violation of the peace, since all that was involved was a confiscation of property, a "nationalization" perhaps of railroads or mines or oilfields. The foreign response of despatching gunboats might then be regarded as the first violation of the peace.

The link of preemption to peace became a bit stronger where it is not just foreign property that is being attacked in some country, but also the lives of foreign engineers, etc. If gunboats are despatched to protect lives, where the local government is not able or willing to protect such lives, the first violation of the peace might be seen as emerging in the failure of the local government to exercise its elementary obligations as a state, and the outside world would even today be more sympathetic.[41]

Again, it is important to note that much of the world was indeed morally sympathetic to such preventive and preemptive interventions in the 19th century, and at the same time that what was being headed off by a British or other naval deployment was hardly a *military* threat to the major powers.

Reinforcements for Peace: A Summary

As noted earlier, the system of collective security envisaged by Woodrow Wilson and others for the League of Nations was intended to head off all the preventive wars and preemptions

that had seemed so normal in history, and to head off war in general, by declaring that whichever side was the first to attack would automatically be at fault, with all the members of the system then coming in to punish the attacker. This would seem to rule out preemption.

But, high-minded as this is, it also in its core logic amounts to *something* in the way of prevention and preemption. If the aggressor is not punished, he will aggress again. If the precedent is not maintained that the initiation of war will be punished, it will occur again and again in the future. *To head this off*, all the states that might *otherwise* have remained neutral at the onset of warfare now instead had to *choose* to join in that warfare (i.e. had to choose war over peace for themselves *immediately*), for fear of the wars that might otherwise happen later.[42]

As noted above, the fundamental paradox of collective security was thus that the nations advertising their own love of peace would have to be ready to join in a war, in the long-term interest of peace. If the attacked state had not resisted, as was the case with Czechoslovakia in 1939 and with Kuwait in 1990, the immediate status quo would indeed still have amounted to peace, with the world community now facing the onus of making a fuss about the territorial changes that had just occurred, i.e. of opting for war instead of peace.

Preventive reasoning and preemptive reasoning are not confined therefore to the more militaristic of statesmen, for *all* such statesmen have to look ahead as they guard their nation's safety. The big difference would be that the preemptive and preventive reasoning of the collective security process would have the maximization of peace as its direct goal. To reinsure peace in the future, one sometimes has to choose war over peace more immediately. By contrast, the preemptions and preventive wars of empires, and of the balance-of-power system, would have produced peace only as a by-product, only when it was consistent with other, more selfish,

purposes.

III. SOME UNDER-REMEMBERED HISTORY

If the distinction between preemption and preventive war is thus mainly a moral distinction, because we so much love peace and hate war, it is plausible that the historical record will underestimate how often such actions, under either label, have been contemplated, and how much international politics over the past centuries have been influenced by the shadow of the possibility of such actions.

Since we treat preemptions as "no fault" interactions, as being the understandable reactions of opposing statesmen to the traps of a security dilemma, we are then reluctant to dignify the decisions of anyone like Hitler or Stalin as being of this form, lest this produce some sympathy for the most pathological of dictators. Dictators like Hitler or Kim Il-sung are remembered for having pretended to be repulsing foreign aggressions when they invaded Poland or South Korea, as the Nazis "defended themselves" all the way to Warsaw, and North Korean forces similarly "defended themselves" through the bulk of the Korean peninsula, down to the Pusan beachhead. If Hitler then later claimed that he was merely "preempting" a coming attack by Stalin, we usually see this as one more outright lie. Because dictators are not to be given any credit for being simply normal, the total of wars launched preemptively may be undercounted, as they are remembered as simple aggressions.

Conversely, when a democracy, or a much less obnoxious authoritarian regime such as Pilsudski's in Poland, is rumored to have contemplated a preventive war, the evidence for this tends to go into a sort of shredder afterward, as the accounts of such thinking are shrugged off as "undocumentable", [1]since democratic societies do not want to be remembered for having been

ready to initiate wars when peace was still a possibility. Democracies protect their image by remembering themselves as never being the aggressor, never the initiator of wars, but instead always the victims, the countries that somehow finish, and hopefully win, the wars that other powers have started.

Standing back from the problem a distance, we actually *hope* that preventive war will rarely be sensible, and wish the historical record to support this general caution, lest a host of wars get launched in the future by statesmen who deduce that such anticipatory actions are altogether normal. And we also aspire to make preemptive "prisoners' dilemma" situations rare, lest statesmen concluded that they will often be thrust into such situations.

Daniel Reiter has thus published an argument that the "powderkeg" is a "myth", arguing, based on the coding of a data-bank, that we can find only three examples of a preemptive war in the past hundred years: the outbreak of World War I, the 1967 war between Israel and Egypt, and the Chinese intervention in the Korean war in 1950. [2]

The third case is in fact debatable as to whether it should even be viewed as preemption, for it might open the categorical door to a number of other examples. If the fear of having an ally lose a war causes a power to enter the conflict, one might then have to include the American entries into World War II and World War I, and all the British and other balance-of-power interventions of the 18th and 19th century. Where a war is thus already underway, as in Korea, and it merely draws in additional powers, most of us would not have labeled this as either a preemption or a preventive war. To be sure, the entry of neutrals into a war already underway indeed reflects their anticipations of what would happen if they did *not* shed their neutrality. But our normal common-sense labeling of phenomena here does not included such broadenings of a

war. Morally we lament and perhaps sometimes condemn such terminations of neutrality, but the moral condemnation of preventive war and the lamentations of preemption pertain more directly to the first *outbreak* of a war.

The concepts of *mutual* security (as opposed to *collective* security), sometimes also labeled collective self-defense, is very close to the traditional notions of an alliance, where two or more nations promise to come to each other's aid if one of them is attacked. The United Nations Charter specifically allows for the maintenance of such arrangements in Article 52 , alongside the inherent rights of self-defense.

This means that if country A is attacked by country J, country B is allowed to initiate warfare with country J as part of its pre-existing commitment to country A. Just as Massachusetts troops will join in the defense of California, if California is invaded by Japan, so American troops would join in the defense of Denmark if Denmark were invaded by the Soviet Union. But Massachusetts and California are already part of one country, so that no one would see an escalation of violence here, or an initiation of warfare by Massachusetts. If the United States comes to the aid of a European ally like Denmark, or if Communist China comes to the aid of North Korea, this is closer to an *initiation* of warfare, and might thus have seemed more condemnable as a preemption or as a preventive war attack, *except* that a war is already underway.

The world's morality has no problem with a nation defending itself, for here there is no choice between war and peace, as the choice was already made by the aggressor. Where an alliance member comes into a war because of a mutual security commitment, however, such a state is *choosing* war over peace.

If Norway had decided to join the Allied side all on its own in 1940, because it felt that

Britain and France needed help, we would thus not normally be calling this a "preemption". But when Germany invaded Norway, *in important part* because it thought Britain and France were about to do so, this indeed is much more in the zone of the "preemption" phrase.[3] As we shall see, the example of Hitler attacking the USSR, as well as his earlier attack on Norway, might be more immediately "preemptive" than the Chinese crossing of the Yalu.

The phenomenon of preemption or preventive war thus gets undercounted for two kinds of countries. It is regarded as too noble for the retroactive assessment of the military actions of a dictator like Hitler. The Nuremburg defense that Hitler anticipated a British invasion of Norway and Sweden, or that he feared being attacked by Stalin, got dismissed as "preposterous".[4]

And preemption or preventive war are typically regarded as too degrading to be admitted as the possible or likely action of a democracy. If France or Poland were contemplating such actions against Nazi Germany, the episodes tend to be forgotten, or written off as "apocryphal".[5]

Richard Betts has argued elsewhere that preventive wars are rare, and that we should indeed be glad that the inclinations toward such preventive hardly ever look so promising or tempting.[6] Betts concedes that a preventive war against Germany, when the Nazi regime was just taking hold, might have saved the entire world a great deal of misery, but argues that this has to be the exception, at least by the standards of the welfare of the world as a whole.

As another example of how our memory of democracies may mislead us, Samuel Huntington at the end of the 1950s published an analysis of preventive war arguing that such wars would never be contemplated where there was no underlying political hostility, and thus could never have occurred between Britain and the United States.[7]

Yet there is indeed evidence that British naval planners, including the future First Sea

Lord, Admiral Sir John Fisher, had considered how one would preemptively keep an American fleet from growing to challenge British naval supremacy, and that American naval planners similarly contemplated the possibility of such a British attack.[8]

"Copenhagening"

It is quite easy to demonstrate that Fisher contemplated such a British preventive war or preemptive attack against the German Navy, after Tirpitz and the Kaiser launched their plans at the turn of the century for a great German naval buildup. Fisher not only had such plans prepared privately, for what was labeled on each side of the North Sea as "Copenhagening" (in memory of the attacks launched in 1801 and 1807 to keep the Danish fleet from coming into the control of Napoleon), but he repeatedly leaked such considerations, on the assumption that they would serve as a warning and inhibitor for the Germans.[9] Fisher had earlier been fairly open about considering such attacks on the French Navy, at the time when France remained the principal rival at sea, rather than Germany.

Fisher was later to be much more reticent about, and scoffing at, the idea that such "Copenhagening" attacks could ever have been contemplated against the United States, but there were some leaks of such possibilities at the time of various diplomatic crises in the 19th century between the United States and Britain, over the Venezuelan border with British Guiana, or the British interests in Central America, etc., at the time when Britain could muster some 40 first-rank battleships, and the United States could muster only 3.[10]

The British tradition of preventive attacks hardly began with Nelson at Copenhagen in 1801, because there were fond memories also of Francis Drake's attack on the Spanish fleet at

Cadiz in 1587, reducing the potency of the Spanish Armada that attempted to invade Britain in 1588. [11]Anyone trying to draw moral lessons from the British escape from foreign conquest here could refer to the "Protestant wind", the gale that had done severe damage to the Spanish fleet in 1588, helping Britain then to defeat it. Whether or not God had thus shown his feelings about the competing versions of Christianity here, however, the same Britons might also have drawn the moral lesson that it was important and right to head off military threats early, before they become unmanageable.

British policy on naval matters, indeed until the end of World War I, was that the Royal Navy must be larger than the next two fleets combined, and this had typically not been fitted with any qualifier of "two fleets of hostile political inclinations". [12]The British feeling about naval power was indeed quite general, applying to *any* foreign navies. If a foreign power were to challenge British hegemony at sea by building warships, Britain would have to build more, which would entail substantial economic burdens; or *instead* Britain might contemplate heading off a ruinous arms race, or worse a defeat on the high seas, by behaving as Nelson and others had with regard to the Danish fleet.

Whether a naval war was ever again possible between Britain and the United States might thus have been much more abstract, in line with the "realism" that attaches little significance to the domestic character of international rivals. As a counter-factual speculation, one can consider what would have followed if Germany had *not* challenged Britain to a naval arms race, and if France had similarly deferred to British numerical preponderance, and *only* the United States had chosen to start building warships on the arguments put forward by Mahan. If the Kaiser had not found Mahan's writings so persuasive, would there then have been a naval arms race between the United

States and Britain (as there was indeed to be immediately after the Kaiser lost World War I, his fleet and his crown)?[13] Would there even have been all the veiled threats and fears of being "Copenhagened" in Washington that were to be so prevalent in Berlin?

Tirpitz has envisaged a version of the balance of power mechanism being established in naval terms on the high seas, where Germany did not have to match the British fleet, but could count on Britain's fears of *other* fleets, so that even a smaller German fleet could stand up to the British more resolutely in a crisis. As things evolved, the British chose to tolerate and come to terms with the growth of the American and Japanese fleets, directing concern mainly to the German threat. But our question remains, if there had not been a German threat, would the British have been as accommodating to the United States?

When the Japanese initiated the Russo-Japanese War in 1904 with a surprise attack on the Russian fleet at Port Arthur, much of the world regarded this as somewhat improper, since a declaration of war should normally precede any act of hostilities, if only to give the adversary fair warning.[14] Such disapproval of the Japanese was tempered by the general feeling that the Japanese would be the underdog in the coming war, and that Russian imperialism in Northeast Asia had indeed been aggressive, so that the Japanese could be seen as defending themselves, as preempting a Russian move into Korea, from which the Japanese homeland itself would be threatened.

When the Japanese had behaved improperly by attacking first and only then declaring war, some of this might have been attributed to the newness of Japan as a member of the otherwise entirely-Western club of nations. Japan had drawn a great deal of admiration for its ability to imitate and join with the established powers, as in the response to the Boxer Rebellion in

China in 1900, and it was perhaps only natural that here and there it would be violating the "gentlemen's rules" as a new "member of the club".

Yet there was one important person in Britain, the First Sea Lord Sir John ("Jackie") Fisher, who did not respond to the news of the Japanese sneak attack with apologies, but with great praise.[15] Jackie Fisher went about telling his colleagues that the Japanese had done it exactly the right way, as confrontations of naval power required taking the offensive, as such confrontations were entirely too important to be bound by the traditional courtesies of a prior declaration of war.

When Fisher had been developing plans and options for a preemptive attack on any French buildup, he had repeatedly espoused attacks on the naval bases as at Toulon at the very outset of the war, before the enemy could react and take defensive positions.[16] He was then even more openly to advocate such preventive war attacks (dubbed generally "Copenhagening") against the German buildup[17]. And, in a manner that was generally hushed up later, he had earlier been amongst those in Britain who were designing such hypothetical attacks against an American fleet before it grew too large.[18]

Such speculation about preventive war attacks on possibly challenging fleets was not confined to contingency planning within the Admiralty. (Some kinds of "war plans", against every possible foe in the world, for every possible contingency, are to be found in all the military and naval staffs of the world, occasionally producing great indignation when the "plans" are finally declassified, but at the time often amounting to nothing more than a way of training junior staff officers, or keeping them busy.)

Rather these British "Copenhagening"plans were quite often leaked to magazines and

newspapers friendly to the British government and the Admiralty, with a view to serving as a warning or an intimidation to the adversary in question.[19] The openness of these warnings viz-a-viz Germany produced a responsive echo in *German* newspapers and journals, about the imminent danger of a "Copenhagening" type of attack. The earlier speculations about attacks on France were voiced and echoed a little less loudly. But even the still earlier speculations about attacks on an incipient United States Navy were leaked to the public, as some British journals discussed the possibility of such an attack whenever a crisis loomed about British relations with Latin America. As a most interesting example of the kinds of scenarios leaked to British readers, some articles suggested that Britain should serve notice on all the European countries that none of them would be allowed to build or possess battleships. If any of such countries resisted this declaration, Britain would move to seize or destroy the recalcitrant opposing navies. The analogy with today's nuclear non-proliferation regime here is striking.[20]

Admiral Fisher's enthusiasm for the Japanese sneak attack on Port Arthur reraises some of the other questions that were posed earlier about policies of preemption or preventive war. It has sometimes been contended that preemption always has to entail a degree of surprise attack. Yet, contrary to this, the very logic of "preemption" implies that *each* side is acting on the assumption that the other side is about to attack, with the urgency stemming from the advantage of being the *first* to strike. If each side expects the other to attack, can such attacks be any surprise?

The exact *point* at which the attack is to be launched, and the exact kind of approach to be used, would of course normally come as a surprise. Even where military technology favors the offense more generally, the defense is substantially reinforced if it knows when and where the attack is to be delivered. In December of 1941, it can be argued that the United States was

expecting a Japanese attack somewhere in the Pacific, given all the tensions that were emerging, and that the real 'surprise" here was thus mostly that the attack began at Pearl Harbor. Similarly, in 2003, Saddam Hussein had every reason to expect an American invasion, since he had rejected so many of the outside world's demands.

But a different issue of *surprise* attack here may not relate to the location of the attack, but to the simple fact that at some point the attacker has crossed the line from still trying to maintain a peace now, instead deciding that war was necessary. One can signal the crossing of this threshold by issuing a *declaration* of war, or one can signal it with an *act* of war. What the Japanese did in 1904 and in 1941 was to begin with an actual attack.

When Jackie Fisher applauded this, he was signaling how he would have initiated a similar war with France or Germany, striking at the exact moment of the formal declaration of war (this simultaneity is what the Japanese unsuccessfully tried to achieve in 1941), or, if simultaneity could not be achieved, striking first and declaring war shortly thereafter.

What would such urgency of getting in the first strike show about the logic of preemption? At the minimum, it would reflect the assumption that the military or naval technology of the time very much favored the attacker in either direction. If *we* have decided that war is necessary and worthwhile, after having worked on the opposite assumption, it would be folly to let our enemy know of this judgment, because *they* would have to attack immediately, knowing that our attack was coming. The victims of a sneak attack would be preempting such an attack, if our declaration of war tipped them off that an attack was coming.

To repeat a point made at the outset, weapons technologies that favor the offensive, that favor the attack, have often been condemned because they make wars more likely. Such

technologies edge adversaries toward a prisoners' dilemma situation where each side sees itself as better off attacking, no matter what the other side is doing. And such technologies lead us to attack whenever it seems certain, or even highly probable, that the other side has decided to attack.

Fisher's comments on the Japanese failure to declare war first must thus be seen a bit less as a cynical commentary on ordinary morality, and more as the logical development of preemptive situations in general, of situations of anticipatory hostility. If one could contemplate repeating the British actions at Copenhagen, once again heading off what was coming, one would have to contemplate doing so with little or no advance notice, lest the adversary try to head off our heading-off operation.

Whether the naval technology of the dreadnought battleship really favored the attack this much was of course debatable. When World War I broke out in 1914, the British and German fleets did not lunge at each other.[21] A host of ancillary developments in naval technoloy had indeed set the stage so that a repetition of the Port Arthur attack, with or without a prior declaration of war, did not make strategic sense, as either fleet would have done better if the *other* fleet had chosen to steam across the North Sea.

A very different situation, much more favoring the offensive and the attack, had then set in by 1941, when the aircraft carrier was to replace the battleship as the primary vehicle for naval combat. With aircraft carriers, one was definitely much better off fighting the battle over the enemy's ports and ships, rather than over one's own.

Fisher, and the British leaders who thought like him, might still have favored a preventive war attack on the German fleet, or on any other fleet, even if the technology did not favor the

attack, as long as the British Navy vastly outnumbered the upstart rival. The logic of preventive war here would simply have been that Britain had to head off the loss of this important numerical preponderance.

In such a preventive war situation, there might be advantages to demanding the peaceful surrender of the upstart fleet, as was done at Copenhagen in 1801 and 1807, and as was done in 1940 with regard to the French fleet, even if such an advance demand tipped off the adversary just as much as a declaration of war. A peaceful surrender would augment our own fleet, and impose less casualties on all concerned. The advance warning might allow the opposing naval forces a few advantages in preparing their defenses, but these forces would not have any strategic reason to attack first.

Some readers would today dismiss all such British inclinations toward "Copenhagening" as impossible in the Anglo-American case, because of all the ties of culture and democratic freedom, and as impossible in the Anglo-French case, when the Entente Cordiale was about to emerge, and would dismiss it even in the Anglo-German case as an illusory product of German militarism and paranoia. A conversation is recorded between Fisher and King Edward VII, where Fisher discussed a "Copenhagen" type of attack, and the monarch responded with "My God, Fisher, you must be mad".[22]

That no such attacks were ever launched indeed shows that there was a still some attachment to peace in all the capitals that mattered, so that no one could light-heartedly elect to replace peace with war. The moral objections we feel today to preventive war, so that someone might have to label and redefine it as a "preemption", are not thus simply new since Woodrow Wilson envisaged the League of Nations, for we have for a much longer time seen a general

preference for peace over war, so that any conscious choice in the opposite direction would be under a moral cloud.

Yet it is equally remarkable that so many suggestions of preventive war actions were floated and publicized in the years of British naval dominance, as these ideas were not dismissed out of hand, as the publicity about such scenarios was intended to deter opposing states from challenging this dominance. Fisher was not relieved of command because he had repeated to his monarch the ideas that he had floated so often. The option of "Copenhagening", with or without the advance warning of a declaration of war, was seen in London and elsewhere as always on the table, and as usefully so. Britons were used to suggesting it, and other countries were used to the British being ready for this possibility.

The same world morality that frowned on this preventive war option did not frown on it totally, for world opinion had also taken into account *why* British leaders might have to think in these terms.

Inconsistencies of Posture

In light of the way events were to unfold during World War I, it is interesting to see how some of a rehearsal for this came in the confrontation between Britain and *France* at the end of the 19th century. As noted, Admiral Fisher and other British naval planners contemplated a "Copenhagening" preventive war attack on the French fleet, just as they were later to contemplate and more openly discuss such an attack on the German fleet.

The logic of French naval planners of the *"jeune ecole"* was conversely quite parallel to the logic enunciated a little later by the German Admiral Tirpitz, not that the British navy could be

matched and beaten by France alone, but that the French fleet, *in tandem with* other fleets opposing the British, would keep the Royal Navy more checked, and less able to apply pressure during crises around the world on the pattern of Fashoda.[23]

Unlike Tirpitz, who envisaged building battleships and battle-cruisers of the same shape as the British, the "jeune ecole" also envisaged an asymmetrical approach that Mahan would have disapproved of, a French attack mainly on British commerce by the use of fast torpedo boats, in lieu of standing up to the British battle fleet in direct combat. This was of course the approach that the German fleet fell back on in its reliance on submarines after 1914.

To close the parallel, the French naval planners here foresaw that such fast torpedo boats might not, in their attacks on British freighters and passenger ships, be able to adhere to the rules of naval combat, by which civilian passengers would have to be given an opportunity to leave such ships safely before they were sunk; the torpedo boats would themselves be too vulnerable to counter-attack by British warships, or to cannon fire from the merchant ships. In arguments almost exactly parallel to those expressed by Berlin in World War I about "unrestricted submarine warfare", the French proclaimed a new military necessity here that would overturn the existing rules of war.[24]

When the next round of war on the sea saw France and Britain as partners in World War I, rather than as adversaries, such French arguments about the necessary counters to Britain's dominance of the seas were of course to be buried. For the purpose of addressing neutral opinion around the world, especially American opinion, the traditional rules limiting how merchant ships could be attacked were to be endorsed in Paris.

Neither of the two great English-speaking powers was consistent in its attitudes on the

rights of neutral commerce in the event of war. There were times when the British wanted to stress the ability of their dominant fleet to bring down an adversary's commerce , and thus to achieve victory without the deployment of any substantial ground forces to the European continent. This was the British attitude during the Napoleonic Wars, and then again in World War I once it was underway. It was also the dominant attitude in the leadership of the Royal Navy as a war against Germany came to be anticipated after 1900.[25]

But there were also times when the dominant British concern was for the safety of British commercial shipping in the event of a war in which Britain remained neutral, with the Russo-Japanese war being an example, and the American Civil War being another. The British Foreign Ministry was sometimes thus striving to reinsure the rights of neutral-flag commerce, rather than the rights of a combatant to interfere with such commerce in a high seas blockade at some remove from the enemy's ports.

The British Parliament in 1909 thus balked at ratifying the Declaration of London, not because it constricted the British Navy too *much* (which is why the Navy leaders would have wanted it to be rejected), but because it protected neutral commerce too *little*, since many of the British were still not at all convinced that they would be drawn into either side of a continental war.

The United States had of course made the rights of neutral commerce an important part of its reason for initiating the War of 1812, but then had ignored many of these rights when the Union Navy blockaded the South during the Civil War. During the period of American neutrality in the First World War, it regularly protested British restrictions on American-flag commerce; but, once it had entered the war, it proceeded to join in the blockade, intended to keep food and other

materials from reaching Germany through ports in the Netherlands or the Scandinavian countries.

And then, at the closure of the war, Woodrow Wilson had reverted again to making "freedom of the seas" one of his 14 Points, this leading to a sort of naval arms race between the United States and Britain.

The more cynical political science "realist" would conclude that nations simply endorse or question the rules of international law here depending on their national interest of the moment. Yet this surely underrates the power of the legal and moral principles that circulate in this world, principles that affect how publics feel about conflicts abroad, and how democratic and other governments have to be behave. The United States was very importantly drawn into World War I by its perception that Imperial Germany was violating some well-established principles in its opting for "unrestricted submarine warfare", and in its failure to provide for the safety of the passengers and crews of sunken merchantmen.

A bizarre reinforcement for the cynical view can be found, however, in the aftermath of the 1941 Pearl Harbor attack, where orders were immediately sent to American submarines in the Pacific that they were to engage in "unrestricted submarine warfare" against the Japanese, this order coming even before Hitler added his declaration of war three days later. [26]One is amazed that the U.S. Navy did not adopt some other phrase to cover this, such as "pragmatic target selection", etc., rather than the exact phrase so criticized in the German World War I pattern.

At times the excuse is given that the German U-boats had already shifted to such warfare against the British in World War II, although Hitler's concern to keep the United States out of the war left this more than a little unclear.[27] More seriously, American naval planners in the 1920s and 1930s had concluded that submarine attacks on Japanese commerce would be a necessary and

effective tool if a war were to erupt in the Pacific.[28]

A total cynic here might thus again contend that moral feelings count for nothing in international power politics. But the case is clear that the world is indeed driven by a strong preference, moral and practical for peace over war, and for lower damage when wars have to be fought. What might draw greater skepticism, from a "realist" or any other kind of political analyst, is the status of *absolute* principles, for everything in political life here is rather a question of trade-offs and balancing, of prioritizing. An opposition to unrestricted submarine warfare is no more absolute here than the opposition to preventive war.

Power Politics in the Pacific

The traditional power-politics view which dominated the analysis of international relations before World War I was indeed not quite so unsympathetic to the needs of preemption. President Theodore Roosevelt was to accept the idea that Japan had to fear a power vacuum in Korea, in the Root-Takahira agreement of 1908 which acknowledged that Japan was to establish a protectorate over what had been the "hermit kingdom", because Japan always had to fear Russian influence in Korea, and because geographically Korea was so typically described as "a dagger aimed at the heart of Japan".[29]

The 1904-1905 Russo-Japanese War indeed qualifies as a very rich model of preemption, as the Russians and the Japanese each had to fear the other's political and military activities in Korea, and in Manchuria. As the Japanese were planning their sneak attack on Port Arthur, Russian soldiers disguised as "lumbermen" had already been entering northern Korea, and

uniformed patrols of Russian Cossacks were in operation south of the Yalu River.

The exact point and mode of the Japanese attack came as a surprise, of course, and the normal process was not adhered to of declaring war before the first outright attack . But the Japanese had given the Czar's government many warnings that it was prepared to go to war, warnings that the Russians tended to brush aside as a bluff, in the classic game of "chicken". When the Japanese saw that Russian would not back down in face of the threats, would not withdraw from Korea and from southern Manchuria, they then concluded that war was preferable to peace, a war begun earlier rather than later, a war begun before Russian had established more secure positions inside Korea.[30]

Theodore Roosevelt was certainly more inclined than most Americans to "realist" interpretations of international power politics. In approving of the Japanese establishment of a protectorate over Korea, he was endorsing the logic by which states that are too weak to defend themselves thereby pose a threat to a more powerful neighbor, which must fear that yet another power will move into the vacuum.

It is hardly clear that Woodrow Wilson would have been as willing to countenance the Japanese intrusion into Korea, if Korea had still been independent in 1913. And it is hardly clear that either Roosevelt or Wilson would have had the same attitude toward China. China, by its very size, would have had to be viewed differently, not as a mere small-state power vacuum tempting all concerned to intervene. The American identification with the Chinese people produced by years of missionary activity would also work to give China a special status, with the United States consistently striving to preclude its being carved into pieces by the imperialists. On China, at least, most Americans would have been motivated by more considerations than the simple

interactions of power politics.[31]

By the same preemptive logic, the Philippines had been retained by the United States at the end of the Spanish-American War, and Hawaii was annexed at the same time, on the arguments that some other power would move into these territories if the United States did not, Japan or Germany in the case of the Philippines, Britain or Japan or some other power in the case of Hawaii. A foreign base in Hawaii would in particular constitute a threat to the American Pacific Coast.[32]

The wishes of the local population were substantially overridden in both these cases of American imperialism, just as the wishes of the Korean people were overridden when Japanese rule was imposed. In the Philippines the result was a protracted and gruesome guerrilla war, which was not really to end until Arguinaldo was captured in 1901. [33]In the Hawaiian case, there was no violent resistance, but it must be noted that the first territorial legislature that was elected after the American annexation produced a majority for the party that had opposed annexation.[34]

We today regard Hawaii as fully a part of the United States, culturally part of the American mainstream, even though a majority of the population in the state is not of European ethnic origin. In short almost all Americans feel no guilt about the annexation, and see no violation here of the principle of self-determination and government by consent of the governed. Yet this happy ending to the story erases some of the tensions of earlier history, in part because the native Hawaiian population was soon to be outnumbered by immigrants of European or Japanese origin. [35]One might note that the outcome in Hawaii, happy from the perspective of Americans in the original 48 states, is very parallel to what Stalin intended to accomplish in the Baltic republics of Lithuania, Latvia and Estonia, bringing substantial numbers of ethnic Russians

into these republics to try to change them culturally, while they were synchronized with the rest of the Soviet Union in terms of economics and politics.[36]

The achievement of independence by these republics in 1990 with the breakup of the Soviet Union aborted this process, and allowed today's history to describe this as a cultural atrocity and as the workings of rampart imperialism. Very few critics are able to capture an audience for this kind of an interpretation of Hawaii.

The Philippines were too large and too far away from North America to ever be plausible candidates for assimilation and full incorporation into the United States, The Philippine insurrection, despite all its episodes of torture and reprisals, etc., was followed by a period of enlightened American administration and encouragement for self-government that produced a lasting Philippine admiration for the United States. As the United States confronts the contemporary problems of how to pacify a place like Iraq or Afghanistan, one might search for encouragement in reviewing the early failures, and later successes, of the Philippine experience.[37]

In terms of power politics, Theodore Roosevelt was indeed to see the Philippines as more of a liability than an asset, as it was too far from the United States to reinforce American defenses, or to be easily defended. Roosevelt would have seen definite American power necessities in the retention of Hawaii, but not the Philippines.[38]

Theodore Roosevelt and World War I

Theodore Roosevelt's identification with such considerations of power, by which certain smaller units unable to defend themselves amounted to a threat and a temptation to larger neighboring states, showed up again at the very outset of World War I, where his first comments

on the German invasion of Belgium were sympathetic to the Germans, as they were only doing what they had to do, as a major power facing another major power in France.[39]

Roosevelt shifted his position very soon thereafter, however, to become a persistent critic of the German action, and indeed an advocate of America's joining the war on the Allied side. Some of his shift was in response to the reports of German atrocities in Belgium, in face of Belgian resistance to the invasion, a resistance which sometimes took the form of *franc tirreur* guerrilla warfare.

If Belgium had simply matched the performance of Luxembourg in 1914, submitting to the invasion of whichever major power had chosen to cross its territory, Roosevelt's attitude, and perhaps the attitudes of many other people around the world, might have been substantially different. By resisting the German violation of its sovereignty, Belgium, like Finland a generation later, exposed itself to a substantial human cost, but at the same time perhaps proved that it had a right to have its territorial integrity respected.

To some important extent, small nations thus prove to the world that they are *not* mere power vacua, by resisting attacks, by accepting the costs of the warfare that ensues because they resist, the warfare that could have been avoided if they simply had cooperated. Estonia in 1940 matched the behavior of Luxembourg in 1914, while Finland in 1939 matched the behavior of Belgium.

Beyond the sympathy produced by reports of Belgian suffering at German hands, Theodore Roosevelt was perhaps also responding to another strain of his American nature, an identification with self-governance and political democracy around the world. Woodrow Wilson would of course make this a much more central part of his views of international relations,

rejecting the priority of power politics and any justifications for military initiatives and invasions, arguing that small self-governing nations should have all the same rights to territorial integrity as major powers. Wilson would thus have had some difficulty in acknowledging a Japanese protectorate over Korea, and would never have seen a German invasion of Belgium as justified.

Apart from endorsing the abstract principle of peaceful self-government (which Wilson would make into an absolute, and Roosevelt would not) some of Roosevelt's leaning toward the Allies stemmed also from considerations of cultural identification, as he felt that Britain was closer to the United States in societal form than was Imperial Germany.[40] But, in the end, Theodore Roosevelt's identification with the Allies, despite these other considerations, stemmed basically from a calculation that Imperial Germany was a greater threat to the United States than the British or the French. Roosevelt might similarly not have been ready to concede Korea to the Japanese if they had already seemed as great a threat to American global position.

Pilsudski and the Nazis

As another example of an inclination toward preventive war somewhat forgotten thereafter, there have long been the accounts noted above by which the Polish leader Pilsudski was urging the French to join in a preventive war invasion of Germany if Hitler were to come to power, an immediate invasion before the Nazis could implement the various schemes of rearmament that they had been espousing.[41] No such invasion occurred, of course, in 1933, or again in 1936 when Hitler's remilitarization of the Rhineland might have seemed to offer a very plausible legal pretext for the French to send their army across the border.

In retrospect, there are accounts that Hitler in 1936 had promised his Generals that he

would withdraw from the Rhineland if the French even mobilized their forces, even *threatened* to take what we would here style as preventive war or preemptive action.[42] If Hitler had fulfilled his contingent promise to withdraw, this would have been a dreadful humiliation for the Nazis, and might have led to their being deposed in time, and it certainly would have stiffened the backbone of other countries confronted by Nazi threats. And in light of the broader flow of events that were to ensue, a Polish and French invasion, in 1933 or in 1936, would have spared the lives of millions of people.

Contemporary historians now often scoff at the suggestion that Pilsudski was advocating such preventive war, dismissing the stories as apocryphal, with no documentation to be found.[43] But one is tempted to suspect that the documents involved were destroyed, as this would be the natural thing to do in a world which now generally frowned on the initiation of war. Even when Hitler turned out to be a homicidal maniac, we cringe from the suggestion that more civilized peoples might have contemplated initiating a war, to preempt and head off such homicides, and we render an accounting of history where such preventive wars are altogether rare and unthinkable.

The reluctance to claim "credit" for having contemplated preventive war against Nazi Germany leads one to speculate about how we would read history if such a preventive war had indeed been launched, i.e. if the Polish and French forces had moved in to impose a "regime change" on Berlin. A good guess is that a great number of books would then have been written about how Hitler and the Nazis had been misunderstood, how the Nazi program had mostly been campaign oratory, never something that would actually have been carried out. The French and their allies would have been indicted as trigger-happy, as aggressors seizing on any excuse to

impose military punishment on Germany, as claiming "preemptive" motivation when no actual enemy attack was yet underway.

The mere success of a preemption erases much of the evidence that there was indeed a war initiation on the other side to be preempted. The difficulties of getting credit here are very parallel to the debate all through the Cold War, and after, about whether there was really any Soviet aggressive intent to be deterred, about whether nuclear deterrence was really needed.[44] And it is also parallel to the difficulty that intelligence agencies have in getting any credit for the warnings they issue about possible enemy attacks. If one alerts one's forces in response to an intelligence warning, and the enemy "sneak attack" is then cancelled in face of this alert, the entire experience may be dismissed as one more case of a false alarm, with the intelligence officers being characterized as "crying wolf".[45]

An important difference of course emerges between the launching of a preventive war, as compared with intelligence alerts or postures of deterrence, for the latter are quite consistent with the principles of collective security upon which the League of Nations or the United Nations were founded, whereby one does not shoot first, but rather waits for the other side to prove himself an aggressor. For France or Poland to have attacked Nazi Germany in 1933 or 1936 would have been to *initiate* warfare, rather than merely responding to someone else's initiation of such violence. Yet the difficulties of getting credit or legitimacy are parallel, for the same world opinion that disapproves of the launching of preventive wars sometimes also disapproves of the *preparations* for defense, or the preparations of massive destructive forces for deterrence, on the simple argument that it is difficult to prove that such preparations ever work, ever are needed.

Looking again at our hypothetical example of Polish-French preventive war against Hitler,

we today think we know that it would have headed off the Holocaust and the loss of many millions of other lives. But we can also guess that such an intervention would have led to substantial resistance by all kinds of Germans, Nazis and non-Nazis, resistance in forms ranging from the passive resistance tactics that had followed the French 1923 occupation of the Ruhr,[46] to outright guerrilla warfare. Pilsudski was correct that the *Reichswehr* Germany army still under Treaty of Versailles limits in 1933 would not have been a match for the French and Polish forces, so that the military advance into Germany might have been easy. But would not the sympathies of much of the outside world, including ordinary Americans and Britons, have been with the Germans in their resistance struggle, even as it had been in 1923?

If France and Poland had attacked in 1936, the action might have seemed more consistent with international legal standards, because Hitler was violating clear treaty commitments by remilitarizing the Rhineland. But in 1936, one heard comments around the world that the Germans "were only occupying their own backyard", with an interpretation that it was unfair for the German side of the frontier to be empty of forces while the French side was not. If Germany had agreed to such an asymmetrical situation at Versailles and then at Locarno, these were seen still as somehow unequal treaties derived from the one-sided situation after the 1918 military defeat. The strictly legal case for an attack on Germany in 1935 is thus clear enough, but (had it occurred) the world might have nonetheless voiced doubts about whether it had been necessary.[47]

It is thus interesting for us to balance the alternatives of what actually happened after 1933, with what *might* have happened if preventive action had been taken. In light of what we *know* of what actually occurred in World War II, the choice for preventive war would seem clear. Indeed if we *know* that World War II is coming, the action becomes "preemption". But, if the preventive

actions had indeed been taken, we would *not* know what World War II was going to be like, and all of the inherent criticisms would have been voiced that we normally attach to preventive war, that the threat was not certain or imminent, that a peace that *might* have been at risk sooner or later was replaced by the immediate certainty of war, a war launched not by the Nazis.

The favorite of those who would revisit history here would of course have been a mere French mobilization in 1936, followed by the German Army being allowed by Hitler to withdraw, with the Fuhrer then looking like someone who could be successfully confronted. This would not have been preventive war, but rather the kind of diplomacy that merely (and successfully) *threatens* war.

In retrospect, we take it as a given that Hitler would have aggressed against Poland and other countries no matter what their policies had been, not matter how free they might have been of any hostility toward Germany. Yet, as noted above, dictators have typically risen through power by a process where violence is endemic on all sides, and such people thus tend to project on to others the willingness to use violence, the willingness to strike first. To sense that Hitler and the Nazis expected hostility from Poland would hardly be to justify or express sympathy for the Nazis here. The same historical accounts (often now dismissed as hypocryphal) by which Pilsudski was urging preventive war against the Nazis in 1933 indicate that some of the messages going from Poland to Paris had been read by German intelligence, as the codes used to encrypt such messages were imperfect.[48] Remembering that his eastern neighbors had once favored a preemptive attack on Germany, Hitler might have interpreted his own hostility to the Poles as merely a response to this.

Pilsudski died in 1935, with the last years of his life actually seeing a temporary

improvement in the interactions with Germany, as Polish-German relations were bizarrely worse during the years of the Weimar Republic's democracy than they were immediately with the Nazis. When the Germans conquered Poland in 1939, another bizarre touch came when the Germans posted an honor guard at Pilsudski's grave. This could have come as an acknowledgment that the Polish leader had also been authoritarian, or in memory of the relative detente of 1933 to 1935, or even as a sign of respect for an adversary who was also willing to initiate wars, just as the Nazis initiated them.

Hitler in 1939 staged a scenario of Poland having attacked German territory, so that the Wehrmacht then was to "defend itself" all the way to Warsaw. The Fuhrer here was trying to confuse and win some of the world's sympathy, not by claiming that he was preempting an imminent Polish attack, but actually rebuffing an attack that had supposedly already been launched.[49]

Given that the world's moral sympathy would be directed here against whoever was the first to start shooting, such propaganda was seen as important by Berlin. The original German invasion plan had been set to attack a week earlier, and had been cancelled only at the very last moment, with a few German commando units already having crossed the border. Warsaw's interpretation of these moves was to see them as a provocation intended to induce Polish forces to begin the fighting, hence to win sympathy for the Germans. For the Poles in 1939, as for the Germans, the global legitimacy of preemption was not as strong as the legitimacy of self-defense.

In actuality, it is thus difficult to see the German 1939 invasion of Poland as "preemption" except in the very broadest sense of preemptive logic. Hitler could see his eastern neighbor as being ready to attack sooner or later, if the military conditions were *ever* right for an attack, but no

such attack was imminent once Germany had been rearmed, once the Rhineland had been remilitarized, with the construction of a "Siegfried Line" facing the French Maginot Line.

Hitler and Stalin

A more complicated case, where we again most typically want to give no sympathy or possible credit to Nazi arguments, arises with the German attack on Stalin's Soviet Union in 1941.[50] Hitler here did not stage a "Soviet attack" as he had with the Poles in 1939, dressing concentration camp inmates in enemy uniform so that they could be killed on the German side of the line as alleged invaders. Hitler rather told his advisers, and the German people, that a Soviet attack was coming soon, an attack that had to be headed off. Rather than claiming self-defense as in 1939, he was justifying his attack as preemption.[51]

Neutral opinion is always a factor in such statements, but it becomes less important as more and more countries become involved in the war. Was Hitler addressing his arguments to the United States, with which he would also be at war within another six months, or to Sweden and Portugal, etc? Or might it actually be that the Nazi dictator truly and honestly feared such a Soviet attack within a few years?

As books and journal articles get produced year after year in the aftermath of World War II, and then get rewritten in light of the disclosures from Soviet documents after the end of the Cold War, a few sensational accounts have emerged by which a Soviet attack on Nazi Germany was indeed imminent even in 1941, such that the Nazi attack would indeed qualify as preemption by the stricter of definitions.[52] A serious sorting of the evidence that has emerged would dismiss such accounts as implausible.

suggestion that the Stalin would have attacked the Nazis by 1943, if Hitler had not invaded the USSR first in 1941.

This kind of suggestion might have been offered by an American quite innocently and in a friendly spirit, without any idea that this would affront a Soviet analyst in 1988 who had criticized Stalin on so many other issues. The American might have responded that no insult was intended, that the evils perpetrated by the Nazis were so well-established that it would only have been the right thing to do for the USSR to come into the war, to help the British and Americans, to speed the liberation of France and to terminate the operation of the Nazi concentration camps in Poland, etc. The USSR after all came into the war against Japan in 1945 without the Japanese having first attacked the Soviets, simply to help the Allies, and to speed the expulsion of the Japanese from China. So what would have been so morally tainted about the Soviets coming into the European war to fight against evil here? It is indeed almost as difficult to imagine a Soviet Union never entering the European war between Hitler and the Anglo-American alliance as it would be to imagine a Soviet Union remaining permanently neutral viz-a-viz Japan in the Pacific War. As the Allies grew stronger, and as the Axis in Europe grew weaker and Japan grew weaker, and as the Soviet ability to mount military forces grew, the time would have come where Hitler had to be desperate to appease Stalin, rather than Stalin being desperate to appease Hitler.

Yet the mere reluctance of Russians today to accept this likelihood of Stalin's initiating a war with Hitler shows how strong the moral sense against preemption or preventive war still is around the world, and it shows how the reality of preemption can be underrated.

Hitler may thus have been quite correct in 1941 in guessing that a Soviet attack would come sooner or later, leading him to conclude that he had better attack Stalin while the Soviets

The normal picture of Stalin in 1941 is indeed perversely at the other extreme, as a craven appeaser desperately hoping to avoid a German attack, ready to hand over to the Gestapo elements of the German Communist Party that had taken refuge in Moscow, eager to satisfy German demands for raw materials, etc. [53]This version of Stalin depicts him as unwilling to believe the espionage tips from Victor Sorge and many others that Hitler was planning an attack. Stalin comes across as more gullible, and more inclined to wishful thinking, than even Neville Chamberlain and the British appeasers had been.

Given what we know of Stalin on other fronts, domestic and international, this latter picture of Stalin has always been a bit paradoxical and counter-intuitive. Why would a dictator who trusted no one be so ready to trust, of all people, the Nazi dictator?

Based on a larger array of evidence that has emerged since the collapse of the Soviet Union, one comes to a more balanced interpretation of Stalin's 1939-1941 interaction with Hitler, whereby Stalin indeed realized how dangerous his Nazi partner was, but was desperate to postpone the military confrontation until the USSR had completed its rearmament, until the gaps in the officer corps produced by the post-1936 purges could be remedied, until the assembly line for T-34 tanks had a chance to run at greater length.[54] This version of Stalin has him indeed ready to attack the Germans by 1942 or 1943, with the Soviet dictator already giving talks hinting of this in 1941, months before the German invasion, with references to "being prepared for the offensive instead of the defensive".

To repeat, the world's disapproval of preventive war or preemptive attacks, as compared to simple responsive self-defense, is quite strong. In the later 1980s, it was remarkable to find Soviet defense analysts who, in dialogs with their western opposite numbers, expressed shock at the

were still weak. Dictators may be inclined to paranoia, but dictators typically produce enemies, just as paranoid people develop enemies. And Stalin was not more reassuring as a neighbor because he himself was a dictator. As we collect historical examples and test cases of the working of preemptive logic, and calculations of the possibility of preventive war, we are perhaps too fearful of seeming to be sympathetic to odious dictatorships.

It is normal to dismiss all of the Nazi claims of simply responding to threats from the outside. The claim that Poland had attacked in 1939 was palpably false, just as transparently phoney as Kim Il-sung's claim in 1950 that South Korea had attacked the North. But this does not make *all* of Hitler's claims and self-assertions false. By 1941 when the USSR was attacked, the "neutral opinion" factor in such posturing had become quite negligible, and Hitler's statements to his generals may have been statements of quite genuine fears, fears that the generals themselves would have shared readily enough.

When Adolf Hitler arrived, unexpected and uninvited, at the 75th birthday celebration of Finnish Field Marshal Mannerheim on June 4, 1942 , their ensuing conversation included a sort of apology by Hitler for not being able to support Finland in the 1939-1940 Winter War, and a display of genuine German respect for the military accomplishments of the Finnish leader and his troops. But the conversation also included Hitler's discussion of the Soviet military preparations that had been discovered since the launching of the 1941 invasion, with these presumably being signs of Stalin's bad faith and general unreliability, i.e. signs that the Soviet dictator would soon have attacked to the west if he had not first been attacked from the west.[55]

There may have been very little neutral sentiment left in the world to be addressed in 1942 on the legitimacies of who had plunged the world into war. Finland was in the war because in had

Allied offer of aid, in part because this aid would probably have come too late to save Finland the cost of surrendering territory to Stalin, and in important part to keep Sweden and Norway from being plunged into war.

Yet the Allied effort to cut off Swedish iron ore was not over, as the troops that had been prepared to go into Norway Sweden (with no approval from these countries, and thus in clear violation of their neutrality) remained ready to embark, and as a British minefield was about to be laid in Norwegian waters, to keep iron ore ships from Narvik from coming down through these waters on their way to Germany. [58]

Hitler's decision to invade Norway, and to occupy Denmark on the way, while sparing Sweden, was thus very much driven by anticipations of what Churchill was planning for an attack on the German iron ore supply. When the German forces went into Norway, the British and French forces that had been ready for the Narvik expedition were quickly moved into northern Norway.

At the Nuremburg War Crimes Trials, Admiral Raeder was one of the German leaders indicted for "plotting aggressive warfare", with Norway being cited as an example of a country that Nazi Germany had invaded. The defense counsel for the Admiral tried to counter the charge, in the case of Norway, on the grounds that an Allied invasion of Norway and Sweden was imminent, with the German invasion of Norway and Denmark merely being a preemption of this attack. The judges in the Tribunal declared that they would disallow this line of defense, and fairly quickly moved the trial's discussion away from Norway to much more clear cases like Poland.

Given that Winston Churchill was intent on applying economic pressure on the German[59]

been attacked and deprived of territories in the 1939-1940 Winter War, and because it understandably wanted to get its territories back. Yet Finland was still a democracy, and as such was not part of the general Fascist outlook by which might simply makes right. For this Finnish audience, as indeed for his own generals, Hitler thus felt driven to present the case that his attack on the Soviets was simply a preemption, an earlier launching of a war that was already inevitable.

The Race into Scandinavia

As we search for historical analogs to the fears of the 21st century, the catalog of relevant cases may thus be larger than we normally assume. One more minor case (hardly minor for the Scandinavians who suffered as a result) can be found in the German invasion of Norway and Denmark in 1940.

The Allies had planned to occupy the railroad line from the Norwegian port of Narvik to the Swedish iron ore center of Lulea, on the pretext that they were delivering help to Finland in its resistance to the 1939 Soviet invasion which had indeed been condemned by the League of Nations.[56] While a bit of help would indeed have been delivered to the Finns, with the British and French perhaps being drawn into some actual warfare against the Soviets, the real purpose of the Allied operation would have been to cut off iron ore deliveries from Sweden to Germany, and thus to bring pressure against Hitler's regime. Hitler and Stalin at this point were seen as in a military partnership by the British and French, since Stalin had occupied eastern Poland after the German invasion of Poland, and since Hitler had not offered any help to the Finns when Stalin's forces invaded Finland. [57]

The Finns negotiated a cease-fire with the USSR just in time to head off the proffered

war effort by peripheral attacks, it is entirely possible that a British-French invasion of northern Scandinavia could still have gone ahead, even when the Finnish negotiation of a truce with the Soviets had removed the primary excuse for such an invasion. The Swedish and Norwegian governments had definitely rejected Allied requests that they allow such an occupation of the line from Narvik to Lulea, so that the Allied action would indeed have been an act of war, an invasion. The Allied forces that had been scheduled to conduct this intrusion had remained poised at ports in Scotland, and these were the forces that quickly, but in the net ineffectively, responded when the German forces invaded Scandinavia.

Japan and the Netherlands

A similarly bizarre example of the twists and turns of reasoning on the legitimacy of preemption and war initiation shows up in the defense arguments at the *Japanese* war crimes trials, where it was noted that the Dutch government-in-exile had declared war on Japan immediately after Pearl Harbor, before Japan had attacked any part of the Netherlands East Indies or declared war on any Dutch government. The defense argument was that this negated the indictment that Japan had launched aggression against the Dutch, since the Dutch had been the first to declare war.[60]

The defense arguments were rejected by the tribunal, in important part because of extensive evidence that Japanese planning had included the occupation of the East Indies, and not just American or British territory. The implicit legitimacy being endorsed was that the Dutch authorities in London and in the East Indies had every reason to assume that they would be attacked along with Malaya and the Philippines, and thus had been justified in "preemptively"

declaring war and putting Dutch military forces on a war footing.

Because the Dutch (in fact for very good reason) expected to be attacked, the Japanese were found guilty of the attack, even though the Dutch had taken the initiative. One knows that the Japanese would not have respected Dutch colonial territory, and that this is all a minor footnote against the background of the attack on Pearl Harbor and the advance on Singapore. But the logic here was that a preemptive declaration of war here in no way placed the Dutch authorities in the wrong.

What if the United States and Britain had declared war on Japan before the actual attacks on Pearl Harbor? Would the American public or the world public have found this completely justifiable, and found the Japanese guilty? What if the Japanese had cancelled the attack on Pearl Harbor and proceeded to shred any documentation of their attack plans?

The Japanese-Dutch case is rendered moot in the minds of most people because attacks on American and British possessions had indeed been launched, so that it seemed logical to assume that attacks on the Dutch possessions would follow. But the old question then arises, of how strong the logical assumption has to be, for anticipatory military action to be justified.

Churchill and the French Fleet

Another clear case of preemption, this time on the British side, might be found in Churchill's decision, immediately after the French 1940 surrender to the Germans, to take action against the possibility that the French fleet would come under German control.[61] The French fleet was given *three* choices, to come to Britain, to move to the Western Hemisphere (in effect to be interned under American supervision), or to be attacked. Most of the French warships involved

were thus attacked, causing great bitterness in France, and at the same time convincing the outside world, most importantly the United States, that the British government under Churchill was not going to negotiate a submissive peace with Hitler.

For anyone with a memory of history, Churchill's action against the French fleet was strikingly like what the British had done in 1801 and 1807 at Copenhagen, when the prospect loomed of the Danish fleet coming under the control of Napoleon, and the Danes were given a similar choice of having their fleet transferred to British control, or being attacked. The Danes had maintained their national honor by resisting the British, at the price of a loss of their ships and in 1807 a substantial destruction of Copenhagen city, and the French had maintained their honor in 1940 at the cost of more than a thousand French seamen, thus nurturing the anti-British feelings of Admiral Darlan, a major figure in the French Vichy regime that collaborated with Nazi Germany for the next two years.[62]

The British tradition of "Copenhagening" thus extended at least from 1801 and 1807 to 1940. Churchill certainly was not someone who needed to be briefed on the historical precedents, because he had been hearing Sir John Fisher's ruminations on a "Copenhagening" of the German Navy from 1901 to 1914. If the immediate French response to this attack was bitterness, the larger response, even in France, and especially around the world, was to see this as a proof of British determination.

World War II was of course already under way, so that the British attack on the forces of their former ally would not as much shock world opinion. If either Hitler or Napoleon threatened to conquer the world, the remaining neutrals would not be as critical as if such a preventive or preemptive attack had been launched in peacetime. Yet Thomas Jefferson had expressed outrage

and indignation at what the British had done to Copenhagen,[63] and some portions of Europe and the world might have looked forward to a period of peace and quiet after the Germans had occupied Paris.

An act of preemption or preventive war will thus always be judged in context, and not just in the abstract. Given how odious the German occupation of Poland and Western Europe was to be, and given how the war expanded in 1941, with Hitler's attack on the Soviet Union and the Japanese attack on the United States at Pearl Harbor, almost no one would later condemn Churchill's initiative. Even if one can now demonstrate, from the captured records of communications between the French and the Germans, that Vichy France was adamant about keeping its fleet from coming under German control,[64] Churchill will be allowed to have made his decisions on the basis of the "worst case" anticipations he had to consider; the safety of Britain itself would have been in the most dire peril, if the ships of the French fleet were ever combined with those of Germany and Italy. The transfer of the French fleet to Axis control was not really imminent, but all the world needs to see here is that the British might have had to *fear* that it was imminent.

In the end, Britain persevered of course, and France was liberated from German occupation, with the legitimacy of the Vichy regime being totally annulled. When preemption plays a role in the campaigns of the ultimately winning side, it draws much less condemnation. Hitler and Raeder are to be given no credit for being driven by anticipatory fears in 1940, while Churchill is to be given full credit. History is indeed somewhat written by the winners.

As noted, the British action served as a sign to Americans that Britain would fight on against Hitler, and it must have been seen this way as well by Franco, for it played a role in

administration increasingly undertook actions in the North Atlantic that were phrased in terms of prevention or preemption. It is also not unimportant to note that the local government in Iceland did not welcome the British and then the American occupation, but rather voiced protests about both.[67]

One might have imagined that the fate of Denmark, in being occupied by Nazi Germany, might have led the Icelanders to welcome the British and then American intervention. For shortsightedness or for other reasons, this was not to be the logic that Reykjavik found persuasive.

The German occupation of Denmark had drawn only very token resistance by the Danish armed forces, unlike the situation in Norway, where the Norwegian military, assisted by the British and French, mounted a defense that ended finally only when the Germans attacked on the western front and broke through to Paris.[68] For the early phase of the German occupation of Denmark, the Nazis attempted to maintain a model occupation, allowing the Danish government to exercise its normal functions, even tolerating the holding of democratic multi-party elections.[69] Danish complaints about the German occupation would of course have been restrained by knowledge of how savagely the Nazis had been behaving in Poland, but the complaints were nonetheless not enormous, given that Denmark had been caught in the wrong place geographically, not really capable of defending itself, where the great powers were anticipating each other's actions around Scandinavia.

As compared with the German occupation of Denmark, the British and American occupation of Iceland may indeed have drawn more complaints per thousand of the occupied population, in part of course because the English-speaking powers were themselves democracies, not the operators of concentration camps, but also because the indiscipline and misbehavior of

keeping the Spanish dictator from committing Spain more fully to Germany, from joining in on a Nazi campaign of world conquest with an attack on Gibraltar, etc.[65] The preemptive attack on the French fleet, followed by the RAF victory in the Battle of Britain, reminded Franco readily enough of Spain's past encounters with Britain, in the days for example of Francis Drake.

The Occupation of Iceland

The German invasion of Norway in 1940 could thus in some fairness have been seen as a genuine preemption of a parallel British invasion (with the Norwegians preferring to be invaded by the British rather than by the Germans, but much preferring to be invaded by neither). And the German invasion of Denmark might then have been seen as simply a necessary accompaniment of the preemptive incursion into Norway, required by geography, just as the British-French incursion into Norway and Sweden would have been supposedly required by the geographic need to deliver help to Finland in its resistance to Soviet aggression.

One British response to the German occupation of Denmark was then to occupy various Danish possessions in the Atlantic, including the Faero Islands and Iceland.[66] The British argument for this venture was of course that Germany might ultimately attempt to invade these pieces of Danish territory as well, although no such invasion could in any way have been imminent. The action here would thus have had to be slid toward the "preventive" rather than "preemptive" end of the scale.

It is very interesting for our contemplation of this history for today's *American* foreign policy to remember that the British occupation of Iceland would in 1941 be joined and somewhat replaced by the deployment of American troops to that large island, as the Roosevelt

some of the deployed troops produced genuine grievances.

Iceland had been basically self-governing for many years before World War II, with its parliament, founded in 930, having just celebrated its millennium. Iceland was indeed to declare its independence from Denmark in 1944, when the Allied victory over Germany had become much more likely, but while Denmark, the "mother country", was still under German occupation. (The United States and Britain tried to induce the Icelanders to delay this declaration until Denmark was liberated and the war was over, out of concern for the morale of the occupied Danes in 1944, but the Icelanders persisted, in part because their affinity for Denmark was not so very strong.)

The subsequent role of Iceland in international politics will be very interesting for our survey of the shadow cast by the prospect of preemption or preventive war. Iceland, as noted, was born as a separate country as the indirect result of preemptive moves by Nazi Germany and its enemies. It would have claimed independence sooner or later, much as Norway had in 1905 claimed independence from Sweden, but the interactions of World War II had speeded this.

Denmark and Norway had been drawn into World War II in part because they did not have robust defenses of their own territory, thus suggesting a power vacuum for the major military powers around them, a vacuum into which preemptive actions and preventive strikes get drawn. Iceland since its independence has carried this practice of low military preparedness one step further, by officially having no armed forces at all.

The Dangers of Becoming a Power Vacuum

The case can be made that a region as anarchic as Florida, at the end of Spanish rule, was

not subject to the normal mutual-respect standards of Westphalian sovereignty. If pirates and marauding Indians were free to use such territory as a safe haven, with no local law and order mechanism working to limit their activities, would not the world in any recent century have approved of an outside intervention? We will return later to John Gaddis' argument that the United States has a tradition of preemption dating back to the 19th century, pointing to cases such as Florida, which indeed might resemble the Afghanistan of 2001.[70]

Yet it would be a great logical stretch to project from anarchic Florida to a state which maintained law and order, and was not a base for piracy or any other international nuisance, but merely was unwilling or unable to mount a military defense, i.e. the situation of Iceland or Estonia at the outset of World War II. Here the violent attack to be headed off or "preempted" would not be that of a pirate or terrorist, but by some *other* state (perhaps fearing our attack, just as we feared its attack): here there would be a "power vacuum", even if there were "local law and order".

To have a major power threatening to occupy a minor power, only because there was the threat of occupation by *another* major power, might thus seem the height of self-confirming hypotheses. The "lawless" nature of international politics brushes aside whether the local area is itself lawless; even if the region is well-behaved and civilized, with its own lightly-armed "sheriff" as the sovereign law-enforcer, the region will be a source of tension, if more heavily-armed sheriffs are poised to move in. .

This was Stalin's argument for moving into eastern Poland and the Baltic Republics at the outset of World War II, and into Finland,[71] but it was also Britain's argument for occupying Iceland, and earlier the American argument for occupying Hawaii and the Philippines. Countries that are democratic at home may still not be able to ignore the "prisoners dilemma" situations that

emerge internationally.

Finland in World War II

When the Finns joined in the Nazi German attack on the Soviet Union in June of 1941, in what Finland has referred to as the "Continuation War", their declared goal was initially simply to recover the territories that had they had been forced to cede to the Soviet Union in 1940 at the end of the "Winter War". Since the entire world had sympathized with Finland as a victim of Stalin's aggression in 1939, with the League of nations actually formally condemning the USSR here, the Finnish action did not immediately draw much criticism.[72] The United States, still being neutral at the time, saw its Secretary of State Cordell Hull actually congratulate the Finns on the recovery of their territories when the old frontier was reached. The democratically-elected Finnish government had been careful to describe itself not as an ally of Nazi Germany, but instead as an associated power.

The Finnish forces on the Karelian isthmus halted at roughly the 1939 border, declining German suggestions that they advance on Leningrad. But, to the north of Lake Ladoga, the Finns advanced past the pre-1939 borders into ethnically-Finnish regions of East Karelia, producing in the end a declaration of war on Finland from Great Britain, and the breaking of formal diplomatic relations with the United States.

This Finnish advance could be justified on two very different arguments. One was that the territory involved was ethnically Finnish, such that democratic self-government would be served if these territories were brought under Helsinki's rule. A second argument can still be heard today, that a Soviet counter-offensive was bound to come if the Germans did not totally defeat Stalin,

and that the Karelian lands would thus provide a valuable buffer, making it more difficult for such a counter-offensive to break through into Finland proper.

In the event, when this Soviet offensive emerged in 1944, it did push the Finns back out of East Karelia, but the Finnish lines then held further to the west, at great cost to the Finns, but also at great costs to the Soviets, such that Stalin at the end decided that it was not worth the effort to push militarily all the way into Finland.[73] The freedom from Soviet occupation and imposed-Communist rule that Finland enjoyed after World War II was thus the result of the very costly military defense that had been mounted *twice*, in 1940 and in 1944, and the latter defense may be the product of the Finns having preemptively moved forward in 1941.

If the Finns had simply stopped at their 1939 boundaries, the outside world would have approved, as nothing more was involved than undoing a recent aggression, and Britain and the United States *might* have been able to pressure Stalin to accept this. Yet all the evidence, from Poland and elsewhere, is that such outside judgments would not have influenced the Soviet dictator, such that the fighting power of the Finnish armed forces, enhanced by the positions they had taken, made the difference. If Churchill and Roosevelt had been able to extract a promise about Finnish territorial integrity and political democracy out of Stalin at Yalta, would it have been accorded any more respect than the promises made about the future of Poland and all the rest of Eastern Europe?

Outside-world judgments are thus very important about whether one is adding to the total of violence, or merely responding to the violence launched by someone else, but this outside-world opinion is not *all*-important. By angering the British and Americans by advancing too far into the Soviet Union, the Finns lost some support, but perhaps not so very much.

The Finnish Field-Marshall Mannerheim had refused to apply pressure on Leningrad, on the argument that Stalin and the Russians would never forgive Finland if it aided Hitler that much. Was Stalin guided at all by gratitude here for this Finnish restraint? Bulgaria had refused even to declare war on the Soviet Union while it was Hitler's ally during World War II, and some Bulgarians had thought that this might spare them a Soviet occupation and the imposition of Communism, when the Soviet advance swept through eastern Europe.[74] No Soviet gratitude was to show up here, however, as Soviet tanks just kept right on rolling into "neutral" Bulgaria.

Aside from the ferocity of Finnish military resistance, which some Finns today would see as reinforced by preventive actions in 1941, the other more serious makeweight, for explaining how Finland escaped the fate of Poland and Bulgaria, would of course be the position of Sweden, which did not join Norway and Denmark in NATO membership, as long as Finland was not occupied and communized, but would probably have joined NATO very quickly if the Soviet forces had advanced to Helsinki.

When Stalin had launched his attack on Finland in 1939, he had tried two different ruses to bufuddle world opinion. The first claim was that the Finns had been the first to fire artillery rounds across the border on the Karelian isthmus. The second was that a government more representative of the Finns had been established under the Finnish Communist leader Kuusinen, so that the USSR would now only deal with that government, and hence was not really at war, but merely supporting a legitimate government against one that was illegitimate.[75]

Just as with Hitler's staging of a supposed Polish attack on Silesia in 1939, this showed that even the most despotic of dictators took world opinion somewhat into account, an opinion that condemned the initiation of wars, but tolerated a response to the aggression of others. It

remains interesting that Hitler did not bother to stage any such "Soviet" attack in 1941, when he launched his massive invasion of the Soviet Union.

In condemnation of the democratic Finns, it is clear that they were aware in advance of Hitler's plans in 1941, and prepared to join in, if only to reclaim their territory. Making it easier for the Finns, to the extent that the world cares about such things, the Soviets (expecting that Finland would be joining in any such German attack) launched a few air raids against Finnish targets as soon as the war was underway, so that the record would in truth be that the Soviets had fired the first shots in the Continuation War, just as in the Winter War.[76]

At the outset of the "Continuation war", the Finns had to bet, like most of the world, that Hitler's forces would defeat the Soviets before the end of 1941, but the bet was not a sure bet, and there were thus limits to how much the Finnish government could get on Hitler's bandwagon. Hitler, to be sure, was ready to offer the Finns the territories of East Karelia. But he was at the same time very intolerant of the practice of democracy generally, and showed signs of wishing to extend the Holocaust to Finland's small Jewish population.[77]

Marshall Mannerheim and the rest of the Finnish leadership thus limited their participation in the general assault on the Soviets, declining to join in the siege of Leningrad or to advance enough to cut off the Soviet railway from Murmansk. If the Soviets rallied to push back the German forces, which became a real possibility after December of 1941, Mannerheim wished to have the Soviets less than totally inclined to seek revenge against Finland. And, even if the Soviets could not rally effectively, the long-term hope of the Finns was for a British and American victory against Nazi Germany.

Finland thus was partially playing a band-wagon game, and partially a balance-of-power

game. It joined the German side against the Soviets while Hitler looked strong and Stalin looked weak, but it did not want to contribute to the maximum of German power.

By 1944, the Soviets had broken the German siege of Leningrad, and it became generally likely that Nazi Germany would be defeated. In what must surely look like another round of band-wagoning behavior, the Finnish government negotiated a separate peace with the Soviets, undertaking to drive the remaining German forces out of the north of Finland by force if necessary.

The signing of a "separate peace" by any more minor member of a military alliance always will reflect the swings and sways of current military fortunes. In the service of one's own national interest, one will leave the current alliance, in hopes of getting less punitive terms from the enemy one had been fighting. There may not be very much enthusiasm about the band-wagon one is getting aboard, but the choices, in the middle of a punitive war, can be quite limited.

In having to switch sides in the middle of a war, Finland thus did much better than Italy or Hungary, which suffered major German retribution in the process. The Finnish escape was in large part due to the effective Finnish military effort from 1939 to 1944, which engendered some German respect and gratitude even at the time of the Finnish defection, and which allowed the Finns to delay coming to terms with Stalin until German military power in the Baltic region was substantially diminished. The Finnish military prowess reduced the dangers of a German attempt to impose a new pro-Nazi government in Helsinki, and it also helped to deter Stalin from pursuing his own goal of a Communist regime in Helsinki.[78]

IV. THE LEGACY OF WORLD WAR II

Comparing the aftermaths of the two World Wars, one obvious similarity would be that Germany was the defeated power in each case, as the League of Nations was founded along with the Versailles Treaty, and as the United Nations was founded in 1945.[1]

Yet the perspective on the defeated Germany was different from 1918 to 1945 in several important ways, related to the new philosophy behind the international organization being launched, and with this the perspectives on preemption and preventive war.

Because of objective factors, and because of the war propaganda of the winners, western public opinion was generally agreed in 1918 on the "war guilt" of Germany, and on the inherently greater militarism of Imperial German society. The French leadership intended to harness this feeling to a League of Nations which would mainly be a continuing alliance against Germany.[2]

Even if Germany was not inherently more militaristic, the greater population of ethnic Germans amounted to a threat to the balance of power in Europe, and it was thus no accident that the 1918 treaties included a prohibition on any merger between Germany and Austria, even though the majority of people in "German-Austria" would have preferred such an "anschluss". Yet, if the British shared the French fear of Europe being dominated by a preponderant Germany, they also feared a preponderance by France. From the point of view of classical balance-of-power politics, the game had simply moved into a new round, with Britain now opposing France in many of the disputes involving Germany with Poland or Czechoslovakia.[3]

But the Wilsonians were tuned to yet a different calculus, directed to the goal of peace more than to considerations of power. The "collective security" arrangements of the new League

Our Faulty Memories

The discussion here has been meant to show how we systematically reduce our memories of past inclinations toward preventive war or preemptive attacks. Democracies are exempted from this historical record, wherever their elected governments are inclined to erase the record. We like to believe that democracies are not inclined to launch a war. We like to believe that Poland under Pilsudski and its French ally did not really contemplate attacking Germany in 1933 or 1936, or even earlier. And we like to believe that the democratic Finns did not participate in advance planning for Hitler's attack on the Soviet Union in 1941, and that the Soviets, with some air raids on Finland, were actually the first to resume hostilities in the "Continuation War".

Dictators who claim that they are merely preempting imminent attacks by others are similarly not given a hearing, because dictators hardly ever tell the truth, because such people tend to be paranoid, because they tend to project their own vices on to others.

Such a memory reinforces our support for democracy and our opposition to dictatorships, but it may blot out some of the important historical examples from which we can draw practical lessons.

of Nations were thus (despite French intentions for the organization) not designed to be a freezing of the World War I alliances, and were not intended to service a mere renewal of the balance-of-power game (which has sometimes prevented wars, but had sometimes instead generated them). The League's innovations were instead intended to forbid war more generally, to forbid the kinds of wars that upset the balance of power, and also to forbid the kinds that reinforced this balance, because all such wars were now deemed to be too costly for everyone concerned.[4]

Americans (and the other smaller European countries that had been neutral for all of World War I) had been more than a little disillusioned when they saw Britain and France return to the jockeying of balance-of-power politics. Such a concern for the balance was all too likely to produce plans for war again, as adversary growth had to be anticipated and headed off. When Americans were led by "revisionist" scholars to question the particular guilt of Germany for the outbreak of World War I, they did not very much share British fears of French preponderance, or French fears of German preponderance, having vainly hoped that all such fears would now have been trumped by everyone's aversion to war. When it seemed obvious that other priorities were at work in Paris or London, a great many Americans felt inclined to retreat to a new isolation.[5]

Rather than being addressed in particular against Germany because it was too large in size, or because Germany was inherently evil and threatening, the major thrust of collective security, as Woodrow Wilson and many Americans had viewed it (and as many European believers in a new kind of diplomacy had seen it), had thus been addressed against *any* initiation of war.[6] Since many of the disputes leading to World War I were related to ethnicity, an important part of the Wilsonian view of a new diplomacy had related to self-determination, as peoples were to be governed, from province to province, in accord with their own wishes. Internationally-monitored

plebiscites, and international judicial processes, would thus hopefully adjudicate the disputes that would otherwise have led to wars. And anyone initiating a war despite these peaceful alternatives would be at fault, with the whole world coming to the aid of the side that had been attacked.

As actually constructed, however, the Treaty of Versailles was hardly a total application of these Wilsonian principles. Austria, as noted, was forbidden to merge with Germany. On various disputed borders between Germany and its eastern neighbors, the wishes of the local population were over-ridden, in a manner that again served the old principles of the balance-of-power by holding down the total population of Weimar Germany, but which also produced ethnic grievances for the future.[7]

A total endorsement of the principle of collective security would indeed have ignored the balance of power, letting all the German-speakers who were so inclined become part of a single unified Germany. Either because of the bitter memories of the war and the imputation of all guilt to Germany, or because of a lingering "realistic" concern about the balance of power, this self-determination aspect of a Wilsonian peace was not to be fully implemented. We can thus not know whether German democracy, and the peace of a system of collective security, would have survived if a fully Wilsonian settlement had been adopted, i.e. if the Treaty of Versailles was not encumbered with these other considerations,

The League of Nations emphasis on maintaining peace was to be echoed in two other treaties of the 1920s. The more minor of these may be the Kellogg-Briand Pact of 1928 (which actually drew in the United States even though it had failed to join the League of Nations), a treaty which simply committed all the signatories not to initiate war, and which has since been many times ridiculed by believers in "realism"; nations that are otherwise ready to go to war are not

much less likely to do so because they have simply signed a promissory treaty.[8]

A treaty perhaps having more substance was the Locarno Pact of 1925, which involved Germany and France, and Italy and Britain.[9] By the terms of the Pact, Italy and Britain were committed to come to the aid of France if Germany had attacked France, but they were conversely committed to come to the aid of Germany if France had initiated the war. British military officers complained that the treaty made it impossible to do meaningful advance planning and staff coordination, since they could not know which side they would be on in a future war. But British diplomats over-ruled such protests on the ground that the important goal was to prevent the next war from happening, ahead of planning for how to win it.

The United Nations vs. the League of Nations

Compared to the post-1918 hopes for collective security, the atmosphere of 1945, with Germany now this time being plausibly blamed for *two* world wars, was somewhat more tailored from the outset to the particular dangers arising from Nazism and anything repeating the Nazi phenomenon. By this logic, not quite the equivalent of classic balance-of-power reasoning, the enemy states of World War II were to be *particularly* suspect of being a threat to peace, so much so that an initiation of military operations against them would be in order, well before Germany, Italy or Japan again attacked.

A more generic commitment to collective security was thus somewhat replaced (as one vision of a defeated Germany replaced another) by a system amended to allow anticipatory action against particular states which presented particular threats.

The thinking of Franklin Roosevelt and the other American designers of the United Nations has often been more generally characterized as blending the "realism" of an awareness of power politics with the "liberalism" which had driven Woodrow Wilson and his partners in the design of the League of Nations. Rather than simply committing the world to a policy of collective security by which all peace-loving nations would hopefully be ready to punish any state that launched a war, Roosevelt took as his major premise that cooperation between the western allies and the Soviet Union would be indispensable to peace after the Axis powers were defeated, as the United States, Britain and the Soviet Union (together with Nationalist China, and later France) would be the key players in maintaining the peace, with other states being relatively less crucial to the process.[10]

In the process of ensuring that Stalin's Soviet Union would be a partner, one of the issues debated in the formation of the United Nations thus pertained to the relative rights of the smaller powers that might have their sovereignty at risk if new aggressions threatened from states like Germany or Japan. Americans in general tended to be much more concerned than was the Soviet Union about the rights of states like Poland or Czechoslovakia, or Finland. At the same time, the American leadership now tended to accept the logic by which Germany inherently had to be feared as a source of future aggressions, and thus might have to be occupied for some extended time. After the termination of such occupation, it would still be necessary to maintain a special vigilance against Germany, and Japan, and all the other states that had been enlisted with the Axis.

For as long as there had to be an occupation of Germany, it might thus be necessary for the Soviets to have transit rights across Poland, just as the United States might need an airbase in Iceland. And even later, it might be necessary for the Soviets to have bases in Poland or

Czechoslovakia, lest the weakness of such states again invite German aggression.

The provisions of Article 53 and 107 of the United Nations Charter thus reflect a feeling voiced often by the Soviets, but not disputed so very much by the Americans or British, that certain states could now be *anticipated* to be threats to peace. The League Covenant had also taken into account that wars could be anticipated, with references to a "threat of aggression" or a "threat of war" in Articles 10 and 11, so that the international disputes that produced such wars might be alleviated by advance action.[11] Yet the premise of Wilson and many other backers of the League had been that *preemptive* or *preventive* military action was more likely to be the problem, than the solution to the problem. The League Covenant was addressed more directly to banning the launching of wars, without specified exceptions.

American leaders, including President Roosevelt, were fearful in 1945 of what Stalin might do with his prerogative of preempting any resurgence of a Nazi threat, fearful that this would simply be a cloak for spreading Communism into vast territories, against the will of the people involved. But Roosevelt was resigned to some of this, on the simple realpolitik reasoning that Soviet military power would be unchecked in Eastern Europe in any event, *and* on the grounds that some of Stalin's anticipatory motivation was justified and understandable. Most of the countries of Eastern Europe (including democratic Finland) had *chosen* to align with Hitler against Stalin, and Czechoslovakia had been too weak to resist Hitler, while Poland, when it had chosen to resist Hitler, had still refused to accept any help offered by Stalin.

FDR's hopes for the UN are sometimes portrayed as simple wishful thinking, that world peace might be preserved as long as practical compromises with the Soviets remained possible. But another part of this willingness to compromise stemmed from a "realist" awareness of the

pattern of preemptive motivations dating back to 1939. The design of the United Nations to some extent reflected a belief that a totalitarian regime like that of Nazi Germany would be inherently threatening to the outside world, such that it would have to be intercepted and interfered with, well before this threat would again be realized.

At the risk of some substantial oversimplification, one could thus summarize the dominant concern of the Wilsonians in 1918 as "how terrible that the world's military powers have been driven by anticipatory fears", with a relatively straightforward and pure system of collective security being intended to negate all preemptive and preventive actions here. A threatened nation, under the system Wilson intended for the League of Nations, would wait for the attack to come before defending itself militarily, knowing that the rest of the world would join in on the defense. The important factor, just as in domestic law and order, was *not* to be the firer of the first shot.

By contrast, one paramount concern as seen by Franklin Roosevelt and the Americans in 1945 reconfiguring the remains of the League into the United Nations, was instead "how terrible to suffer the inevitable aggressions of a fascist state", with the experience of the previous decade seeming to prove that the world could *not* wait for an aggressive dictatorship to fire the first shot, but might have to take actions in anticipatory self-defense, preemptive or even preventive war actions.

The liberal memory of the Wilsonians was not totally discarded, by which war was normally to be avoided, by which a choice of war over peace would draw disapproval. Hence there would be a seemingly inconsistent reluctance to admit that anyone had seriously contemplated preventive war against Nazi Germany in 1933 or 1935, and at the same time a wistful note that perhaps such a preventive war would have been helpful and wise.

How to Deal with Stalin

When Stalin had signed a secret pact with Hitler in 1939, followed by the Soviets joining in the invasion and partition of Poland a little later in the month of September, most people around the world had condemned this as a sign that all the totalitarian dictators were basically the same, with many members of the Communist Party around the West quitting in their disillusionment.[12] The more stalwart Party members described Stalin's actions as implementing nothing more than self-determination, since the Polish territories incorporated into the Soviet Union were populated mostly by White Russians and Ukrainians. But, when Stalin subsequently occupied the Baltic republics of Lithuania, Latvia and Estonia, it would have been even harder to defend this as implementing self-determination, since the cultures of the peoples in these Republics were so markedly different from that of the Russians.

The world's reactions to the Soviet 1939 invasion of Finland had thus been much more in step with the principle of collective security, by which nothing is seen as justifying the initiation of a war, rather than with any sympathy for anticipatory self-defense, by which a state like the Soviet Union, seeing the menace of Hitler's Germany, might be justified in trying to head off future attacks on itself. The American people and government expressed strong support for the Finns (albeit that this support could not help Finland very much militarily), because the Finns were democratically governed, because Finland was the only country that had not defaulted on its financial debts to the United States at the end of World War I, and most importantly because Finland clearly was the victim of aggression.[13]

The British and French, already at war with Germany, asked for the expulsion of the Soviet Union from the League of Nations (a move which the Finns had not asked for and actually

opposed), and this was pushed by most of the Latin American members of the League, who had always expressed a great concern for the rights of smaller countries.[14] Britain and France had indeed come quite close to being involved in armed conflict with the Soviets (although here the "aid to Finland" was much more of an excuse, as noted, with the real intention being to cut off the shipment of iron ore from Sweden to Germany). London and Paris here could thus not be seen as doctrinairely supporting collective security, but rather as opportunistically seizing on a way to prosecute the war on Germany.

By some interpretations, Stalin was just as much an ally now of Hitler as Mussolini, all of these dictators being aggressively intent on acquiring control over additional territory, regardless of the wishes of the inhabitants. Stalin's military forces in Poland were indeed participating in combat operations on the same side as Hitler's, substantially before Mussolini's armed forces abandoned their "neutrality".

Yet the earlier Soviet occupation of eastern Poland had not produced quite as much outrage as the invasion of Finland, in part because the territories occupied were indeed ethnically Ukrainian or Byelorussian, and perhaps in larger part because Polish forces, having already lost the major battles of the war to the Germans in the west, did not mount any major resistance to the Soviets. With Poland already being the conquered victim of aggression, after collective security had been somewhat implemented in the French and British rallying to Poland's side, the Soviet intervention could *perhaps* be excused as the USSR's preemptively defending itself.

A "realist" analyst of international power politics today might thus well see Stalin's westward moves here not just as selfish aggression, but as the seeking of a crucial buffer for the ultimate defense of Russia itself. When Hitler invaded the Soviet Union in 1941, his forces made

impressive progress at the outset, so that most of the world assumed until the onset of winter that the Soviets might be totally defeated. If Hitler had been allowed to occupy all of Poland by himself in 1939, and to subjugate the Baltic Republics on the basis of this, the Soviet task of defending against his 1941 attack would have been all the more difficult.[15]

If one was thus inclined to more traditional approaches to international power politics, one could have hoped that the dictators would inevitably compete and thus check each other, in the end fighting wars with each other, and such a view would have been more resigned to the preemptive moves that such rivalries would entail. As late as the Stresa Front of 1934, the British and French had hoped to keep Fascist Italy enlisted as an ally helping to check Nazi Germany. The undoing of this front came with the blatant Italian aggression in the invasion of Ethiopia. During the 1939-1940 Winter War between Finland and the USSR, one bizarrely saw Mussolini's Italy trying to ship arms to Finland, with Nazi Germany barring their passage, and one even saw Japan trying to offer help to Finns. [16] The non-democratic states that seemed so uncommitted to the maintenance of peace and the sanctity of borders were thus hardly ordained to be united as a solid bloc, for they had to distrust each other, just as the democracies had to fear and distrust each of them. The question for the democracies was thus always how to protect against these states: by enunciating broad principles, or instead by playing one off against the other?

At the time of the invasion of Ethiopia, the British and French commitment to the principles of non-aggression and collective security, however half-hearted this was in that it produced only economic sanctions and no military intervention, in effect thus alienated the potential Italian ally.[17] And a similar commitment to these principles, which would have had to condemn the Soviet invasion of Poland perhaps just as much as the German, and which *did*

condemn the invasion of Finland, ran the risk of alienating the other possible totalitarian ally of the British and French, Stalin's Soviet Union.

As noted for a number of the cases above, a fair amount of importance has to be attached to whether the victim of a "preemption" resists. If the country involved does not resist, it suggests all the more that the intervention was necessary, because it would not have resisted any *other* aggressor. The Baltic Republics did not resist Soviet entry, even if they made it clear that they did not want to be governed by Stalin. The Poles resisted the German attack, valiantly but ineffectively, but they did not manage to do the same against the Soviet intrusion three weeks later. Finland resisted the same kind of intrusion, very valiantly and surprisingly effectively.

When Hitler launched his invasion of the Soviet Union in June of 1941, this very much simplified the moral calculus for Great Britain and the United States, for the USSR thereby joined the already-long list of victims of Nazi aggression, so that the logic of collective security thus endorsed supporting the Soviets. Remembering how the USSR had behaved viz-a-viz its smaller European neighbors, however, one could hardly see Moscow as such a resolute supporter of straightforward respect for international boundaries. The end result for the West would be a blend of two lines of reasoning, a collective security assumption that the USSR might retroactively be included in the ranks of the victims of aggression that were only defending themselves, and a power-oriented interpretation by which "the enemy of my enemy is my friend"; however disrespectful Stalin had been of established international borders and the will of various peoples, his regime would be a good counter to the even more threatening Nazi regime, once they were indeed locked in combat.

Even if Hitler had not been the first to attack, a Soviet war with the Nazis would have been

welcome for Churchill, and for Roosevelt, because the Nazis, after the fall of Paris, looked poised to conquer all of Europe and much more. If Stalin had launched a sneak attack on Hitler, there would hardly have been a Western condemnation of the brazenness of this attack, for too much else had happened in the meantime. The motives of Stalin would have been suspect, but the action would have been very welcome.

The United Nations and Anticipation

The United Nations that was to emerge from the aftermath of World War II was thus a blend of the Wilsonian dream of a system forbidding wars and aggressions, and a more "realist" recognition that one had to work with the existing distribution of military power around the globe.

Collective security as a global principle should have applied to *every* country, large or small, militarily ready or militarily defenseless. Yet there would have to be some world sympathy and understanding for contrary assumptions, for the idea that a nation might *have to* launch preventive wars or preemptions, where the states that were meant to be a buffer simply turned out to be a power vacuum. The United Nations Charter gives the Security Council the authority to respond not only to acts of aggression, but also to "threats to peace". If one ever needed a license for preemptive action or even for preventive military action, this would seem to be it, for it is in the eye of the beholder whether peace is threatened by one nation or another's behavior.

Critics of the actions taken by the United States *without* United Nations sanction, either under President George W. Bush or earlier under President Clinton, would note that this license to anticipate threats to peace is not doled out to individual nations by the Charter, but reserved particularly to the Security Council. Yet supporters of peace around the world had been inclined to

condemn the anticipatory thinking that had produced World War I, the thinking that was behind many other wars in the past. In the "collective security" principle of the League of Nations, they had pushed forward the principle that nations should defend themselves (and be defended by others) only *after* they had been attacked. If whoever struck first was thereby in the wrong, wars would not break out as often; anticipation is often based on erroneous data, and the result, when each side is ready to act on the basis of anticipations, is often arms races and wars that no one had really wanted.

The United Nations Charter thus in effect gave the Security Council the authority to engage in anticipatory, preemptive or preventive action with regard to "threats to peace", while mostlty limiting individual nations to the inherent right of self-defense. The Security Council is relatively free to define for itself what constitute threats to peace, with various resolutions having defined the acquisition of weapons of mass destruction as ringing this alarm bell, or the sharing of weapons of mass destruction with non-state actors.[18] If an individual member of the United Nations were actually attacked by another state, it of course retained the right to use arms to defend itself.

If a state merely saw such an attack coming, it would not have the right to preempt such an attack by attacking first, but would rather have to make a plea to the Security Council, with the UNSC being able then to take any preemptive action. Yet the exceptions specified by articles 53 and 107 would allow earlier preventive or preemptive action *without* any Security Council authorization by an individual state, where the anticipated attacker were one of the powers on the Axis side during World War II. The presumed reasoning was that such states had been found to be particularly aggressive and thus particularly suspect of being about to launch an attack, thus

allowing preventive attacks that would not be allowed more generally.

The wording of the United Nations Charter, as compared with the League of Nations Covenant, thus reflects a "realist" resignation to the difficulties of rebutting aggressions *after* they have been launched, this being based on the speed with which Germany had shifted from being a disarmed democracy to a totalitarian force controlling most of Europe. If Nazism were to reappear in Germany after 1945, the outside world presumably could not wait to see if it would this time again upset the peace; immediate action would have to be taken, by articles 53 and 107, to invade Germany or Japan to head this off, and this, by the UN Charter, could be undertaken by individual member states *without* any Security Council authorization.

The phrase "preventive war" was of course not used in the United Nations Charter, and neither was the phrase "preemption". The relevant phrase in Articles 53 and 107 was instead "enforcement action", with the plausible context that military initiatives against Germany or Japan, etc., would be seen mostly as a continuation or resumption of World War II, with a resurgence of something like Fascism being seen simply as the defeated powers reneging on their surrenders. This, after all, is what the world remembered Germany as having done with respect to the armistice of 1918 and the Treaty of Versailles.

Reference was made in Article 51 to the "inherent right of individual and collective self-defense", and a legal debate has continued thereafter on whether this would include something as "inherent" as "anticipatory self-defense". To repeat, until 2001, almost no one included preventive war or preemption in the array of supposed inherent national options, but "self-defense" was always legitimate, and also perhaps therefore "anticipatory self-defense".

The Japanese Example

As an illustration of how far thinking about the risks of anticipatory warfare can go, some of the earliest drafts of a Japanese Constitution prepared by General MacArthur's headquarters after World War II would have seen Japan renouncing not just the right to wage war, and the right to maintain armed forces, but even the right to claim belligerent status for any Japanese shooting back if Japan were invaded by a foreign force (i.e. renouncing the privileges of the Geneva Convention for whoever was trying to defend a Japan that had been attacked).[19]

While the final version of Article 9 of the Japanese Constitution did not quite go this far, merely renouncing the right to initiate war and the right to maintain armed forces in being, all of this again illustrated two factors at work after 1945: first, a special fear of alleged Japanese militarism, as having launched wars once a decade ever since Japan became a modern state, and second, an awareness of how easily a fear of possible aggressions by others can lead a state like Japan to feel that it is preempting such aggressions.

As we have noted Japan had good reason to feel that it was engaged in a preemptive interaction at the outset of the Russo-Japanese War, when Russian soldiers disguised as lumberman were penetrating into Korea. And, what the world saw as naked Japanese aggression into China in the 1920s and 1930s was portrayed (and perhaps honestly seen) in Japan as a defensive move, heading off a Communist or otherwise radical takeover of China, which would pose threats again to Japan itself.[20] One of the problems for the reconciliation of Japan with other Asian states at the outset of the 21st Century is indeed that this is still the way a majority of Japanese remember Japan's actions in China. Each new round of Japanese history books reinforces this image and the intra-Asian irritations that go with it, but one could guess that, even

without their history books, ordinary Japanese would see their history as one long tale of preemption.

Alongside this, Japanese also see the 1941 attack on Pearl Harbor as another preemptive act, as the American economic embargo was intended to coerce Japan into withdrawing from China, and as B-17 bombers were being moved from the United States to bases in the Philippines, with a potential range for bombing the Japanese homeland.[21]

Analogies Forward and Backward

One might thus today draw an analogy between the unacceptable return of a totalitarian regime in Germany after 1945 and the acquisition now of nuclear weapons by North Korea, or the acquisition of such weapons by a non-state actor. The outside world might sense that it could not *wait* to see whether such developments would destroy the peace. Before dreadful damage was again inflicted on other states, these other states might have to disarm or impose regime change on the threatening states.

The attitude of the victorious Allies at the end of World War II had also been very analogous to the attitudes toward Napoleon after 1814, what had produced the system described as the "Holy Alliance"[22] Napoleon had been allowed to become the sovereign of the tiny island of Elba after the French had been forced to sue for peace in 1814. When he slipped away from Elba in 1815 to return to France, and to depose the restored monarch Louis XV , the reaction of the allied coalition was that immediate and preemptive action needed to be taken against him, lest he once again launch a series of invasions and revolutions all across the European continent.

Even if the signals from Napoleon were that he this time had no intention to expand France beyond the traditional borders to which it had been returned in 1814, the inclination of the

allies was not to believe him, but to assume instead that new French aggressions were in prospect as long as Napoleon held power in Paris. In today's terminology, the imperative based on these anticipations was that a "regime change" in Paris was urgently needed, a change that would entail a resort once again to military force.When the final outcome of this new round of combat was settled at Waterloo, Napoleon this time was banished far further from the European continent, to the tiny South Atlantic island of St. Helena.

The system of international relations established after the Napoleonic wars was then braced against the inherent threats for all the interests involved in a return of any aspects of the French revolution, threats to the domestic security of each of the other regimes, as revolutionary movements tended to emulate each other, and threats to international security, as the Napoleonic version of the original French revolution had shown great capabilities for taking the military offensive.[23]

As designed and administered by the Austrian Prime Minister Metternich, the "Holy Alliance" sanctioned and called for the invasion of any country that had deposed its legitimate monarch, an invasion orchestrated from Vienna with the deployment of one or several armies committed to the traditional legitimacy.

Where the revolutionaries had not yet been able to put together an effective army, and the hereditary monarch could be restored by a relatively minor show of force, one would typically not have labeled the operations here as a preemption or a preventive war. As noted earlier, one can thus see these years of "collective reaction" as another sort of inadvertent peace-maintaining system. In their new paramount fear of domestic revolution, after the experience of the French revolution, the monarchs who were so fearful of revolution from below could not get as engrossed

in fears of aggressions by each other. Metternich's system thus at one point called for French troops to enter Spain to restore the rightful monarch, and the same system later saw Russian troops enter Hungary to suppress the revolution that had been led by Kossuth.[24]

Where a monarch could not so easily be restored, however, where the challengers to legitimacy had the ability to deploy substantial military forces in their revolutions, as when Napoleon had returned to France in 1815, what was called for indeed amounted to a preventive war. The legitimacy of Europe established after the defeat of Napoleon sanctioned armed interventions indeed even against armed resistance, i.e. they sanctioned the preemption and prevention of what was anticipated to be a threat to all the established regimes, a repetition of the aftermath of the French revolution.

.The Holy Alliance system basically passed from the scene after all the revolutions of 1848 had been just barely suppressed. Facing a need to give in to their peoples on one or another of their demands, democracy or ethnic unity, one hereditary monarch after another around Europe chose to come to terms with ethnic nationalism. Bismarck thus persuaded the King of Prussia, as titled by his inheritance as a Hohenzollern, reluctantly to become the Emporer (Kaiser) of Germany, and the other monarchies followed suit, seeking to enlist their peoples on an ethnic basis for a continued support of their crowns.[25]

Rather than fighting off ethnic nationalism forever, and rather than treating this idea as a threat meriting military intervention (interventions even where there would be enough resistance to make this into a preventive war), Bismarck and contemporary national leaders thus abandoned the Metternichean system. But the willingness to initiate war once again with Napoleon in 1815, and with anyone ideologically resembling him, serves as a model for what the world was ready to

tolerate after 1945 with regard to anyone resembling Hitler.

The Aftermath of 1945

What had shaken Americans out of isolation in the 1940s was the sheer *rapidity* with which new threats had emerged. Hitler in just seven years had taken Germany from the limits of Versailles to the conquest of Paris. Ever since Lindbergh had flown across the Atlantic, the advent of aviation had made the oceans look like much less of a defensive barrier.

The new willingness of Americans to be committed to participation in international organizations, or in international affairs more generally, was thus already anticipatory. "Preventive diplomacy" is a phrase of praise, even for those for whom "preventive war" is anathema, but the two tend to go together, for each suggests that one can no longer simply wait to be engaged, wait to be attacked, before becoming energized militarily and diplomatically.[26]

One kind of threat that thus loomed up in the Twentieth Century was the threat of world conquest, a conquest implemented by armored warfare offensives, accompanied by dive bombers and by "fifth columns" of secret agents paving the way for the advance. As the United States anticipated the threat of an Axis advance across Africa to Latin America, spearheaded here and there by agents in the German or Italian-affiliated airlines of Latin America, it moved to head this off by pushing Pan American Airways forward as an alternative.[27]

But another kind of threat is even more strongly analogous to the threat of terrorist attack now preoccupying the United States. The introduction of guided missiles in World War II, and then nuclear weapons, suggested that, even if a totalitarian military conquest of the world's continents might be headed off, such military defenses per se might no longer suffice to guard

American cities against destruction. Where "defense" in the form of a barrier or shield would no longer suffice, the logic of mutual deterrence came to be a substitute, as what American nuclear weapons could do to Soviet cities would hopefully keep Soviet atomic bombs from being used to destroy American cities.[28]

The next pessimistic step in this chain, of course, as noted at the beginning of this study, is where weapons of mass destruction, of one form or another, come into the hands of states that can *not* be deterred, or of non-state actors who also do not have enough to lose.

Stalin and his successors could be deterred from destroying American cities, and could be contained militarily so as to keep them from dominating a decisive slice of the world. Hitler and his partners had to be defeated, to keep them from such a dominance. A movement like Al Qaeda had no prospect of dominating the world, but it might be able to destroy big cities in the future, and could not be deterred.

Hence the argument for applying a regime change to Afghanistan followed the argument for imposing such a regime change in 1945 Germany and Japan, but on a somewhat different logic. The need for "unconditional surrender" in 1945 stemmed from the inherent battlefield potential that had to be ascribed to the Axis powers, essentially to "counterforce" considerations. The need for dislodging the Taliban regime stemmed from "countervalue" considerations, from what terrorists sheltered by such a regime could inflict on Western cities.

1945 versus 1918

In summation, too many of the discussions of the legality or legitimacy of preemption since September 11 take their starting point from the drafting of the United Nations Charter in

1945, and the extent to which it forbids or does not forbid the initiation of warfare. The impression is given that such war initiation might have been accepted by the world before the UN, but not since.[29]

Yet the case is being made here that the real high-point of world rejection of war-initiation comes at the drafting of the League of Nations Covenant in 1918, heavily under the influence of President Woodrow Wilson. In reaction to the calamity of World War I, much of the world was ready to adopt a "new diplomacy" in place of the "old diplomacy", a principle of collective security by which the initiator of war was almost automatically at fault, with the entire world committed to oppose the state that had been the first to use arms. This could be seen as entirely analogous to domestic law and order in a civilized and democratic country, where the first person to resort to violence places himself at fault, with the sheriff and every good citizen committed to punish such violence.

The League of Nations had not assigned much dignity or legitimacy to the *anticipation* of violence from an opposing state. The thinking of Woodrow Wilson and others in 1918 was that such anticipation had indeed been responsible for too many wars and arms races in the past. If one was attacked, one indeed had the right to defend one's self, and the world would now join in on that defense. But one had to *wait* for the attack to happen, rather than anticipating and trying to preempt it.

The League did not designate any particular set of states from which trouble was to be expected. While the League emerged from the "Allied and Associated Powers" that had opposed Germany in World War I (with France hoping that the League could be made to be a continuation of this alliance), it was quickly to be open to German and Austrian membership. The major

powers were to be permanent members of the League Council, and votes of the Council were to be unanimous. But no member was to vote on disputes in which it was involved, so that there was not to be the veto that showed up in the United Nations Security Council.

By comparison with the League of Nations, the United Nations Charter has more references to "threats to peace", and it has the peculiar provisions in Artlcles 53 and 107 allowing resumptions or continuations of warfare against the enemy nations of World War II.

The "lessons" of the years leading up to World War II were thus seen as somewhat different so far as anticipatory self-defense or preemption/preventive war were concerned. Wilson and like-minded people at the end of World War I had seen such anticipation and preemption as precisely the causes of war. Roosevelt and his colleagues in 1945 instead saw fascist totalitarianism as perhaps a greater cause of war.

The greater "realism" and awareness of power-politics that one imputes to Franklin Roosevelt thus definitely amounts to a greater acceptance of the possibilities of preemption. Based on all the experience of the opening of World War II, as places like Norway, Finland, and Iceland had proved to be threatening to peace simply by being too weak to defend themselves, the logic of the post-1945 approach did not aspire as much as had Woodrow Wilson to treating all states alike. Wilson's version of a League of Nations inevitably had to take some power realities into account, so that a state like Britain or France would be permanent members of the Council, while Estonia or Ecuador would not. But the Wilsonian vision was that small states would be just as secure against invasion as large states, rather than being mere pawns as large states sought to defend themselves.

Franklin Roosevelt in effect would have found acceptable the "Finlandization" of all of

Eastern Europe, with the defense and foreign policies of Poland and Romania, etc., being circumscribed to reassure the security of the USSR, just as Finland's policies were to be, but with the preemptive needs of Soviet self-defense being limited to this. What he hoped to achieve, at Yalta and elsewhere, was that the rest of social and political affairs in these East European states would be allowed to reflect the wishes of the peoples involved, i.e. that Estonia be spared an influx of Russian-speakers, and that Poland be spared a dictatorial Communist regime. When Stalin and his successors decided that a mere limiting of their neighbors' foreign and defense policy was not sufficient to guarantee Soviet security, and/or when they decided for other non-security reasons to try to do much more, to spread the benefits of Communism, and/or to try to spread Slavic culture into the Baltic Republics, the expectations of the Roosevelt administration were very clearly upset, and the result was the onset of the Cold War, with the United Nations for decades seeming relatively irrelevant.

The Continuing Situation of Iceland

When World War II in Europe came to an end with the German surrender in May of 1945, the Icelandic government and people had expected that American forces would be withdrawn, in accord with the promises made by the British and American governments in 1940 and 1941 at the time of Iceland's occupation.[30] The American response, however, was that the war was not officially over, since there was no peace treaty yet with Germany, and since American forces would have to continue to be deployed for the occupation of Germany. One could draw the interesting parallel with the Soviet imposition on Finland based on fears of an attack from Germany. This American answer did not suit the Icelanders, but no attempt was made to expel the

American force left at the airbase at Keflavik, and the negotiations dragged on into 1946 and 1947.

The interim agreement, not at all satisfactory to leftists or nationalists in Iceland, was that the United States was allowed to retain some "civilian" technicians at Keflavik, as air transports flying from America to Germany or the reverse would often need to land at Iceland for refueling. The opposition denounced this as a military base in disguise.

The subsequent history of the American presence in Iceland closely mirrors the ups and downs of the threat of war between the West and the Soviet bloc. By 1949, after the fall of Czechoslovakia to Communist rule and the experience of the Berlin blockade, all of western Europe was more inclined to see the need for the military alliance that was to emerge as NATO. While the Communists and some others on the Icelandic left opposed joining NATO, the more clearly-defined Cold War now caused a majority of the population and parliament to support membership, on the assumption for the moment that this would not entail any actual NATO military bases in Iceland.

By 1951, with the outbreak of the Korean War, the NATO members generally had concluded that greater preparations were now needed for conventional war. Stalin's acquisition of the atomic bomb in 1949 logically suggested that the West could not rely solely on the deterrent threat of *American* nuclear threats anymore. There was still no sentiment in Iceland for the generation of Icelandic military forces, but the United States was allowed to deploy some thousands of its own troops to Keflavik, to prevent a sudden coup by Soviet seaborne or airborne forces.

With the end of the Korean war, and with the domestic reactions in Iceland to the presence

of American servicemen, Icelandic sentiment became again more opposed again to the presence of American troops, amid periodic proposals in Icelandic election campaigns to terminate NATO membership and to terminate the Keflavik base. Soviet foreign policy typically supplied some provocation at just the right time, however, to keep such NATO withdrawals from being implemented.

Several broad generalizations can be made here. At *all* stages of this history, the American interest in maintaining bases in Iceland was greater than the Icelandic interest. If the United States had been indifferent, the Keflavik base would not have been maintained, and Iceland would not have remained in NATO. American interests were not totally contrary to those of Iceland here, for there was a *real* threat of Soviet military action, just as there had earlier been a real threat of German action, and many Icelanders periodically recognized this.[31] Yet, in the nature of the world of power politics, the perspectives and interests of the super-power United States trumped those of the power-vacuum Iceland.

Just as in 1940, some Icelanders professed to be indifferent to the issues of military confrontation swirling around them, arguing that there would have been no threat of a Nazi German or Soviet invasion if the British or Americans had not anticipated such an invasion and thus had launched some kind of grand self-confirming hypothesis.

In the nature of international politics, it may well be that the major power that plays the role of a hegemon or a "sheriff" will always get less than full credit for the contribution it makes to world peace and order. When the British dominated the seas, *some* Americans acknowledged that this was the real backbone of the Monroe Doctrine, i.e. that British command of the seas served the interests of Americans, but relatively few would express such gratitude very publicly , and

many showed a great resentment of the British role.

Wars that are prevented by prior deployments are wars that invite skepticism as to whether they would ever have occurred. A very few strategically-minded Icelanders, or relatively right-wing Icelanders, could envisage scenarios where Soviet fishing boats would suddenly disgorge armed agents who, in conjunction with Icelandic Communists, would stage a coup relegating Iceland to the situation of Czechoslovakia. But most Icelanders, even those not opposed to NATO and the Kefkavik air base, would dismiss such scenarios as highly unlikely.

All of NATO, for all of the Cold War, was thus beset with what was natural in an alliance of democratic countries, an often eloquent expression of doubt about whether the alliance was so necessary, and about whether the Americans were so much to be trusted. Support for the American alliance would be greater, as noted, whenever the Soviet Union violently showed its character, but it would be much less when the Vietnam War dragged on.

Iceland is thus a very special case within NATO, because of its historical posture of maintaining almost no defenses of its own, and its historical record of having been subjected to a preemptive outside military presence, a presence that is virtually continuous from 1940 to the present day. If the world may now have to put up with an American policy of preemption or preventive war or anticipatory self-defense, our experiences with the Icelandic reactions, and how these were dealt with, may offer valuable lessons.

Countries as geographically significant as Iceland (and Finland), and as plausibly unable to prevent a major power from seizing them as a strategic base for further attacks, have thus had to put up with a certain compromise of their sovereignty. It might seem preposterous to compare what Iceland has had to endure for all the years since 1940 with what Denmark had to endure in

the German occupation, or with what Finland had to endure from 1944 to the end of the Cold War, but each of these experiences might now amount to something of a rehearsal for what much more of the world may have to endure, as the United States posts a threat of preemptive attack and preventive war in anticipation of the possibly mass destructive terrorist attacks of the future.

Iceland never had to be coerced into remaining in NATO, in the manner that Finland was several times served with warning notes from Moscow, as the Soviets claimed to be apprehensive about a new German invasion coming through Finland. By invading Hungary in 1956 and Czechoslovakia in 1968, Moscow provided a timely reminder that the alternative to being part of the Western alliance could be far worse. Icelanders in the years from 1940 to 1945 may similarly have resented the British and American presence, with their government legitimizing this presence only very reluctantly, but the prospect of a Nazi German occupation would always have been more unpleasant for most of the people on the island.

Being almost totally unprepared for one's own military defense may not be such a total handicap, in this anarchic world, *if* one is mostly dealing with democracies. This is shown in the Icelandic victory over Britain in the "Cod War",[32] and it is shown in the ability of the Icelandic government and people to express their criticisms of the United States and its behavior, as compared with the inhibition of the Finns with regard to criticisms of the Soviet Union during the years of "Finlandization". The mere freedom of expression that democracies tolerate in other democracies might thus cause us to exaggerate Iceland's opposition to participation in World War II, and then in the Cold War.

The American and Icelandic governments were to avoid any major confrontation by a basic splitting of differences intended to reduce irritations, The NATO base was to remain in

place, and Iceland would indeed have been on the front line of combat if the Cold War had ever become hot in Europe, as the Greenland-Iceland-United Kingdom (GIUK) line would have played a major role in American attempts to block the Soviet submarines coming down into the Atlantic from the Kola Peninsula. As part of reducing the social and demographic impact on Iceland of having a force of young American deployed in the country, steps were taken to discourage U.S. airmen from spending much time away from their base in Keflavik. One result was that the garrison at the American air base has had one of the largest percentages of *female* military personnel of any such bases around the world (this reassuring Icelanders somewhat that their own young female population would not suddenly be inundated with male American suitors rivaling the equivalent-age Icelandic males).[33] At an earlier time, in a sign of racist attitudes affecting both Iceland and the United States, the Americans had quietly promised Reykjavik that only European-origin personnel would be deployed to Keflavik (much as a similar promise had been made to Saudi Arabia that no Jewish personnel would be deployed to American bases there).

The tensions of the relationship after 1949 never thus rose to the level of any American threats of force, in important part because the United States as a democracy could display some consideration and flexibility in the accomplishment of its strategic needs, or perhaps in larger part because the threat of Soviet force was always present.

The feelings of peoples, as expressed in the elections, or in the public opinion polls conducted in liberal democracies, are of course all important, but they are often hard to measure. The freer the relationships, the less obtrusive the pressures imposed from the outside, the louder may be the expressions of any grievances and frustrations. One assumes that Danes were careful about who they voted for, in the free elections that were conducted during the German occupation,

lest what would have looked like too resounding an "anti-German vote" lead to the imposition of totally dictatorial German rule. Finns also had to be careful about who they voted for after 1945. By contrast, Icelanders did *not* have to be so careful about opposing NATO with their voices and their votes; yet, when anti-NATO coalitions seemed to be elected, they never felt able to implement their "mandate".

The Continuing Situation of Finland

Finland and Iceland thus amount to two examples of how countries can respond to the preemptive needs of powerful neighbors. Each had to submit to these needs, Finland after two rounds of costly warfare resisting the Soviet military, Iceland without any warfare at all. Each developed a mixture of resentment and more sympathetic acceptance of the power needs of their neighbor, a mixture which may be the necessary mixture for much more of the world in the future.

The Western apprehension about "Finlandization" during the Cold War was that Danes or Belgians might become just as fearful of Soviet conventional forces, or nuclear forces, as the Finns had to be, with the result that they would not feel free to express their true feelings about the ideological issues. Some leftists, and not just members of the various Communist parties, would quite naturally accept the same view as Moscow. But others might talk themselves into accepting such views, and might vote for pro-Soviet candidates in free elections, simply in the shadow of military intimidation. This would be a far less odious fate than to be under actual Communist party dictatorship. But a "Finlandized" western Europe would not be as intellectually free.[34] In the years of "Finlandization" some Finnish scholars and others may then have let themselves be drawn excessively much into accepting Soviet thinking. Because they could not openly question the Soviet 1968 intervention in Czechoslovakia, for example, they may have talked themselves into

accepting it as appropriate.

In the Peace Treaty that ended the first war between the USSR and Finland, the Finns were forced to concede a thirty-year lease on the peninsula at Hanko, which (together with the new naval bases extorted from Estonia) allowed the Soviets to dominate the entry to the Gulf of Finland. The ensuing demands for transit rights for Soviet trains carrying military personnel from the USSR to Hanko posed other risks, as such trains full of troops could always be used as part of a sudden coup attempt. The fate of Estonia and other Baltic Republics, where Soviet military installations were then the springboard for a total take-over of the countries, was surely threatening to the Finns.[35]

The establishment of such bases were an example of preventive action or preemption, just as were the British and American bases in Iceland, and they could also be springboards for further preemption or preventive action, if a total occupation of the country seemed to be needed, lest this occupation be undertaken by another power.

In the aftermath of the Continuation War from 1941 to 1944, the Soviets gave up Hanko, but extorted a 50 year lease instead on a larger naval base zone at Porkkala, within artillery range of the Finnish capital at Helsinki.

In a very interesting step, Soviet Premier Khrushchev in 1955 then renounced this lease, in the same move as renouncing a similar Soviet lease on Port Arthur on the coast of Manchuria, a lease which had been extracted from the Chinese Nationalist Government and the Western allies in 1945 as part of the price of the Soviets coming into the war against Japan.

One could interpret the Soviet concession here in a number of different ways, all related to our broader topic of the legitimacy of preemption or prevention. One interpretation would see this

as a simple Cold War ploy, by which the Soviets denounced "overseas bases" in general, in hopes of making it more difficult for the United States to maintain its bases around the world, including especially the airbase at Keflavik. With massive Soviet armored forces sitting on the Finnish border, the military threat undergirding "Finlandization" would still be in place, even if Soviet artillery was not situated so close to Helsinki anymore.

A different interpretation would see Khrushchev cleverly anticipating future tensions with Communist China, and seeking to head them off, or moderate them, by making a preemptive *concession*. Lest that anyone should see this as a sign of weakness, the return of Port Arthur to Chinese rule was accompanied by the return of Porkkala to Finnish rule. Since no one saw the Soviets at this stage as being weak viz-a-viz the Finns, the entire move would smack of Soviet generosity rather than weakness.

If Khrushchev had not made this move in 1955, one could imagine scenes of Red Guards rioting outside the borders of the Port Arthur leasehold some 12 years later, with the Soviets then having no choice but to hold on to the lease, or to look weak under pressure.

The Phenomenon of "Finlandization"

Some Finns had been very leftist in their ideological outlook, the losers in the bloody Finnish civil war fought between the "Reds" and the "Whites" at the time Finland achieved its independence after World War I, but very few of these wished to be incorporated under Communist rule into the Soviet Union. A few Finns leaned toward Fascism, but most other Finns were believers in political democracy, and Finland remained a democracy for all of it history of independence.[36]

Yet, in their assessment of the world after 1940, even the believers in democracy were inclined to view all the major powers as inherently threatening to the tranquility and independence of the minor powers. Nazi Germany and the Soviet Union were seen as equally threatening, and democratic France and Britain had also been threatening, with their quite transparent proposal to "come to the aid of Finland" in 1940, which was much more obviously intended to use Norway and Sweden as a new theater of war against the Germans.

Finland had to surrender large slices of territory in 1940 and then again in 1944, and had to submit to a permanent and regularized threat of Soviet military intervention in the post-World War II Treaty of Friendship, Cooperation and Mutual Assistance it was forced to sign with Moscow. In the ensuing process of "Finlandization", the Finnish government and people were very constrained in the comments they could make about any aspect of Soviet foreign policy.

Such artificial constraints may have fostered a resentment of the Russians forever into the future, in terms of what most Finns came to think about world issues. But for *some* Finns, of originally leftist sympathies or not, this constrained public view of the Cold War issues may have actually been accepted and internalized. Being unable to criticize the Soviet threat of anticipatory intervention, some Finns came to convince themselves that this was natural and necessary. At the extreme of psychological "Finlandization", they would have concluded that the blame for this had to be directed westward rather than eastward.

The Icelandic resentment of great-power intervention was not based on any casualties suffered in trying to head such interventions off. With a population of only some 200,000, as compared to Finland's four million, Iceland had never taken any steps to mount a military defense. The resentment was rather of the elementary disregard for its separate sovereignty, and the

inevitable social frictions that had to emerge when 25,000 British troops were deployed there in 1940, to be be followed by some 45,000 American troops two years later in the war, these to be reduced to some 600 American "civilian technicians" after 1946, and then to be raised again to 4000 American military personnel in 1951.

Again, a few Icelanders were leftist enough to be part of the international Communist Party structure, and hence always opposed to the American presence, but most Icelanders simply saw *all* the major powers to be a threat to Iceland, if only because of their preemptive needs, with the first choice being that they all somehow be induced to avoid racing into this power vacuum, and the second choice then being which foreign occupier was the *least* objectionable.

As noted, the peculiar status of Finland during the Cold War could have been the exemplary model of what Franklin Roosevelt and his advisers had hoped to achieve for Poland and for all of Eastern Europe at the time of the Yalta Conference, a situation where all of the Soviet Union's neighbors would be allowed to maintain political democracy, and at the same time would be required to reassure the USSR against any future attacks coming from the west.

Some of this could simply be interpreted as the maximum that one could hope for, in the realistic terms of what was militarily possible, given that Soviet ground forces would be liberating and occupying all these territories. But one could also, after the experience of watching Hitler invade one territory after another, also see this as morally appropriate, because Stalin and his successors would be entitled to preempt any future invasions by Germans or anyone else.

The moral calculation here was more than a little complicated, because democratic self-government normally includes the choices of foreign policy, of what side to be aligned with or against. If the voters of Poland, Hungary, Romania or Finland had been allowed a free choice on

foreign policy, they would, for historical reasons, have been biased against Russia, and would have chosen to ally with any Western power checking Russian power.

A compromise that would have been much less threatening to the West would have allowed political democracy and individual freedom to survive in all these countries, as long as they were so constricted in their foreign policies as to avoid any alignment against the USSR. The threat of a preemptive military intervention would have hung over the situation, to ensure that voters in these countries could not implement any emotional or other feelings against the Russians, but the threat of intervention would not have been exercised.

Such a tolerance of local pluralism persisted in Czechoslovakia until February of 1948, and it persisted in Finland all through the Cold War. For a variety of reasons, it did not persist in any of the other East European countries. One can draw on several explanations for why this kind of "Finlandization" worked for Finland, but not for Czechoslovakia or any of the other countries behind the "Iron Curtain".

One interpretation would be that Stalin was indeed an ideologically-motivated Communist, believing that the Communist political and economic system was truly what the masses in these countries wanted and needed. By this interpretation, Soviet Communism was driven by generous motives about the outside world, seeking to offer its version of the better life, what might be called "economic democracy", to Czechs and Poles, and to Frenchman and Germans, just as American liberalism was driven by generous motives in seeking to offer the benefits of freedom and political democracy to as many people as possible.

A different theory would see Stalin and his successors driven, *within* the countries of Eastern Europe, by the same preemptive fears of the prisoner's dilemma situation that often

enough explain arms races and wars. Stalin by this kind of theory could not trust the Poles or Hungarians, could not wait to see whether they would, in the absence of a Marxist regime, bind themselves to be friendly to the USSR. While Stalin waited with regard to the Czechs, the 1948 election returns showed the Czech Communist Party slipping in votes, and thus amounted to an alarm bell. Even the Czechs might align themselves by free choice against their Slavic cousins to the east, and the result was the coup that ended all freedom and political democracy in Czechoslovakia for four decades.[37]

The Czech coup was seen in the West as the capstone illustration that Stalin and his regime were out for conquest, were out to impose Communism wherever they could. Czechoslovakia, after all, had been the first victim of Nazi occupation, and had mainly been a political democracy for all the years between World War I and World War II. It had, as noted, not been anti-Russian or anti-USSR in the years before Munich. Some of the Soviet internal meddling in Hungary or Romania could be excused in the West as the rooting out of local Fascists, consistent with the theme of 1945 by which anticipatory action was justifiable against resumptions of Fascism. But one could not really find such "fascist" elements in Czechoslovakia.[38]

To repeat, the Yalta model of a post-1945 world order would have tolerated the *option* and the *threat* of preemption in the hands of the Soviet Union, an option against any resumption of the Nazi aggression, as long as this option was not exercised prematurely, as long as it was not used as an excuse to impose Communist rule and Communist economic systems, as long as it was not used to suppress self-determination in countries that had been free of any "war guilt" in 1939. The outside world, consistent with this, would have tolerated Soviet military bases in Poland or Czechoslovakia, and even military alliances, as long as these bases and alliances were not used as

a Trojan horse for coups imposing Communist rule, in the pattern that had been so clearly demonstrated in 1940 in Estonia, Latvia and Lithuania.

In the aftermath of the coup in Prague, fears quickly emerged of a similar Communist coup in Helsinki. A variety of explanations again emerges for why this did not happen. Looking closely at the domestic situations in the two countries, some would note that Communist voting strength had been greater (albeit never a majority) in Czechoslovakia than in Finland. The Finns had moreover displayed a great willingness during World War II to engage in combat, in defense of their independence, while the Czechs had not. Stalin may thus, on the basis of the experiences of 1939 and 1944, have decided that a coup would be much more difficult in Helsinki than in Prague. The Finnish President Paasikivi has often been criticized for bending to the demands of the Soviets after 1945, as was President Benes in Czechoslovakia, but Paasikivi was much more astute on when to give in, and when instead to delay, or even to refuse, the concessions demanded by Moscow or by the local communists.

A related explanation would see Stalin concerned, after the blatant Prague coup of 1948, about the antagonism and mobilization this had produced in the West, this perhaps causing him to want to leave the Finnish exception in place , as an example of how the Soviets were not inherently aggressive, and how they could be tolerant of their neighbors' not wanting Communism.

An important part of the explanation for the Soviet willingness to allow Finland to be spared of Communism was also the role of Sweden, which did not join Denmark and Norway as a member of NATO, but instead maintained a certain "neutrality" all through the Cold War. An important part of this neutrality entailed Sweden making extensive investments in military

defense, such that its per capita defense expenditure was above the average for European NATO members. Swedish defense plans never really took any enemy into account except the Soviet bloc. At the end of the Cold War, the Swedish posture was called up for reexamination by groups asking the question now of "Neutral against Whom?"[39]

Stalin and his successors thus had just as much reason to suspect Swedes of basic pro-Western and anti-Soviet feelings as Finns. By some logic, therefore, he should have applied the same pressures on Finland to submit to total Communist rule as he applied in Czechoslovakia, and then he should have applied pressure along the new Iron Curtain frontier with Sweden, etc.

But the alternative of NATO, and the Swedish option of joining NATO, then applied some strong counter-incentives. Sweden was basically anti-Communist, to be sure, as most probably was Finland in its heart of hearts. But Sweden, by *not yet* joining NATO, held a counter to the Communization of Finland. If Finland were absorbed into the Warsaw Pact or into the USSR outright, Sweden would be fully joined into NATO, providing new bases for the United States, etc..

While some analysts of the Cold War see it as having begun immediately after Germany and Japan were defeated, American public opinion polls, and the levels of American defense spending, suggest that it was only really in 1948 that Westerners had given up on the possibility of cooperation with the Soviet Union. In large part, related to the theme of this book, this was because Moscow had overdrawn on the account of Western tolerance for preemptively anti-Fascist interventions. The outside world might understand Stalin's fears of being invaded again from the west, and it might have tolerated Soviet preparations to head off such an invasion. It might indeed have tolerated a prolongation of the situation that Czechoslovakia was under until

1948, or that Finland was under continuously. But it was alarmed where Stalin's choices were again and again to impose outright Communist rule over the real wishes of the local population.

Looking back on the history of the Cold War, it is important to remember how unlikely the collapse of Communism seemed until the very destruction of the Berlin Wall. As late as 1988, one could hope for little more for Eastern Europe than that something like "Finlandization" could be established there.[40]

"Finlandization" had become a negative phrase in the discussions of NATO defense policy, as Americans and others expressed the fear that West Europeans might soon become just as intimidated by fears of Soviet nuclear and conventional military power as the Finns had to be. Rather than the worst fear, of an actual Communization of Western Europe, this would not be as bad, if West Germans or Belgians merely felt that they had to limit their criticism of Soviet behavior, and in the process began internalizing an artificially-sympathetic view of Moscow's foreign policy. But compared to the full political freedom of the NATO countries, the model of the more limited democracy in Finland, limited by fears of a Soviet preemptive military attack, would have been a distinct setback.

Yet compared to the economic and political constraints imposed on the Czechs by Communist rule, what Finland had maintained would have been a very great improvement. The best that Westerners might thus have hoped to achieve for Hungary or Poland, as late as the mid-1980s, might thus have been a "Finlandization" of Eastern Europe. What followed, after the collapse of the Berlin Wall and end of Communist rule in all these countries, was of course a much grander improvement.

The Cold War ended on a very happy note for the West, in that the Warsaw Pact and the

Soviet Union itself collapsed, after the Berlin Wall surprisingly came down. The democratization of Eastern Europe, and of Russia itself, made "Finlandization" seem to lose all of its relevance, good or bad.[41]

Yet, if the Soviet Union had not lost the Cold War so suddenly, one could have imagined a slower and still benign development of events in Eastern Europe, where all the countries of the Warsaw Pact were allowed to become politically democratic and economically free, but simply bound never to pose a military threat to Russia itself. This would have meant that Hungary or Poland were allowed to adopt the model of Finland, and it would have retained the inherent threat of a Soviet preemptive move into all these countries, with the mere threat of such military action sufficing to stabilize the balance. The countries involved would have been free to conduct their domestic affairs as they wished, without the "benefits" of Soviet-style socialism, but would have had to take into account their own geopolitical and demographic weakness, by which they historically had been too lacking in power to defend themselves, and thus had been prone to becoming a power vacuum through which attacks could be launched on Russia.

As Finns can testify, the mere threat of invasion can be oppressive, but it is less bad than actual invasion. Where great threats loom in the world, comparable to the threat of Hitler's invasion of the USSR in 1941, small powers may have to adjust to the existence of these threats, and may have to put up with interventions intended to head off and guard against such threats.

Except in this case of Finland, the Soviet Union had not really shown a willingness to limit itself to mere threats of preemptive intervention after 1945, and much of the Cold War is indeed traceable to this lack of restraint. Yet, if the Cold War had not ended on a grander and happier note, it was conceivable that the Soviets would adopt such a restraint, such a return to the mere

threat of preemption, after four or five decades had passed,

V. NUCLEAR PREVENTIVE WAR?

The legacy of fascism, as enshrined in the UN Charter, left a memory by which repetitions of anything like the Nazi regime, in its inclination to strike out at the rest of the world, were to be preventively attacked.

By a certain kind of reasoning, the violations of the Soviet Yalta promises could then have made the United States just as ready to endorse preemption and preventive war against Stalin's Russia as against any revival of Naziism. One might even have seen the American nuclear monopoly as the logical and proper tool of such preventive war, with the argument (as was to be noted by Bertrand Russell or Winston Churchill) being that the American atomic bomb should be used to preclude Stalin's getting such a bomb of his own.[1]

Hitler had taken over a Germany in 1933 that was still disarmed by the provisions of the Versailles Treaty, and that was not even allowed to deploy troops on its own territory in the Rhineland. By the power demonstrated by a totalitarian dictatorship, it had by 1940 come to dominate all of western and central Europe, and by the fall of 1941 looked close to conquering Russia as well. This had made President Roosevelt and other Americans more ready for preemption.

Yet the same logic that had made Franklin Roosevelt sympathetic to preemptive responses to the threat of a Fascist world conquest would have worked to stoke up the Cold War after 1945. The parallels were not trivial. Germany had been weak in 1933 and, seven years later, in a position to conquer the world. Stalin's USSR had been on the brink of defeat in 1942 and 1943, and by 1949 had spread its influence from the middle of Germany all though China. The Soviets

after 1945 has come to seem just as totalitarian as the Nazis. Each had a rigid ideology, each had a pervasive secret police and concentration camps to stifle domestic dissent, and each had secret agents or a "fifth column" abroad. Each invested heavily in military preparations, at the price of consumer goods at home.[2]

But the possibilities of one potentially important difference between Hitler's Naziism and Stalin's Communist dictatorship were outlined by George F. Kennan in his "containment" doctrine.[3] Kennan warned Americans that the Communist regime was indeed expansionist, and would have to be confronted, i.e. that much of Roosevelt's war-time optimism about cooperation with Moscow was misplaced. Kennan thus pulled no punches in disabusing Americans of any lingering illusions about Stalin's Soviet Union. But he depicted Stalin's regime as far less adventurist than Hitler's, as much more patient in its confidence in the scientific inevitability of the revolutions predicted by Marxist ideology. If Communism could be "contained" geographically, so that a lack of expansion would shake the ideological self-confidence of the Communists, Kennan argued that this ideology would in time collapse.[4]

Kennan thus in effect saw no need for a preventive war or preemption against the kind of dictatorship governing Moscow or Beijing. Discussions of preventive war, when the United States still had a monopoly of the atomic bomb, indeed never went very far in American planning, importantly because of an American tradition of not considering the initiation of war.

A discussion of why the United States did not use its nuclear monopoly to perpetuate itself after 1945 would draw in all the arguments about whether such a preventive war was feasible, about whether an American nuclear version of the British "Copenhagening" could have worked. Many kinds of arguments have been introduced as to why "of course" the United States did not

launch such a military initiative while it still had a monopoly. Yet every discussion of the contemporary nuclear balance will note that "of course" each side has to have a second-strike retaliatory capability, to punish the other side if it dared to launch a nuclear war. The "of courses" here do not mesh so logically.

If the United States was willing to countenance some degree of preemption or preventive war against any resurgence of Fascism, it was thus, at the same time, not inclined to engage in such a venture to head off the breaking of its nuclear monopoly after 1945.

Some Limited Moves Toward Prevention

One can of course argue that the mere announcement by President Truman that the United States would *not* share "the secret" of the atomic bomb was already a sort of preemptive or preventive act, intended to keep anyone else from acquiring such weapons.[5] One must indeed explore the logic more fully of the entire non-proliferation effort, to probe whether this is a "violation of sovereignty" analogous to military interventions. At the time that the Nuclear Non-Proliferation Treaty was proposed to the world at the end of the 1960s, Italian diplomats criticized it as "the first unequal treaty of the 20th century", and Indian diplomats attacked it as a violation of nations' sovereign prerogatives.

In the aftermath of the introduction of the atomic bomb in 1945, the United States sought to purchase and win control of the known sources of uranium in the world, in the hopes that this would keep the USSR and other states from producing nuclear weapons, and perhaps in the vain hope that there would be a very limited supply of such material in the world, thus placing a natural cap on the future total of this kind of "weapon of mass destruction".[6] In the event, the availability

of sources of uranium inside the Soviet Union, and in Czechoslovakia, totally undermined any hope that a non-proliferation effort could be achieved simply by preemptive *purchases.* If one wishes to explain why the United States did not do *more* to head off the end of its nuclear monopoly, perhaps even going to preventive war to head this off, the false hopes for simple controls on the crucial natural resources might be a part of the explanation.

Even earlier, the attacks on Norwegian heavy-water production amounted to an Allied effort to preempt any *German* acquisition of nuclear weapons.[7] The entire Manhattan Project was driven of course by the fear that Germany might be racing to make the same nuclear weapons, with the American and British governments being convinced that this would be a disaster, a disaster that had to be headed off.[8]

In 1946, the United States proposed to the world what was labeled as the Baruch Plan, which clearly was also intended to head off the spread of nuclear weapons.[9] As portrayed in American public statements at the time, it amounted to a magnanimous United States offer to give up its nuclear monopoly, as all such weapons were to be destroyed, and as all nuclear industry around the world was to be submitted to international control under the United Nations.

It is often noted that Stalin's Soviet Union rejected this proposal because of fears of the political destabilization that might have been produced by the presence of the international managers of nuclear resources on its territory. Given the closed nature of the USSR at the time, this may have been an important obstacle to the plan. Others would note that Stalin was determined to get nuclear weapons, having launched his own program in 1943, and would not be content until he achieved this.[10]

A bit more sympathetic to the Soviet situation, cynics about the American offer could have

noted that the United States might have retained an inherent and latent nuclear weapons monopoly into the future, because it was alone in ever having gone all the way through with the process of producing atomic bombs. If the international agreement had ever broken down, with the international management of nuclear industry being terminated, and with war once more threatening, there would have been a race by all parties to acquire nuclear weapons again, a race which the United States, by its accumulated experience, would most probably have won. And the mere shadow of this inherent advantage might thus have intimidated other states in all the crises or confrontations that emerged.

Given the risks of widespread nuclear weapons proliferation facing the world today, one can easily lament the failure of the Baruch Plan, for all the anxieties about nuclear destruction that it might have headed off. Yet, however benign this prospect may seem in retrospect, it also was doubled-edged in the same manner as many of the historical examples being discussed here, plausibly serving to perpetuate a form of American nuclear monopoly and hegemony.

Preempting Nazi Germany

The same morality that would condemn an initiation of war, as *unnecessarily* substituting war for peace, is often inclined to condemn the use of nuclear weapons in 1945, and the development of the H-bomb, and perhaps even the original development of the atomic bomb in the Manhattan Project.

Yet liberal condemnations of the Manhattan Project itself are rarer, on the argument that Nazi Germany, from the perspective of an assessment of scientific capabilities and political outlooks as of 1939, had to be suspected of reaching for nuclear weapons. A very preemptive

argument is accepted here whole-hog, that a Nazi acquisition of the atomic bomb had to be headed off.[11]

In the actual event, Nazi Germany did not even come close to the atomic bomb[12]. One interpretation of this is that the Nazis paid the price of their anti-Semitism, as many of the best minds in nuclear physics had been forced to flee Germany and Europe, often to wind up as key players in the Manhattan Project. The remaining German nuclear physicists who were "Aryan" enough to pass muster were allegedly too incompetent to produce a bomb.[13]

A very different interpretation portrays Werner Heisenberg and other key German physicists as being reluctant to produce a bomb for Hitler, and as thus going slow about any such project, and as even trying to signal to the West (via a meeting in Copenhagen with Niels Bohr) that all sides should avoid producing such a weapon.[14] Historians of the first interpretation dismiss this latter version as simply a self-serving rationalization for the German physicists, hiding their own incompetence, trying to direct moral guilt over to the scientists of the Manhattan Project, who had moved ahead to build the bombs that destroyed Hiroshima and Nagasaki.

Yet, to some extent, the critics of the German physicists can not have it both ways. If the remaining Aryan physicists were so mediocre, because those who were too Jewish or too liberal had otherwise been driven away, then there was no imminent threat of a German atomic bomb to be raced against, to be preempted. Germany in 1945 turned out to be as free of a nuclear weapons program as Iraq in 2003.

Defenders of the Manhattan Project, and of today's very necessary vigilance against nuclear proliferation in general, can argue that there was and is no real "secret" to nuclear fission, that the atomic bomb was bound to be built by *someone* very soon. Yet, if the bomb was and is so

easy to make, the claim of Heisenberg and others that they were unenthusiastic about doing this is harder to refute.

The debate about whether Germans were really doing all they could to produce nuclear weapons, and thus needed to be preempted by the Manhattan Project, will probably never end, because of the inherent murkiness of some of the factors involved. Earlier versions of analysis, for examples in Herman Goudsmit's first edition of the book *Alsos*,[15] accused the remaining German physicists of being held back by major incompetence, including perhaps even imagining that a nuclear reactor itself would be the only form of possible weaponry, as the unchecked reactor was to be dropped somehow on an enemy. Simple incompetence or lack of imagination is thus introduced as the reason why Germany was not really in the race.

But more thorough-going research showed that the Germany physicists were indeed well past this elementary question, i.e were fully aware that a reactor could be used to produce plutonium, which then would be used in the compact bombs tested at Alamagordo and then dropped on Nagasaki.

A critic of the "Nazi" physicists would then cite this knowledge on their part as evidence that they were indeed intent on producing weapons. Yet this knowledge can be interpreted as a sign of lack of intent, as well as of intent. The lack of a crash program, given that the Germans knew what track it would have to follow, can be cited as a moral objection to giving Hitler a bomb, or to seeing such a bomb developed anywhere in the world. Heisenberg's later claim that he had hoped to signal to the Western nuclear physicists, via Niels Bohr, that *everyone* should avoid bomb projects, is thus not necessarily made less plausible by the evidence that he knew the difference between a reactor and a bomb.

A somewhat different interpretation, at right angles to the issue of German incompetence or German restraint, would note the enormous advantage that the United States had developed in "big science" by the 1930s, commencing even before the Nazi takeover drove so many nuclear physicists to leave Germany and cross the Atlantic. The free interaction of universities and industry and government in the United States made the Manhattan Project, and its huge commitment to produce enriched uranium and plutonium, physically possible; the harsh and authoritarian nature of the Nazi state may have precluded anything similar (not to mention the impact of the Allied bomber offensive once World War II was underway), so that even the most competent of German physicists could not have won the race to the bomb, and so that moral restraint is not needed as an explanatory factor.

If someone had seen this, in a grand macroscopic analysis of industrial and scientific potential, there might again have been no need to run a race to build the atomic bomb, but some of this was indeed identifiable only by hind-sight.

With regard to motivation, it is clear that Heisenberg and Hahn and their colleagues were not themselves Nazis, and were most probably not eager to make an atomic bomb, as least as compared to the eagerness of the people in the Manhattan Project to avoid being beaten to it by any Germans. Heisenberg claimed afterward that he had welcomed and been relieved by the conclusion that no such bomb could be finished (at least in Germany) before the war ended one way or the other. The people in the Manhattan Project might have welcomed a similar conclusion about a German bomb, and might, or might *not*, have welcomed a finding that their own bomb was to be impossible.

The Manhattan Project was indeed driven forward by an assumption that people like Hahn

and Heisenberg were competent enough to produce a bomb, because Germany had been preeminent in nuclear physics after World War I. The assumption that such competence existed outside of the United States, existed perhaps in the most feared enemy of the moment, is what shields the Manhattan Project itself against retrospective moral criticism, a criticism that is directed then mostly to the actual *use* of the bomb in 1945, and then to the development of thermonuclear weapons after 1950.

At various levels of the American leadership (General Leslie Groves is an example), the preemptive motivation might have been cast a bit more broadly, an anticipatory fear that *someone* else might get the atomic bomb first, even if it were not the Germans, perhaps the Soviets. If Hitler had not governed Germany at the time, if his regime had not been so unmistakably evil, the American decision to push for the atomic bomb might draw more condemnation today, as a potentially mass destructive example of anticipatory and preemptive moves that might not have been needed.

Had the Weimar Republic persisted, had World War II not broken out, would atomic bombs have been developed? Those who believe that democracies can reinforce each other's peaceful inclinations by mutually-exchanged good examples might argue that this could have been avoided. A more hard-headed "realist" would argue, however, that even democracies have to anticipate the worst that other states can do, and that the options of developing very destructive bombs would thus have been "too sweet" to pass up, especially when there was no reassurance that other states were passing them up.

The atomic bomb would thus almost certainly have been developed by someone else, even if there had never been a Manhattan Project. The Nazi regime spurred the Project on, because the

Nazis were so evil in the way they governed people, because Germany looked poised to conquer all of Europe, and because Germany had been at the forefront of physics before Hitler came to power.

If there had been no Nazi Germany, and no Manhattan Project, might Stalin's Soviet Union then have been the first to acquire nuclear weapons, or might it instead have been Great Britain? Just as there had been a debate about British naval hegemony in the 19th century, on whether that British preponderance should be used preemptively to perpetuate itself, so there would necessarily have been a discussion in Moscow or in London on whether a nuclear monopoly should be so used.

The world dreaded what Hitler would have done with a monopoly of atomic bombs, most likely using them to kill millions more of peoples, and using them to conquer the world, in the process precluding anyone else from acquiring them. Would Stalin (or Churchill) have used a monopoly of nuclear weapons similarly to preclude anyone else from getting them, and perhaps to dominate the world?

In the event, because President Roosevelt felt that Hitler had to be beaten to possession of nuclear weapons, the only nuclear monopoly in history was to be the American monopoly; this was then to last only from 1945 to 1949, a period which saw no serious American contemplation of preventive war to head off the breaking of this monopoly.

Preempting the USSR?

This author has elsewhere explored at some length the failure of the United States to consider preventive war in these years, the failure to apply to Stalin's Soviet Union the logic that

was applied to Saddam Hussein's Iraq.[16]

Such an American preventive war effort in 1947 or 1948 would have been the original non-proliferation regime, but a regime much more significant if it could be accomplished. Today's effort to hold the line at five or six or seven nuclear weapons states leaves the whole world with the lingering possibility of a thermonuclear holocaust, and it also leaves open the risk that nuclear weapons of mass destruction will slip into the hands of irresponsible states, or non-state actors. An American anticipatory action before 1949 would have entailed the destruction of a number more of cities in the Soviet Union, on the pattern of Hiroshima and Nagasaki, a horrible enough prospect, but this would have been far short of the destructiveness of a thermonuclear World War III.

In the aftermath of the end of the Cold War, it has become clear that Stalin had launched his own nuclear weapons program as early as 1943, based on espionage about the Manhattan Project, and based on rudimentary knowledge in the USSR of the principles and possibilities of nuclear physics.[17] The fact that Stalin's scientists achieved the bomb in only four years shows how Soviet espionage was heavily devoted to milking the Manhattan Project, and/or how easy it was for Soviet scientists to produce fission bombs all on their own.

If the Germans were surprisingly slow in their progress toward the bomb, the Russians were surprisingly fast. In face of either possible competitor, it would be hard to retrospectively criticize the effort and urgency of the Manhattan Project as misguided and unnecessary. If there had been no Manhattan Project, there would very likely have been an atomic bomb somewhere in the world, a nuclear force that would for the moment have had no opposite nuclear force to check it. If the nuclear monopoly had rested in the hands of any power other than the United States, the

world might have been in much greater trouble.

The Race for Thermonuclear Weapons

The actual *use* of the atomic bomb typically draws much more criticism than the development.[18] It can not be argued that the bomb was used because Japan was about to produce or use such weapons itself. The phrase of "preemption" is typically, but not always, used to refer to actions intended to head off very similar actions. The bomb had been rushed because it was assumed that *Germany* was working on such weapons. If it had been ready in time, it would indeed have been used against a German target first, rather than against Japan, used in part on the preemptive logic that this was heading off the last gasp of new Nazi "secret weapons". Germany escaped this fate simply because it had been defeated some months earlier by conventional means.

The subsequent move to *produce* thermonuclear weapons gets more often condemned for having been unnecessary, for having needlessly raised the world's physical peril. But the defense offered for the H-bomb project was again basically preemptive, that the Soviets would be racing to build the same weapons, and that there would be great peril for the West if Moscow were to be alone in possessing such weapons.[19] (One explanation sometimes offered for why the United States could not use its monopoly of *fission* weapons before 1949 is that the atomic bomb was supposedly not awesome enough to achieve Stalin's capitulation, as "assured destruction" would allegedly require thermonuclear *fusion* weapons, to be "assured" enough.)

In the event, the race for the H-bomb was in effect to be a dead heat, with the United States testing the first such device in 1952, but this being the size of a three-story building, hardly yet a bomb that could be delivered to a Soviet target, and with the Soviets and Americans both

testing more deliverable bombs very close to each other in 1954.

The logic of preemption, the logic of "prisoners' dilemma" in game theory, is that each side has to act hurriedly in anticipation of what the other side may be doing, with the result that each races to be first, amid consequences that all concerned may lament. This logic indeed was a very plausible and important driver for the development of both the atomic bomb and the hydrogen bomb.

Would the Soviets *not* have moved to build thermonuclear weapons if the United States had followed J. Robert Oppenheimer's advice that the United States not make this move? And would every other possible developer of such weapons have followed the "good example" set by the United States?

The influence of good example is not trivial, among democracies, among civilized peoples who develop an aversion to war and destruction. But such an influence is not all-powerful, in a world where nations have competing interests, where even democracies are not totally transparent in their actions, where rumors about misbehavior in a neighbor can lead to precautionary moves on our side, spiraling into a self-confirming cycle of hostility.

Nuclear weapons, and thermonuclear weapons, are thus on the scene in the first place precisely because of the preemptive logic which we are dissecting in this book. Any non-proliferation effort today is more than a little belated, but it is nonetheless still very important, and this is also based on the logic of anticipation and preemption. The Bush administration's assertion of a policy of preemption against the further spread of such weapons of mass destruction is logically very much a continuation of this, and can be defended along these lines. Indeed, had actual nuclear weapons been uncovered in Iraq, the invasion would be drawing much less

criticism, in the United States and around the world.

The Preventive War "Window of Opportunity"

The period that should have been ripe for discussions of preventive war was thus the time of the American nuclear monopoly, from 1945 to 1949, before the detonation of Stalin's first atomic bomb was detected to the surprise and consternation of the Truman administration. Consistent with what has been said above about the tendency of the world (and in particular political democracies) to condemn the initiation of war (especially of a war that was not so imminent that anyone would refer to the situation as one of "preemption"), it is remarkable how few responsible people in this period even raised the possibility of exploiting the American nuclear monopoly to maintain itself, and it is similarly remarkable how little academic attention has been addressed to this period afterwards, as any kind of "lost opportunity".

Given that a nuclear war, a war where both sides have nuclear weapons, poses a risk of the end of human life as we know it, what would have been headed off by such an anticipatory action would have been much more than the simple loss of one nation's relative superiority. If the United States could invade Iraq to preclude Saddam Hussein from acquiring nuclear weapons, why could it not have threatened the Soviet Union with nuclear attack to preclude Stalin from acquiring nuclear weapons? Why did the United States, instead of simply *proposing* the Baruch Plan in 1946, not instead *impose* it, by the threat that the Soviet Union would suffer the loss of one after another of its cities if it did not submit to a reliable international take-over of any and all parts of its nuclear industry?

This would have been parallel to what had just been imposed on Japan, with the prospect

of a loss of a city every several days if it did not surrender; once the Japanese had surrendered they were to be subjected to democratization and demilitarization, and a sort of disarmament (at least until the Cold War changed all the post-1945 assumptions), not the worst possible fate that could befall a people.

Among the proponents of a preventive war to be taken seriously here (people suggesting that the whole world would be better off if the United States forcibly maintained its nuclear monopoly---in what would have been an original, and much more significant, "non-proliferation" effort) was the British philosopher Bertrand Russell. Russell laid out the case well in various long personal letters and letters-to-the editor, and early "op-ed" pieces; after 1949, when the Soviets had broken the American nuclear monopoly, he dramatically shifted to trying to forget these suggestions, dismissing them as not to be taken seriously, and became a major critic of American Cold War resistance to the Soviet Union.[20]

In the earlier incarnation, Russell was thus very preventive or preemptive about what was to be expected from the Soviet Union, and fairly complimentary about the United States and its politics and culture. His message was that the world should be very grateful that the Americans and not someone else had been the first to acquire nuclear weapons, and that the best course for the world would be for the United States to use its monopoly, to prevent the Soviet Union or any other power from acquiring such weapons. Russell went on to express lament that the United States, precisely because it was so democratic and humane, would proabably *not* be willing to undertake such a preventive war.

Russell's swing after 1949 could be labeled as inconsistent and hypocritical or deceitful, especially when he tended to deny that he had ever produced such preventive war arguments

before 1949. Yet it could also be seen as very logically consistent, since Stalin had acquired the ability to destroy London or Paris or New York with nuclear warheads delivered by one means or another. Once the Soviets had the ability to retaliate (an ability the Japanese had obviously *not* possessed in 1945), the parallel with the peace that had been dictated to the Japanese was gone. Russell's later calls for American moderation and concessions to the Communist world were thus perhaps merely the reflection of how important the Russian atomic bomb had been. Without it, the American bomb was all-powerful, and the threat of a global nuclear holocaust could be avoided. With it, all kinds of risks of such a holocaust emerged, and other Western policies would have to be advocated.

Another British advocate of such a preventive war, hardly so surprising in terms of the earlier history we are sorting out here, was Winston Churchill, albeit when he was out of power after being defeated in 1945, prior to coming back as Prime Minister in 1951.[21]

In the United States, only a few open advocates of such a preemptive or preventive war project can be found. One senior Air Force officer, General Orval Anderson, served as Commandant of the Air War College in the later 1940s, and without drawing any real press notice until 1950 (after the Korean War had broken out, after the Soviet nuclear weapon was definitely present), had regularly been giving lectures and bringing in speakers advocating an attack on the Soviet Union before it could acquire nuclear weapons.[22] Other examples of such arguments occasionally being advanced include Leslie Groves, John Von Neuman, Curtis Lemay, and Lauris Norstad.[23]

Yet for every such voice at times suggesting action to prevent the development of this most dangerous adversary military capability, there were many more participants in the process

who dismissed this prospect out of hand, whose response to any such suggestions was that "of course" we could not launch a preventive war. The lack of a hearing for the ideas of General Anderson illustrates very well the opposition of a democracy (and especially *American* democracy) to the initiation of a war, where the other side had not yet attacked, where the other side's attack was not yet immediately imminent.

Various explanations are thus offered for the failure of the United States to attempt under Truman what President George W. Bush purported to be undertaking against Iraq, most of which can serve only as a partial explanation. The Soviet nuclear detonation of 1949 came as a surprise, as many very capable American scientists had over-estimated how long it would take Russian science or Russian espionage to produce a bomb. Yet if the common estimate was that this literally earth-shaking development would take ten years, rather than five, this compares all too easily with the current range of estimates about how long the world has before Iran acquires nuclear warheads. One might, after all the tensions of the early Cold War, have expected someone in the Truman administration to be assigning more serious thought to whether this first instance of "nuclear proliferation" should be headed off.

Another common explanation for American restraint here points to the low number of *American* nuclear warheads that were ready in 1946 or 1947. But this begs the question of *why* the Truman administration did not assign more resources to keeping the Manhattan Project functioning. And, in the aftermath of the tensions around Berlin in 1948, the American nuclear arsenal was indeed increased and put into a higher state of readiness.[24]

Comparable explanations would point to the low level of American and West European *conventional* military readiness in the aftermath of World War II, as the Western disarmament

after the German and Japanese surrenders had been much more total and helter-skelter than the disarmament of Soviet forces.[25] But this again begs the question of why the West allowed itself to become and remain so vulnerable to ordinary Soviet military power. If this was only because the American nuclear monopoly was regarded as a deterrent counter and check to Soviet tank forces, then some greater urgency would have had to be attached to maintaining the American nuclear monopoly.

The argument is sometimes advanced that "everybody knew" after 1945 that an enemy could not be bombed into surrender.[26] Yet Japan had indeed surrendered after Hiroshima and Nagasaki, and what we have learned since 1990 about the internal deliberations of the Soviet system in 1945 was that Stalin was very fearful of the American nuclear arsenal. While pretending to be unimpressed and unintimidated by the American nuclear force, Stalin told his scientists and espionage agents to spare no effort in getting similar weapons for the USSR.

All of such arguments play some role in the failure of preventive-war advocates to get much of a hearing before 1949 (after which, by many analyses of the nuclear confrontation, it would indeed have become too late, once London or New York were similarly vulnerable to attack). But the most important argument always in the background was that Americans did not see themselves in 1945 as the kind of a people who could ever initiate a war. The liberal ethos, whereby whoever initiates a war is *ipso facto* thereby at fault, was something Americans felt deep in their bones, not just because Woodrow Wilson had based his design for the League of Nations on this principle, but because democracies are generally averse to war and militarism, and because Americans have always been taught to think of themselves as a country that fights back only after it has first been attacked by others.

As noted, the collective memory after World War II was not such as to allow the enemy any claim to be responding to attacks. Japan had made this all too clear for most Americans by its blatant initiation of war at Pearl Harbor. The retrospective self-interpretation of most Americans after December of 1941 was that the war had come to America, rather than America's choosing to enter the war, and some of the same kind of interpretation was addressed back to the spring of 1917, when Imperial Germany had chosen to resume unrestricted submarine warfare against American merchant ships.

For the Truman administration to have launched a preventive war against Stalin's Soviet Union, as part of heading off Soviet acquisition of nuclear weapons, would thus have required a careful engineering of events whereby the Soviets were seen as the military aggressors, and the United States was seen as merely responding. Perhaps this was what Franklin Roosevelt was doing in the Atlantic in the summer of 1941, baiting Nazi Germany to attack, by U.S. Navy operations against German submarines, in what has been labeled "the undeclared war". But the first really violent Communist assault across a line of demarcation was to come only in June of 1950, in the North Korean invasion of South Korea across the 38th parallel, *after* the USSR had demonstrated actual possession of nuclear weapons. [27]

American nuclear weapons were not used again in anger during the years of the American nuclear monopoly. Japan had suffered the nuclear destruction of two cities, but it was seen as having initiated the war at Pearl Harbor. In the subsequent surrender, Japan was treated rather well by its American conquerors, much better than Japan had treated any of the territories it had conquered during the war. [28]

And nuclear weapons more generally have not been used again in anger since 1949, with

more than 60 years passing in a pattern of what is seen as mutual deterrence, or mutual assured destruction. If this pattern holds to 2045 (a very big "if"), one can anticipate a grand celebration of a century of the non-use of nuclear weapons, and the normal American instinct would be confirmed, by which any earlier initiation of preventive war would have been criminally unnecessary.

If this pattern of non-use and mutual deterrence does *not* persist however, if more cities come to be devastated because nothing like the Baruch Plan was imposed in the 1940s, the retrospective case for preventive or preemptive action will then seem to have been much stronger.

What preventive war after 1945 would have amounted to would have been a much more comprehensive non-proliferation regime, entirely precluding the possibility of a two-sided thermonuclear holocaust that has hung over the world ever since the 1950s, as the arsenals of the Soviet Union and the United States have grown into the tens of thousands of nuclear weapons, including thermonuclear warheads that can inflict orders of magnitude greater destruction than what was experienced at Hiroshima and Nagasaki. By comparison, the non-proliferation effort that emerged in the 1960s, with the drafting of the Nuclear Non-Proliferation Treaty (NPT), involves a much smaller goal, intended to limit the possession of nuclear weapons to the *five* countries that possessed them as of 1967.[29]

If the NPT succeeds, it will nonetheless not be a trivial accomplishment, for the risk is great that a continuing growth in the number of regimes possessing nuclear weapons will sooner or later lead to their use. With Iran and North Korea on the edge of acquiring nuclear weapons, and with India, Pakistan and Israel already being assumed to possess such weapons, a great deal of pessimism (much of it premature) is being expressed about whether the NPT will survive.

An important argument in favor of an earlier and more comprehensive non-proliferation effort would then be that it was the Soviet acquisition of nuclear warheads that basically made further proliferation likely, facilitating the acquisition of such weapons by Communist China, causing the United States to be more willing to tolerate such acquisition by Britain and France, and ultimately making it possible for India or Israel or North Korea to defy the world's opposition to such proliferation. The argument would be that the time to stop nuclear proliferation was on the line between one and two, rather than on the line between five and six.

Non-Proliferation Today

The current effort to hold the line on nuclear weapons possession can thus indeed be seen as very parallel in its logic to preemption and preventive war. In the 1960s, as noted, opponents of the NPT in India, Italy or elsewhere denounced the treaty as aggressive intrusion into their domestic affairs. The provisions of the NPT by which IAEA inspectors were to be allowed untrammeled access to all the civilian nuclear facilities of one's country were seen to be without parallel in the history of international relations.

The logic in favor of non-proliferation, even at the so much less ambitious level of five against more than five, was that future troubles were to be anticipated, and headed off, by barring an entire category of weapons from the possession of states that might easily now be able to produce them. The NPT was not to be imposed by force, although violations of the treaty, once a nation adhered to it, might well be followed by military responses, as the IAEA Board of Governors would be reporting such violations to the United Nations Security Council, which could indeed then vote to use force. The treaty was rather imposed by the leaders of each alliance

in the Cold War, pressuring their partners to accept it by political arguments, and by economic inducements and pressures, whereby nuclear and other technological assistance might be held back from non-signatories.

And the treaty also had the voluntary backing of a great number of countries which felt themselves better off in not acquiring nuclear weapons, as long as their neighbors did not, with the installation of IAEA inspection safeguards presumably reassuring each country that the others were avoiding such weapons. One has to remember that the original idea for the NPT was in the UN resolution proposed by the Republic of Ireland in 1959 and 1960 by which the non-nuclear nations would form a club promising not to acquire such weapons.[30] The original Irish proposal would not even have asked countries like the United States or the Soviet Union to be parties to the treaty.

The NPT is thus too often caricatured by opponents as a violation of the rights of sovereignty, a move by the "haves" to freeze the "have-nots" into a status of weapons inferiority, a simple move in the inherently competitive game of power-politics. As noted, such a view misses the national-interest calculations of a great many nations in the world, whereby they themselves are better off without such weapons, as long as Moscow and Washington have nuclear arsenals that deter and check each other, and as long as other smaller countries in the region do not acquire nuclear weapons.

Non-proliferation was of course an important part of the Bush administration's argument for enunciating a prerogative of preemption and, in effect, preventive war, with Iraq being accused of working on nuclear weapons despite its commitments under the NPT, and with Iran and North Korea being known to be approaching nuclear weapons possession. If Saddam Hussein's regime

in the end was found to no longer have a nuclear weapons program underway, this was only because he had ten years earlier invaded Kuwait, and, in the process of being repulsed, was forced to submit to a supervised dismantling of his nuclear (and chemical and biological) weapons programs. It was his decision some years later to start frustrating IAEA and other inspectors that set the stage for the American-led invasion of Iraq. The Bush administration is easily attacked for wrongly asserting that Iraq was approaching nuclear weapons. But a clearer defense of the Bush "preemption" here would have been to assert (quite correctly) that Saddam Hussein was failing to submit to a kind of international inspection sufficient to reassure his neighbors and the entire world that he was *not* again acquiring such weapons.

Saddam Hussein only began allowing IAEA and other inspectors to do their job when the threat of an American invasion became very real. Without such a meaningful threat, he would have continued to interfere with the inspectors, leaving the world uncertain about whether Iraqi weapons of mass destruction existed, just as the world is now left uncertain about this status for Iran and North Korea. It is difficult to criticize the Bush administration, in retrospect, for mounting a *credible threat* of invasion. An easier criticism is that the threat should have been held in place (while renewed inspections would be able to confirm that Iraqi WMD did not exist), rather than launching the invasion in a burst of impatience with the process of safeguards.

Non-proliferation is not preventive war, unless it has to be implemented by an act of war, but it may at least have to be backed by the *threat* of such preventive war. And non-proliferation is certainly anticipatory action looking forward to what war would be like, action designed to prevent the use of the most destructive weapons mankind has even known, by heading off their possession.

The Cuban Missile Crisis and Osirak

Someone looking for evidence on the post-1945 legitimacy of anticipatory military action, in face of an imminent deployment of nuclear weapons, might of course be drawn to the one most major Cold War crisis, the confrontation when Nikita Khrushchev tried to deploy missiles to Cuba in the late summer of 1962, and also to the Israeli 1981 attack on the Osirak reactor in Iraq. Each of these uses of force or threats of force were subjected to debates in the United Nations Security Council, with the outcomes then presumably having some weight as legal precedent, as well as being evidence of international feelings.

The Cuban missile crisis saw the United States imposing a "quarantine" on Soviet ships going to Cuba (this being a way to avoid the word "blockade" which more clearly would have been defined as an act of war), to preclude the completion of the establishment of the Soviet missiles in Cuba. The military move here, which would remain physically non-violent only as long as the Soviets did not attempt to break through the U.S. Navy screen, was intended to head off what would have been an enhanced threat of nuclear attack against the United States.[31]

In the United Nations debate on the issue, a majority of states accepted the legitimacy of the American action, in particular because weapons of mass destruction were involved, and also in particular because the Soviets had themselves denied any intention to make such a deployment, and had thus been caught in the middle of a major deceit. If someone were later to argue that the urgency of precluding the spread of extremely deadly weapons justifies anticipatory or preemptive military action, they could thus draw reinforcement from the lesson of 1962, with the Soviets backing off from the confrontation, and with the world generally holding the Soviets in the wrong

and the Kennedy administration in the right on the issues.

A defender of the Soviet side could have argued that the Soviet nuclear missiles were not intended to be *used* against the United States, but only to serve by their presence in Cuba as a *deterrent* to an American conventional invasion, much as American nuclear weapons deployed to the NATO countries were intended to be a deterrent, all of this being the process known as "extended nuclear deterrence". Alternatively, the missiles in Cuba could have been intended to reinforce the basic deterrent protecting the Soviet Union itself against attack, since the Soviet production of intercontinental missiles had fallen far short of earlier projections. The "missile gap" anticipated in the West at the end of the 1950s had turned out to be illusory, and the prospect after Kennedy came into office was rather that there would be a missile gap in reverse.[32]

Just as American medium-range missiles had been deployed to Italy and Turkey earlier as a "quick fix" for the slow evolution of American ICBMs, the Soviet medium-range missiles might have been such a quick fix for the shortages of Soviet ICBMs, guaranteeing the Soviet ability to fire back on second-strike, if the United States ever attacked on first-strike.

By either of these logics for Khrushchev's decision to move to the missiles, the Soviets would only thus have been matching previous American behavior with regard to nuclear weapons, setting up and reinforcing a basic deterrent, rather than preparing to initiate a war, and the American actions would thus have been a somewhat unjustified initiation of the threat of actual war. Unlike the situation with regimes like Iran, Iraq and North Korea, or with terrorist non-state actors, there was substantial reason to assume that the Soviets leadership could be deterred, as the Soviets had possessed nuclear weapons for more than a decade, without these weapons coming into use.

But, despite any such arguments about parity and fairness, the world rallied behind John F. Kennedy's preventive moves here.

If the world was thus ready to accept a legitimacy of what liberal Democrats described as Kennedy's "finest hour" in the Cuban missile crisis, the world was not at all similarly inclined when the United Nations Security Council debated the Israeli attack on the Iraqi reactor at Osirak in 1981, with even the United States voting to condemn the attack. The difference in world reactions can be traced to a variety of factors.[33]

First, Israel had actually engaged in an aerial attack, carried out quite effectively, while the United States, by imposing a blockade in 1962, had merely posed the imminent threat of violence. A "quarantine" blockade was legally an "act of war" just like an aerial attack, but the latter would strike the common sense of one and all as more violent.

Second, the world was still much more sympathetic to the United States in 1962 than it was to Israel in 1981. When Khrushchev, in face of threats of an all-out thermonuclear war, had elected to back down in the Cuban missile crisis, he moreover had reinforced world thinking that his initial deployment had somehow been in the wrong.

The introduction of nuclear weapons of mass destruction had been at the center of both these episodes, suggesting that the world might now be asked to accept a special legitimacy for anticipatory actions directed against such weapons. But the results and precedents for the future were hardly yet so logically clear. Where the object of anticipation was the USSR, a state with a somewhat proven record of being able to possess nuclear weapons without using them, the world's moral tone was paradoxically somewhat more sympathetic to Kennedy's preemptive or preventive action; where Iraq was the object of anticipation in 1981, a state which by no means had yet proved

itself to be so deterrable and rational, there was much less of such sympathy for Israel's preemptive strike.

It is even more difficult to extract lessons about world attitudes from the reactions to the Israeli air strike of September, 2007 on what might have been a Syrian facility applying North Korean technology to produce fissionable materials. Since neither the Israelis nor the Syrians made immediate public statements about the nuclear nature of the target, the United Nations and other fora of world opinion were not required to render moral judgements on the non-proliferations issues raised here.

A great deal had happened around the globe on the nuclear proliferation front since the 1981 attack on Osirak, with Iraq, Iran and North Korea all being suspected of having nuclear weapons programs underway, and with India and Pakistan having made their nuclear arsenals explicit, so that a fuller UN General Assembly debate on the counter-nuclear aspects of the Israeli air strike would have been interesting.

VI. THE AMERICAN HISTORICAL TRADITION

Americans are taught in their schools to think of their country as not initiating wars, with history allegedly showing that the United States fights back only when attacked. Democracies in general are credited with being disinclined to start wars, with one plausible proposition being that there never has been a war fought between two such democracies.

Some of the opposition that has thus been expressed to the theories of "preemption" enunciated by the Bush administration stems directly from this memory of history, as the initiation of wars was described by former President Jimmy Carter and by many others as a deviation from American principles and tradition.[1]

The "Caroline Doctrine"

As evidence for the American opposition to preventive wars, one can cite the "Caroline Doctrine" drafted by Secretary of States Daniel Webster, after British forces had launched a more minor form of preventive naval action along the Niagara River.[2] The British action, fitting in well with a tradition of "Copenhagening", occurred during a major rebellion against British rule in Canada in the 1830s, as rebel forces were getting material help from across the United States border. The "Caroline" was a small ship moored on the American side of the Niagara River. loaded with munitions for the insurgents Anticipating that this ship would indeed soon come to the aid of the rebels, a force of British navy personnel came across the river to board and destroy the ship, killing several people and sending the ship crashing over Niagara Falls, producing protests and

outrage from the American public and government.

In a later note to the British denouncing this act, Webster proposed a series of dimensions which would limit any such anticipatory acts of self-defense, stressing that the foreign attack that was being preempted had to be imminent, and insisting that the response had to be proportionate.[3] The doctrine proposed in this protest about the attack on the *Caroline* has been widely cited ever since as a benchmark of international law, one of the major United States contributions to what is understood to be accepted generally as such law.

A cynic might respond that this American protest against British preemption only reflected what *weaker* states would suggest as law, while the British, with their naval dominance of the 19th century would of course brush this off. Once the United States became more powerful, it would see things differently, and it might now claim the prerogative of taking timely action to head off attacks on itself, rather than stressing the supposed limitations on such a right of preemptive self-defense. An interesting development in the Bush administrations' enunciation of a preemption prerogative was thus that the Caroline Doctrine was being deemphasized by supporters of the administration, or even cited in *support of* such preemption.[4]

Rather than resoundingly endorsing the earlier American objection to British preemption, the Caroline Doctrine was now being offered as evidence that reasonable people agreed in the 1830's that preemption was justifiable under *some* circumstances. What this omits, of course, is that the American position at the time would have been that such British action was *never* justified, while the British position was that it was always and inherently justified. If the exchange between Daniel Webster and the British then led to a splitting of the difference in the exchanges of notes, this can be cited as evidence of the political realities as seen at the time, but not of any American

tradition on the subject.

Rather than citing the Caroline doctrine as evidence of what Americans have historically found reasonable, a more straightforward approach for the Bush administration (and indeed, for any other administration, Republican or Democratic, facing the threat of terrorism with weapons of mass destruction) would be that circumstances have changed drastically, if a foreign state or non-state actor may control nuclear weapons or some other super-destructive weapon capable of devastating an entire city. Under these circumstances, the Caroline Doctrine, regardless of who had generated it, would now be overtaken by events.

The United States, in the days of British naval hegemony, would have preferred that the understandings of international relations deny the British *any* such options of attacking American territory. Because the American government had less than total control over what kinds of revolutionary activities were being launched, into Canada or elsewhere, from within its own borders, and more importantly because the British navy was so preponderant, the United States had to grudgingly concede Britain some options of this sort, but wished to contain them.

Almost two hundred years later, the American role was reversed, with the United States claiming what it had so reluctantly conceded to the British. The somewhat high-handed practices by which British naval power had been applied thus serve today as a precedent to justify American actions.

As the Bush administration prepared for the invasion of Iraq, opponents of this invasion within the United States were inclined to cite the *Caroline* Doctrine as a template against which the alleged preemption was to be measured, arguing that the threat was not imminent enough, and that the American response to this threat was not proportionate. More broadly, such early American

opponents of the war cited the doctrine as evidence that the United States was now violating its own traditions here, a tradition by which one did *not* strike first, but waited to be struck, and only then responded with force.[5]

Early "Failed State" Cases

As a counter to the American self-memory by which "preemption" and "preventive war" are somehow not part of our tradition, the historian John Gaddis has argued that the United States has in fact often initiated wars through its history, noting in particular the policies and thinking of John Quincy Adams when he was Secretary of State.[6] In the American acquisition of Florida, the use of force had been justified in that raids by Indians and runaway slaves were being launched across the border into Georgia, so that the American forces were basically preempting such attacks. Since Spanish rule was ineffective in stopping such raids, leaving a sort of power vacuum and absence of law and order in Florida, the United States was justified in taking anticipatory action.

Some of the justification for the later American take-over of California was similarly based on the absence of effective Mexican rule in the vast territories along the Pacific. If Indian raids or other kinds of lawlessness were to be avoided, only the intrusion of American military forces and government could head these off. And another part of the argument was that some *other* established power, perhaps Britain, perhaps someone else, would move into California if the United States did not do so first. In the taking of California, and later the taking of Hawaii and the Philippines, the "preemptive"logic was strong, that military action had to be taken now, in anticipation of military actions by someone else a bit later.[7]

One could thus use the examples cited by Gaddis to suggest that the United States has all

along been ready to head off attacks by "non-state actors', to launch preemptive attacks to preclude various territories from being used as bases for attacks on the American homeland. The analogy to the United States response to the 9-11 terrorist attacks is clear enough, as the Taliban regime in Afghanistan was either unwilling or unable to prevent Afghan territory from being used in attacks on the American homeland.

It is indeed remarkable to note how much global support the United States received with regard to its incursion into Afghanistan, as compared with the later incursion into Iraq. The United Nations Security Council and virtually all the members of the United Nations saw the American response as justified, after the Taliban regime simply ignored the demands that Osama Bin Laden and the Al Qaeda leadership be arrested and expelled.

Someone sympathetic to the Bush administration's policies might thus have seen a continuum from what had been necessary and appropriate in Florida, to what was similarly necessary in Afghanistan, and then similarly so in Iraq. Yet much of the world has not accepted this continuum, and it is important to try to sort out why.

The world, to repeat, frowns on the initiation of war, on actions which take what is a still a state of peace and replace it with the savagery of armed conflict. Yet a power vacuum, where there is no law and order for the moment, is not typically seen as such a state of peace. One does not have to read Hobbes to conclude that "failed states" or other such power vacua can be just as awful as normal warfare, or even worse. And when such ungoverned or under-governed territories are used as bases for trans-boundary Indian raids or terrorist attacks, all of this may already amount to a state of war against the more established power.

The Taliban regime, in this view, had either become a "failed state", or it had itself attacked

the United States in a very destructive act of war, and the world would not have seen an violation of the principles of collective security in the American response.

But what is so shocking to the world about the new American doctrines of "preemption" is that such action is contemplated also against *established* governments and regimes, and not just as the natural response to a power vacuum. Many of the examples cited by Gaddis and others, for earlier American willingness to preempt, indeed refer to power vacua, to situations where no organized keeper of the peace was functioning in the territories involved. If such a territory amounted to an international nuisance, by being a haven for pirates or slave-traders, or a base for raids against properly-governed territories, the world would have approved of an established state moving in with its military forces to establish some law and order. Such a "preventive" or "preemptive" action would have been approved in earlier centuries by the same people who would have championed international peace and who would have condemned preventive war among normal countries.

The United States move into California, and later into Hawaii [8]and the Philippines,[9] was justified not on these territories being a base for Indian attacks or piracy, but on the argument that some other power would move in soon enough if the United States did not. This would seem a bit closer to the kinds of outrightly preemptive moves that some would applaud and others would condemn today, because Hawaii was not a wild and lawless place at the time of its annexation, and because the Philippines had local forces on the ground which had been in rebellion against Spanish imperial rule, not in hopes of coming under some other imperial rule, but in hopes of being independent. Yet the Philippines would have had difficulty in rebuffing a Japanese assertion of empire, and Hawaii, or earlier California, would similarly not have been able to rebuff the

assertion of British sovereignty.

The meager local population of California was calling for American annexation in 1846, and the local government which had been established in Hawaii, after a coup overthrowing the monarchy, had similarly been calling for such annexation.[10] But, arguments of self-determination would have had to be treated with a bit of skepticism where short-term flows of immigrants could totally change the ethnic character of such territories. The world's standard of legitimacy here, in judging whether or not a military intervention was an aggression (i.e. was a preventive war that could have been avoided) was importantly attached to whether the local regime could defend itself, could not just maintain law and order, but could maintain its ethnic and political character, in face of sudden waves of immigration, and sudden appearances of a gunboat offshore.

For the United States to enter either of these kinds of territory, "lawless Florida" or "defenseless Hawaii", was thus still not quite the initiation of a preventive war, because there was no pre-existing peace to be violated in the former case, and because there were no local defenses to be overcome in the latter. The invasion of Florida may resemble the invasion of Afghanistan as people around the world consider the precedents and historical analogies today, but it does not resemble the invasion of Iraq.

Other parts of American territorial expansion were not at all violent, but were similarly driven by preemptive considerations. The purchase of Louisiana from Napoleon in 1807, and of Alaska from Russia in 1867, were also based at least in part on what other states might do with these territories if the United States did not incorporate them.[11]

"Manifest Destiny" might see such territories as inherently intended to be part of the United States, as a dictate of geography and natural law. But very much reinforcing this was the awareness

that Napoleon had intended to expand into a world empire with Louisiana being a key part of this, and that the Czars had once intended to use Alaska as a stepping stone for an expansion down the Pacific coast of North America. In face of this, the British would have been eager to preempt Russian and French expansion, in the continuous rounds of the balance-of-power struggle, and the French and Russians preferred to preempt such British territorial seizures by selling the territories to the United States.

It was hardly true that every American at the time approved of these land acquisitions. But, for those doubting whether the United States really would be better off becoming territorially larger, a persuasive argument then was that other countries might grab these territories if the United States did not.

As noted earlier, one might draw a more disturbing analogy here between the American incorporation of Hawaii, and Stalin's entry into Lithuania, Latvia and Estonia in 1940. The Soviet claim was that the local regimes wanted to be occupied and incorporated, and any doubts were drowned out about whether the local political process really would have asked for such developments. To reinforce the seeming legitimacy of the incorporation, a large number of ethnic Russians were moved into these territories. And behind it all was the preemptive argument that these Baltic republics were incapable of defending themselves, i.e were likely to be the victim of German or other imperialism if they were not first protected by Soviet power.[12]

Polk, Lincoln and Theodore Roosevelt

The cases listed so far thus do not quite amount to historical evidence of the United States being ready to engage in preemption or preventive war against an established political entity.

Beating the British or the Japanese to Hawaii, or beating the Japanese or Germans to the Philippines is not the same as initiating a preventive war against one of these powers (even if the preemptive logic is much the same, the logic of "we have to act before they act"). And chasing Indian raiders or pirates into an ungoverned claim of some other power is also not the same. The example of John Quincy Adams suggests that Americans were just as capable of dealing with power considerations and the dictates of *realpolitik* as Europeans, but the United States was still too isolated from the day-to-day confrontations of European power politics, or too weak, to be poised for the initiations of war.

Yet, in the array of American leaders that a political scientist "realist" would approve of, we would also have to consider Presidents James K. Polk[13] and Abraham Lincoln. All young Americans are taught to admire Lincoln, but very few have any image of Polk, or could even conjure up what President Polk looked like. Europeans sometimes express some puzzlement at this inattention to Polk, since he had a term in office that surely would have impressed someone like Bismarck. Polk, when elected in 1844, told his associates that he only wanted to serve one term, and that, in that term, he intended to extend the United States all the way to the Pacific, by acquiring Texas, California, and the Oregon territory, i.e. expanding the United States virtually to its present size in the contiguous 48 states. And, by clever negotiations with the British, and a war with Mexico, this was exactly what Polk succeeded in doing.

If Polk is thus the model of how an American President can play the game of power politics, does this offer any models of preventive war and preemption? In annexing Texas, Polk proclaimed that the rightful boundary of the United States went all the way south to the Rio Grande, and not just to the Nueces river, which was the border claimed by Mexico.[14] Polk

deployed American troops down to the Rio Grande, troops which speedily became involved in armed conflict with the Mexicans, with Polk claiming that the United States had been attacked, and the Mexican War then ensuing, leading to the conquest of Texas, Arizona and New Mexico, etc.

The gambit of deploying troops into the disputed area was not quite preemption or preventive war, but rather a politically astute way of letting most (but not all) Americans feel that the *other* side had begun this war. American forces did not so much rush into the disputed area for fear that Mexican forces would rush in, with this urgently having to be headed off. Polk's deployment was more directly intended to bait the Mexican forces into an attack, with the groundwork thus being laid for a larger war.

Abraham Lincoln's dealings with a foreign power labeled the "Confederate States of America" might be dismissed by some as irrelevant to our hunt for historically-relevant *international* precedents, since all our history retrospectively tells us that the Confederacy was never legally or rightfully a foreign country. Yet Lincoln's handling of the first rounds of the Civil War shows touches that would make a "realist" proud.

Lincoln's decision to maintain and reinforce the garrison at Fort Sumter is not a preemption or a preventive war attack, but it resembles Polk's first move,[15] in that it provoked the Confederacy into firing the first shots, thus leading many in the North to conclude that the Union had been attacked. In the same first months of his presidency, moreover, Lincoln again and again took preventive steps to keep the Confederacy from becoming too powerful.

Union troops were made ready to cross the Potomac to occupy a perimeter of Virginia adjacent to the capital, with the actual crossing timed to come in the dark hours of the morning immediately after the counting of the votes in the referendum ratifying the Virginia legislature's

decision to secede. As soon as the early tallies showed that Virginia would indeed withdraw from the Union, Lincoln's orders called for General Winfield Scott to have the troops move across the 14th Street Bridge.[16]

In St. Louis, where it seemed that a pro-Confederacy Missouri Governor might bring that state into the southern fold, together with the important Federal arsenal in the city, Lincoln authorized what was a virtual *coup d'etat* by German-American immigrants, members of gymnastic societies, who were secretly sworn into Union uniform and equipped with arms from the arsenal.[17] Similar preemptive actions, sometimes of dubious legality, account for the retention of Maryland in the Union.[18] On a much more domestic level, but again in a context of "foreign espionage", Lincoln violated the Constitution by suspending the writ of *habeas corpus*, which is something he had no right to do without the prior approval of Congress. Lincoln's rejoinder is an almost classic statement of the "realist's" relative deemphasis on law: "Are all the laws but one to go unexecuted?".[19]

Lincoln, in short, is indeed a model of how an American president, in what had become the context of the anarchy of international power-politics, can launch what we would call preemptive action or preventive war, anticipating that too much would be lost if one waited, that force had to be exercised *now*, lest greater force be exercised, with less desirable results, later. If Bismarck would have found much to admire in Polk, he would have had the same feelings about Lincoln.

Theodore Roosevelt is another American president that a political science "realist" might be inclined to admire, in his open endorsement of power politics and his desire to expand the United States Navy. Roosevelt's support for Panamanian independence from Colombia is still regarded in the latter country as an example of naked aggression, as the U.S. Navy and Marines were used to

block any Colombian attempt to suppress the Panamanian insurrection, and as Panama's independence was followed by the speedy negotiation of a lease to the United States of the Panama Canal Zone. While there were always American fears that Britain might try to control such a strategically-vital canal, or that France or another European power might wish to establish such control, the American action was not justified at the moment as any urgent heading off of a rival power, but as something reflecting the wishes of the local population in Panama, and reflecting the vital interests of the United States.[20]

The Barbary Pirates

Somewhat earlier in its history as an independent nation, the United States had also deployed warships to the Mediterranean to do battle with the North African states that had been despatching and harboring what we remember today as the "Barbary pirates."[21] Such pirates were long a plague for all the countries of Europe, as prisoners were taken to be consigned to a lifetime of slavery, as European coastal towns were raided, and merchant shipping harassed.

Some of the European powers paid tribute to the states harboring such pirates, as a means of exempting their own citizens and trade from harassment, but this was never a very lasting or satisfactory solution. One could have simply tried to *defend* one's commerce by convoying merchant ships with naval vessels, but this would have been very costly.

The relationship of the Barbary states to the pirates was almost as indirect as the relationship between the Taliban and Al Qaeda. The raids on international commerce were not acts of the official navies of Tripoli or Tunis, so that their rulers could claim some "plausible deniability" about the pirate raids, but all concerned knew that a close cooperation and conspiracy

was at work.

Rather than joining other powers in paying tribute (which indeed could be seen as a humiliating derogation of the particular Danish, etc., sovereignty involved), the United States elected to violate the sovereignty of the Barbary states by attacking the bases which had been hosting the pirates, and thereby forcing their rulers to put a stop to the attacks on American shipping. If a state like Tripoli or Algiers was seen internationally as a member of the community of sovereign nations, this American action could be seen as a high-handed initiation of warfare. The American naval engagements with the Barbary states did not indeed get blessed with any Congressional Declaration of War until the very end, after the signing of a peace treaty with Britain to end the War of 1812, when President Madison in 1815 asked for a declaration of war on Algiers.[22]

The problem of piracy based on the Islamic states of North Africa was not really solved for good until French imperialism had taken control over today's Algeria and Tunisia . But the American unwillingness to submit to such pirate attacks did play a role in generally stiffening the backbone of the other victims around Europe.

The American action amounted not to defending against each pirate attack as it was launched, but instead attacking the political entity from which such attacks were coming, in a preventive move to head off such attacks in the future.[23] The United States was of course not any kind of super-power at the time, but it *was* capable of projecting naval power thousands of miles from its home ports. Some Europeans might thus already have been disquieted here by the prospect of naval forces from the new world playing a role in the old world, and (when engaged in declared or undeclared wars with the United States) a country like Britain or France might not have been

above encouraging the Barbary pirates to attack American shipping. But the net affect of this American naval projection, for most of the countries of Europe, had to be positive.

Americans have all along had a great commitment to commerce on the high seas, with this being the major factor in the War of 1812, and one of the most important factors driving American entry into World War I. From the outset, Americans have been very attached to trade, such that an attack on such trade was comparable in sensitivity to an attack on the American homeland itself. The threat of an Anglo-American arms race after World War I was indeed driven by a British unwillingness at Versailles to recognize American demands for "freedom of the seas".

If one today thus were seeking for analogies, in importance and sensitivity, to the threat of terrorist attacks on American cities, the depredations of the "Barbary pirates" comes high on the list. Just as with terrorism, one can only with difficulty rebut piracy at the moment of impact, by surrounding every ship with defensive protection. To really head off this threat, one can not rely simply on defenses, but must go to the source, *in advance of* any attacks on commerce, to deter future attacks by the prospect of retaliatory punishment, or, if this would not work, to impose a regime change on the countries serving as bases for the piracy.

The Monroe Doctrine and the Roosevelt Corollary

The United States typically gets very little credit around Latin America for having enunciated the Monroe Doctrine.[24] While young Americans are taught that this was a very generous contribution to the liberty and self-government of Latin America, guarding against any return of European imperial rulers to territories that had won their freedom, Latin Americans themselves see it more often as the establishment of a United States sphere of influence, as an

excuse for intervening in countries south of the border. And it has to be noted that European commentators, typically of what political scientists would call a "realist" stripe of thinking, also tended to interpret the Monroe Doctrine this way. Until the British came to terms with the Monroe Doctrine, in a process of appeasing the United States because of their greater fears of German naval expansion, they also, like the continental Europeans, tended to see the Doctrine as a high-handed assertion of American power, a position not to be taken at face value or to be saluted as legitimate.

What has given the Monroe Doctrine a particularly negative image in Latin America is the addition expressed in 1904 by President Theodore Roosevelt as the "Roosevelt Corollary".[25] The Corollary recognized that European powers might have legitimate grievances against a state like Venezuela or Haiti, if international debts were going unpaid or foreign property was being seized, such that such powers might feel it necessary to intervene militarily to redress those greivances. Lest such legitimate foreign intervention then lead to the establishment of permanent naval bases, or other enclaves of territorial imperialism, which the United States would have to oppose under the Monroe Doctrine, Roosevelt proclaimed that the United States would head this off by itself intervening, to collect and repay the debts owed, to restore international rights. The United States would preempt or prevent the foreign seizure of territory in Latin America, by temporarily seizing such territory itself, until customs revenues could be normalized and debts were paid. The legitimate grievances that would have justified a return of European imperialism would be headed off, by a use of American force to remedy the grievances.

A number of the implementations of the Roosevelt Corollary were indeed to occur in the administration of Woodrow Wilson, who more generally was endorsing a much less power-minded

attitude toward international politics, and a greater respect for the rights of small nations and neutrals in general, than had Theodore Roosevelt.

Americans had long feared European intrusions in particular into Haiti, a return of French imperial power after the failure of Napoleon's attempt to retain the colony, or a German intrusion in face of the failure of Haiti to pay its international debts.[26] Similar fears related to the Dominican Republic, the other half of the island of Hispaniola.

Some of the American attitudes toward Haiti in particular were driven by a basic racism, as Haiti had won its independence in a slave uprising, posing a nightmare for the slave states of the south right up to the Civil War. The United States was unable to establish normal diplomatic relations with Haiti until the southern states withdrew from the Congress in 1861, because southern Senators always objected to recognizing and dignifying a "slavocracy". Woodrow Wilson surely retained some of the racist attitudes of the south which persisted long after the Civil War, whereby the neutral sovereign rights of an African-origin country like Haiti were not to be taken as seriously as the rights of Belgium.

Before the outbreak of World War I, the American fears included a *joint* French-German takeover of Haiti, with the excuse that debts had gone unpaid, and more broadly that Haiti was a sort of failed state, amounting to an international nuisance. Difficult as this may be to believe, some of such fears of a joint France-German intervention were still being included in U.S. government documents even after 1914, as the United States decided to occupy Haiti in 1915, and the Dominican Republic in 1916, for fear of European intervention.

Marxist and other radical critics of American foreign policy tend to dismiss the preemptive arguments, citing instead the influence of American capitalists in getting the U.S. to send the

Marines into Western Hemisphere countries to protect investments[27]. Haiti is surely a case where such arguments have a major problem, however, because there were *no* American investments in Haiti at the time, and no attractive prospects for such investment. Rather than having capitalists lobbying the American government for military protection, the government had to beg American companies to come into Haiti, after the intervention, if only to get some industry going, so that such industry could then be regularly taxed to generate some revenue for the Haitian government, so that foreign debts could be paid. Unpatriotically, American businessmen generally declined the invitation, seeing Haiti as relatively barren of opportunities for generating a profit. Haiti had been a fabulously profitable source of sugar and other crops in the days of French colonial slavery, but the slave rebellion that made Haiti the second country to win its independence had also led to a major neglect of the plantations, and then to a tremendous amount of erosion in the fields that once had been agriculturally so valuable.

Wilson's launching of the interventions during his two terms in office were thus not driven by capitalism, and not guided by much of a concern for neutral rights and the rights of small countries, but were rather driven by a basic concern for preempting the possible military actions of other powers, the same concern that had made Theodore Roosevelt announce the Corollary in the first place. A high-minded spin could always be attached to these American actions, under either Roosevelt or Wilson, in that the ultimate intention was to maintain the independence of the country being invaded, i.e. to head off the Europeans who would have been intent on a *permanent* imperial presence again. To head off someone else's legitimate collection of debts, which would have become an excuse for an end to self-government in violation of the Monroe Doctrine, the United States would itself be temporarily violating such self-government.

Latin Americans might today argue that the European threats here were fanciful, that the United States was proclaiming an array of foreign threats simply as an excuse (just as Finns might later see the alleged Soviet fear of a new German invasion through Finland as a mere excuse for Stalin to meddle in Finnish affairs). Yet the reality of international politics is that most threats have a kernel of reality, as the mere anticipation of such threats then becomes threatening to others, in a spiral of mutual hostility and preemption. Americans only had to look at European behavior in the Far East, at the time that the Roosevelt Corollary was being proclaimed, when the coast of China became pock-marked with competing European naval bases, from which were to be projected rival spheres of influence. Because of a sympathy with Latin American self-government, or for fear of how such bases in the Carribean or elsewhere in the western hemisphere could threaten the United States itself, the American government would have to be very legitimately alert to such threats.

The processes of international politics are not only anarchic, but they also are low in levels of gratitude. If one tries to get Latin American political analysts to explain why their region has so much escaped the military conflicts and power conflicts we normally associate with international politics, very few of such analysts would direct any credit to the threats posed by the United States, threats directed against European and other outside powers, and threats directed against Latin American states themselves. This has been a region remarkably free of actual wars. Perhaps the militaries involved have been too busy establishing juntas and otherwise oppressing their own civilians, too busy to fight wars against their neighbors. But perhaps it has also been the shadow of the mere *threat* of United States interventions that has kept the level of armed conflict and arms races so low.

Axis Threats in Latin America

For an example of the same preemptive mentality applied to Latin America in later decades, one can look at the extreme American concern in the years before World War II about the proximity of foreign airlines, especially German-affiliated airlines, to the Panama Canal.

Transport aircraft in these decades had to be seen as inherently "dual-use", much as nuclear or biological technology has to be seen today, since a passenger-carrying airplane could be easily enough fitted to carry bombs. If such bombs were delivered to put the Panama Canal out of action, the U.S. Navy would have been severely handicapped in its mission of protecting both coasts against attack. The existential threat to the United States in the disabling of the canal was not quite what the British faced if their fleet were ever to be outclassed in the North Sea, but the Panama Canal was still as precious a strategic asset for the United States as one could think of.[28]

Particular concern was thus addressed, even before the Nazis came to power in Germany, to the operations of the Colombian Airline SCADTA (Sociedad Colombo-Alemana de Transportes Aereos, which translated as Columbian-German Air Transport Company). SCADTA was perhaps the first serious airline in the world, regarded as a national treasure in Colombia, in that it enormously eased the tasks of moving people and mail past the rugged mountains dividing the country, but it at the same time posed a military threat in that German pilots were flying within a very short distance of the Panama Canal. [29]

Apart from the case in Colombia, the closest to the Canal, one saw the emergence in the following decades of a series of airlines around South America, almost all of which affiliated with the designated German international carrier, Lufthansa, and/or with Italian airlines. Unlike the case of SCADTA (which was never formally affiliated with Lufthansa, even while virtually all of its

pilots and key personnel were German), these were airlines that were legally and formally directed from Berlin or Rome. When these airlines were considered together with the large populations of German and Italian immigrants in many of these countries, especially in Argentina, Chile, and Brazil, and with the presence of German military advisers in Chile, Argentina and a number of other Latin American countries, the result was to alarm the administration of Franklin Roosevelt that a Fascist military threat needed to be headed off.[30]

The United States was thus to offer an escalating series of subsidies to Pan American Airlines, and applied strong pressures on the Colombian government, in an effort to eliminate SCADTA and to head off this broad threat. While Pan Am often seemed more intent on making a profit than on serving the geopolitical and military needs of the United States, the American government was counting on it to displace all the German and Italian affiliated airlines up and down the length of South America.

Yet, well after Hitler had come to power in Germany, and then even after World War II had broken out in 1939, the threat had persisted, as the pilots for SCADTA remained German, indeed being by most accounts reserve officers in the Luftwaffe. It was only in the aftermath of the German defeat of France in 1940 that the German pilots were at last expelled from their jobs in Colombia.[31]

In the period after the May, 1940 launching of the German ground offensive through the low countries into France, one saw a preemptive British-French landing in Curacao as the Netherlands military was surrendering to the Germans, this producing a sort of American protest at the apparent violation of the Monroe Doctrine, and fairly soon a withdrawal of these forces, as France sued the Nazis for peace, while the Queen of the Netherlands had gotten to Britain with a

Dutch government in exile. American plans were then quickly readied for an American preemptive occupation of French or other European colonies around the Carribean, if events in Europe suggested that the Germans would try to exploit their victory with the taking of possessions in the Western Hemisphere.[32]

The Latin American countries themselves, however much they had always resented the preemptive logic of the Roosevelt Corollary and other aspects of American foreign policy, were to accept the reality of the Nazi threat, especially after the events of 1940, and to acquiesce in various assertions of United States military priority in anticipation of this threat. This explained a part of the Colombian cooperation in the elimination of the German presence in SCADTA, and in the parallel cooperation of other Latin American countries in constraining airlines with German or Italian affiliation.[33] Countries that are weak militarily can be just as realistic about power distributions as are the major powers facing each other as adversaries. Having a United States air base in Brazil would be seen as far superior to having a German air base.

In the end, it was only Argentina and Chile that really resisted the assertion of preemptive logic by the United States here. The shock of the German victory of 1940, in the rapidity of the expansion of German power from Versailles-imposed disarmament to control of all of continental Europe, was sufficient to bend the rest of Latin America to the dictates of the military needs here.

Preventing Human Rights Violations

As noted, Americans grow up believing that their country does not initiate wars. If asked to explain the Spanish-American War, they would thus be inclined to refer to the sinking of the battleship Maine in Havana harbor, which at the time was blamed on the Spanish authorities,

leading to the battle-cry of "Remember the Maine".[34] In the aftermath of the war, alternative theories of what had sunk the Maine included a deliberate Spanish attack, a provocative attack by the Cuban rebels intended to incite American intervention, and a simple accident. Scientific analyses conducted later in the 20th century concluded that the explosion sinking the ship was most likely an accident caused by the negligence of the U.S. Navy crew.[35]

Why the Spanish would have wanted to commit this first act of war is indeed somewhat difficult to explain, because it was to Spain's interest to keep the United States out of the Cuban affair, and the sinking of a single U.S. warship in a sneak attack was not the kind of "counterforce" military operation that would tip the balance of naval force thereafter in favor of Spain. One could of course have imagined hot-headed Spanish officers who resented the intrusive presence of an American warship in Cuban waters, and who thus acted to taunt the Americans by sinking this ship; this is probably the theory that won the widest acceptance in the United States Congress and public at the time, that Spain was simply challenging the United States here in a contest of machismo.

Yet the context of the sinking of the Maine was that the United States public and Congress were already demanding a military intervention in Cuba, even before an American warship was destroyed, and this might belie the image of Americans never beginning wars, and conversely support the argument of John Gaddis and others that Americans have historically been ready to launch wars to prevent some evil. But here we would have to draw some more distinctions again among *types* of preventive wars.

The United States was indeed very ready to initiate war with Spain in 1898, precisely because the Spanish attempt to suppress the Cuban insurrection was being accompanied by

massive atrocities, including the herding of large numbers of Cubans into what were already styled "concentration camps". The war was not launched in anticipation of a later war where the United States might be less strong, but rather to prevent the continuation of what Americans and many other outsiders saw as an outrage to human self-government and human welfare.[36]

The Spanish rule in Cuba was not quite in the status of anarchy or a "failed state", as had been the Spanish rule in Florida or perhaps the Mexican rule in California, for Spain had deployed substantial armed forces to Cuba, and was making a major effort to maintain its authority and sovereignty there. Rather the Spanish were guilty of what today would be styled as a violation of "human rights", because they were unable to restore their government on the island without being exceedingly brutal about it.[37]

Preventing the death of thousands of civilians is thus a different kind of war-initiation from simply starting a "preventive war" to head off someone else's possible future military victory. In the moral calculus by which the world has come to judge war-initiation, it does not quite amount to substituting war for peace, for it is rather substituting war for atrocities.

The legitimacy of intervening within another country's sovereign territory to prevent ethnic massacres or large scale civilian casualties is indeed one of the major questions of contention in the post-Cold War world. Liberals and other human rights activists might be quick to condemn preventive wars labeled as "preemptions", and might resolutely support the collective security standard whereby the initiation of war always has the burden of proof against it; but such people have also been calling for an end to the sanctity of "Westphalian sovereignty", and for a more interventionist standard of international law, by which the outside world has the right and duty to intervene within countries where large-scale violations of human rights are occurring.

As noted earlier, supporters of such intervention have cited some of the precedents established at the end of World War I, whereby a country like Poland or Czechoslovakia, as a condition of being recognized as an independent state, was required to ratify treaties protecting its ethnic minorities. The minorities to be protected in the Polish case included both the ethnic German and the Jewish communities. As the borders between Germany and Poland were being argued about in 1919, the German government was ironically arguing that it should be allowed to retain more territory to protect the Jewish communities involved from "pogroms", since one unpleasant feature of the assertion of Polish independence had been a series of anti-Semitic riots.[38]

The new governments of eastern Europe accepted the requirement of such minority-protection treaties only very reluctantly, seeing them as a compromise of their national sovereignty, as the imposition of a second-class standard on the new republics.

Given how weary of war all the major powers were in 1918 and 1919, it was not overwhelmingly credible that military force would have been used to force Poland , Romania or Czechoslovakia to respect the minority-rights provisions in the treaties they were induced to sign. Yet signatures on treaties do not ever count for nothing.

When various of these countries indeed needed French military support in confrontations with Germany or with the Bolsheviks, such support might be delayed if the various governments did not appease world opinion on the minority-rights issues. And, at the minimum, some legal groundwork had been laid for a compromise of sovereignty here, for a legitimacy of international intervention in what had long been seen as the exclusive jurisdiction of the separate countries.

These earlier impositions under the League of Nations are now cited by supporters of human rights interventions, under the United Nations, into the African countries that have

experienced ethnic massacres, or into the former Yugoslavia after the various bouts of "ethnic cleansing", cited as part of an advancing and growing international law, whereby states are no longer free to do as they please within their borders, to be called to account only if they launch violent attacks outside these borders.

It might thus be misleading to cite the American initiation of the war with Spain in 1898 as an example of preventive war, suggesting that the United States has been guided as much as other powers in the past by considerations of transitory military strength. Much more in step with liberal trends in the interpretation of international politics, the Spanish-American War might instead be seen as a simple "human-rights" intervention, intended to shut down the Spanish operation of Cuban "concentration camps".

The 1941 Confrontation With Japan

The Japanese attack on the United States at Pearl Harbor on December 7, 1941 is often portrayed, as American are taught history, as an unprovoked and outrageous act of perfidy. Yet, as Japanese instead remember their history, this might also seen as a form of "preemption", as the United States was intensifying its economic pressure on Japan with embargoes on oil and scrap metal, and as B-17 bombers of the United States Army Air Corps were being flown across the Pacific to be based in the Philippines.[39]

A few of these B-17's were actually approaching Hawaii from the east, as the Japanese attack on Pearl Harbor was beginning. Some others of such bombers which had already reached bases in the Philippines were caught on the ground by the first Japanese air raids. Such bombers were officially described as being intended to intercept enemy warships on the seas, or perhaps to

attack enemy military bases in locations such as Formosa. But also in the picture was a prospect that Japan very much dreaded, that such bombers might, from these bases in the Philippines, be able to bomb cities in the Japanese home islands. This was the prospect that was to be realized a bit later, of course, in the Doolittle raid using smaller B-25s taken off from the aircraft carrier Hornet, and then realized in all its horror by the massive B-29 raids which began in 1944.

In deciding to attack the United States in December of 1941, Japan was (at least in its own thinking) heading off and anticipating American economic and military attacks that were soon to come, or (in the case of the economic embargo) already under way. It is hence no surprise that revisionist and ordinary Japanese historians are inclined to see World War II in the Pacific as having been started by the United States as much as by Japan. No one in this world likes to believe that their parents and grandparents needlessly terminated a peace, needlessly plunged the world into the suffering of armed conflict. Describing such an outbreak of war as a preemption is instead to argue that war was inevitable, that such war was already underway, that such war was indeed the result of American rather than Japanese choices.

As noted, the American people in 1941 were very opposed to an entry into World War II, either in the Atlantic against Germany, or into the war that Japan had been fighting with China in East Asia. The Japanese attack on Pearl Harbor made President Roosevelt's decision much easier, for most Americans did not assume that a war with Japan was inevitable or already under way, but instead that such Japanese action was a clear choice for war over peace.

Hitler's decision to declare war on the United States on December 11 similarly relieved Roosevelt of a major political burden, for there might otherwise have been many Americans who would have countenanced a military effort only against their Japanese attackers, and who would

have still seen no reason to enter the war against Germany. Hitler and Mussolini could have held back from joining the Japanese, since Tokyo, after all, had given Hitler no advance notification of the planned attack, and since the Axis pact did not require Germany and Italy to support Japan where Japan had taken the initiative. In such a case, we would have seen a bizarre World War II in which only Britain was at war with both Germany and Japan, while the Soviet Union was only at war with Germany, and the United States only at war with Japan.[40]

Hitler's decision to enter the war against the United States is often taken for granted in retrospect, but it might actually seem quite foolish, in relieving Roosevelt of all the remaining burdens of American isolationism. Hitler rationalized this decision to his staff on two grounds, that the Japanese would lose respect for their Nazi ally if Germany did not follow the Japanese lead, and that the United States had already in effect been at war with Germany by its naval operations in the North Atlantic, and by its joining with Britain in the occupation of Iceland. Once again, as in the earlier Nazi invasion of the USSR, Hitler was responding somewhat to the worldwide moral disapproval of war. In the Soviet case, he accused Stalin of planning to attack. In the American case, his accusation was that Roosevelt had already been attacking.

In the years between the outbreak of World War II and the Pearl Harbor attack, Roosevelt had been forced to move cautiously to avoid seeming, especially to the all-important American public, that he was initiating war. Because Hitler's Germany always seemed the greater menace to American security, he was in some ways more cautious in the Pacific than in the Atlantic. In the Pacific confrontation, economic embargoes were imposed as the Japanese advanced more brazenly into French Indochina, but some of these economic pressures on the Japanese may have emerged from State Department subordinates exceeding Roosevelt's instructions.[41] Even as the prospect of

outright warfare loomed in the first week of December, American forces were held back from any military strikes until a Japanese initiation of warfare was definitely confirmed. Some part of the explanation for the B-17s being caught on the ground on their Philippine bases thus stemmed from a fear of seeming to be the first to strike.

One can speculate as to what actions would have been authorized, and would have been taken, if the Japanese carriers approaching Hawaii from the northwest had been detected and definitely identified. If they were still in international waters, would the Roosevelt administration have dared to "preempt" their attack, with the fear that ordinary Americans would accuse it of having begun the war with Japan?

The destruction of American battleships at Pearl Harbor produced a large flow of literature and analyses afterwards, especially in light of the fact that the United States had been reading the Japanese codes and might have been able to see the attack coming.[42] The more extreme critics afterward accused Roosevelt of deliberately leaving the fleet open to such a destructive attack, to make sure that Americans would be united in their resolve for the war.[43] But one can introduce some very different explanations for why the Army and Navy commanders in Hawaii did not get warning of the attack, from what might have been gleaned from the Japanese messages that had been read. The Japanese messages indeed showed interest in Pearl Harbor, but also in San Diego and Manila and the Panama Canal Zone, and the essential warning may thus have been missed simply in the "noise" of having too many Japanese code messages to read and sort out.[44]

If Washington had thus perceived that an attack on Pearl Harbor in particular was coming, it could have taken steps to preempt this and limit the damage, but one must still then wonder how far the American action could have gone. Patrol planes could have been despatched, and the

battleships put out to sea, all of which might then have simply caused the Japanese attack force to turn around and go home, without launching any attack. The entire exercise might then have been labeled a training exercise, or an exercise in saber-rattling, with the actual plans for the Pearl Harbor attack being shredded, much as other historical plans for preventive war attacks have often enough been shredded and systematically denied and forgotten.

The 1941 Confrontation with Hitler

In the Atlantic, no naval engagements of the magnitude of Pearl Harbor were in prospect, but instead the much more subtle and invisible process of American surface warships engaging in the tracking of German submarines, in the process giving information and other assistance to British vessels combating these U-boats, with any violence that resulted to be blamed on German "first-shots". Isolationist critics of Roosevelt's policies could fairly note that Roosevelt had put the U.S. Navy into actual participation in warfare, but the nature of submarine vs. convoy encounters would always leave the details somewhat vague and unclear.[45]

In his radio "fireside chat" of September 11, 1941, after the German U-boat attack on the U.S.S. Greer, Roosevelt continued his claim, much challenged by the isolationists at the time, that the blame for any hostilities fell entirely on the German side, even though American destroyers were by their presence clearly assisting the British in convoying merchant ships from Canada past the German submarines trying to stop them. While sticking to the line that the initiation of fighting was always on the German side, Roosevelt used a metaphor of common-sense preemptive attack that would have sounded very plausible to a Bush administration supporter in 2003. "When you see a rattlesnake poised to strike, you don't wait until he has struck to crush him."[46]

Roosevelt thus went further militarily against the Germans in the "undeclared war" of 1941,

than against the Japanese, for two reasons, because the nature of the military confrontation was less clear in the Atlantic, and because the confrontation with the Nazi Germany was deemed more important.

The very survival of Britain was in danger in 1941, in face of the U-boat attacks. The survival of China might also have been in danger, something that Americans indeed cared about, but Britain was more important.

Americans felt quite close to the Chinese people in 1941, in large part because of all the letters sent home by American missionaries, extolling their Chinese converts, and castigating the Japanese invaders for their cruelty to the Chinese, and the United States put pressure on Japan in large part because of this identification. Simple power politics thus can not really explain the American pressures that led to Pearl Harbor, because it was by no means inevitable at the end of the 1930s that Japan and Germany would bond into a serious alliance. Until 1938, there was indeed a major German military mission assisting the Chinese in their resistance to the Japanese advance.[47]

If the United States had been driven only by considerations of power, it could thus have appeased the Japanese by offering Tokyo a free hand in China, in exchange for Japan's avoiding any cooperation with Hitler and Mussolini. In terms of such considerations of power, Hitler was certainly the primary threat, after France had been defeated, and when it looked like the USSR might similarly be defeated. And, within a very closed circle of scientific advisers to the White House, the fear had to be addressed that Germany would lead in the new field of nuclear physics, i.e. that Hitler, if not checked, might come into the possession of the atomic bomb.

The United States wound up in a war with Germany because its support for China had

produced a war with Japan. But the American response in that war was thereafter basically to be on the line of "defeating Germany first". In the darkest days of World War II, one could easily imagine Roosevelt and Churchill wishing that Japan had stayed out of the war, with the United States somehow simply having come into the European War, as in 1917.

The American actions of the summer of 1941 were thus somewhat more in the form of actual preemption or preventive war viz-a-viz Germany, than viz-a-viz Japan, because Germany seemed the greater threat, or because interfering with German U-boat attacks inherently lent itself to a less blatant American initiation of hostilities. The paradoxical result was that Japan felt provoked to initiate an outright war at Pearl Harbor, in face merely of growing American economic pressure and growing American military force deployments, while Hitler repeatedly ordered Admiral Raeder to turn the other cheek in the destroyer vs. U-boat interactions, being anxious to avoid giving the American President and people any tangible reason to feel justified in an outright American entry into the war.

Hitler had reason to believe that Roosevelt would attack him sooner or later, just as he had launched the war with the USSR in June of 1941 on the basis of the same assumptions about Stalin. Indeed, given the odious nature of the Nazi regime, both Roosevelt and Stalin would have had good reason to attack Hitler.

There is thus reason to believe that Hitler would have declared war on the United States, or at least allowed German submarines to be more active in defending themselves against American naval vessels, as soon as he felt that Stalin's Soviet Union had been decisively defeated. As events were to unfold, such a moment was not to come. Hitler's declaration of war on the United States was thus instead to be prodded as a matter of aggressive-dictator honor when the Japanese had

launched their attack on December. 7, 1941, paradoxically again at the very moment of the first serious Soviet counter-offensive in the snows outside of Moscow.

To summarize the arguments above, the Roosevelt administration in 1941 had to deal with an American public that was very opposed to getting into World War II, and that was in any event opposed to an American *initiation* of such a war. The logic of collective security, by which the initiator of war was *ipso facto* therefore to be seen as at fault, was a logic still very appealing for Americans.

The United States Senate had refused to ratify American membership in the League of Nations, the League that Woodrow Wilson had designed on the collective security principle, but this hardly meant that Americans did not accept this principle as the natural and proper way to apply the principles of civilized domestic law-and-order to the international arena. First, one has to remember that it takes a 2/3 vote of the Senate to ratify a treaty. A majority of the Senate, and a majority of Americans in 1919, were in favor of joining the League of Nations. Second, where there was opposition to joining the League, it was not so much because the principle of collective security was objectionable, but because most Americans at large by 1919 did not trust the British, the French, the Japanese or other allied powers to be really committed to such high-minded principles; such Americans thus wished to withdraw from commitments that might entangle the United States in the selfish future wars of such powers.[48]

When American troops were deployed to Iceland in the summer of 1941, to augment or replace the British troops already there since 1940, Roosevelt had requested that the Icelandic government "invite" such troops into the country, rather than having American troops simply arrive as a *fait accompli* as the British had arrived earlier. Since the Icelandic government was unwilling

to issue such an "invitation", some delay and back-and-forth ensued on the exact wording of the statements to be issued by Iceland and by the United States. All of this reflected somewhat the personal scruples of the American President, but more practically reflected the feelings of the American public at large, which might have been very disinclined to see the United States simply imitating Germany or Britain at this stage, occupying countries against their will, on the logic that it was important to preempt other countries' doing so.

Actively tracking German U-boats around the North Atlantic, so as to make it easier for the British Navy to find them, could easily be seen as a violation of American neutrality, and as the initiation of warfare. By contrast, could such an indictment be directed against Roosevelt by Americans or others on the policies facing Japan? Moving bombers from American bases in North America to bases in the Philippines is not an act of war or a violation of neutrality, and neither is the withholding of the sale of oil or metal.

Yet the decisions for the attack on Pearl Harbor taken in Tokyo were based on an argument that such embargoes were just as damaging as an American military attack, as they were intended to force the Japanese to withdraw from China and to accept the defeat of their entire offensive operation of the past decade. The movement of bombers might have been seen as simply intended to *deter* any future Japanese invasion of the Philippines (in which case the logic of *preventive war* suggested that Japan should attack before this bomber deployment was completed), or it might have been seen as part of a coming American military *attack* on Japan (in which case the logic of *preemption* would have been in play).

It may be that the list of items to be embargoed was tougher than President Roosevelt had ordered, and that it was the toughness of this list that pushed Japan across the line to decide to

attack. At the end of this trail of logic and counter-logic, the United States was in the war against both Germany and Japan, when its leadership might have preferred to be only at war with Nazi Germany for the moment, but it was in the war with the American people feeling themselves to be the clear victims of attack, and not at all the initiators. Pearl Harbor and Hitler's subsequent declaration of war made everything clearer and morally easier for the American people.

If a Japanese or anyone else wishes to interpret Pearl Harbor as instead a preemption of an American attack that was underway, such an interpretation would have to introduce a much broader definition of what is a "first strike".

VII. SOME LESSONS FOR THE FUTURE

One lesson cited a number of times above is that an anticipatory action such as preventive war will always have difficulty in drawing credit and legitimacy around the world after it has actually been executed. Questions will be posed on whether the preempted opposing power was really so evil in its intentions, and on whether the preventive moves that were undertaken were not trigger-happy and premature. This has been the case not just with the launching of wars, but even with the mere military preparations designed to deter wars, as in the Cold War debates about the appropriateness of NATO defense preparations against the Soviet bloc. To mobilize in face of an anticipated attack may lead that attack to be cancelled, leaving the intelligence officers on the defensive side to be accused of "crying wolf".

The dangerous future world of a proliferation of weapons of mass destruction may indeed require some preemptive or preventive war attacks. But it will always thereafter be difficult to pin down the evidence that such attacks were indeed necessary.

Inherent Inequalities

A related lesson from the past is that such acts of anticipatory self-defense can only be undertaken by the stronger powers, requiring everyone to accept a fundamental inequality of states. The world will want to head off the capricious use of weapons of mass destruction. But this will require restricting the possession of such weapons to a small number of powers.

One can thus hardly support the goals of non-proliferation without being more than a little sympathetic to the general logic of preemption and preventive action. Non-proliferation involves looking ahead with a globally-minded worst-case analysis. If one does not take the possibility of a

total global nuclear disarmament seriously, it does indeed then entail the "haves" taking action to freeze the status of the "have-nots".

Article VI of the Nuclear Non-proliferation Treaty calls for the states already possessing nuclear weapons to negotiate in good faith on the elimination of all nuclear weapons, and indeed on general and complete disarmament. A few observers will see this as a serious and integral part of the NPT, but experienced diplomats and analysts will mostly regard it instead as window-dressing, as something inherently impossible to achieve because the demands of verification and inspection would be too difficult, with rumors flying in all directions that someone or other was cheating by keeping a few nuclear warheads hidden in reserve.

In "realistic" terms, nuclear non-proliferation may thus have to be inherently unfair, just as the maintenance of an American nuclear monopoly after 1945 would have been unfair. The best solution now may be to hold at a very small and limited number of states possessing such destructive weapons, but this will be far better than having dozens of such countries.[1]

One important goal of this book is to assay the possibility that much of the globe will respect such a seemingly unfair posture, rather than leaning toward something else that is more "fair". As noted, countries like Ireland and Finland and Canada are hardly alone in welcoming a non-nuclear status for themselves, even if the Russian and American and Chinese arsenals are going to persist into the future. And such countries may indeed welcome a strong effort to induce other states like Iran or North Korea to forego such weapons.

Whether the same countries that welcome an "unfair" and "preventive" NPT regime will also condone or welcome preventive military actions to maintain such a regime is, of course, the more open question. We have been seeking for clues on this by looking at the analogous situations

of the past, when for example, Great Britain claimed the right to launch preventive war attacks on a possibly hostile navy being built elsewhere. Did the whole world react with righteous indignation here against the British assertion of a sort of non-proliferation regime with regard to Dreadnaughts? Or was much of the world quietly more sympathetic to British feelings, sensing that their own interests were best preserved if British naval power was so dominant that there could not be any great naval battles out on the high seas?

One has to distinguish here between the posturing of diplomats at international conferences (where everyone is staking out a maximum set of grievances for the sake of bargaining), and more serious analyses. It is very rare for a diplomat to proclaim openly that the world should resign itself to a nuclear confrontation between Moscow and Washington, i.e. that the maintenance of non-proliferation does not hinge on the superpowers making progress on their Article VI obligations. Yet the same diplomats will often privately admit that this is indeed the world's situation. It was similarly quite rare for an American naval officer or diplomat to declare that the world's interests were protected best when "Britannia Rules the Waves", but many more privately admitted that this was the case.

"Balance-of-Power" Versus "Band-Wagoning"

More generically, this raises the political-science question of whether nations instinctively, in an anarchic and power-oriented world, will lean toward "balance-of-power" policies, or instead toward "band-wagoning".[2] In the balance-of-power case, one expects all the other states to direct their power and influence against whichever state has become the most powerful, the most likely to become a "hegemon". Just as Britain historically gave help to Spain whenever France threatened to

dominate the continent, and to France whenever Spain threatened to be dominant, all the powers will lean, by this reasoning, toward helping the weaker state in any war. This is not out of any fair-minded sense of sympathy for the underdog, but simply in fear of what would happen if Spain absorbed France, or if France absorbed Spain, as the total power assembled in this new conglomerate might soon be directed at the next small state, etc.

A very different approach would see the smaller states *welcoming* the development of *one* more powerful state, if that state can be somewhat trusted, if the development of its hegemony will produce world law-and-order. Looking back into the 19th century, it is entirely possible that this is the way many states saw the oceans, as not an arena for balance-of-power politics, but rather an arena where the British dominance achieved after the battle of Trafalgar was to be welcomed.

The seas in peacetime belong to no one in particular. A great many states may thus have an interest in simply maintaining peaceful commerce across those seas, and in avoiding a mad scramble for competing naval bases in their region. The riparian states of the 19th century may thus have had the same inclinations as Singapore and some other states express about naval matters today, preferring not to be left uncertain about the national identity of any warship that suddenly looms offshore, but rather to know immediately that it must be British, or today that it must be the United States Navy.

It might thus be entirely logical for a state to favor the balance of power on land and to oppose it at sea. While human beings derive enormous benefits from the sea, they only live on the land, and they practice their politics on the land. To have a single power dominating all of Europe, or all of Asia, would put a great amount of freedom and diversity at risk. To have a single power dominating the seas, by contrast, is far less of a threat to freedom of religion, freedom of the press,

cultural autonomy, etc.

Indeed, to have a single power dominating the seas will mean that there will not be naval battles interfering with the normal flow of commerce or the normal course of fisheries, and it will mean that there will not be a constant contest for coaling stations and naval bases on the shores of the seas, bases that could become the bridgeheads of imperialism taking political control of big portions of the hinterland. What has happening along the coasts of China at the end of the 19th century, with one power after another demanding the establishment of naval bases, was what the United States and the Latin American states very much wanted to avoid in the Carribean and in the Western hemisphere in general. The scramble for coaling stations along the China coast was a symptom and a byproduct of the end of total British naval dominance. However much Mahan or any other American naval officer might resent British naval dominance, it had to be recognized that the Monroe Doctrine had importantly depended on it, and that the United States might hardly be better off if there were to be French or German naval squadrons in the western hemisphere "balancing" against the British.[3]

When the German Admiral Tirpitz persuaded the Kaiser and the Reichstag that Imperial Germany should build a fleet to confront Britain, he rarely suggested that such a fleet could exceed the Royal Navy in size. Rather he was betting on a balance of power system at sea, very parallel to what Britain had always favored on land. The German Navy would be supposedly assisted, in any confrontation between Germany and Britain, by the fact that the American, French, Russian and Japanese fleets were also emerging. The stronger force, the "hegemon", is always checked by the likelihood that other weaker powers will tend to support each other, as everyone has an interest in avoiding domination or conquest by the hegemon.

By this reasoning, just as Tirpitz welcomed the emergence of an American fleet or a Brazilian fleet, the Americans should have welcomed, and been inclined to support, a German fleet, as every minor challenger to the dominant major power reinforced every other challenger.[4]

If every small navy had truly welcomed every other small navy, as part of checking British arrogance on the seas, the German reasoning would have been confirmed. But a variety of factors of geography would inevitably skew how all these new naval ventures were seen.

It was surely a disappointment to Tirpitz and the Kaiser that American sympathies were not steered by a balance-of-power motivation at sea, but in the net veered more toward a neutrality, or even toward a sympathy for the British.[5] As we shall explore, there were indeed a fair number of American naval officers who, before World War I, and during and after that war, welcomed the end of British naval dominance. At the Versailles negotiations for a German peace treaty, some of such officers actually called for a less-than-total elimination of the German fleet, as such a future fleet would help to balance against British arrogance. But there were other American officers who were much more inclined to write off the possibility of future Anglo-American conflict.

Lessons From the British Willingness to Threaten Preemption

It will thus be important for us today to consider how Britain, when it dominated the seas, and when it talked openly even of launching preventive wars to maintain this dominance, was able to win such sympathy from countries like the United States. It helped that Britain chose to appease the Americans after 1890, by explicitly endorsing the Monroe Doctrine (after it had long been inclined to reject it as an example of Yankee impudence), by making craven concessions on the Alaskan-Canadian border and on the national prerogatives for building a Panama Canal.[6] Britain

similarly avoided a naval confrontation with Japan by negotiating an explicit alliance with Japan, a very un-British thing to do.[7]

But another part of the American and other acceptance of British naval dominance (at least so that there was no enthusiasm for the German challenge to Britain) came from the earlier record of how Britain had applied its hegemonic power. At its worst, as illustrated in the provocations that led to the War of 1812, the British had been very high-handed, seizing seamen from American merchant ships, at times in very close proximity to the American coasts, on the claim that these were deserters from the Royal Navy, and even sometimes impressing seamen from outgunned ships of the U.S. Navy. But, more importantly, the Royal Navy at it best was used to open the seas for the commerce of all, and to fight piracy and the slave trade. Driven by a liberal economic ideology at home, Britain by and large did not use its navy to shut out American and other commerce, but instead to open all the world to everyone's commerce.

As we project the historical analogies to look ahead, some of the important questions will pertain to whether today's economically interdependent world is more like the way everyone (including Britain) saw the land in the 19th century, or whether it is more like the way most countries saw the seas. One kind of political analysis suggests that every other state will automatically resent and lean against any hegemonic power, any assertion of a right to initiate war. But the very concept of "band-wagoning" projects that, under the right circumstances, somewhat opposite reactions will emerge.

The United States now may find it necessary and inevitable that the prerogative of "preemption" or preventive war be enunciated, in face of the damage that a hostile state or non-state actor could inflict with weapons of mass destruction; but it will be important to win the

sympathy and even the support of other countries, i.e. to get them to be inclined to "get on the band-wagon" of the American perception of global interests and global threats. If the world sees the United States as facing mortal threats, there will be more sympathy for American actions. If the world at the same time sees the United States as serving the interests of many other states, and not just itself, then there will be more than sympathy in the way of support for for American actions.

Some of the American and other sympathy for the British attitude toward naval power in the years before World War I thus indeed stemmed from the geographic situation by which Britain was not only exercising power and dominance by maintaining a large fleet, but protecting itself against the dire peril of an invasion. Britain had to fear any French naval growth, and any German naval growth, not because of possible conflicts about distant colonies, but because such naval growth might facilitate a sudden amphibious landing in Britain by a conquering ground force, a force which would put an end to British independence and liberty. A German or French fleet would threaten Britain in a way far exceeding how British naval power could threaten either France or Germany.[8]

British naval dominance was thus required to head off such threats to the very existence of Britain itself. If such dominance sometimes then led to British arrogance across the oceans of the world, it would indeed produce resentment (the very resentment that drove Tirpitz and the Kaiser to propose a large German fleet), but such resentment among Americans or other distant nationalities would nonetheless be tempered by an understanding of the basic British situation.

Knowledgeable Americans, Mahan included, thus took note of the geographic asymmetries by which a German fleet posed a threat to basic British liberties, and in the process developed some sympathy for the British need to be dominant. Just as many people around the world have to

feel some sympathy for a United States whose cities might be vulnerable to a rogue-state or terrorist nuclear attack, outsiders a century earlier had to be sympathetic to a Britain fearing another invasion of the style of 1066.

It is not easy to sort out whether the Kaiser ever had any real plans for an actual invasion of the British homeland. Military planners everywhere develop schemes for every contingency, negative and positive. German naval officers used to drink a toast to "Der Tag", "the day" when the German fleet would sink that of Britain; if such a naval victory had occurred, would Britain not have been wide open to a German invasion?

The official German line, and perhaps indeed the most plausible German goal, to repeat, was rather that a German fleet would never match that of Britain, but would merely curb British power-assertions around the world, and would thus make Britain more sympathetic to German interests in Europe, because the German fleet was only *one* of the fleets that Britain would be facing around the world.

The German naval buildup was thus sometimes justified as being in no way a threat to Britain, but merely a means for reducing the British threat to Germany. This is altogether parallel to today's arguments that Iranian or North Korean nuclear weapons programs are not intended to damage the United States, but merely to protect Kim Jong-Il or the Iranian clergy against the threat of an American-imposed regime change.[9]

The parallel is very strong here. Even if the Iranian or North Korean leaders are *mainly* concerned to reduce the American threat, the past behavior of these regimes confronts the outside world with an inherent threat that their nuclear weapons could be used without provocation. Such weapons of mass destruction can amount to an existential threat to all the cities of the world. Even

if the German fleet was *mainly* intended to curb British arrogance on the high seas, the inherent threat remained that Germany might suddenly have an ability to repeat what William the Conqueror had done, this being an existential threat to all the British held dear..

The attacks on American cities of September 11 are foreseen as warnings of much worse attacks that are likely if nuclear and other weapons of mass destruction spread. It is not easy to compare the "totality" of the threats faced by the two hegemons being compared here, the threat of a foreign army suddenly landing on the British coast along the lines of the best-selling novel *The Riddle of the Sands*,[10] or the threat of the destruction of an American city by a nuclear attack, but either would be salient enough to produce sympathy.

Incomplete Band-wagoning

To repeat, Britain's maintenance of naval dominance did not produce sympathy among *all* Americans, even if Mahan was someone who felt such sentiments, for there were many bitter memories going back to the impressment of American seamen, and the constant threat that the Royal Navy would interfere with neutral American shipping in the event of a war. The bitter memories include the 1814 burning of Washington and the attack on Baltimore, a most dramatic exercise of what dominance of the seas can facilitate, commemorated in the American national anthem, *The Star-Spangled Banner*. When German naval growth forced the British to withdraw ships from the Carribean and from bases on the Canadian coast, a fair number of American naval officers and political leaders simply thus felt "good riddance", in effect confirming the hopes of Tirpitz that all the world would tacitly cooperate in a balance of power exercise here. Some of such reasoning was to affect the feelings of people like President Wilson and Chief of Naval Operations Admiral Benson even through World War I, and into the negotiations of the Versailles Treaty and

subsequent debates about the size of future naval forces.[11]

Those who regard peace and sympathy as inevitable between the United States and Britain often turn away from power considerations, noting instead the shared language, and the shared institutions of democracy. It is indeed now a widely shared presumption that wars will not break out between *any* two democracies, and the War of 1812 and the War of the American Revolution are reconciled to this generalization by the fact that Britain had a very limited electorate until a bit later in the 19th century, i.e. was not yet a "democracy".[12] A "realist" interpreter of international affairs would discount the ties of domestic political culture or language, of course, and would hunt for other explanations for a smooth and peaceful power transition. One part of our analysis here is that this transition did not always promise to be so smooth, as British speculation had emerged about "Copenhagening" the fledgling American navy, even after Britain had become a political democracy.

One power-oriented interpretation of the power transition might point to the parallel German naval threat to British dominance, with Britain then having to choose which enemy it was going to face, and thus electing to appease the Americans. Another power-oriented explanation for the British failure to launch a preventive war attack, when threatened by U.S. naval growth, would point to the situation of Canada. British naval power, all through the 19th century, was seen in London and Ottawa as the one reliable deterrent to an American invasion and seizure of Canada, this being a time when United States Senators routinely used to give 4th of July speeches calling for the absorption of Canada into the United States. [13]

At a time when most Americans simply assumed that Canada was a colony ruled by Britain without popular consent, the problem for the British and the Canadians was geopolitically clear.

The United States, at the "heartland" of North America, had the military advantage if any land war was going to be fought. The British repeatedly urged the Canadians to invest more in preparations for their own land defense, much as the United States, all through the Cold War, was to urge its NATO allies to invest more in conventional defense. When the NATO allies failed to deliver such conventional forces, the fallback for their protection was always the threat of an American nuclear attack on the Soviet homeland. Similarly, when the Canadians failed to augment their militias, the fallback for their protection was the inherent threat of what the British Navy could do to New York, Baltimore, Washington, etc.

In each case, the threat posed of "countervalue" punishment would not have prevented a conquest of the territory at risk, Western Europe or Canada. But the prospect of such punishment presumably made the proposed conquest not worth the cost. British naval power thus protected Canada, until the time arrived when Americans realized that Canada was indeed already free and self-governing, not a territory needing to be "liberated".

Yet if American coastal cities were thus held hostage by the British navy for the safety of Canada, the reverse linkage held as well, as Canada was a very vulnerable hostage if Britain had ever tried to challenge and preempt the American navy's growth. Theodore Roosevelt and other advocates of a larger American fleet would thus discount the prospect of any British anticipatory challenge, because of the positive background listed above that most believers in friendly Anglo-American relations would cite, *and* because Canada amounted to a hostage for proper British behavior.

A similar kind of discussion sometimes emerged as Japan began building a serious navy at the start of the 20th century, with Americans seeing in such growth a challenge for the future.

The analogy was sometimes drawn between the status of Canada as a hostage or a prize, and the new American prize or hostage in the Philippines.

Perhaps the United States now needed to be superior to Japanese naval power, if for no other reason, because it had to be able to protect the Philippines, where geography would otherwise give Japan an inherent military advantage in and around these islands. But, conversely, if any American planner envisaged an early violent confrontation with Japan to head off its amassing of power, the vulnerability of the Philippines would be a handicap for Washington, a handicap which President Theodore Roosevelt was already noting at the start of the century.[14]

If one insists in interpreting international relationships in terms of military power, the peculiar position of Canada thus probably amounted to a reinforcement for peace in the net, as the United States became equal to Britain in naval power, and then moved ahead. But the Philippines were not to play this role in moderating the confrontation between the United States and Japan.

How Power Is Used

In light of the above, one kind of lesson from the history we have surveyed stems more broadly from the *uses* to which one's hegemonic power and exercises in preemption are put. The example of Britain in the century before 1914 is quite suggestive. The British were often imperious, arrogant and high-handed, and Americans of all stripes retained resentments of this well into the twentieth century. One can find expressions of such resentment, and fear of the possibility of a British preemptive naval attack, voiced by people as prominent as Alfred Thayer Mahan, Theodore Roosevelt, and Henry Cabot Lodge.[15]

Yet each of these three prominent thinkers on American naval strategy and foreign policy was to revert to a view by which Britain was not seen as a rival or enemy, but as a role model and as a partner. An important explanation for this stems from the relatively benign purposes for which Britain had used its naval power. As noted, the British dominance of the seas (for the preservation of which the British were so ready to strike the first blow) had been used to stamp out piracy and the slave trade, and generally to make the seas safe for the free trade of all (indeed altogether parallel to the purposes for which the United States Navy is deployed today). If power is compounded and retained, but is used for the political and economic benefit of all, the counter-instincts of balance-of-power thinking are not likely to be so persuasive, and the logic of "band-wagoning" will play a larger role.

Not every American naval planner came around to the same benign interpretation of British naval strength that Mahan and Roosevelt endorsed at the end. One sees a curious debate during and after World War I between Admiral Sims, who served as head of liaison with the British during the war and pooh-poohed any possibility of future Anglo-American conflict, and Admiral Benson, the first officer to hold the title of Chief of Naval Operations, who wrote repeated memoranda to President Woodrow Wilson arguing that every state that had ever begun matching Britain on the seas, the Netherlands, Spain, France and Germany, had wound up fighting a war with the British, and that the United States was thus next on the list.[16]

The lesson of Pax Britannica and the tradition of "Copenhagening" is thus that some Americans, such as Admiral Benson, deeply resented Britain, while others felt a gratitude and acceptance for how British power had been used. The same may have to be inevitable for any parallel American policy of preemption in the future. The instincts of balance of power thinking

are simply too strong to be swept away entirely by gratitude and band-wagoning. But, if the power exercising a hegemony can show that it is solicitous for the rest of the system, some of such instincts can be overcome.

The three major supporters of United States naval expansion, Mahan, Lodge, and Theodore Roosevelt, has thus all been hostile to British naval power in one way or another at the beginning of the 1890s, conjuring up hypothetical scenarios for war with Great Britain, expressing fears of the British naval bases on the Atlantic and Pacific coasts of Canada, and in the Carribean. But each of these people was to become much more positive about Britain in the next two decades. Theodore Roosevelt, close to the end of his life, was scoffing at Woodrow Wilson's notions that the buildup of the American fleet was to be seen as part of a post-Versailles confrontation with Britain.[17]

Those would argue that wars or naval arms races could never erupt between English-speaking democracies are surely overstating their case. If Germany had not seemed a threat to all, the issues that had set Britain and America against each other in the latter part of the 19th century might not have been settled so easily. One has to note again the slice of American naval planners who did not warm so much to British power, but who, like the Chief of Naval Operations, Admiral Benson, were counseling President Wilson to mount a naval challenge to the British.

If more Americans leaned toward "band-wagoning" with the British (Mahan might have left it unclear who was going to be guiding the "band-wagon", with the United States perhaps smoothly picking up the reins from the British), some thus would still be disinclined to accept British power. A major lesson to be extracted from this is that the gratitude a hegemon may draw from a benign exercise of power will never be total, as power, even it if does not corrupt, will

produce some resentment. Being dominant will always make someone *seem* somewhat arrogant, however much the dominance serves the interests of others.

The Temptations of Power

A second kind of lesson for the future can be drawn from Stalin's actions after World War II. Rather than merely ensuring the USSR against aggression, as the spirit of Yalta was ready to accept, Stalin, for reasons of ideology or of more severe preemptive concerns, chose to deny Poland and Romania, etc., what he tolerated in Finland. Had he allowed Estonia to be independent, albeit hosting Soviet military bases, and had he allowed Poland a democratic government, albeit hosting Soviet military bases and transit rights to East Germany, much of the Cold War would have been different, and much of Western hostility to the Soviet system could have been avoided.[24]

What Finland achieved, in being able to maintain its own political and cultural character, even while being "Finlandized", is what Iceland also achieved in the west, in escaping being culturally swamped. The American threat here was more a matter of demographics than of American ideological zeal, because one constantly had to compare the number of British or American forces that might be needed to prevent a German or Soviet invasion, with the military-age male cohort of the Icelandic population.

On a broader cultural front, an Icelandic concern was that American television signals not be transmitted at Keflavik in a manner that would seduce Icelanders into watching American programing, this coming at a time when Iceland was considering having no television at all, or at least a very limited state-run offering devoted mostly to culture.[25] The solution for this problem saw American armed forces television shifted to an on-base cable system, with programs no longer

being transmitted over the air where Icelanders would be able to tune in on them. And a solution for the demographic problem came when the United States Air Force deployed more American *female* personnel to Keflavik, making this base the highest in the world in terms of female military percentage.

With a great deal of arguing back and forth, the end result was thus that the American presence was contained, so that Icelandic cultural autonomy could survive, even while a crucial military base remained under American control (or most importantly, so that it could not quickly fall under Soviet control).

Some would see the difference between Eastern Europe's fate and the fate of Iceland as illustrating the difference between democracies and totalitarian dictatorships in their foreign policies. Lest one conclude that democracies will always be restrained, in how much they change a territory after they preemptively feel driven to take military possession of it, however, one must note the two earlier preemptive moves by the United States in 1898, the occupation of the Philippines, and the incorporation of Hawaii.[26] In both cases, an important incentive for the United States government was the fear that some *other* power would seize these positions in the Pacific if the United States did not. In the case of the Philippines, such fears pertained in particular to Japan and to Imperial Germany (with Germany, in the wake of the Spanish defeat in the Spanish-American War, having indeed purchased the Mariana and Caroline islands from Spain, as well as showing an interest in the Philippines). In the case of Hawaii, the powers being preempted were Britain, Japan and Imperial Russia, all of whom had dispatched naval vessels to Hawaiian waters at one point or another.

Filipino resistance to the American occupation of the islands produced a very savage guerrilla war, which some have compared to the war in Iraq, but which had the happy outcome that the guerrilla resistance was in the end suppressed, with Filipinos over another four decades coming to feel generally very positive about Americans.[27] Helping this was an early American commitment to Filipino independence, and a quite enlightened management of the territory once peace was established. In 1898 and afterward, very few Americans saw the Philippines as slated for statehood and full incorporation into the United States. The island's population was simply too large, and seemingly too alien in culture and traditions, to be assimilated, and the islands were too far away geographically.

One saw no violent resistance to the American incorporation of Hawaii, and today Hawaii is seen by one and all as just one more state of the United States, rather than only as a key naval base that has to be kept out of hostile hands. No sentiment opposing American sovereignty could ever capture a majority in Hawaii today, but an important reason for this is that the ethnic nature of Hawaii had been changed forever by massive inflows of Caucasian, Japanese, and other immigrants, to the point where the native Hawaiian population is today only some twenty per cent.[28]

To summarize the comparisons here rather bluntly, Hawaii thus suffered the fate that Stalin tried to impose on Estonia, Latvia, and Lithuania. Because the ethnic and social change in Hawaii was relatively complete and successful, only a few people would today voice any objection to the attempt. Because the Slavic migration into the Baltic republics was not completed before the USSR collapsed, the resistance to such a process became a *cause celebre*

for the Baltic peoples, and one more grievance to be noted around the world against Stalin and the Soviet system.

Finland escaped what Estonia experienced. Finland's fate was more comparable to that of Iceland, which in turn escaped what had happened to Hawaii. One general lesson for practitioners of preemption (for these are *all* examples of such preemption) would be that one must thus either succeed quite totally at the assimilation of the territory involved, or else one must be quite scrupulous about respecting the local political and culturall status quo.

The Setting of Dangerous Examples

One of the inherent risks in maintaining a prerogative of launching preventive wars is that others powers will feel legitimized in doing the same. A contemporary criticism of the Bush administration is that the American initiatives against Iraq and Afghanistan will allow India to launch preemptive or preventive attacks against Pakistan, and will allow Israel to feel free to undertake the same against Iran, or Japan against North Korea, or Russia against Georgia.[30]

An earlier illustration of this might possibly be found in the relationship of Japan to Britain at the start of the twentieth century. When Japan and Britain negotiated an alliance, it reflected Britain's recognition that it might not be able to maintain a dominance over every corner of the high seas. It also reflected the fears shared in both countries about Russian imperialism and the ambitions of the Czar. The Japanese Navy moreover had been seeking training and technical advice for some time from the Royal Navy, as naval officers in Japan regarded Britain as the model to be imitated, while Japanese Army officers looked more to Germany for inspiration.

A part of the inspiration that Japanese naval planners drew from the British thus had to pertain to memories of Nelson and the British tradition of "Copenhagening". The Japanese surely had to have heard of the British speculations about preemptive attacks against rival fleets, against the French Navy until the first decade of the new century, and against the German fleet thereafter. One important aspect of the Anglo-Japanese alliance was indeed a signal that Britain did not regard Japanese naval growth as a threat. Most Japanese warships at the time were in fact being built in British shipyards.[31]

As noted earlier, the response of Jackie Fisher to the news of the Japanese sneak attack at Port Arthur was not at all condemnatory, but instead to tell one and all that this was the correct model that the British themselves needed to stick to. A portion of the British tradition of sea power that the Japanese were emulating was thus that adversary threats needed to be anticipated, that wars needed to be launched before the enemy became too strong.

The Japanese government and people could in all fairness claim that Russian imperial ambitions threatened Japan itself. The Czarist government clearly showed aggressive intentions toward Manchuria, in the way that the Trans-Siberian railway was built across Chinese territory there, and in the accessory agreements by which Russian troops garrisoned the zone of the railway. The Russian response to the Boxer rebellion had been to occupy Manchuria, and Russia was soon to violate its promises to China, and to all the outside powers, that such occupation forces would quickly be withdrawn. The prospect of having Russian troops, disguised as "lumbermen", entering Korea was then particularly disturbing, given that the Korean peninsula came so close to Japan proper, geopolitically "a dagger aimed at the heart of Japan".[32]

Japan's decision to confront Czarist Russia was thus anticipatory and preemptive in the grand scheme of things. Even if Japan was later to be convulsed by an aggressive appetite for Chinese territory, in Manchuria and elsewhere, at this early stage it was also responding to the Russian appetite for territory, and very much with British sympathy.

Great Britain was not particularly looking forward to an actual war between Japan and Russia in 1904, but was hoping that the prospect of Japanese naval and land power would contribute to checking and deterring Russian expansionism.[33] When Russian ambitions were not being checked here, however, Japan struck, and struck without the full prior warning of a formal declaration of war. And important portions of the British leadership applauded all of this.

A skeptic about international morality and international law would contend that the Japanese would have struck at Port Arthur, and later at Pearl Harbor, without any need for a British precedent, without any thought of international legitimacy, just as the same skeptic would contend that India or Israel do not need an American role model to pursue their own national interests and strike first in a crisis. Israel of course struck the Iraqi reactor at Osirak well before the George W. Bush administration proclaimed a U.S. national policy of preemption.

Yet even the most tough-minded national government will consider the responses of world opinion when it makes the choice of whether or not to launch a preventive attack. When other major powers have done this recently, or have proclaimed a willingness to launch such attacks, it becomes marginally easier for a state like Japan or Israel to do so. Conversely, if the whole world has been voicing an aversion to such initiations of war, it becomes harder to take such a step, because the price in terms of outside world reactions goes up.

If any Japanese political leader is today contemplating a preemptive attack on North Korea, for fear that the North Koreans (out of historical animosity toward Japan, or because of a general irrationality), might soon launch a nuclear attack on a Japanese city, they will be affected by a number of historical factors. They might note and remember that Japan has a historical tradition of striking without first declaring war. Countering this, they would have to note that Japan was very much condemned for this after 1941, even if it was somewhat excused for this after 1904. And, supporting such a preemptive attack, they will have to note that Americans have been proclaiming a new legitimacy for preemption ever since September 11, 2001, and indeed even somewhat before.

For the British in 1904, the task might thus have been parallel to the American task after 2003. How does one claim and exercise the option of preemptions or preventive wars, without thereby making it much easier for other states all around the world to do the same, and without making the potential victims of such attacks constantly fear the same?

One suggestion from believers in international law is that such attacks should be filtered by requiring the approval of a forum like the United Nations Security Council, the procedure that was indeed followed by the United States in the attack on the Taliban regime in Afghanistan after September 11, 2001, but was not followed in the Iraqi case. The Bush administration voiced major doubts about the relevance and reliability of the United Nations here, but these are of course the same doubts that might now be voiced by Israel or India.

Issues of General Style

Critics of the Bush administration would contend that the Republicans had needlessly alienated world opinion, by the way that, even before the 9/11 attacks, the 2000 election campaign had been waged, and by the grand statements of policy that had been issued in the first year of this administration.[34] The style of the new administration was to suggest that the United States would now pursue its own interests, rather than being pulled along by the interests of others. Such a "realist" statement of outlook could have been a simple tautology (as everything a country wants to do, for whatever reason, even protecting and serving the welfare of other states, is "in its own interest"); but, if it was not a tautology, it would be a warning to allies and other international partners that America no longer cared as much about their interests. As some sort of theoretical shot across the bow of the European allies or the United Nations, this was likely to turn world opinion against the Bush administration and against the United States in general.

The immediate aftermath of the September 11th attack was still a wave of substantial sympathy for the United States, as evidenced in the broad support in the Security Council and around the world for the American intervention against the Taliban. But this support was soon to be eroded and thinned, in specific response to the following American invasion of Iraq, and more generally in response to the grand style of the Bush administration.

For George W. Bush and his advisors to sound "unilateralist" during the 2000 election campaign, and then after the administration was inaugurated, was to appeal to that certain slice of American voters who suspect that foreigners are tricking the United States into serving their interests. To assert that the United States will look out for its own national interests is thus to suggest that the previous administration has been foolish and misguided.

But if asserted too long and too loudly, the same kind of campaign terminology will lead foreign governments and foreign peoples to assume that the United States will now be more indifferent to their concerns, more ready to use power for purposes that only Americans will endorse.[35]

Yet this new "unilateralism" could come in at least two forms. One would be that the United States would be *less* willing to deploy force around the world, when it did not suit its own interests. A very different form would be that the United States would now deploy such force *more* often, even where the rest of the world did not approve.

The first instinct of the new Bush administration when it was inaugurated at the start of 2001, was to sound almost isolationist, as the United States would now refuse to be the "world policeman". Rather than frightening the world with how many military interventions it would launch, the new administration suggested that it would refuse to send American forces abroad, even when its allies and the broader community wanted it to. After the terrorist attacks of 9-11, the same broad "unilateralist" tone of the new administration then shifted drastically, to a posture of being ready to intervene and to initiate combat, even when no consensus of world opinion endorsed this.[36]

Related to the criticisms of this "unilateralist" tone of the Bush administration is a debate, voiced fairly clearly by former National Security Council head Brent Scowcroft, about whether it was at all wise to have openly enunciated the prerogative of "preemption", a prerogative which many of course had criticized as actually a misnomer for "preventive war".[37]

Scowcroft and others noted that actual preemption might be inherent in the rights of self-defense integral to national sovereignty, a right of self-defense shielded in Article 51 of the United Nations Charter. Any country seeing an actual attack coming would of course take actions to head

this off, and there might be no point in reminding other countries of what was so inherent, for this would only irritate everyone. To remind one and all that peace was not perfectly assured, so that a state might have to protect itself, was simply to voice an obvious and somewhat unpleasant truth.

Defenders of the administration might conversely have praised President Bush for candor, for trying to reduce the hypocrisy of the world's deliberations. The moral tone of collective security, in the League of Nations, and still in the United Nations, had projected that initiation of war was generally evil and to be condemned, with one result being that one can not find any formal declarations of war after 1945, but nonetheless a great deal of armed combat.

Declaring that the United States would have to try to blunt an attack that was underway might thus have been inherently true, just like the tautological statement that the United States would have to serve its own national interests. If there was some additional information content in this statement, or if there was something changed and new about it, it came on the continuum of preemption and preventive war that we have been addressing throughout this book, as the United States might feel it necessary now to launch military operations against a future attacker, *in advance of* being attacked. If the Bush doctrine was thus a doctrine of preventive war, rather than a doctrine of preemption, it was indeed a bit more new, rather than something that was inherently obvious, and merely stylistically irritating when anyone was reminded of it. [38]

To repeat, the world in 1918 had come to condemn preventive wars, if war was not yet inevitable, if the initiator of a preventive war was thus choosing war over peace.

Before one thus criticizes the George W. Bush administration too much for drawing the disapproval of possible world partners, it has to be noted that the accusation had been heard for a longer time that the United States, having won the Cold War, would be an unchecked "hegemon", with the proponents of "political realism" in Beijing or New Delhi voicing such fears already at the

time of Desert Storm in 1991.[39] President George W. Bush moreover was not the first to ask for a UN Security Council approval of a military intervention, and when denied this, to launch the intervention anyway, because this is what the Clinton administration did with regard to Kossovo, where the goal was not to protect the United States directly, but to protect a minority that was in danger of being massacred. (Kossovo indeed was a case where Muslims were not the anticipated enemy of the United States, but the very category of people being protected.)[40]

The Bush administration had nonetheless come into office proclaiming an indifference to the UN and to the opinion of other countries, proclaiming such an indifference much more openly than any Clinton official ever had. Whatever one concludes about the relative candor of the second Bush administration's decisions to act without UN approval (and to shrug off the attitudes of such traditional allies as France and Germany), one result was certainly to make the United States and its actions less popular around the world..

Outside World Sympathies

The administration of Franklin Roosevelt, *and* most Americans, had been at least a little sympathetic to the fears of Fascism and of future invasions expressed by Stalin's government in 1945. This held true even while the accusatory phrase of "fascist' was being used against advocates of democracy in eastern Europe, and against the United States itself, and even as Moscow had to be suspected of wanting to spread Communism by force of arms, i.e. of being on the offense and not simply on the defense. The threats that Nazi Germany and its allies had posed to the whole world, so very suddenly in the years from 1933 to 1941, had been all too real.

In an analogous fashion, the outside world has now had to be at least a little bit sympathetic to the American response to the threat of terrorism with weapons of mass destruction, most

especially after the September 11, 2001 attacks, but already before. This holds true even while the Bush administration's professed disdain for the United Nations and for collective action was working to alienate what had been traditionally sympathetic audiences, and even while some "realist" analysts of international affairs around the world, in India, France, China or Russia, accused the United States of now behaving as an unchecked "hegemon". The threats were all too real that terrorists might destroy huge buildings in which thousands of people were employed, and that such terrorists might soon enough come into the possession of even deadlier weapons, with there being no easy way to deter such attacks by the prospect of retaliation.

Even if the foreign policy style of the George W, Bush administration made the United States lose a lot of support around the globe, the world would grudgingly or otherwise acknowledge that nuclear or other weapons of mass destruction, in the hands of non-state actors or "rogue state" irresponsible national regimes, would pose a tremendous risk to the world. The use of such weapons could not be defended against with any reliability. This, has of course, been true of nuclear weapons ever since they were invented, ever since Stalin's Russia had matched the United States by acquiring its own nuclear weapons in 1949. In the case of the Soviet Union, the "solution" had then not been defense, but deterrence, as the prospect that Moscow would be destroyed in second-strike retaliation would deter a Soviet attack on New York or Washington.

If defense could never work perfectly where such deadly weapons were involved, and if deterrence could not work against an organization like Al Qaeda as it had against the USSR, one remaining hope for shielding the cities of the United States or other countries would have been a very rigorous program of non-proliferation, keeping the deadliest of weapons from slipping into the hands of terrorists (and from slipping into the control of any more normal states, for fear that proliferation to additional states would soon enough lead to proliferation to non-state actors).

While some analysts are now inclined to write off the non-proliferation effort as a basic failure, this is more than a little premature, since the actual spread of deadly weapons has been far slower than most predictions assumed in 1970s and 1980s, and since most of the world indeed welcomes restrictions on the spread of nuclear, chemical and biological weapons.[41]

It is where non-proliferation has *not* been a perfect effort, and defense and deterrence can not work, that the final fallback then emerges, not just in the minds of American decision-makers, but all around the world, the fall-back to preemptive or preventive war attacks, initiations of military operations, as in the American-launched invasion of Afghanistan, to destroy weapons of mass destruction before they are put to use.

As illustrated in the United Nations Security Council votes supporting the incursion into Afghanistan against the Taliban regime, and in the report of the UN Secretary General's High-Level Panel on Threat, Challenges and Change,[42] the world is willing to recognized a *certain degree* of preemption or preventive war as necessary under the particular premises of the emerging risk of WMD terrorism, just as it was earlier ready to sanction this against the demonstrated threat of Fascism.

The Particular Case of Iraq

While criticism will be directed to the George W. Bush administration for enunciating the prerogative of preemptions that amount to preventive war, the greater criticism is occasioned of course by the particular invasion of Iraq. The two criticisms should not be blended to be confused with each other.

If Iraq had truly fit the category of a state preparing to use weapons of mass destruction against the United States, a state that could not be deterred, then this invasion would indeed be

drawing much less criticism, even if the consequences remain very painful for the American people. But the world was not convinced in 2003 that Iraq was in the same category as Afghanistan, and the facts unearthed since then make these doubts look all the more appropriate.

To be against the invasion of Iraq is thus not at all the same as to be against the legitimacy of preemption. If Iraq was to be the illustrative example of this new legitimacy, it was a badly chosen example, and has thus in the process blurred support for the principle.

Lest one direct all the criticism for the principle of preemption, or even for the principle of acting without United Nations Security Council blessing, at the Republicans, one must remember that similar concerns about nuclear proliferation leading to undeterrable threats were voiced already in the Clinton administration, and that the Clinton decision to intervene in Kosovo, as noted, was also without UN blessing. Russian spokesmen today sometimes date their alleged irritation at American high-handedness not to the actions of George W. Bush, but to the American action in Kosovo.[43]

The Passage of Time

One important question for any policy maker will pertain to the duration of time before one's exercise of a preventive-war option is forgotten or forgiven, and basically *accepted* by the rest of the world. If the consequences of such an action are clearly desirable for world interests, the period for any resentment may be relatively short. If the gains are harder to demonstrate, and the costs more obvious and extended over time, this period may become prolonged.

As noted several times above, one inherent difficulty of any preventive war will be that the world will often be skeptical about what was being headed off. If Hitler had been deposed in 1933 by a Polish-French intervention, the whole world would later have expressed doubts about whether Hitler really was so bad, about whether he would not soon have moderated the Nazi regime in a

version of the French Revolution's "Thermidor". If the invading American forces conversely had definitely found components of nuclear weapons or chemical weapons in Iraq, the world would have been more willing to credit the wisdom and insight of the intervention.

A Franco-Polish intervention might have been followed by a violent German guerrilla resistance, with the world as today condemning the inevitable atrocities on both sides that ensue in such resistances. Or it might instead have been followed by only the same passive resistance that had followed the French occupation of the Ruhr in 1923, an occupation that in many ways was viewed as a dress rehearsal for a more extended French military intervention into Germany.

The final allied occupation of Germany in 1945 indeed produced almost no German resistance of a guerrilla or other form, this being an outcome that the Bush administration had hoped to see in Iraq. But the Germans presumably were cowed into total surrender by the experience of having lost many bloody battles in six years of war, and having their cities severely damaged in the Allied air raids. The end result of this lack of resistance, and a similar lack of resistance in occupied Japan, was that Americans and Germans and Japanese generally look upon these occupations as a positive experience, with the American conquerors having a chance to demonstrate a quite surprising generosity, and with Germany and Japan moving into political democracy and some very impressive economic growth.

History is often written and re-written on the basis of later developments. Where the exercise of preemption and preventive war leads to the establishment of an empire that is largely beneficial to all, there will be far fewer lamentations of the anticipatory actions that produced such empire. The Roman citizens that resided in Greece and the former Carthage did not sit about festering about the oppressive nature of Roman rule. What reinforced empire was the equivalent of later "band-wagoning" thinking in international relations. Those who had themselves been

incorporated into an empire or into a hegemonic world-system might soon enough come to support and applaud any similar actions against other potential threats to the system.

The choices and tensions here are illustrated well by the varied American reactions to British naval power, before and after World War I. As noted, Mahan , Theodore Roosevelt and Admiral Sims had basically shed any American resentment of British naval dominance, viewing this dominance as having been generally valuable to the interests of other countries around the system. But others, including Admiral Benson and President Woodrow Wilson, still found British "navalism" almost as obnoxious as German militarism, and were prepared to challenge it.

Some of the equanimity of those tolerating British naval power of course stemmed from an assumption that the United States would quite naturally come to match and replace Britain as the policeman of the oceans, with Mahan and others regarding Britain as the model to be imitated and not resented. But such assumptions of course prodded some British naval officers to resent the American challenge.[44]

When the Washington Naval conference of 1921 led to an agreement to halt the Anglo-American naval arms race, with some already-completed ships being scrapped, and with major naval construction being deferred, on a premise of parity between the two English-speaking powers, most people in both countries applauded, but many naval officers on each side were unhappy.[45]

This might lead to a "bureaucratic politics" explanation of people like Admiral Benson, by which admirals everywhere are always needlessly looking for enemies, as an excuse to augment their own appropriations and to build new warships. Yet this would hardly explain the attitudes of Woodrow Wilson, or of the American Congressmen who in 1916 had voted to build a navy "second to none". When the United States entered World War I on the British side, the American

naval program had been *temporarily* shifted from battleships (which would hardly now have been relevant to opposing Germany) to anti-submarine vessels, but at the close of the war Wilson ordered that the battleship program be resumed.

American resentments of the one-time British dominance of the seas had more or less finally expired by the time of World War II. But the memories of it were never to become entirely positive. The precedent the British had set at Copenhagen was always to produce some resentment.

The Character of the Hegemon

As one tries to sort out whether the world will automatically turn to balance-of-power opposition to American hegemony, or will instead be inclined toward a "band-wagoning" acceptance of this leadership, there will be at least two kinds of factors at play.

A first question pertains to whether *any* kind of hegemony has certain kinds of advantages for the international system. One can perhaps make this argument for the seas, as opposed to the land, and one can make similar arguments for the monetary arrangements that allow international trade to flow more freely.

The second question will pertain to the particular national character of the country that comes to have the hegemonic role. Here the case can be made that a democracy is far preferable in this role to a totalitarian dictatorship. Among the ideologies, one can further assert that an explicitly altruistic ideology such as Marxism would be preferable in a hegemon to a selfishly nationalistic ideology like that of Fascism. And a country that regards itself as basically successful at home will be more likely to be charitable and altruistic in it foreign policy.

In assessing the prospect that the United States will be the dominant power exercising the prerogative of preemption in the future, the world will have to judge whether it is better off for this

in the net because of American national character, just as similar judgements had to be made in the past around the world about Britain.

Choices on Weapons Procurement

In this discussion of preemption, one can also extract some policy lessons on the nature of weapons to be sought.

In a world of straightforward confrontations between established powers, one might have made a strong argument for defensively-inclined weapons, over those favoring the offensive, precisely because these reduce the risks and temptations of preemption. One wishes to avoid the kinds of crisis instability, in nuclear confrontations, and in conventional confrontations, that might produce a "war nobody wanted". One wishes to avoid repetitions of the outbreak of World War I, and to avoid the kinds of scenarios that might have produced a World War III, with each side so fearful of the other's nuclear sneak attack that bombers or missiles might be launched on the basis of misleading radar signals.[46]

Toward the end of the Cold War, such a concern for avoiding preemption produced an interesting literature on "defensive defense", with West German, British and American analysts looking at the confrontation of NATO and the Warsaw Pact to see how the temptation to strike during a crisis could be reduced.[47]

But very different priorities may have to be introduced where one is dealing with a rogue state that might acquire weapons of mass destruction, and that might not be so easily deterred from using them, or with such a state that is content to house a non-state terrorist group wielding such weapons. Here one might indeed want and need *offensive* weapons, to attack and root out the regimes that threatened to impose such mass destruction.

And the same holds true for situations where regimes are imposing massacres within the territories they already control. Our concern for human rights here would again call for armed intervention, for the *initiation* of what would be regarded as armed combat, so as to head off such massacres, and this would thus again call for the maintenance and acquisition for the military weapons favoring the *attack*.

Also requiring the maintenance of such offensive capabilities would be the necessary responses of the collective security system. If Iraq can suddenly seize Kuwait, or if Nazi Germany can suddenly seize Bohemia-Moravia, it will take the *offensive* capabilities of the outside world to restore self-government to the seized territories

All of this is to suggest that we may normally condemn offensively-inclined weapons in arms control terms for increasing the chances of a "prisoners' dilemma" preemptive situation in competitive international military confrontations, but that we may have to welcome exactly this kind of weapons in a world more inclined to collective security, and in a world threatened by terrorism with weapons of mass destruction and/or with massive violations of human rights.

The British Navy leadership that had speculating about "Copenhagening" attacks was not content to rely on a superiority of defense over offense at sea, as the way to protect Britain. If such a defensive advantage emerged in the confrontation of battleship vs. battleship in 1914, the British accepted this very reluctantly. Rather than rebuffing a foreign naval attack, which might inherently have been a less-than-certain proposition, British political priorities would always have called for an ability, if it could be found, for anticipating and preempting such an attack.

Where an aggression has already occurred, the world is thus less likely to regard a military response as a violation of the peace, even though offensive weapons will be required to implement that response. We have noted, however, the terrible temptation for the peace-loving world to shrink

from such a response, especially where the immediate victim of the aggression has not mounted much of a military resistance on its own. "The aggressor is always peace-loving", as Clausewitz noted, always willing to exploit the world's preference for peace.

If the world can indeed gird itself to respond militarily, as it did under the leadership of President George H.W. Bush in Desert Storm, in close enough proximity to initial aggression, the possible contradictions within the world's moral feelings can be overcome.

Where such an aggression is merely a possibility for the future, the world may be inclined to condemn preventive war anticipations of this, for such anticipations are widely seen as having caused too many unnecessary wars in the past.

But the newer motivations for anticipatory actions here will now focus on massive human rights violations, including ethnic massacres, *within* territory already under a regime's control, and parallel to this, the threat of sudden and undeterrable attacks on the world's cities with weapons of mass destruction.

As noted above, a portion of the liberal community now very much endorses military interventions to head off the first kind of massacre, but frowns on a military attack intended to head off the second. Especially if we see another attack anywhere around the world on the magnitude of 9/11, or even if we do not, the odds are that the world will get over its logical inconsistency here.

Chapter I

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