



9-24-2010

## Just Military Preparedness: A New Category of Just War Theory

Harry van der Linden  
*Butler University*, hvanderl@butler.edu

Follow this and additional works at: [https://digitalcommons.butler.edu/facsch\\_papers](https://digitalcommons.butler.edu/facsch_papers)



Part of the [Ethics and Political Philosophy Commons](#)

---

### Recommended Citation

van der Linden, Harry, "Just Military Preparedness: A New Category of Just War Theory" *Paper Presented at the Department of Philosophy at Michigan State University* / (2010): 1-24.  
Available at [https://digitalcommons.butler.edu/facsch\\_papers/1073](https://digitalcommons.butler.edu/facsch_papers/1073)

This Conference Proceeding is brought to you for free and open access by the College of Liberal Arts & Sciences at Digital Commons @ Butler University. It has been accepted for inclusion in Scholarship and Professional Work - LAS by an authorized administrator of Digital Commons @ Butler University. For more information, please contact [digitalscholarship@butler.edu](mailto:digitalscholarship@butler.edu).

Harry van der Linden  
Butler University  
[hvanderl@butler.edu](mailto:hvanderl@butler.edu)

This paper was presented at the Department of Philosophy at Michigan State University, September 24, 2010. A few notes have been added or updated.

### **Abstract**

This presentation discusses why just war theory is in need of just military preparedness (*jus ante bellum*) as a new category of just war thinking and it articulates six principles of just military preparedness. The paper concludes that the United States fails to satisfy any of these principles and addresses how this bears on the application of *jus ad bellum*, *jus in bello*, and *jus post bellum* norms to possible future American military interventions.

## **Just Military Preparedness: A New Category of Just War Theory**

### **1. The “Triumph” of Just War Theory**

In a 2002 article with the title “The Triumph of Just War Theory (and the Dangers of Success),” Michael Walzer wrote: “The triumph of just war theory is clear enough; it is amazing how readily military spokesmen during the Kosovo and Afghanistan wars used its categories, telling a causal story that justified the war and providing accounts of the battles that emphasized the restraint with which they were being fought.”<sup>1</sup> Walzer warns that one of the dangers of the success of just war theory is “a certain softening of the critical mind, a truce between theorists and soldiers,” and he reminds us that “decisions about when and how to fight require constant scrutiny, exactly as they always have.”<sup>2</sup> It is doubtful that today, after the U.S. war of aggression

---

<sup>1</sup> In Michael Walzer, *Arguing about War* (New Haven: Yale U.P., 2004), 11.

<sup>2</sup> *Ibid.*, 15.

against Iraq, Walzer would still speak in the same cheering way about the “triumph” of just war theory, and, surely, this war confirms his point that constant scrutiny is imperative.

Still, it is the case that just war theory has been in some ways remarkably successful. It is taught at the main military academies, there has been since 2001 a successful *Journal of Military Ethics*, and academics and military meet yearly at the international conference of the International Society of Military Ethics.<sup>3</sup> Military ethics, significantly based on just war theory, is also increasingly taught at military academies in Europe, Australia, and Canada. And Walzer has a point that both political and military leaders in the U.S. at times talk the talk of just war theory. An interesting illustration of this is Barack Obama’s Nobel Peace Prize acceptance speech on December 10, 2009. In this speech, Obama rejects the nonviolence of M.L. King, Jr. and Gandhi and situates his own view within the just war tradition. He writes that over time “philosophers, clerics and statesmen [sought] to regulate the destructive power of war” [and that] the concept of a ‘just war’ emerged, suggesting that war is justified only when it meets certain preconditions: if it is waged as a last resort or in self-defense; if the force used is proportional, and if, whenever possible, civilians are spared from violence.” Obama continues to argue that the concept of just war was rarely observed in practice until after the Second World War with, of course, the United States as trailblazer. Last, Obama stresses that it is important to avoid the “tragic choice” of war and find ways of building “true peace,” which involves “not just freedom from fear, but freedom of want.”

In my view, Obama gets one basic premise of just war theory correct and that is, in his own words, “that no matter how justified, war promises human tragedy.” He adds “”The soldier’s courage and sacrifice is full of glory, expressing devotion to country, to cause and to comrades in arms. But war itself is never glorious, and we must never trumpet it as such.” In other words, resort to violence is tragic, rather than enabling human flourishing as the militarists or some revolutionaries would have it, but violence also is not always wrong, as the pacifist

---

<sup>3</sup> Relatedly, there has been an upsurge in scholarly articles on just war theory since 9/11 and the second Iraq war. To illustrate, *The Philosopher’s Index* lists 0 articles under the key words “just war” in the 1950s, 6 in the 1960s, 29 in the 1970s, 82 in the 1980s, 102 in the 1990s, and 461 during 2000-2010 with an increase from 12 in 2001 to an average of 45 per year thereafter (with a peak of 65 in 2007).

would have it. And since resort to violence or military force is tragic, just war theory places strong limiting constraints on resort to force and on how force is executed. But does the wide acceptance of just war theory actually lead to such constraints being placed on force? It seems that just war theory as instantiated in the laws of war (the Geneva Conventions, etc.) places some constraints on the manner in which the United States fights its wars. *Jus in bello* constraints also seem to fit with common morality, and this places further constraints on the ways that the United States executes its force. Walzer writes: “The media are omnipresent, and the whole world is watching. War has to be different in these circumstances.”<sup>4</sup> Pentagon perception management weakens this point, but does not invalidate it. Moreover, the prevailing wars of today, the asymmetric wars, require U.S. forces to win the support of the local population, and this necessitates that *jus in bello* restrictions are upheld to *some degree*. But what about the *jus ad bellum* principles: Do they actually place constraints on American resort to force?

## 2. On the Failure of Just War Theory

In *Failed States* (2006) and especially in *Hegemony or Survival* (2002), Noam Chomsky in effect argues that just war theory fails to place serious limiting constraints on American resort to force. In his view, just war theory is basically a tool of legitimizing the American pursuit of political and economic dominance through military means, and this is exemplified by the fact that just war theorists typically end up supporting indefensible American interventions.<sup>5</sup> In response, it must be said that Chomsky overstates his case and is selective in his analysis. For example, he

---

<sup>4</sup> *Arguing about War*, 11.

<sup>5</sup> See Noam Chomsky, *Hegemony or Survival: America's Quest for Global Dominance* (New York: Metropolitan Books, 2002), 198-207. See also Noam Chomsky, *Failed States: The Abuse of Power and the Assault on Democracy* (New York: Metropolitan Books, 2006), 54-55.

criticizes Walzer for his support of the Kosovo and Afghanistan wars, but fails to note that Walzer opposed to the second Iraq war.<sup>6</sup> Still, I agree that just war theorists are not critical enough with regard to America's military role in the world and its history of questionable interventions since the end of the Second World War. Moreover, it seems that just war theory indeed lends itself too easily to moral window dressing by the prevailing military and political powers. So what is the solution? Should we reject just war theory?

I think that a complete rejection of just war theory is an error for three reasons. First of all, we need some moral framework in order to arrive at reasoned judgments about the resort to military force as well as its execution. Of course, we should not exclude the possibility that there might be a better normative framework than just war theory regarding the use of violence for political purposes, but critics of just war theory seldom articulate any alternatives even remotely up to the task at hand.<sup>7</sup> Second, just war theory seems to be the outcome of questions that are important to address whenever the concern is the morality of using bad or harmful means toward a good collective end. For example, what is the nature and weight of the collective good so that it may warrant the bad means? The *jus ad bellum* principle of just cause seeks to address this question. Or, we may ask, who has the authority and competence to make the decision to use harmful means, and in this way we arrive at the principle of legitimate authority of just war

---

<sup>6</sup> See *Arguing about War*, 137 and 143ff. Walzer also opposed the Libyan intervention in 2011. See his "The Case Against Our Attack on Libya," *The New Republic*, March 20, 2011, <http://www.tnr.com/article/world/85509/the-case-against-our-attack-libya>.

<sup>7</sup> Utilitarianism is a robust alternative, but if it is not tempered by considerations of individual rights as in JWT, then it violates moral common sense and the legal war conventions to such an extent that it must be rejected. Michael Walzer emphasizes this point in *Just and Unjust Wars* (New York: Basic Books, 1977), chapter 8 (among others). See also Brian Orend, *Michael Walzer on War and Justice* (Montreal: McGill-Queen's University Press, 2000), 76-85.

theory. Or, we may wonder whether the collective good is proportionate to the anticipated bad consequences, and so we arrive at the proportionality principle. In short, the principles of just war theory seem embedded in more general principles of a plausible political morality concerning ends and means. Third, just war theory is widely used in the West to talk about moral matters related to armed force, and its rejection means severing oneself from this discourse and the possibility of influencing it. A recent report commissioned by former United Nations Secretary-General Kofi Annan suggests even an increasing global acceptance of just war theory. The Report of the High-level Panel on Threats, Challenges, and Change, charged with the task of addressing how the United Nations should deal with humanitarian intervention and new security threats, such as global terrorism, concludes that the U.N. Security Council should take into account “five criteria of legitimacy” when deliberating about the resort to force. The criteria overlap with just war principles, including such criteria as seriousness of treat (“just cause” in just war theory), proper purpose (“right intention” in just war theory), and last resort (shared with just war theory). Most members of the High-level Panel were from non-Western countries, indicating that just war theory principles might have a global reach.<sup>8</sup>

In my view, then, the task is to modify just war theory so that it becomes in practice more critical of resort to force in general and U.S. military interventions in particular. Just war theory has until recently hardly been subjected to detailed philosophical analysis. Here the work, for example, of David Rodin and Jeff McMahan may be noted, which has begun to subject such just war theory principles as the just cause principle to careful analysis. The overall result seems to

---

<sup>8</sup> The report was published as *A More Secure World: Our Shared Responsibility* (New York: United Nations, 2004). For a more detailed discussion of the significance of this report for JWT, see *Rethinking the Just War Tradition*, ed. Michael W. Brough, John W. Lango, and Harry van der Linden (Albany: State University of New York Press, 2007), Introduction, 2-5.

be that just war theory is moving into a more pacifistic direction. But there seem to be limits to this enterprise. One shortcoming of just war theory is that it looks at each intervention anew and seeks to assess it on its own merits rather than place it within the historical context of the country considering resort to military force. With regard to the United States, the error is that its interventions are not judged in the context of the American project of seeking and maintaining global military superiority since the end of the Second World War. The second, and related shortcoming, is, in the words of antiwar feminists Carol Cohn and Sara Ruddick, that “just war theorists tend to abstract particular wars from the war system on which they rely and which they strengthen.” This “war system” involves “arming, training, and organizing for possible wars; allocating the resources these preparations require; creating a culture in which wars are seen as morally legitimate, even alluring; and shaping and fostering the masculinities and femininities that undergird men’s and women’s acquiescence to war.”<sup>9</sup>

### **3. Just Military Preparedness Principles**

In order to address these shortcomings, I hold that just war theory is in need of a new category of just war thinking (in addition to *jus ad bellum*, *jus in bello*, and *jus post bellum*) with its own principles. I call this category “just military preparedness,” or, in line with the commonly used naming of the other just war theory categories, it may be called *jus potentia ad bellum*, or, more briefly (but less accurately), *jus ante bellum*. Military preparedness raises two types of justice concerns. First, we may raise questions about whether the military preparation of a country is

---

<sup>9</sup> Carol Cohn and Sara Ruddick, “A Feminist Ethical Perspective on Weapons of Mass Destruction,” in *Ethics and Weapons of Mass Destruction*, ed. Sohail H. Hashmi and Steven P. Lee (Cambridge: Cambridge University Press, 2004), 406, 407.

just toward its military personnel, places a fair burden on the civilian population, reflects adequate civilian control, and the like. Second, we may raise questions about whether the military preparation of a country is such that it is conducive to the country resorting to force only when justice is on its side, as well as to executing and concluding war in a just manner. My ultimate concern is military preparedness that is just in the second sense – that is, how should we prepare for the possibility of military conflicts so that wars will be only justly initiated, executed, and concluded? However, since military preparedness that lacks justice in the first sense will be an obstacle to realizing justice in the second sense, my just military preparedness (JMP) principles also aim at addressing justice in the first sense.

I will proceed as follows: I will first state six JMP principles and briefly show that the United States as military hegemon fails to satisfy all of them. The principles are significantly the outcome of raising the questions of the political morality of means and ends with regard to military preparedness, including questions of just cause or purpose, legitimate authority, and proportionality. Next, I will discuss how unjust American military preparedness bears on the application of *jus ad bellum*, *jus in bello*, and *jus post bellum* principles to possible future U.S. interventions.<sup>10</sup> My overall conclusion is that armed interventions by the U.S. as military hegemon are very likely to be unjust. Of course, my conclusion is based on controversial political premises. Moreover, each of the six JMP principles deserves more discussion and moral analysis. Even so, I hope to show that JMP is a valuable addition to just war theory.

---

<sup>10</sup> My focus here is on the military preparedness of the United States, but the JMP principles are also applicable to assess the military preparedness of other countries. They may, for example, be used to evaluate the growing military expenditures of Russia, China, and India. Or, the principles may be used to evaluate the contention of quite a few American commentators, including Walzer, that the European NATO countries should increase their military budgets. For Walzer's view, see "The United States in the World – Just and Unjust Societies," 2003 interview, <http://anselmocarranco.tripod.com/id50.html>.

The first principle says that *the basic defense structure of a country should accord with its general purpose of using military force only for the sake of protecting people against extensive basic human rights infringements caused by large-scale armed violence*. This principle accepts the common view that aggression – defined as a violation of political sovereignty and territorial integrity – is a just cause for resort to military force, but adds the qualification that the aggression must also involve the threat of widespread basic human rights violations. So, a *mere* violation of territorial integrity, for example, is not an adequate cause for resort to force.<sup>11</sup> Each country should in the first instance focus its defense structure on protecting its *own* people against aggression. Preparation for humanitarian intervention and assisting other states subjected to aggression (i.e., “maintaining international security”) are additional responsibilities, but these tasks should be approached as shared or collective responsibilities. Since humanitarian intervention threatens international stability, the threshold for human rights violations for just intervention in this form must be higher than in the case of national self-defense.

National self-defense, humanitarian intervention, and maintaining international security do not require an American military of global power projection, a military with high-tech weapons that have a global reach, bases in dozens of countries, and aircraft carriers roaming across the oceans.<sup>12</sup> For these goals, we also don’t need a large professional army of around 1.6 million (FTE) and a military budget of at least 700 billion, close to 50% of global military expenditures.<sup>13</sup> Obviously, only a small military force would be needed to protect the United

---

<sup>11</sup> Cf. Larry May, *Aggression and Crimes against Peace* (Cambridge: Cambridge University Press, 2008), 103-07.

<sup>12</sup> The Base Structure Report FY 2009 of the Department of Defense lists 121 military sites in the U.S. territories and 716 sites in 38 foreign countries. See <http://www.defense.gov/pubs/pdfs/2009baseline.pdf>.

<sup>13</sup> See Anup Shah, “World Military Spending,” <http://www.globalissues.org/article/75/world-military-spending#USMilitarySpending>.

States itself from acts of aggression. The notion of a foreign nation attacking the United States is farfetched, while terrorism, in general, is not a real military problem but, rather, a criminal problem requiring, foremost, a police response, international crime cooperation, obstructing the financial sources of terrorism, securing of WMD materials, and the like.<sup>14</sup> In the long run, the elimination of terrorist threats also requires the elimination of social conditions favorable to terrorism (see, further, the third principle of just military preparedness). Similarly, humanitarian intervention as a global responsibility to protect civilians from massive attacks on their security rights requires only small military forces trained for this purpose, and the high-tech focus of the American military is a liability here rather than an asset.

The only justification for a more extensive American military force is the task of maintaining international security. This is the function that is typically stressed by defenders of the status quo and it is disingenuously linked to the security and freedom of the American people themselves. The international security argument for America's global military presence has some clear gaps. It is difficult to see how it justifies America's continuous and even more extensive military presence in Europe after the end of the Cold War. Or, how does it justify the creation of America's latest regional command -- U.S. Africa Command (AFRICOM) -- as part of an attempt to extend its "bootprint" in Africa. Surely, if America's concern was simply to contribute to international security, it would seek to strengthen the United Nations as well as regional alliances and it would seek to diminish its military presence wherever possible. The very reverse is happening. In *Vision 2020*, the US Space Command, now unified with the United States Strategic Command (USSTRATCOM), articulated as its aim "dominating the space dimension

---

<sup>14</sup> See David Cortright and George A. Lopez, *Uniting Against Terror: Cooperative Nonmilitary Responses to the Global Terrorist Threat* (Cambridge: MIT Press, 2007).

of military operations to protect US interests and investment.”<sup>15</sup> Indeed, this seems to get us closer to the truth, but it gets father away from anything that could be called “*just* military preparedness.”

There are strong voices within the present American military establishment claiming that America’s current basic defense orientation is in need of change. In a 2009 article with the title “A Balanced Strategy: Reprogramming the Pentagon for a New Age,” Defense Secretary Robert M. Gates argues that the Pentagon should move away from the illusion that “it is possible to cow, shock, or awe an enemy into submission, instead of tracking enemies down hilltop by hilltop, house by house, block by bloody block.” The illusion goes hand in hand with the problem that America’s weapon systems (in the words of Gates) “have grown ever more baroque, have become ever more costly, are taking longer to build, and are being fielded in ever-dwindling quantities.”<sup>16</sup> For Gates, one cost of the high-tech focus of the Pentagon is wasteful spending and even reduction of conventional fighting capabilities, but the more serious cost is that not enough resources are put into developing “the capabilities needed to win today’s [asymmetric] wars and some of their likely successors.”<sup>17</sup> Gates, then, maintains that – notwithstanding recent improvements that he also emphasizes – the American military falls short in its preparation for fighting irregular warfare, policing ethnic violence, providing security to restoration efforts, training new local military personnel, and the like. And this leads him to propose a more “balanced” military budget toward greater nonconventional fighting and peacemaking capabilities. The U.S. National Security Strategy of May 2010 echoes the same

---

<sup>15</sup> Cited in Karl Grossman, *Weapons in Space* (New York: Seven Stories Press, 2001), 12.

<sup>16</sup> Robert M. Gates, “A Balanced Strategy: Reprogramming the Pentagon for a New Age. *Foreign Affairs* 88 (January/February, 2009): 28-40, 34.

<sup>17</sup> *Ibid.*, 29.

point: “To succeed, we must balance and integrate all elements of American power and update our national security capacity for the 21st century. We must maintain our military’s conventional superiority, while enhancing its capacity to defeat asymmetric threats.”<sup>18</sup> Recognizing the limits of American military and economic power, Gates also argues in a more recent *Foreign Affairs* article of May/June this year that the U.S. is in no position to repeat wars similar to the Afghanistan and Iraq wars, and so the American military must get better at “helping others to defend themselves.”<sup>19</sup>

In some ways, we have progress here in terms of “just military preparedness.” A military preparation that sets aside the notion that you can “shock and awe” people into becoming admirers of American freedom and democracy is making a step forward. There is also progress in the recognition that there are limits to unilateral American use of force, including nation building. And a greater focus on counterinsurgency and post-conflict military tasks might reduce casualties of war. At the same, it must be said that the “reprogramming” of the Pentagon is not

---

<sup>18</sup> National Security Strategy of May 2010, 5,

[http://www.whitehouse.gov/sites/default/files/rss\\_viewer/national\\_security\\_strategy.pdf](http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf) .

<sup>19</sup> The cited article is “Helping Others Defend Themselves,” *Foreign Affairs* 89 (May/June 2010): 2-6. The main difference between this article and “A Balanced Strategy” (2009) is that Gates in the 2010 article puts more emphasis on the idea – also mentioned in the 2009 article – that the United States should assist other governments in their nonconventional wars. Correspondingly, the shortcoming of the American military that is more emphasized in the 2010 article is that the military must get better at the task of “helping others defend themselves.” A weakness of Gates’s analysis is that he brings up the issue of “helping others defend themselves” in the context of arguing that fractured or failing states constitute “the main security challenge of our time” (since terrorists are bound to flourish in such states). He pays insufficient attention to the problem that often within such states there are no parties that with mere assistance will become successful in governing and providing security. Accordingly, limited intervention in such states might soon turn into massive involvement, militarily and otherwise.

done with the notion that America should stop playing global cop and seek to create the world in its image; rather, the intent is that a smarter combination of developing both conventional and nonconventional capabilities will make the cop more effective and appear less of a rogue cop. Moreover, the Obama administration, no less than the G.W. Bush administration, turns a blind eye to global security costs of America's global military power projection. These costs include asymmetric warfare, including terrorism, since conventional warfare against America's military superiority is bound to fail. It also includes nuclear proliferation because nuclear weapons constitute the only effective deterrent against U.S. aggression. And America's ever-increasing military budget plays at least some role in explaining the increased military spending of China. What is particularly worrisome is that the United States, even though more open to the idea of arms control in space under the Obama administration, still has taken no concrete steps towards preventing an arms race in space.<sup>20</sup>

The second JMP principle is that *military personnel should be educated and trained with the general purpose of resort to force in mind and participate in moral decision-making concerning the initiation and execution of military force*. Traditionally, the military is an authoritarian institution in which soldiers are viewed as instruments of the state. They do not need to think for themselves, and the autonomy and dignity of soldiers is denied in the name of fighting efficiency. Thus soldiers tend not to question the justice of their wars and their fighting tends to reflect the enormous destructive power of their weapons, leading them regularly to use excessive force with civilians as the most common victims in nonconventional wars. Recently, the Pentagon has begun to emphasize counterinsurgency training with the aim of creating

---

<sup>20</sup> Due to their destabilization impact and encouragement of terrorist responses, weaponized robotic systems also violate the first JMP principle. These emerging weapons are discussed in P.W. Singer, *Wired for War* (New York: The Penguin Press, 2009).

soldiers who use force in a more restrained and discriminatory manner and can interact successfully with the local population. This is a step in the right direction, but it clearly falls short of what the second JMP requires: military personnel as experts of human rights protection by force should be treated and educated as fully morally competent agents. Full moral competency is not only owed to those whose human rights need to be protected or respected; it is also owed to the soldiers themselves because we cannot reasonably require soldiers to kill unless their own moral reflection leads them to approve of resort to force in a given case. Accordingly, soldiers should have an extensive right to selective conscientious refusal. Additional benefits of full moral competency and corresponding input by soldiers is that it would reduce the chance that a country would initiate an unjust war or continue to fight an unjust war. A controversial implication of this view is that it puts into question the so-called moral equality of soldiers – that is, the view that soldiers are not morally responsible for wars of aggression as long as they do not commit *jus in bello* crimes.

The third principle is that *the military must be recruited in such a way that it reinforces that preparation for, and possible execution of, resort to military force is a collective choice and enterprise that impacts the moral standing of all citizens of a society and should be expressive of their values*. It is clear that American military preparation violates this principle in that our wars are increasingly alienated wars – that is, they are wars that are fought in our name but are not viewed as expressive of our will and responsibility.<sup>21</sup> To be sure, the public at large admires the military, but, at the same time, most people do not want to pay for our wars, are not prepared to fight them, and feel no responsibility for how our wars affect other populations. Generally, our political elites stimulate alienated war because it makes it easier for them to resort to armed

---

<sup>21</sup> See Cheyney Ryan, *The Chickenhawk Syndrome* (Lanham, MD: Rowan & Littlefield, 2009).

force. Two enabling factors of alienated war are the very extensive use of private security contractors (PSCs) and the fact that the volunteer army recruits a large part of its personnel through economic incentives, seemingly making war merely another job. The third principle requires that PSCs are no longer used. Does it also require the end of the volunteer army and a return to some form of conscription? Perhaps not, since the first JMP implies a severely downsized American military and it might be possible to recruit a much smaller military on basis of an ethics of service so that all segments of society are reflected.<sup>22</sup>

The fourth JMP principle is that *priority should be given to nonmilitary means of preventing extensive basic human rights violations caused by armed force*. The human costs of resort to military force are immense and significantly unpredictable. Priority should therefore be given to the measures that prevent the need to resort to military force through the elimination of contributing factors to wars of aggression and through finding nonviolent ways of solving conflict. Even after the outbreak of hostilities, soldiers might be able to use at times nonviolent measures of diffusing threats, but the requirement of proper training in this regard falls under the second principle of military preparedness. Following this JMP principle, all countries should make it their main concern to support the United Nations in its numerous nonmilitary programs and tasks that contribute to international security and stability, including adjudication of emerging conflicts, promotion of human rights, environmental protection, arms control, peace education, and refugee assistance. NGOs with similar aims should also be supported, while high-income countries should make concerted efforts to reduce desperate global poverty and economic inequality as contributing factors of violent conflict. All these measures will also

---

<sup>22</sup> More specifically, this would eliminate the “casualty gap” between rich and poor (see Douglas I. Kriner and Francis X. Shen, *The Casualty Gap*, Oxford: Oxford University Press, 2010) and much reduce the problem of sexual assault in the military.

reduce terrorism, and so the need for military counter-terrorism (to the limited extent that it might be justified) would be reduced, as well.

It is difficult to quantify the exact proper proportion of military versus nonmilitary spending in support of security and protection, but this should not prevent us from noting that the current proportion is out of balance, both globally and in the United States. Consider some figures for the United States: The ratio of military spending to budgetary support for the U.N. is at least 100 to 1, the ratio of the military budget to official development aid is at least 20 to 1, and the ratio of the Department of Defense spending to all spending on “Department of State, Foreign Operations and Related Programs” is 14 to 1.<sup>23</sup> Again, Defense Secretary Gates acknowledges the problem in “A Balanced Strategy,” noting that there is a definite misbalance in U.S. spending on the “war on terror” because “over the long term, the United States cannot kill or capture its way to victory.” He continues: “Where possible, what the military calls kinetic operations should be subordinated to measures aimed at promoting better governance, economic programs that spur development, and efforts to address the grievances among the discontented, from whom the terrorists recruit.”<sup>24</sup> Accordingly, Gates proposes that the budget of the State Department and the USAID increase relative to the Pentagon budget. This has happened in recent years, but as the figures above show, the basic focus of American foreign policy is the United States as global cop rather than as global diplomat or global provider of economic assistance. And a case could be made that American foreign policy has become even more *militarized* in that the raised budget of USAID and the State Department have gone hand in hand with closer cooperation between these agencies and the Pentagon. To illustrate, the posture

---

<sup>23</sup> See “International Affairs—FY 2010,” <http://www.state.gov/r/pa/prs/ps/2009/05/123160.htm>.

<sup>24</sup> Gates, “A Balanced Strategy,” 29. The National Security Strategy of May 2010, 5, echoes this point.

statement of AFRICOM emphasizes the need for integration of military, diplomatic and humanitarian objectives and, so, we can read on the website of AFRICOM that on September 13 (2010) soldiers of the U.S. Army 418th Civil Affairs Battalion provided school supplies to 180 children in Djibouti City, and that in the middle of September medical personnel of both the U.S. military and the Armed Forces of the Democratic Republic of the Congo (FARDC) worked for four days side by side providing health assistance to approximately 2,000 residents of Kinshasa. We have a real militarized American foreign policy once the face of America becomes a soldier with a red cross badge and a machine gun in one hand and school supplies in the other hand.<sup>25</sup>

The fifth JMP principle is that *the value of security (against the threat of widespread basic human rights violations by armed force) and the resources committed to this value must be balanced against other human values (e.g., education and health) and the resources set aside for their realization*. It is clear that the United States violates the principle in light of the very significant opportunity costs of its current levels of military spending, especially to vulnerable groups in society. A mere 10% cut in its military spending would, for example, provide adequate health care to all uninsured (at least 40 million people), preventing many more deaths than the equivalent spending for security could conceivably effect.<sup>26</sup> Or, imagine the impact of 40% of the military's budget invested in improving depressed communities, infrastructure improvements, and public transportation. Or, consider the impact of the human ingenuity now invested in research and development (R&D) for the military focused instead on promoting

---

<sup>25</sup> For additional problems with the policy of delivering medical care through the military, see Abigail E. Adams, Olive Drabs and White Coats," in *The War Machine and Global Health*, ed. Merrill Singer and G. Derrick Hodge (Lanham: AltaMira Press, 2010), Chapter 9.

<sup>26</sup> A 2009 study by Harvard Medical School estimated that 45,000 Americans die yearly due to a lack of health insurance. See <http://factcheck.org/2009/09/dying-from-lack-of-insurance/>. Obviously, a cut in American spending could prevent even much greater numbers of premature deaths in the Global South.

alternative energy sources. We can get a sense of this impact by noting that the Department of Defense (DOD), with over \$80 billion in R&D in 2009, accounts for more than half of all federal R&D support. Finally, it may be noted that the military is the cause of significant environmental damage, and that for the sake of environmental protection alone, it is necessary that the military as the greatest polluter in the United States<sup>27</sup> severely limits its production, development, and testing of weapons as well as its large-scale training exercises, artillery practices, etc., whereby then some of the freed financial resources could be used to clean up the environmental disasters it has left behind across America and the world.

The sixth principle is that *matters of military preparedness should be settled by a competent authority with right intention (e.g., military preparedness for human rights protection, not for profit and employment opportunities).*<sup>28</sup> In a democratic society, the representatives of the people should be this competent authority, requiring them to communicate openly and honestly with the citizens about the costs and benefits of competing JMP proposals. The defense budget should be transparent to the representatives and they should allocate resources free from

---

<sup>27</sup> Ed O'Keefe notes in the Washington Post (August 17, 2010) that "the Pentagon is the nation's biggest polluter, responsible for 141 of the 1,620 sites on the EPA's Superfund list." In *Environmental Contamination: Information on the Funding and Cleanup Status of Defense Sites*, GAO-10-547T, March 17, 2010, it is also noted that "Under the Defense Environmental Restoration Program (DERP), the Department of Defense (DOD) is responsible for cleaning up about 5,400 sites on military bases that have been closed under the Base Realignment and Closure (BRAC) process, as well as 21,500 sites on active bases and over 4,700 formerly used defense sites (FUDS), properties that DOD owned or controlled and transferred to other parties prior to October 1986.

<sup>28</sup> The six JMP principles may be named (as is done for the traditional just war principles) as follows: the principle of just purpose, the principle of moral competency, the just recruitment principle, the principle of priority to nonviolent means, the principle of the balanced resource allocation, and the principle of competent and right authority.

pressures of weapons manufacturers and local employment opportunities. In a word, the sixth JMP principle requires the elimination of the ‘military industrial complex.’”

#### **4. Just Military Preparedness and its Impact on Other Just War Theory Categories**

The basic connection between “just military preparedness” and the three other JW categories – “*jus ad bellum*,” “*jus in bello*,” and “*jus post bellum*” – is that once the institutions and cultural practices that must enable the execution of just wars are flawed in terms of just military preparedness, there is bound to be a reduced justice (or increased injustice) in the actual resort to force, the manner of the execution of military force, and in the ending of war.<sup>29</sup> I will briefly illustrate this general point on basis of how American hegemonic military preparedness is bound to impact the other three JWT categories, beginning with *jus ad bellum*.

Consider first of all the *principle of proportionality*. The purpose of this principle is to place a constraint on resort to force when there is a just cause for resort to force. Generally, the greater the harm engendered by resort to force, the stronger the prima facie case against resort to force, and once the harm is clearly disproportionate to the good embedded in the pursuit of the just cause, resort to force would be wrong. Since U.S. hegemonic military preparedness aims to project power across the globe (and even into space) with its huge expenditures, large professional army, offensive weaponry, and military presence in dozens of countries, *any* U.S. intervention – even if there is a just cause and a fairly limited scale of resort to force – will increase the global security costs connected to the U.S. military hegemonic project. We have noted that these global security costs include nuclear proliferation, increased terrorism, and increased military budgets and war

---

<sup>29</sup> Reversely, a country with a justly prepared military does not guarantee justice in the initiation, execution, and conclusion of war, but it facilitates justice in these areas and makes it more probable.

preparation among countries distrustful of this hegemony. Accordingly, hegemonic military preparedness makes it more difficult for the United States to satisfy the proportionality principle.

To illustrate, consider a possible U.S. armed intervention in Sudan. Under pressure of the international community, North and South Sudan signed in 2005 a peace agreement ending the civil war between them. The agreement allows South Sudan to opt for secession on basis of a referendum scheduled for January 2011. It is anticipated that the people of South Sudan will opt for independence and that the central government in Khartoum might not accept secession, with the result that the hostilities between North and South will resume. The civil war between North and South Sudan has cost as many as 2.5 million lives over the past few decades. Should the United States, as one of the guarantors of the 2005 peace agreement, use its military force, or threaten to use this force, to protect the South against the militarily superior North? A case could be made that maintenance of international order (i.e., keeping the terms of the peace agreement) would be a just cause here; or, a just cause might emerge on humanitarian grounds because most victims of the past civil war have been civilians. The very fact that the United States is a military hegemon strongly counts against its resort to force in this case. The regime in North Sudan is an Islamic regime, and American intervention would greatly benefit Islamist terrorism and strengthen Iran's pursuit of nuclear weapons. It also would add to China's resolve to catch up militarily with the United States. What would add to these global security costs in this particular case is that Iran and China are the main weapon suppliers of North Sudan. So, if we were to come to the conclusion that an armed intervention would be just, another intervening agent would be strongly preferable, say, a combination of African Union and some European forces.<sup>30</sup>

---

<sup>30</sup> Similarly, a case could be made that America's hegemonic military preparation made it an error that it became the central agent against Iraq in the Gulf War. America's dominant role had such long-term

We have noted that America's unjust military preparedness raises questions about its intention: Why does the United States want to play global cop and fulfill a role that goes far beyond the duty of each nation to contribute to international peace. One may rightfully suspect ulterior political and economic motives. Accordingly, when the United States seeks to resort to force, it becomes at the outset questionable whether the *principle of right intention*, which requires that the just cause will be the true purpose of intervention, will be satisfied. In the case of Sudan, we may wonder whether U.S. intervention would not be motivated by gaining access to the extensive oil fields of South Sudan (now mostly benefiting China). Or, we might suspect that the United States' real aim would be to strengthen its military and political presence in Africa. AFRICOM's posture statement says that for its purpose of providing security in Africa in cooperation with local military forces it needs Cooperative Security Locations (CSLs) and Forward Operating Sites (FOSs). AFRICOM has identified ten Cooperative Security Locations, but only two Forward Operating Sites.<sup>31</sup> This makes it necessary for AFRICOM operations to use military bases in Europe. Accordingly, it is to be expected that if U.S. intervention were to occur in Sudan, it would be done with the understanding that a long-term Forwarding Operating Site would be created in South Sudan. This would not only strengthen U.S. military hegemony with regard to Africa, but globally, since an additional "node" in the network of U.S. bases strengthens the American capability to strike anywhere. This adds further to the global security costs of American interventions.

There is no doubt that the United States as hegemon is inclined to act unilaterally in matters of international security and so violate the *principle of legitimate authority*. In my view, countries

---

global security costs as the rise of Islamic terrorism, increased threats of nuclear proliferation, and blocking a greater role of the United Nations in conflict resolution after the end of the cold war.

<sup>31</sup> AFRICOM, *2010 Posture Statement: United States Africa Command* (March 2010), 36, [http://www.usaraf.army.mil/NEWS/NEWS\\_AFRICOM\\_POSTURE\\_STATEMENT\\_2010.html](http://www.usaraf.army.mil/NEWS/NEWS_AFRICOM_POSTURE_STATEMENT_2010.html).

may resort to armed force in some cases without U.N. Security Council authorization (because of its undemocratic and power-centered veto system), but then, at least, a fairly wide consensus must be obtained among states concerning the rightfulness of the intervention. When the global cop gets this consensus, one always wonders whether it is intimidation, bribery (e.g., the promise of weapons), or moral agreement that lies at the basis of the consensus. Another problem is that the lack of transparency and democratic wills-formation regarding military preparedness issues in the United States spills over into its resort-to-force decisions. Limited military force is often used against other nations without any democratic oversight, and even in the case of full-scale military conflict, Congress has not taken seriously its responsibility as the institution that should declare war. In addition, the military industrial complex that pushes for the acquisition of hegemonic military hardware and so weakens legitimate authority in just military preparedness also weakens *jus ad bellum* legitimate authority. The reason is that the military industrial complex favors war as an instrument of solving political conflict because war, unlike nonmilitary conflict resolution, legitimates the replacement of this hardware and its continuous development.

This reason also illustrates that lack of justice in military preparedness is bound to weaken the claim that a given resort to force decision by the United States has satisfied *the last resort principle*, and it puts again into question the satisfaction of the principle of right intention. But the problem goes beyond the distorting impact of war profiteering. Once, in general, a country fails to invest adequate resources in war prevention and nonviolent conflict resolution strategies and instead places all or most of its resources under the rubric of military conflict preparation, any claim that a war was a last resort has, at the outset, greatly diminished credibility. And, clearly, most wars of recent memory must be censured from this angle.

With regard to the link between just military preparedness and *jus in bello*, there are a several factors of hegemonic military preparedness that are bound to lead to violations of the *principles of noncombatant immunity and proportionality*. First of all, the United States has a variety of weapons in its arsenal, such as cluster bombs, landmines, and depleted uranium weapons, the very use of which violates the *jus in bello* principle of discrimination or noncombatant immunity, at least on the fairly strict interpretation of this principle, requiring that “due care” is taken to avoid civilian casualties.<sup>32</sup> Second, the United States is bound to use high-tech hegemonic weapons (such as missiles launched from ships or planes) that tend to make the execution of war indiscriminate and in violation of the *jus in bello* principle of proportionality. The culture of the Pentagon still favors these weapons and, surely, it benefits the arms industry. Perhaps more importantly, the use of such weapons is easier to justify to the American people and most soldiers than is the extensive use of troops on the ground. Consider again Sudan. Surely, the American people and most of the military would object to some full-scale intervention and occupation, but a bombing campaign aimed at the infrastructure of North Sudan might be tolerated as another alienated war, with the deceptive ease and comfort that alienated war brings. Lastly, it may be questioned whether the American military training in a culture of hegemonic military preparedness is adequate to prevent *jus in bello* crimes. This concern is especially acute with regard to PSCs. War and atrocity are deeply linked, a fact that constitutes a strong indictment of – and challenge to – resort to force, but moral competency and critical-reflective moral education are barriers to atrocity. So just military preparedness might not completely sever the link between war and atrocity, but (unlike hegemonic military preparedness) it would at least drive a wedge between the two.

---

<sup>32</sup> See Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), 155-56.

The victor in a military conflict typically sets the terms of the peace settlement. Following Brian Orend, who has in recent years proposed the new just-war category of *jus post bellum*, a just peace requires a public and measured peace settlement; the long-term restoration of the basic rights violated by the aggressor; punishment of the initiators of the war of aggression; punishment of soldiers on both sides who have committed war crimes; compensation; and rehabilitation of the aggressor nation, including the transformation of its political and military institutions so that the aggressor nation becomes a good global citizen of the community of nations.<sup>33</sup>

Even when the United States is a righteous victor, reasonable doubts may be raised about its ability and credibility to establish a just peace along these lines. Temporary military bases might be justified to supervise a transition toward a rehabilitated society. However, the United States has a historical record of establishing permanent military bases in foreign countries, often against the popular will and serving its hegemonic military interests. It also imposes its own vision of the good society, including privatizing state enterprises and services and opening up local markets to its corporations, while pushing its military hardware to newly installed regimes. America's efforts to exempt its military from any prosecution outside its own jurisdiction will increasingly raise questions about its capacity to justly punish enemy soldiers (or insurgents).

Add to this that American interventions have been frequent since the United States strived to become a hegemonic military force in 1945 and often have been morally questionable or clear acts of aggression – and, of course, aggressor victors cannot bring about a just peace –, and we must conclude that the United States has thoroughly undermined its credibility as a nation that is able to impose rehabilitation measures on other nations. Instead, it is high time that the United States

---

<sup>33</sup> Brian Orend, *War and International Justice: A Kantian Perspective* (Waterloo, ON: Wilfrid Laurier University Press, 2000), and *The Morality of War* (Peterborough, ON: Broadview Press, 2006). Orend

engages in self-rehabilitation – its hegemonic position prevents that other countries rightfully would impose coercive rehabilitation on the United States – and moves toward just military preparedness.

Finally, we may see the just military principles not only as a corrective of just war theory. They also have a status similar to Immanuel Kant's preliminary articles of perpetual peace that apply during times of tentative peace. Here some pacifists and just war theorists might find some common ground in how we should move forward toward a less violent global society.