

THE MORALITY OF A U.S. PREEMPTIVE STRIKE ON IRAN'S NUCLEAR  
PROGRAM: A JUST WAR ANALYSIS

A Thesis  
Submitted to the Faculty of  
The School of Continuing Studies  
and of  
The Graduate School of Arts and Sciences  
in partial fulfillment of the requirements for the  
degree of  
Master of Arts  
in Liberal Studies

By

Jennifer Anne Crumbaugh, B.S.

Georgetown University  
Washington, D.C.

December 2, 2008  
THE MORALITY OF A U.S. PREEMPTIVE STRIKE ON IRAN'S NUCLEAR  
PROGRAM: A JUST WAR ANALYSIS

Jennifer Anne Crumbaugh, B.S.

Mentor: Joseph P. Smaldone, Ph.D.

ABSTRACT

The opacity of Iran's nuclear program has kept the Bush Administration on alert, afraid of facing the reality of a nuclear-armed Iran. In the wake of 9-11 the Bush Administration created a revised national security strategy that clearly placed nuclear proliferation as a vital threat to national security and added preemption as a policy for dealing with such threats. The United States cannot afford to allow the number one state sponsor of terrorism to be armed with a nuclear weapon.

This thesis examines applies the principles of the just war theory in an attempt to discern whether or not the United States would be morally justified in preemptively striking Iran's nuclear program. The procedure used to examine this moral question included an in-depth application of the six principles of *jus ad bellum* to the case study of the threat posed by Iran's nuclear program. These *jus ad bellum* principles were just cause, right intention, proportionality, proper authority, likelihood of success, and last resort. Each just war criterion was dealt with separately to highlight the complexities that U.S. policymakers would face and what conditions would and would not be morally justifiable.

This case study revealed the just war theory is beginning to change in light of the post-9-11 world and in the aftermath of United States' first test of preemption, the 2003 invasion of Iraq. While the United States may be militarily capable in striking Iranian nuclear facilities, the quality and value of vital intelligence will remain the greatest challenge to success. The United States would be wise to bolster its diplomatic efforts with Iran in order to provide Iran with a credible threat, most likely through stronger sanctions and further isolation, in order to properly gauge when the U.S. would be left with no other option than a military strike. War most certainly should not be the United States' first policy reflex, but should be left on the table as an option to counter the threat posed by Iran's nuclear program.

## DEDICATION

To my love, for helping me complete this thesis. Now I'm sure we can get through anything. I love you always and forever.

## CONTENTS

<b>ABSTRACT</b>	<b>II</b>
<b>DEDICATION</b>	<b>IV</b>
<b>CONTENTS</b>	<b>V</b>
<b>CHAPTER ONE</b>	<b>1</b>
INTRODUCTION	1
BACKGROUND	6
THE JUST WAR THEORY	10
AMERICAN RESPONSE	12
<b>CHAPTER TWO</b>	<b>15</b>
JUST CAUSE	16
PUNISHING INJUSTICE	23
RIGHT INTENTION	29
CONCLUSIONS	32
<b>CHAPTER THREE</b>	<b>35</b>
PROPORTIONALITY	35
PROPER AUTHORITY	41
CONCLUSION	49
<b>CHAPTER FOUR</b>	<b>52</b>
OSIRAQ	53
U.S. MILITARY STRIKE ON IRAN	56
THE ROLE OF INTELLIGENCE AND THE 2007 NIE	61
THE IRANIAN RESPONSE	64
CHANCE OF SUCCESS	68
<b>CHAPTER FIVE</b>	<b>71</b>
LAST RESORT	71
DIPLOMACY	74
REGIME CHANGE	84
WHEN WOULD LAST RESORT BE APPROPRIATE?	86
<b>CHAPTER SIX</b>	<b>89</b>
<b>ENDNOTES</b>	<b>102</b>
<b>BIBLIOGRAPHY</b>	<b>117</b>

## CHAPTER ONE

### **Introduction**

Iran's nuclear program creates a security challenge for the United States and there exists the potential for a preemptive military strike on Iran's nuclear facilities in the near future. Such a preemptive strike however, is a decision that will not be taken lightly nor considered for strategic purposes only. A decision for a preemptive strike on Iran's nuclear program also needs to be considered on a moral level. The United States faces an incredibly complicated moral dilemma that has grave consequences and the potential to reach far beyond the actual decision.

The tragic events of the terrorist attacks on the World Trade Center in New York City and on the Pentagon in Washington D.C. on September 11, 2001 changed the way the United States views its national security. America is struggling to wage a war on terrorism and has had troops in Iraq and Afghanistan for the past several years in part to stabilize democracy in the Middle East. America had new threats, which President George W. Bush proclaimed in his 2002 State of the Union Address before the Joint Session of Congress, the American people, and the rest of the world. President Bush stated that the United States had two goals, the first being to rid the world of dangerous terrorist training camps and the second, yet inherently intertwined with the first to, "prevent the terrorists and regimes who seek chemical, biological or nuclear weapons from threatening the United States and the world."<sup>1</sup> In his address he coined the term "Axis of Evil" that consisted of North Korea, Iran, and Iraq as

countries who were pursuing weapons of mass destruction.<sup>2</sup> Since President Bush's State of the Union Address in 2002 the world has greatly changed. North Korea has since tested a nuclear device and recently been removed from Bush's "Axis of Evil" and Iraq has had a regime change replacing Saddam Hussein with a fragile multi-party federalist democracy. Despite these changes one of the greatest threats to U.S. National Security and stability of the Middle East remains unresolved.

The Islamic Republic of Iran has been pursuing nuclear capabilities since the 1970's and the capabilities and intentions of this unfriendly regime remain unclear. U.S. decision-makers are faced with a potential moral dilemma because a preemptive attack on Iran's nuclear facilities remains one option for removing the threat caused by a nuclear Iran. Preemption has been a controversial addition the Bush Administration's National Security Strategy (NSS), as revealed in 2002 and reiterated in the publication's latest 2006 edition.

At this point it is crucial to define the definitions of preemptive and preventive strikes. These two distinct types of strikes are viewed very differently in the eyes of just war scholars. Preemptive strikes can be actions taken in times of war and judged using the *jus in bellum* criteria; it is often used to seize the initiative.<sup>3</sup> Preemptive strikes can be considered morally justifiable in some circumstances whereas preventive strikes are not viewed as just. Preventive strikes are actions taken before a threat becomes imminent so that the aggressor can take action now while the threat is not

fully realized so that they can be defeated easier now, then when the enemy is stronger in the future. The NSS states:

And, as a matter of common sense and self-defense, America will act against such emerging threats before they are fully formed. We cannot defend America and our friends by hoping for the best. So we must be prepared to defeat our enemies' plans, using the best intelligence and proceeding with deliberation. History will judge harshly those who saw this coming danger but failed to act. In the new world we have entered, the only path to peace and security is the path of action.<sup>4</sup>

History has proven that the U.S. has chosen the course of action since 2002 with regards to Operation Iraqi Freedom in 2003. Although the Iraqi threat of WMD never materialized, the Iranian threat is yet to be challenged.

Iran's nuclear program and its potential to acquire nuclear weapons remains a real threat to U.S. security interests in the Middle East. The U.S. may not have the luxury of waiting for diplomacy or sanctions to diminish the threat, preemptive military action may need to be taken. Before the United States would make this decision it would likely use the pillars of the Just War theory to determine the morality of such an attack on Iran's nuclear facilities.

This thesis will examine the Just War theory's principle pillars for *jus ad bellum*, Justice before war, in order to analyze and conclude the morality of a preemptive strike. The purpose of this thesis is to provide an in-depth moral discussion of the decision to preemptively strike Iran's nuclear facilities using the Just War criteria for *jus ad bellum*. The preceding chapters will delve into the known facts

pertaining to the Iranian nuclear case and examine several hypothetical situations that would or would not be considered just reasons for a preemptive strike.

This Chapter will introduce the threat caused by Iran's nuclear program and provide an overview of its history. Then there will be a brief explanation of the responses and actions United States towards Iran over the past several administrations. With a solid background in the Iranian situation this chapter will then provide an overview of the Just War theory, its relevance in moral discussions of military action and war decisions by citing the Just War theory's philosophers as well as twenty-first century applications and amendments to it that incorporate the moral dilemmas faced by nuclear threats.

Chapter Two will examine the Just War concepts of Just Cause and Right Intention to further understand why striking Iranian nuclear facilities would be morally justified and what the U.S. intentions would be when conducting such a preemptive strike. Chapter Three will attempt to flesh out the important concepts in the debate over Proper Authority and Proportionality, which are currently points of contention for many scholars in the field of international affairs. This is of particular interest now that the United States has attained superpower status in the post-Cold War decades of the 1990's and 2000's. The United Nations remains the international body and watchdog of nuclear programs around the world, and thus retains authority over nuclear issues. Chapter Three will attempt to identify key points in the issue of proper authority to determine the morality of which body or what special circumstances lend it to attaining

the just authority for a preemptive strike. Looking at the underappreciated concept of proportionality will shed light on what response is appropriate for punishing Iran for its nuclear program.

Another Just War concept important to determining the morality of a preemptive strike will be the probability, or likelihood of success, covered in Chapter Four. This chapter will attempt to define success in order to determine whether, given the secretive nature of Iran's nuclear program, and the blind spots of U.S. intelligence the United States would have a possibility of successfully delaying or destroying Iran's current nuclear capabilities. Previous attempts at preemptive strikes have been less than successful, and an examination of some of these cases will be used to explore lessons learned and the effects these incidents have on the future of use of preemptive strikes.

Chapter Five will look into alternatives to preemption given that the Just War theory calls for war to only be an option of last resort. This chapter will analyze the factors that could be used to determine when Iran's program has past a stoppable point where war would be the only option left for the U.S. policy community.

Finally in Chapter Six the principles and factors discussed in Chapters Two through Five will be analyzed in order to draw conclusions that would be useful to U.S. policymakers and Just War theorists alike. Comments will also be made regarding the Just War theory's strengths and a weakness regarding its relevance to preemptive

strikes against nuclear programs as this continues to be a new area of study for Just War theory.

In 2007 President Bush reportedly said that if Iran acquired nuclear weapons the Middle East would be “under the shadow of a nuclear holocaust.”<sup>5</sup> This bold statement bold requires a deeper look at the history of Iran’s nuclear program and the internal dimensions that factor in Iran’s decision-making process and develop the policy decisions that could lead the Middle East towards such a fate.

### **Background**

The increasing strength of Iran has been classified by some as the “Iranianmoment” because of the strength that the Islamic Republic has shown in recent years with its popular outspoken President Mahmoud Ahmadinejad and the popularity for Iranian backed group Hizballah in the 2006 July War against Israel in Lebanon. Iran reportedly provides millions of dollars to Palestinian extremist group Hamas, who recently won free elections in the West Bank and the Gaza Strip in Israel.<sup>6</sup> America’s war on terrorism has brought Iran to the center of U.S. foreign policy. Iran has been exposed as a byproduct of the U.S. invasion of Afghanistan, to Iran’s east, to rid the country of the Taliban and al-Qaeda and then again by Operation Iraqi Freedom in 2003 in Iraq, to the west. Within a matter of two years Iran’s two primary enemies, the Sunni extremist Taliban in Afghanistan and the Sunni led Saddam Hussein dictatorship in Iraq were essentially eliminated.<sup>7</sup>

Unfortunately, the United States has had a difficult time replacing the threats of those regimes with legitimate governments capable of ruling and defending themselves. Tehran's perception of the inability of the United States to conduct another war in the area has fed into the concept of the "Iranian moment".<sup>8</sup> Iran, for the first time in centuries feels like it has breathing room, and views the current political climate as a chance for expansion, not necessarily territorially, but more as a sphere of influence. This fervor of pride has been fueled by the country's advancing nuclear program.

Colin Dueck, a professor at George Mason University suggests that in the Post-Iraqi-War era America has a desire to leave the mess of the struggling democracies behind having failed to cultivate stable functioning democracies and that Iran views this as the time to acquire nuclear weapons, as a way of having power at the center of the Arab world. Ultimately Iran is aiming to have all of the non-nuclear Arab sheikdoms of the Levant and the Gulf look to Iran as their new regional leader.<sup>9</sup> Iran's lack of credible threats and increasing strength in the region provides a very offensive rationale for Iran to acquire a nuclear weapon.

Although a nuclear weapon would possibly provide enough muscle to achieve its regional power aims, Iran also has several defensive reasons to join the nuclear club. The world is not stable enough to predict the future and Iran understands the nature of formidable enemies. The scars from the Iran-Iraq war are still fresh in the hearts of many of Iran's current leaders, therefore Iran must be prepared for whatever threats it cannot foresee. Perhaps this would be a lesson learned from 1998 when

Sunni neighbor Pakistan successfully conducted its nuclear test. Pakistan's nuclear test made Iran very uneasy.<sup>10</sup> Former Iranian President Ali Akbar Hashemi Rafsanjani was quoted saying "this is a major step toward proliferation of nuclear weapons. This is a truly dangerous matter and we must be concerned."<sup>11</sup> Iran had been, and continues to be worried about Pakistan's rising anti-Shiism as a result of radical Sunni fundamentalism since 1990.<sup>12</sup> Pakistan however is not the only enemy that Iran perceives to justify its nuclear ambitions.

Although America's other military commitments make the chance of all out war unlikely, Iran has been threatened by the Bush Administration's increasingly "muscular unilateralism".<sup>13</sup> America's use of increasingly unilateral decisions has fueled Iran's desire for a strategic weapon.<sup>14</sup> In August 2002 the Iranian nuclear program came to the immediate attention of the United States after news that it was pursuing both uranium enrichment and working on a plutonium route to nuclear success. At this point it became clear that Iran's program was aiming at self-sufficiency.<sup>15</sup> The self-sufficiency milestone is perilous because from that point forward, sanctions and other types of export controls lose any clout. An Iranian conservative paper *Jumhuri-ye Islami* published a 2004 article titled "Anti-Arrogance Campaign Becomes Necessary" which makes the case for Iran's nuclear weapons program stating, "In the contemporary world, it is obvious that having access to advanced weapons shall cause deterrence and therefore security, and will neutralize the evil wishes of great powers to attack other nations and countries."<sup>16</sup> This is the

sentiment of Iran's current president whom no longer believes in, and therefore, not a stretch to believe adhere to international treaties. He thinks they are incapable of providing security to Iran.<sup>17</sup>

President Ahmadinejad is a hardened war veteran of the 1980's Iran-Iraq War who has strengthened Iran's desire for nuclear weapons as well as increased anti-Israeli rhetoric since his election in 2005. Ahmadinejad learned from his experiences in the Iran-Iraq war that Iran has to defend itself; nobody will come to its aid, especially not the United States.<sup>18</sup> Ahmadinejad is not alone however; he comes from the militant side of Iran's Revolutionary Guard Corp where he receives support from fellow military men like himself as well as from the Guardian Council made up of religious leaders in the Shi'a clerical hierarchy. Many Iranians in positions of power view outsiders as a constant threat to their sovereignty and legitimacy, almost paranoid by the outside threats that could surround them.<sup>19</sup>

Conversely, outsiders such as the United States view these hard-line paranoid views as threats as well. It believes that the Iranian government is capable and willing to provide their nuclear knowledge to terrorist groups, as echoed in President Bush's 2002 State of the Union Address. Dueck however, does not believe that Iran would put nuclear weapons into the hands of terrorists because the leadership in Tehran is pragmatic and wants to stay in power. For a number of reasons, most commonly because of Iranian national pride, acquiring nuclear capabilities has popular support in Iran.<sup>20</sup>

Iran's nuclear ambitions did not start with President Ahmadinejad, nor did it begin with the Islamic Revolution in 1979. Instead they began under the Shah Mohammad Reza Pahlavi in the early 1970's as a quest for nuclear power. The Shah's advisors claim the intention was for Iran to acquire technology and expertise required for weaponization, without actually developing a weapon. The universality in the desire for Iran to acquire a nuclear weapon, as seen in the continuity of policy through several different leaders, should speak to Iran's serious desire for nuclear weapons.<sup>21</sup>

Iran is looking to seek a nuclear weapon for a number of reasons, firstly to have a deterrent weapon against enemy states to include the United States, Israel, Pakistan, and others. Secondly, however, Iran understands the power and prestige that comes with joining the nuclear club. As part of the continuing of the Islamic Revolution, Iran is seeking power and influence in the region. It is important for U.S. policymakers to understand the history and future intentions of Iran's nuclear program so that it can make the right decision if the time comes to make the decision to strike preemptively.

### **The Just War Theory**

In order to assess the morality of a preemptive strike on Iran's nuclear program it is necessary to apply a standard to the concept of preemptive strikes which is considered an act of war because a military action another country constitutes a violation of national sovereignty and, therefore considered an act of war. A set of moral standards on war exists in the Just War theory, a theory that has evolved out of centuries of philosophers and experts of war. The Just War tradition in America can be

traced from Hugo Grotius' study of international law through the moral principles of John Locke and Thomas Jefferson's tradition in American politics and decision-making. These are the roots that are important to understand when examining war in an American context.<sup>22</sup> The Just War tradition also has a religious side, which can be followed through the work of St. Augustine and Thomas Aquinas in the middle ages and through the modern Catholic church. In 1983 the Catholic Bishops wrote a "Pastoral Letter on War and Peace" which included moral guidance regarding the use of nuclear weapons.<sup>23</sup> Gerald M. Mara captured the true modern dilemma of just war best by saying "nuclear weapons explode the theory of Just War."<sup>24</sup> Although Mara most likely intended this statement to discuss the use of nuclear weapons in war, it can be broadened to the threat and magnitude of a nuclear threat, such as the one posed by a nuclear Iran. The Just War tradition is a set of guidelines on when go to war, conduct in war, and conduct after war. Just War theorist Michael Walzer states that, "moral reality of war is divided into two parts. War is always judged twice, first with reference to the reasons states have for fighting, secondly with reference to the means they adopt."<sup>25</sup> This thesis will only examine the concept of *jus ad bellum*, in the decision to go to war.

Not only does the Just War theory consider the criteria necessary for the reason to go to war to be just but Walzer also examines the concept of preemptive and preventive wars. In the discussion of preemptive strikes, Walzer explains that, "the line between legitimate and illegitimate first strikes is not going to be drawn at the point of

imminent attack but at the point of sufficient threat.”<sup>26</sup> Walzer’s moral statement delineating legitimate from illegitimate strikes encompasses “a manifest intent to injure, a degree of active preparation that makes that intent a positive danger, and a general situation in which waiting, or doing anything other than fighting, greatly magnifies the risk.”<sup>27</sup> This is the frame of mind necessary for a thorough examination of this case study. Through this lens this thesis will examine these factors taking into consideration both the Catholic Just War traditions as well as the secular just war traditions like those of Michael Walzer in order to draw conclusions on the morality issues to consider in the argument for or against a strike on Iran’s nuclear program. The Just War theory is a set of principles and not a codified inflexible set of steadfast rules. Every situation has a unique context and complicating factors to include in a decision-making process.

### **American Response**

Iran’s values and ideologies clash with those of the United States and have since the 1979 Islamic Revolution that replaced Western friendly leadership with a radically religious theocracy. Several administrations have taken a stance against Iran’s nuclear program, for example, President Ronald Reagan succeeded in persuading the European community to pressure Germany to stop its supply of dual-use technologies to Iran in the 1980’s. In 1996 President William Clinton pressured China to stop cooperation with Iran’s nuclear program. Lack of help from Europe and China led Iran to reach out to Russia for assistance. Russia has been a friend of Iran’s nuclear

program for several decades having helped Iran construct two nuclear reactors at Bushehr and provided them with fuel fabrication technology. It is even possible that the Russians provided Iran with uranium enrichment centrifuge plans.<sup>28</sup> The United States has not been a fan of the close bond between Russia and Iran in the nuclear sphere, and it remains a point of contention in U.S.-Russia relations.

Not only have U.S. President's tried to curtail Iran's nuclear program, Congress has also acted to stop Iran's nuclear endeavors with several pieces of legislation. Congress passed the Iran Libya Sanctions Act in 1996, which is now known as the Iran Sanctions Act as a result of Libya's turn over of its nuclear program in the wake of President Bush's harsh rhetoric. Additionally there is the Iran Non-Proliferation Act, now known as the Iran, North Korea, and Syria Non-Proliferation Act and the Iran-Iraq Non-Proliferation Act. These acts attempt to stop the flow of support to Iran's nuclear program.<sup>29</sup> The success of these programs would impact a decision to act preemptively, and will be explored in the chapter on Last Resort. In order to understand the U.S. response to Iran, its use of preemption must also be analyzed to understand the grounds and precedence that exist in today's political and security climate.

Preemption became a reinvigorated part of U.S. military strategy as a result of 9-11. As Neta C. Crawford correctly points out, "The Bush administration rightly points to the changed nature of military threat and poses a dilemma for scholars of just war theory: how long, in an era of terrorism and weapons of mass destruction, can states afford to wait to use their military force in self-defense?"<sup>30</sup> The lasting effects of

the 2003 invasion of Iraq to rid dictator Saddam Hussein of his Weapons of Mass Destruction, and the failure to find any weapons has created a critical view of preemption, which bordered on the verge of preventive war. In general, preemptive war can be found a legitimate and just, while preventive war is not considered to fall under the category of a just war.<sup>31</sup>

America's preemptive strike on Iraq's alleged WMD clearly illustrated America's most recent preemptive action. The case for the strike on Iraq may have an impact on a similar decision on Iran and therefore should be addressed but it does not play a major role in a moral discussion, which is the nature of this thesis. With an overview of Iran's nuclear program as well as the basic tenants of the Just War theory's principles, and the U.S. response to Iran's program it is time for a more astute discussion of each of the characteristics of the Just War theory as they relate to a decision to preemptively strike, or not strike Iran's nuclear program.

## CHAPTER TWO

This chapter will cover two of the most important principles in the just war tradition: just cause and right intention. Both of these criteria must be met before the principles of proper authority, reasonable chance of success, proportionality, and last resort are assessed. In the just war tradition, a just cause is constituted only in response to an injustice or an aggression. Unfortunately, determining the grounds for injustice and aggression are subject to interpretation and can vary greatly, which can bring political and external drivers into the discussion of just cause.

Chris Dolan, a modern just war scholar, adds that “just cause is both concerned with responding to aggressions and punishing injustices that have been conducted and preventing aggression and injustice that could actually occur.”<sup>1</sup> This statement highlights another element of the discussion, that of preemption, which is the topic of this thesis. Can a preemptive war have a just cause in that an injustice or aggression has yet to occur? While this may be a grey area for the just war theory, if Iran has in fact committed injustices and perhaps even aggressions against the United States and its allies, do they provide the just cause that would be necessary for a strike against Iran? This chapter will consider whether or not Iran meets the criteria for just cause either through its weapons program or through other actions taken by Iran’s government such as its state-sponsorship of terrorism.

Next the chapter will examine how the principle of right intention reflects on America’s goals and intentions for a preemptive strike, and essentially a war, against

Iran. In order for a war to be just the U.S. would have to have the right intention in mind when planning and executing its strike. As with many other conflicts the United States has been involved in there are always other factors that play into the decision-making process. These factors may meet the threshold of national interest, but not the threshold for an act of war. By the end of this chapter there will be a better understanding of the issues, factors, and criteria that would bear directly on just cause and right intention for planning a preemptive attack on Iran's nuclear program.

### **Just Cause**

Determining whether or not there is a just cause for a war is generally regarded as the first criterion that must be considered and for which evidence must be gathered. According to the Catholic just war philosophy, just cause, as defined in the National Conference of Catholic Bishops pastoral letter on war and peace in 1983.

War is permissible only to confront 'a real and certain danger,' i.e., to protect innocent life, to preserve conditions necessary for decent human existence, and basic human rights. As both Pope Pius XII and Pope John XXIII made clear, if war of retribution was ever justifiable, the risks of modern war negate such a claim today.<sup>2</sup>

In order for a war on Iran to have just cause the United States would likely need to meet the requirements laid out by the Catholic Bishops. The question would be whether going to war to destroy Iran's nuclear program would in the long run save innocent lives? Answering this question relies on the determination of Iran's nuclear program's intentions. Another factor to consider would be whether or not Iran's

nuclear capabilities would lead other nations in the region to acquire and potentially use them against their enemies.

What Iran's plans are when it has a nuclear weapons capability will greatly affect the U.S. debate on the just cause of such a war. If President Ahmadinejad intends to follow through on his anti-Semitic rhetoric, then the United States would have a just cause to go to war to destroy Iran's nuclear capabilities so that it could not attack the innocent lives of people in Israel. The United States has accepted responsibility for Israel's protection because of their commonalities in political, religious, and security interests. The United States has a vested interest in the welfare of Israel as a major player in the Arab-Israeli peace process and because Israel receives significant amounts of U.S. foreign aid.<sup>3</sup> The United States has already taken steps to increase Israel's protection from the Iranian threat with increased support for Israeli defense satellites and anti-ballistic missiles.<sup>4</sup> Regardless of whether or not countries recognize Israel's right to exist does not change the morality surrounding the use of nuclear weapons to wage a war against an entire population, and essentially the entire Jewish religion as was seen in the twentieth century by Nazi Germany under the leadership of Adolf Hitler.

If Iran planned on using its nuclear status to bully the other Middle Eastern nations, then the United States might also be justified in stopping an increasingly aggressive nation, Iran, with the potential to wreak havoc on any nation that did not kowtow to Iran's demands. If Iran announced it had weapons, and then provided a

credible threat on an Israeli target, this would stand as a justifiable threat that would provide just cause for a U.S. preemptive strike. The U.S. would also need to consider the possibility of terrorists group with access to a nuclear ally if links existed between Iran and its proxies like Hezbollah or Hamas on issues of nuclear coordination.

The Just War theory makes distinctions between innocent civilians and the soldiers of war. Although nations with nuclear weapons have the capability to use such weapons at any time, most of the countries holding such capabilities today are considered rational actors in the international arena. Two of the latest nuclear powers, Pakistan and North Korea, have however made the United States nervous that they countries may intend to use their nuclear capabilities against their enemies given the heated nature of their foreign policies towards those enemies. These nations are aware of the broad sweeping consequences of their actions. As stated in Chapter One, Iran has demonstrated pragmatism with its actions in the past but the growing fear of radicalism and the desire to continue the Islamic revolution at all costs breaks the tradition of the nuclear status quo.

President Ahmadinejad belongs to a sect of Shi'a Islam that believes in the tradition of the Mahdi, the hidden Imam who will return someday to bring an end to the world, in an apocalyptic way. This willingness to accept an apocalyptic event to restore justice to the world creates fear in America's Judeo-Christian tradition given the unfamiliarity of this Islamic prophecy. Using the definition of just cause given by the Catholic Bishops, the potential that Iran might use nuclear weapons in a religious

capacity to bring an end to the world or to punish non-Islamic infidels would need to be stopped would fit within the definition of preserving the basic conditions necessary for human life.

On the secular side of the study of just cause, Dolan states, “the principle of just cause is probably the most essential component in the just war theory, since it defines the moral goals and ethical reasons that lead nations into war.”<sup>5</sup> Just cause is met by either “punishing injustice” or “responding to aggression”.<sup>6</sup> In his book on the Bush administration and the just war theory, he examined the administration’s case of Iraq. He drew conclusions on the morality of that war as well as examined its implications for war in the future, specifically a possible attack on Iran. Dolan pointed out that in order to meet the just cause criteria there needs to be hard evidence of an injustice. Iraq for example, violated UNSC Resolutions 687 and 1441 by not fully cooperating with UN inspectors during visits to Iraqi nuclear facilities. That violation constituted an injustice and therefore a legitimate cause existed for responding to that injustice with an action.<sup>7</sup>

This chapter is not going to address the scale of an action, which will be addressed later in this thesis when discussing proportionality. The purpose of this chapter is to determine what actions by Iran would constitute an injustice or aggression to which a military strike would be justified. In order to make a case for a preemptive strike on Iran, there would have to be evidence of an injustice or aggression; now it is time to see if Iran has committed either of these offenses.

James Turner Johnson pointed out in his 1984 book *Can Modern War Be Just?* that the just war theory “is not a doctrine, as it is often called, especially in religious circles, but a tradition including many individual doctrines from various sources within the culture and various periods of historical development and representing variations in content.”<sup>8</sup>

Twentieth century just war theory then is beginning to show signs of incompatibility with the twenty-first century world at present. Twentieth century just war scholars, of which the most recent bulk just war theory analysis consists of, were focused on interpretations of the threat of a nuclear war because of the long-standing Cold War between the United States and the Soviet Union. In this context even a limited exchange of force could have wielded apocalyptic devastation. The twentieth century also witnessed two of the largest wars in history, which for the first time with WWI and then again with WWII, encompassed the entire world. Twentieth century just war scholars were concerned by the prospect of future wars and constructed a body of literature that greatly limited the prospect of future war by amending previous interpretations of just cause.<sup>9</sup>

This construct has been termed the legalist paradigm, most notably argued by Walzer’s early works where the only just cause was in self-defense. Although preemptive strikes can be considered just in some cases, the just war theory still aims to keep the standards for preemptive self-defensive just cause high. The legalist view has merit, it held its purpose during the twentieth century, but it has lost some of its

value after 9-11. Cian O’Driscoll, who has written on this paradigm shift, explains that President Bush and former British Prime Minister Tony Blair broke the legalist paradigm in their justification for the war in Iraq.<sup>10</sup> Although many just war scholars consider the Iraq war unjust, I believe this analysis is primarily a product of hindsight analysis. If the Americans had found WMD in Iraq, the literature in the just cause of the war would be very different. Had that been the case many would have heralded the Iraq case as a triumph of preemption, and would have opened greater opportunities for its use. This however was not the case in Iraq. Bush and Blair provided three reasons for just cause to invade Iraq; humanitarian, punitive to punish Iraq for not following the UN Resolutions, and anticipatory.<sup>11</sup> None of these noticeably fall into the category explicitly of self-defense. Whereas the twentieth century dealt with fears of nuclear conflict, proxy wars, and militarization, the twenty-first century has to contend with different kinds of threats such as terrorism, genocide and human rights abuses, and proliferation. Despite the fact that these threats also existed in the twentieth century they are even more important today because these threats are becoming increasingly devastating and destabilizing.

These changing security conditions in the world affect the discussion of just cause because using outdated doctrine and criteria will lead to decisions that are morally and practically untenable. Bush and Blair were the first to have pushed the envelope, and thereby shifted just war tradition towards a broader more flexible right to war. Although the twentieth century legalist paradigm only allowed for self-defense,

medieval times allowed for war as punishment, to right a wrong, and in self-defense.<sup>12</sup> The flexibility that is built into the changing nature of the just war theory should allow for new interpretations of just cause that reflect today's threats and wars. This indicates a paradigm shift in the discussion of just cause in a post-9-11 world. The League of Nations enacted the Kellogg-Briand Pact and the United Nations Charter articles two and five both sought to outlaw war with the exception of self-defense. Johnson worries that this view is too limiting and oversimplifies the path to war.<sup>13</sup>

The end of the Cold War let loose failed and weak states that had been under control of the bipolar Cold War international system. These states, including Iran created new problems in international affairs, including the issue of proliferation. Iran became responsible for its own security more than it was when it had the umbrella protection of the USSR. The proliferation issue was most noticeably expanded into the realm of just cause by the 2003 case for invasion of Iraq.<sup>14</sup> The New World Order has been challenging the legalist paradigm for a while now, first by allowing for humanitarian intervention in places like Northern Iraq, Somalia, Bosnia, and Kosovo to name a few. The Kosovo case was framed in the just war framework on the basis that protection of human life was just cause war.<sup>15</sup>

Today's crises often occur quickly, and without a process of noticeable build-up of conventional forces. To this, O'Driscoll explains that, "given the nature of today's threats the category of imminence just does not make any sense. Today's threats do not rely on military mobilization, and are not preceded by visible warning

signs.”<sup>16</sup> This is exactly the problem with evaluating the nature of Iran’s nuclear program and its potential threat. Iran’s program is underground and off the grid, hence complicating the collection and assessment of evidence and determining the case for self-defense.

In this new world of threats, Andrew Fiala argues that there is a new preemptive war doctrine being used in the United States, which he calls “Reformed Preemption.” Fiala’s reformed preemption is based on acting on threats before they are imminent because in today’s world, that point is too late.<sup>17</sup> Fiala worries that this expansion of *jus ad bellum* may prove problematic, yet a major change in world conditions is naturally going to require changes in war making and its justification. He is worried that “reformed preemption” is made for situations of uncertainty. When threats have not yet materialized, the speculation that it could be viewed as aggression.<sup>18</sup>

### **Punishing Injustice**

The idea of punishing an injustice has historically been a morally acceptable just cause. Punishing wrongdoing used to qualify as just cause, but fears of wars of revenge have made them widely unfavorable. Even in modern times, however, there have been a few exceptions that allow for punishing injustice. These exceptions have been to ensure the future; therefore punishing injustice has only been morally unacceptable if it has “substantial forward-looking value” such as maintaining UNSC

resolutions or “establishing deterrent warnings against a repetition or imitation of the offense.”<sup>19</sup>

Although the existence of Iran’s nuclear program itself does not constitute an injustice against the United States or its allies, other actions conducted by the Iranian government may make the case for an attack against Iran justified. Iran is a signatory of the Nuclear Non-Proliferation Treaty; therefore it is required to comply by keeping its nuclear programs for peaceful energy means and not for acquiring weapons capability. The distinction between a peaceful and weapons-related nuclear program will hold further relevance in the coming chapters of this thesis.

Iran is actively working against U.S. efforts to establish a stable government in Iraq by supporting radical Shi’a groups there and encouraging them to fund attacks against U.S. forces and attack innocent Iraqis in order to start a civil war. Using improvised explosive devices and other weapons and tactics against innocent civilians qualifies as terrorism. Iran is also opposed to democracy in the Middle East and would prefer to have Islamic theocracies subservient to Iran in their place. Although Iran’s political goals does not permit an attack Iran has been deemed the number one state-sponsor of terrorism and is closely allied with Syria, another nuclear threat and state-sponsor of terrorism.<sup>20</sup> The difficult question that will need to be answered by U.S. policymakers will be whether Iran’s support for terrorism constitutes enough of an injustice to destroy its nuclear program, therefore preventing Iran from becoming a

nuclear threat? The combination of Iran's sponsorship of terrorism combined with its nuclear aspirations is an unacceptable combination.

Iran has several reasons to want nuclear weapons and even discounting one or two of Iran's motivations would not change Iran's desire to obtain nuclear status. Iran is interested in getting a nuclear weapon for deterring the United States, expanding Iran's regional influence and status, and gaining political capital at home.<sup>21</sup> The latest National Intelligence Estimate (NIE), which will be discussed in the Chapter Four, claims that Iran has halted its nuclear weapons development, however there are still no guarantees that this was the case.<sup>22</sup> These concepts alone do not constitute an injustice towards America. Many have argued that if Iran had nuclear weapons it would greatly destabilize the Middle East.

Efraim Inbar of the Begin-Sadat Center for Strategic Studies emphasizes that, "States such as Turkey, Egypt, Saudi Arabia, and of course, Iraq would hardly be persuaded by the United States that it can provide a nuclear umbrella against Iranian nuclear blackmail or actual nuclear attack."<sup>23</sup> He further explains that Iran has Shehab-3 long-range missile capability with a 1,300 kilometer range that is capable of reaching Israel, Turkey, Saudi Arabia, and the Gulf States which include many U.S. military bases. Future improvements in Iran's missile capabilities would put Europe, Asia, and the United States in potential danger.<sup>24</sup> These potential and longer-range threats, however, do not justify preemptive strikes, much less a preventive war. In short,

strategic outlook and posturing do not constitute injustices and therefore are not a just cause for striking Iran.

The potential for injustice instead resides in Iran's support for terrorism and taking the lives of American soldiers in Iraq. Unlike the case for war with Iraq, a war with Iran could be viewed as more legitimate because the reason for crippling Iran's nuclear capabilities would be not merely because it was attempting to acquire a nuclear weapon, but also because it was attacking the United States in Iraq and using Hezbollah to commit acts of terror in the Middle East. Franklin Wester published a different remark in his *Parameters* (Winter 2004) case study entitled "Preemption and Just War: Considering the Case of Iraq," in which he described the case for war by President Bush and his advisors not by, "Justifying toppling Saddam Hussein primarily as a response to Iraq's attacks against coalition forces of the humanitarian needs of. The principal reason for war stated by the Bush administration to the nation and the world was the possible use of weapons of mass destruction."<sup>25</sup>

America and the world continue to question the just cause of the 2003 invasion of Iraq codenamed Operation Iraqi Freedom. Is the reverse rationale sufficient for going to war, or would an attack on Iran be viewed as a continuation of an already questionable war in Iraq? If the case can be made that the war in Iraq does not meet the criteria for a just war, as believed by Wester, then punishing Iran for fueling the unjust conflict in Iraq with the support of foreign fighters and Shi'a special groups in Iraq may not be just.

Another point brought to light in Wester's article is the source of the violation, which in the case of Iraq, were violations of UNSC resolutions. The source of legislation, if any, would have weight as to who would legitimately be able to declare the offense. This concept of proper authority will be the main topic of Chapter Three, but is important to note here in the discussion of just cause. In the case Iraq the violation which led the U.S. to war to change the regime in Iraq and to stop it from using WMD was a UN violation, therefore the UN would have been the legitimate international body with a just cause for war.<sup>26</sup>

In order to make the case that Iran has committed an act of aggression; a specific aggression would have to be identified.<sup>27</sup> For Iran's nuclear program, who is the aggressor? The Atomic Energy Organization of Iran (AEOI) is in charge of overseeing Iran's nuclear program but the AEOI acts under the direction of Iran's leadership. Iran's President has often been vocal about the need for Iranian nuclear status, but he alone cannot make decisions of that high of significance. This responsibility lies with the Iranian Supreme Council and Iran's religious leaders. To place the blame only on Iran's President may be misleading considering that popular opinion for the bomb is very high among Iranian citizens. Dolan believes that President Bush's 2002 NSS claims that the simple fact that a nation has a WMD program equals an aggression and argues that "the Bush Administration's interpretation of self-defense is an expansive one grounded on anticipated aggression and injustice."<sup>28</sup>

An aggression needs to be taken very seriously as Walzer states that “provocations are not the same as threats.”<sup>29</sup> President Ahmadinejad may say that he wants to wipe Israel off of the face of the earth, but does he actually intend to do it if he has the nuclear capability to do so? Dr. Daniel Byman, Director of the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University, believes that a nuclear Iran would not likely attack the United States, a U.S. friendly Arab nation in the Gulf, or Israel with a nuclear device. He believes that unlike North Korea, Iran does not seem willing to risk the lives of thousands of Iranian citizens in order to posture its war stance. Byman also believes that it would be unlikely for Iran to pass a nuclear weapon to a terrorist group based on the fact that Iran has had the capability to pass biological and chemical weapons to its proxies, such as Hezbollah, for years and has yet to do so.<sup>30</sup> Additionally, there is plenty of evidence that Iran has acted pragmatically over the years despite its unwavering hatred of America, Israel, and Iraq during the reign of Saddam Hussein. Jack Caravelli provides three solid examples of Iran’s pragmatism, therefore lack of aggression. First, Iran has not engaged in suicidal actions like those seen in Iraq by radical Sunni extremists. Second, despite Iran’s desire to defeat Saddam Hussein, Iran chose to sue for peace after great suffering in order to do what was best for the Iranian people. And third, Iran’s policy has been to avoid direct conflict with Israel, in part because of the strength of the Israeli Defense Forces.<sup>31</sup>

While Iran's state-sponsorship of terrorism is a form of aggression, it alone is not sufficient just cause for striking Iran's nuclear program; however, Iran's nuclear program coupled with its support for terrorism is a dangerous combination. Supporting terrorism demonstrates Iran's aggressive behavior and willingness to act. While it does not prove any intention to use nuclear weapons if it were to acquire them, it does pose a threat to the United States and its interests. The United States would likely need to be able to prove that Iran was in violation of UNSC resolutions such as the development of a weapon, continued failure to report nuclear facilities and materials, or uncooperativeness with UN inspections.

### **Right Intention**

The United States would not be justified in preemptively striking Iran with only a just cause. It must also possess the right intention for going to war. As determined above, the only justifiable way of having just cause would be to right the injustice that stems from Iran's support of terrorism. Then the right intention would require the United States to take action to prevent Iran from sponsoring terrorist attacks and sponsoring supporters of terrorism in the future. Interestingly, right intention is nowhere to be found in international law because it is so difficult to discern. Examples of wrong intentions for going to war would be for personal prestige in order to gain a domestic advantage, in order to reap economic benefits, or to demonstrate technical prowess. But wars are not fought in vacuums, therefore even going to war for the right intentions may still help a country domestically, and if successful may demonstrate

technical superiority; however, the number one reason to go to war must be to restore or improve the peace.<sup>32</sup>

Many modern United States military actions have been scrutinized by outsiders, from President Harry S. Truman's decision in 1945 to drop two atomic bombs on Japanese cities to the recent war in Iraq. Although some think that the U.S. decision to use atomic weapons against Japan had ulterior motives, many contend that the United States had the right intention because it aimed to bring a quick close to a long and bloody war by saving lives in the long run.<sup>33</sup> Some have argued that U.S. actions in Iraq, both 1991 and 2003, were unjust because its motives were allegedly centered on oil, chauvinism against Muslims, and imperialism.<sup>34</sup> The same people who claimed those wars were unjust would consider that a U.S. strike on Iran would have those same wrongful intentions. Again Walzer states that in order to be just there must be a wrong and that, "nothing else warrants the use of force in international society- above all not any difference in religion or politics."<sup>35</sup> This is why attacking Iran because it does not support democracy in the Middle East is not viewed as a right intention for going war.

The United States' status as a superpower has led many, both in and outside the United States, to question U.S. intentions abroad on a variety of issues, from the environment to democratization. America has been perceived as not having the right intentions for taking actions in the past, especially in regards to its policies in the Middle East, and would have to demonstrate proper intention for preemptively striking

Iran's nuclear program. The Iraq war is one of the latest examples of American actions that have not had a clear right intention. Skeptical of U.S. intentions in the war on terrorism and the war in Iraq, Dolan points out the following:

Although the key motivation is to prevent future terrorist attacks against the U.S., the evidence...suggests that the need for oil is no doubt an essential component in American foreign policy toward Central Asia and has been legitimized and facilitated by the injustice imposed on the U.S. by 9-11.<sup>36</sup>

Dolan is frustrated by what he views as the "economic component" to America's military intervention in Iraq and Afghanistan. He fears that this perception reduces the moral high ground on the war efforts against terrorism and WMD, both, which do constitute serious threats to the United States and its allies worldwide.<sup>37</sup>

The U.S. has had a difficult time in recent years establishing rightful intention because of the Bush Administration's offensive war posture as spelled out in the NSS and carried out by the wars in Afghanistan and Iraq.<sup>38</sup> Not only has this raised the stakes for rightful intention in the case of a possible strike on Iran, but it also has heightened the fear of Iran itself in feeling threatened by the United States. Dolan is deeply concerned with America's ability to enter a conflict with the right intention, stating "any state can attack another with just cause, but go to war with the partial or biased intention of occupying territory and exploiting resources."<sup>39</sup>

Another relevant question to be asked when determining the right intention of a U.S. strike on Iran would be whether the strike on the nuclear program would instigate a war that would possibility end in regime change. Walzer has already stated that

political differences, such as those that exist between the United States and the Islamic Republic, are not grounds for a just war. Whereas regime change is recognized in just war tradition to be a just side effect of a war to disarm an aggressor, a war whose end goal is regime change is not morally justified.<sup>40</sup> Such a commitment to regime change entails a large commitment to postwar nation-building and would greatly decrease a justifiable chance for success. As was the case in Iraq, Wester believes the war which brought about regime change is a new framework and potentially new interpretation of the just war theory in which, “this model or framework for action employs military force to improve the lot of citizens in a foreign land while eliminating a real or potential threat to the territory of the United States, allies, and U.S. political or other interests.”<sup>41</sup>

## **Conclusions**

Like the decision whether or not going to war in 2003 to rid Saddam Hussein of the WMD he was believed to possess or be pursuing, a decision to attack Iran will be extremely difficult. Determining whether there is just cause and a right intention for going to war is complex and in many ways would be breaking the paradigm on traditional just war thinking. The concept of preemption has been a part of the U.S. national security strategy for almost a decade; while at the same just war considerations continue to inform U.S. policymaker’s plans and intentions. As will be seen in later chapters, the decision only becomes more complex and convoluted as the rest of the just war criteria are examined. Even if the U.S. can be justified in ridding

Iran of its weapons program, if it judges that such efforts will be unsuccessful or if there are still other means that can be attempted before resorting to force, then even if the United States has a just cause and right intention, the decision to strike preemptively will not be morally justified.

Many would agree that a nuclear Iraq would have been a threat to the Middle East and the international community. While the case with Iran is different, the threat posed by a nuclear Iran would be much the same as the threat caused by a nuclear Iraq because of its threats towards Israel and its support for terrorism worldwide. Therefore, by extension, examining the Iraqi case is highly relevant to the case being built in this thesis on Iran. The lessons learned from the Iraqi case will certainly impact a decision on Iran. As stated earlier in this chapter, if the United States can justifiably judge Iranian support of terrorism in Iraq as its just cause for a strike on Iran's nuclear program, then the two cases are indeed linked.

Without all the facts coming to conclusions about what constitutes just cause and right intention is very convoluted and complex. If there was irrefutable evidence that Iran was within days of acquiring a nuclear weapon the United States would have just cause for a preemptive strike on Iran's nuclear program given that Iran is the world's number one state-sponsor of terrorism. This case however is more of a textbook answer than what would likely be the situation, given that a smoking gun for secret weapons programs is very difficult to obtain let alone verify. The combination of a state-sponsor of terrorism and nuclear weapons capability is too significant of a threat

to go unchallenged. If the United States had proof that Iran had nuclear weapons then Iran would be in violation of UNSC resolutions, and therefore be in violation of international law and its obligations as a signatory of the NPT.

If this were the case the United States would still be responsible for ensuring that it was striking Iran's nuclear program with the right intention. The case would have to be made that it was not only acting in the interests of the American need for oil products or for some agenda to attack yet another Middle Eastern nation. The United States would have to clearly communicate that its intentions were for the security of its strategic ally Israel, and to help maintain stability in the Middle East by upholding international law in uphold the integrity of the NPT. Scenarios that are grayer than the case above will have to be scrutinized much tighter just cause and right intention in order to keep the moral integrity of the just war theory in American foreign policy.

## CHAPTER THREE

This chapter will separately deal with two aspects of the just war tradition, proportionality and proper authority. While these issues are both highly debatable and still developing as just war theory changes in the twenty-first century, the bases for these two principles are firmly grounded in the medieval traditions of the just war theory. First the chapter will examine the concept of proportionality and explain its importance in waging war. The United States would need to determine whether more good than harm would come from a preemptive strike on Iran's nuclear program. Then this chapter will switch to discuss proper authority by first explaining its origins and then bringing the criteria up to the twenty-first century. It will discuss the ongoing debate between the war-waging standards of the United Nations versus the sovereignty of the United States, as represented by the American citizens as a legitimate mechanism for waging war to defend its interests. Ultimately the decisions the United States makes for both of these two criteria in the case of Iran's nuclear program would have long-lasting effects on U.S. policy and perception in the international community.

### **Proportionality**

Proportionality as a just war principle remains one the least considered and understood of the *jus ad bellum* principles. Thus far, the principle has not received enough attention in American war-making. This under-analyzed concept may actually be the key to winning a war if it is fought efficiently and effectively. According to Gary Brown, proportionality is the cornerstone of the just war theory.<sup>1</sup> Proportionality

discussions generally include “just cause” and “comparative justice.”<sup>2</sup> In order to determine the legitimacy and morality of a preemptive strike on Iran’s nuclear program, this thesis has separated just cause and provided the detailed discussion of it in Chapter Two.

Unlike just cause, proportionality is not a reason to go to war, but it needs to be considered prior to going to war because in order to be morally justified the good that is expected to come from a war would have to outweigh the bad that war brings.<sup>3</sup> According to Brown, “proportionality involves considering all the evil that will result from a war, and weighing it against the good that will occur or the harm that will be avoided.”<sup>4</sup> Senator Joseph Biden, in July 2008, admitted that the United States has three options: engage Iran and its nuclear program, maintain the status quo, or pursue a military option.<sup>5</sup> In the case of Iran, the United States would have to consider both the evils that would occur as a result of a military strike, which will certainly encompass Iran’s reactions to a military strike, as well as the good that would come from ridding the world of a nuclear Iran.

This determination is not a simple equation to solve; it is not as simple as putting in the values and finding the missing variable. Determining the good to evil ratio has many unknown variables. The likelihood of success, which is discussed in the next chapter, plays a large role in assessing the good that can come from a military action, but there are no guarantees. Charles Guthrie and Michael Quinlan agree that “war always does harm—it always kills people, and sets in train sequences of events

that are hard to predict and control.”<sup>6</sup> One of the hardest tasks for policymakers is to assess what damage and death will be justified by trying to achieve the initial just cause.<sup>7</sup> It would also involve consideration of the good that would come from ridding the world of the threat caused by a nuclear Iran. To put this argument more bluntly, the war should only be fought if it’s worth dying for and killing for.<sup>8</sup>

The military response must be proportionate to the just cause and Iranian violations of UN resolutions or other treaties and it would have to be determined in advance of the military strike. Proportionality in the *jus ad bellum* context means that the “overall damage to human values that will result from the resort to force will be at least balanced evenly by the degrees to which the same or other important values are preserved or protected.”<sup>9</sup> While many would agree that a response should be proportionate to the just cause, concerns can be raised that not taking a serious response may be detrimental in the long run, and ultimately diminish the likelihood of success.

The requirements of “proportionality” and “discrimination” are deadly to the nation that takes them seriously. A nation fully committed to defending itself must value the lives of its citizens more than the lives of its enemy’s citizens; it must be morally confident in its goodness, in its right to exist, and of the rightness of killing whomever in enemy nations it must to preserve the lives and liberty of its citizens.<sup>10</sup>

This is an important counter to the morally righteous norms of the just war theory. Although this belief is not widely held in the just war tradition, in today’s modern context it is a relevant argument that cannot be ignored, especially in regards to national security and securing American interests abroad. The decision to take the

life of another is serious, but just war does allow the taking of lives when necessary, consistent with its principles. The point made by Brook and Epstein above is that if the United States puts on its fighting gloves, it has to be willing to take the gloves off in order to get the job done. There is a balance that cannot be forgotten between accomplishing what was intended by going to war, in this case study, destroying Iran's nuclear facilities, and preserving the minimal requirements of justice. Fighting justly and killing the least amount of people possible can also help in achieving success.

The U.S. military would have to understand that going to war with Iran would cost Iranians, and possibly Americans, their lives, and planning should be in place to ensure that loss of life be minimized to the extent possible while still being able to achieve success. This point may prove very relevant in the case of Iran's nuclear facilities because many have argued that Iran purposely built its nuclear facilities in densely populated areas and both near and among other legitimate entities, so that a strike on one of these facilities would entail heavy collateral damage.<sup>11</sup> This scenario poses a moral conundrum. Did Iran purposely put its own citizens in harms way to serve as defense for building an illegal weapons program to ensure its survival? If this is the case, then what moral obligations does the United States have to protect those people who are acting as an unwitting civilian defense mechanism?

The just war tradition accounts for the distinctions between civilians and combatants more in the *jus in bellum* discussions and therefore are not the focus of this thesis, however it can be said that taking the lives of innocent civilians is immoral.

There are no easy answers to these questions. Fortunately U.S. military technology has advanced to the point that precision and strategic weapons can help minimize the death toll.

Even when there is just cause, and the fight is worth killing for, a fight may still not be proportionately just if the cost, measured in loss of lives and property, is not proportionate to the success and the good that would come from such actions. The invasion of Hungary in 1956 by the USSR is a good example where no action was taken militarily by the allied NATO forces because of the cost a land war would have had on the citizens of Eastern Europe. The Soviet Union's actions were considered "gross breaches of international law" but the threat of an East-West war on a large scale would have been too difficult to justify.<sup>12</sup> The war that would have been sparked by NATO forces coming to Hungary's defense would have been on the scale of a third world war.

Fortunately, a strike on Iran's nuclear facilities would not likely lead to a third world war. As mentioned in the first chapter, many other nations are not in favor of Iran acquiring nuclear weapons, therefore Iranian allies in the Middle East would not likely engage the United States in a war of retaliation, and Russia would also not likely come to Iran's defense and make itself a target for future U.S. actions. Under Secretary of State for Political Affairs William J. Burns explained in a hearing on the Iranian Challenge on July 9, 2008 that "Iran has no real friends anywhere that could offer strategic reassurance, vital investment, or a secure future in a globalized world."<sup>13</sup>

Precedents also exist in similar cases in the Middle East that can easily be applied to the Iranian case to gauge the likelihood of a full-scale response. Israel has targeted the nuclear facilities of its Middle Eastern adversaries and has survived well enough to continue to act preemptively. Whereas the United States will have to consider the likelihood of success and attempt to gauge Iran's response to a preemptive strike, it would be unlikely that U.S. actions would lead to a major world war.

Keeping the cost of human lives low is morally correct, but it also has other advantages for the United States to keep in mind. The fewer people killed, the more likely Iran will accept the losses and not feel the need to retaliate to preserve the honor and dignity of their nation. Fighting proportionately and justly can temper Iran's need for revenge and hatred, and reduce the number of Iranians who might look to terrorism as a way to strike back at America. Fortunately, modern technology makes it possible to wage war with more discrimination than in the past; however, morally sound direction and oversights are still necessary to minimize unnecessary deaths.<sup>14</sup>

One problem with acting too generously would be that Iran might not feel deterred by the preemptive strike. Damaged buildings can be rebuilt, and the desire for a nuclear weapon may be solidified by the U.S. attack. As with the Iraqi nuclear program after Israel's attack on its nuclear reactor, Iran may say it is now justified in seeking and acquiring a nuclear weapon.<sup>15</sup> The balance between acting proportionately and not acting proportionately enough is crucial to achieving the desired effect. The United States would have to calculate the Iranian response to a preemptive strike in

order to assess the overall response to its actions. To clarify, if the United States was proportionate in waging its preemptive strike but was fully aware that this strike would likely lead to a land war on a massive scale, then was the response ever proportionate to begin with? The Iranian response to a strike on its nuclear facilities remains unknown; however, gauging Iran's reaction will be an important factor when determining a proportionate response to Iran's nuclear program.

The goal of a military preemptive strike by its very nature implies a limited and proportionate responsible approach. Preemptive strikes are different than all out war and regime change.<sup>16</sup> Fighting justly also helps maintain coalitions, which in today's modern warfare has been an important factor that contributes to the likelihood of success in war. Coalitions can be a fragile endeavor, for example, coalitions formed for "poor causes" can easily fall apart.<sup>17</sup> From building and maintaining coalitions, to calculating the cost-benefit analysis of preemptively striking Iran, proportionality has an important part in the determination of whether or not a strike is morally justified. Just cause and probability of success both weigh heavily in the proportionality discussion, and cannot proceed without them. Proportionality forces the United States to examine the consequences of its decisions, and check the righteousness of its actions.

### **Proper Authority**

The just war criterion on proper authority has changed its meaning from the initial just war theorists of the middle ages. Today the proper authority debate has been

brought to light in the era of the Bush Doctrine and its policy of unilateral action, when necessary, to defend and secure U.S. interests. When considering the decision of whether or not to preemptively strike Iran's nuclear program, the question of who should strike Iran's nuclear program should be considered. Who holds the legitimate authority to declare war in today's world? Is the United States morally justified to take action against Iran's nuclear program, or would the United Nations need to pass a resolution in order to justify a preemptive strike?

Considering the legitimate authority is a complex issue that continues to evolve today. While the United Nations has a place within the world, it does not have the power or the status to serve effectively as the ultimate guarantor of international law. Since the end of WWII it has attempted to establish an international set of laws governing universal values, such as the use of force. The 2003 Iraq war brought this issue to the fore with the United States' loose interpretation of the UNSC resolution regarding Iraq's nuclear program. The ramifications of the Bush Doctrine and the Iraq war will likely affect any decisions against Iran in the future.

Wester defines proper authority as a continuum of six degrees of legitimacy in determining proper authority. According to Wester, the most legitimate authority would be a unanimous international commitment followed by a decision by the United Nations General Assembly (UNGA), then a UNSC resolution, a decision by a regional or other international alliance, followed by an ad hoc coalition, and lastly unilateral action.<sup>18</sup> Although unilateral action is considered the lowest legitimate form of proper

authority, it may still be legitimate in some circumstances. The United States would still have some legitimacy to be a morally acceptable proper authority to conduct a preemptive strike against Iran's nuclear program, provided that its decision was made in accordance with domestic constitutional requirements.

The idea of proper authority in a just war context can be traced back to St. Augustine in that good government/rulers could act in the best interest of their people and wage war when necessary. This early appeal to a proper authority later turned into the concept of state sovereignty after the 1648 Treaty of Westphalia held the state as the highest level of respected sovereignty.<sup>19</sup> In the U.S. democratic system of government holds the citizens of the United States with the proper authority over decisions made about war through their participation in the democratic process to elect their representatives in congress. Article One, Section Eight, Clause Eleven of the U.S. Constitution gives Congress the sole power to declare war. In this framework the U.S. Congress has ultimate power to declare war, but the Article Two, Section Two, Clause One give the U.S. President power of Commander-in-Chief of the United States Armed Forces and has short-term control over the actions of the U.S. military.<sup>20</sup> American citizens are responsible for the election of representatives who serve in Congress and vote every four years for a president. The elected officials then represent the people in the international community and within the United Nations.

In 1973 Congress enacted the War Powers Act which requires the President to report to Congress on the activities of U.S. forces engaged in combat, but short of a

declaration of war, within 60 days, and must withdraw those troops if Congress does not put agree to support the President or declare war.<sup>21</sup> The U.S. President would then have the proper authority to conduct a preemptive strike without the consent of Congress.

Today states continue to hold sovereignty, therefore should in theory be able to wage war in the best interest of their people, but most states are also members of the United Nations. Strictly speaking the UN only allows war in two situations, “self-defense from aggression” and “other-defense from aggression.” Self-defense from aggression simply means that a nation is morally justified to fight back if it has been attacked. Other-defense from aggression exists as a way to deal with forms of aggression that may present itself in our world. The UN views these defensive responses as inherent rights of nations. Therefore according to strict interpretations of international law, to which the United States has subscribed, nothing else justifies war unless voted on by a UNSC resolution.<sup>22</sup> As far back as 1945, however, there has not been universal acceptance of only using war in a self-defense mode. This is partly because of outstanding unpunished aggressions and partly because of the weaknesses inherent in the UNSC. In the UN, any one of the five permanent members of the Security Council can stop a resolution.<sup>23</sup> In the current environment, any resolutions crafted about an attack on Iran’s nuclear program would be vetoed by either Russia or China, or both.

It is virtually certain that the United States would be unable to work within the UN framework if it intended a preemptive strike on Iran's nuclear program. A preemptive strike on Iran's nuclear program would fall outside of the UN's "self-defense" category.<sup>24</sup> International law is weak on preemptive strikes because they are considered controversial and international law is formed on consensus and custom. Consensus is not achieved easily on issues like preemption, humanitarian crisis, or terrorism.<sup>25</sup> The 15 members of the UNSC, and the five permanent seats are more reminiscent of the twentieth century world system, not the new world order of the twenty-first century. The UN is not a world government; it is a voluntary international body that is still in its infancy in the broader context of world history and Just War theory. The UN does not have a pristine record in terms of corruption and dysfunction, therefore, the United States would be right to continue to question and redefine the relationship between state sovereignty which has dominated the world for centuries and the emerging norms and rules of global governance in the realms of protecting human rights and preventing massive wars.<sup>26</sup>

The most common interpretation by scholars and academics is that while the UNSC is not a perfect system, it is internationally progressive and significant and therefore should not be altogether ignored.<sup>27</sup> It is also important to keep in mind that although the UNSC has the authority to pass resolutions that may approve of the use of force; it is typically the entire UNGA that votes to enforce the UNSC resolutions. The UNGA provides a forum for participation in world affairs by allowing for deliberation

and policymaking with all of its 192 members. Although the UNGA can only make non-binding recommendations, it does have the ability to act and make recommendations if the UNSC fails to pass a move for action to maintain peace.<sup>28</sup> This means that even if a strong resolution against Iran's nuclear program were passed by the UNSC, the United States still would not technically have the proper authority to enforce the resolution on its own.<sup>29</sup>

At this point the hypothetical situation begins to look like the Iraq case, in which Iraq was believed to be in violation of several UNSC resolutions but the UN failed to support military action on the evidence provided by then U.S. Secretary of State Colin Powell. Six weeks after the UNSC failed to respond, the U.S. and Britain, with the aid of a coalition of willing nations, declared war on Saddam Hussein to rid Iraq of its supposed WMD. Franklin Wester believes that Bush's "coalition of the willing" was an attempt to hide behind the ethical distinctions of proper authority.<sup>30</sup> As stated above, a coalition of states is considered a more legitimate authority than a unilateral action; therefore coalitions have been an increasingly necessary element of modern warfare. Even with a clear mandate from the UN, the United States would do well to build a coalition of states willing to aid it should Iran retaliate aggressively after the preemptive strike. The preemptive strike itself may not require a coalition per se, but the United States would greatly benefit from assistance from countries strategically in position to aid the U.S. operation.

While just war theorist Brian Orend doesn't think that it is absolutely necessary to seek approval from the UN on military matters, it would be highly desirable. He does not believe that this is morally necessary to fulfill the proper authority status of the just war theory.<sup>31</sup> Yet waiting for UN approval in a potential situation where intelligence reveals that Iran is days away from acquiring nuclear weapons capabilities would probably not be an acceptable option, if all other just war criteria were satisfied. Waiting for approval from the UN could take several days, weeks, or even months. Even if the situation were not dire, the possibility of months of inaction may provide Iran the time it needs to finish its weapons development and acquire a bomb.<sup>32</sup>

In addition to the UN's inefficiencies already discussed, it bears partial blame for the current predicament with Iran. During the 1990's, "the international community's sporadic expressions of concern did not necessarily trigger diplomatic sanctions or multilateral pressure."<sup>33</sup> Early pressure may have been able to dissuade Iran from developing its nuclear program. The UN's International Atomic Energy Agency (IAEA) has had questionable abilities. The IAEA was unable to prevent North Korea's withdrawal from the NPT or its testing of a nuclear device in 2006.<sup>34</sup> The United States rightfully cannot rely solely on the UN's organizations to take care of proliferation issues vital to U.S. interests.

The UNSC has acted five times against Iran's nuclear program as of March 3, 2008 when it passed UNSC Resolution 1803 which strengthened the provisions of earlier UNSC resolutions such as UNSCR 1737 and UNSCR 1747 as well as called for

the halt of all activities of Iran's Arak Heavy Water Reactor, which has been deemed a serious proliferation threat.<sup>35</sup> Iran was found non-compliant with safeguard regulations and has ignored UN legislation for it to suspend its uranium enrichment several times.<sup>36</sup> Burns explains that recent UNSC resolutions have sent the message from the international community to Iran that its proliferation activities will not go unchecked.<sup>37</sup> There is still a big difference however between keeping Iran in check and eliminating the threat posed by Iran's nuclear program.

Since 2002 the primary U.S. strategy against Iran has been diplomatic, under the auspices of the UN. At this point the only real victor of this diplomacy has been Iran, who "has encouraged this dialogue, confident that the United Nations system will serve as a serious impediment to forceful international action."<sup>38</sup> Chapter Five on last resort will look further into whether or not the U.S. and the international community's actions have been enough to prevent Iran from getting the bomb and analyze at what point action would need to be taken either by the UN or by the U.S. A point might come where the UN has not been able to deal with the Iranian nuclear threat and the United States would have to decide to take action on its own. Based on the nature of the threat, and the attempts made by the UN, the United States would be justified in taking a preemptive action if it was indeed the last resort.

Before concluding the discussion of proper authority, the consideration of public declaration, which is also a part of the just war criteria, should be acknowledged briefly. It is often said that a public declaration of war by a proper authority should be

given in order to provide “the enemy one last chance, prior to hostilities commencing, to cease aggression and begin a process of atonement.”<sup>39</sup> This is not only part of the just war tradition, but also specified as protocol by the Hague Convention III, and must be adhered to by all signatories. Therefore, Iran would need to know an attack was imminent beforehand in order for the preemptive strike to be justified.

The public declaration is not only for the target nation, like Iran in this case, it is also for the people of the United States. The public declaration helps make sure, in a democratic sense, that this war is the will of the American people, and not a renegade policy of a corrupt or unjust politician or politicians. It is important for the people of a representative government to consent to a war started on their behalf, as specified earlier the American people ultimately hold the proper authority for all actions taken by the United States.<sup>40</sup>

## **Conclusion**

Proportionality and proper authority are two criteria of the just war theory that need to be explored by decision makers prior to any preemptive strikes on Iran’s nuclear program. It is in the long-term best interest of the United States to take the just war criterion of proportionality and proper authority as serious considerations when planning or deciding to strike Iran’s nuclear program, as they will not only affect U.S. policy on the Iranian nuclear issue, but have long lasting effects on the ability of the United States to uphold its image as a benevolent superpower and as a responsible player in the international system. As the world’s superpower, U.S. actions and

behaviors are highly scrutinized but also looked upon as beacons for human rights, democracy, and military greatness. Proportionality is a lens through which the United States can examine whether a preemptive strike on Iran will deliver more good than bad to the Middle East and the wider international community. In one of the world's most volatile regions, now more than ever proportionality must be a crucial part of America's decision to strike Iran.

The discussion of whether or not a U.S. action would satisfy proportionality is further complicated by the debate over proper authority. The United States does maintain the right as a sovereign nation that represents its people, to wage war, but as a member of the United Nations it is also obligated to observe international law and to act through the UNSC whenever possible. As explained earlier, with the emergence of a paradigm shift in the just war theory in the post-Cold war era, it is possible that the United Nations has not adjusted enough, or is not strong enough to deal effectively with the security problems facing the world today. Working within the UN construct has many drawbacks for dealing with Iran's proliferation threat, including corruption, inefficiency, and inability to take action without extensive U.S. support both financially and militarily. Despite these negatives, the United States has much to gain from trying to work within the UN framework. The world without a United Nations would be undesirable, and without U.S. support it would likely fade into history. The United States should continue to use the United Nations as the primary voice of

diplomacy and for its nuclear regulations, but know that if necessary, it may have to make the decision to act unilaterally to stop Iran from acquiring nuclear weapons.

## CHAPTER FOUR

Iran's nuclear program may prove a difficult target for the United States should it choose to attack. Iran has learned the lessons of previous preemptive strikes, in particular Israel's strike on Iraq's nuclear facility at Osiraq in 1981. The success of that Israeli strike has driven Iran's nuclear facilities deep underground and scattered throughout highly populated cities throughout the country, some of which are surely unknown to U.S. intelligence officials. This chapter will attempt to examine the feasibility of a preemptive strike on Iran's nuclear program in order to determine whether or not the United States would have a reasonable chance of success, which is another consideration in the Just War tradition. Wars are considered unjust if they are not believed to be winnable. According to the Just War theory, even if a nation has just cause and right intentions for going to war, and aims to restore the peace, but judges that it is not likely to succeed, then taking up arms anyway would not be justified. The purpose of this chapter then, is to examine the military capabilities and scenarios that would constitute a reasonable basis for expected success, and assess the consequences of failure, namely the response from Iran and the Middle East in order to determine the likelihood of success of a U.S. preemptive strike against Iran.

First, this chapter will introduce the Osiraq case study that has important implications and relevance to today's case with Iran. Then it will define a U.S. success by examining a range of possible U.S. goals, whether it is as harsh as regime change or as small as striking only one Iranian entity that would only delay Iran's nuclear

program. The definition of U.S. success will be judged partially by its ability to have a proportionate and discriminate response, as already discussed at length in Chapter Three. Once success is defined, it will layout what would be required to carry out the attack, what should be attacked, and the vital role intelligence would play. My assessment will take account of the latest NIE on Iran's nuclear intentions and capabilities issued in November 2007. The NIE has greatly affected U.S. policy towards Iran's nuclear program and the significance of such a document would likely do the same in the future a newer version is released. Before turning to the case study at hand, it is important to understand the Osiraq case.

### **Osiraq**

In order to understand the complexity of the situation the United States faces with Iran's nuclear program it is necessary to understand the case of Osiraq. Israel has often been faced with enemies on its borders, forcing it to maintain a strong and aggressive defense posture. Violence against Israel could erupt at any time despite peace treaties and recognition from many of its neighbors. It adopted what has become known as the Begin Doctrine that states that Israel will not allow nuclear weapons in the Middle East. Iraq in the 1970's however, was developing a nuclear program and had a single nuclear reactor in the middle of the desert at Osiraq.<sup>1</sup> After trying seven years of diplomacy to no avail, Israel made the difficult decision to enforce the Begin Doctrine and preemptively strike Iraq's nuclear reactor. Israel decided on an air strike because it would likely have the smallest risk to human life despite the fact that other

attacks were considered.<sup>2</sup> Secrecy surrounded the entire operation and only a few people knew the entire plan. Of the 16 pilots, only a few knew the exact target was Osiraq.

These attempts at compartmentalization were used in part to increase Israel's likelihood of success by achieving the element of surprise.<sup>3</sup> In a high-tech military maneuver, eight Israeli F-16 fighter jets destroyed the Osiraq nuclear reactor in less than 90 seconds.<sup>4</sup> The Osiraq case remains a controversial preemptive strike.

According to Article 51 of the U.N. Charter, Israel would have to have been attacked by Iraq first before being allowed legally to respond with a military action. Instead, Israel's attack was viewed as anticipatory self-defense. Israel was even censured by the United Nations although it did not receive any punitive actions.<sup>5</sup> The attack did slow down Iraq's nuclear program by five years; however the attack only solidified Saddam Hussein's desire for an Iraqi nuclear weapon.<sup>6</sup>

The success of the Osiraq attack is controversial as well. While it did slow down Iraq's nuclear program, it also had several unintended ramifications that are likely to make any such attacks less successful in the future. Nuclear programs, including Iran's, made efforts to harden their nuclear facilities and added redundancy in case of attack.<sup>7</sup> In spite of the delay to the program, Iraq reinvigorated its program and ultimately Israel was unable to deter Iraq from pursuing nuclear weapons. The Osiraq endeavor was also very risky and challenging, but this aspect of the strike is not

often talked about because the attack hit the target. However, it was not easy and to take the difficulty for granted would be foolish.<sup>8</sup>

The implications of the Osiraq case on Iran's nuclear program are far-reaching. Iran learned the lessons from the attack and worked to hide and disperse its nuclear production sites. Today, an attack on Iran would be much more difficult with a smaller chance of success.<sup>9</sup> With the Osiraq case in mind, this chapter will now turn its attention back to the United States and a possible strike on Iran's nuclear program through the lens of the just war tradition.

#### **DEFINING SUCCESS**

As for any political endeavor, particularly an act of war, defining success is necessary in order to calculate and maneuver through the course of unforeseen events. As illustrated by the Osiraq case, success is a relative term. Had Israel defined success, as delaying Iraq's nuclear program, then it was successful because it provided Israel another five years free of Iraqi nuclear threats. If however, Israel intended to destroy Iraq's nuclear program so that it would not have worry about the threat of a nuclear-armed Iraq, then it was not successful. In order to examine fully the just war principle of reasonable chance of success, the U.S. would need to define success.

A number of American scholars would not define delaying Iran's nuclear program success. Caravelli defines success as "an end to Iran's efforts to produce, either through enrichment or reprocessing, sufficient quantities of fissile material to make a nuclear device."<sup>10</sup> His definition would also make sure Iran would not be able

to buy these same materials abroad, most likely by continued and possibly stronger sanctions. However, such sanctions are unlikely given the UN's pursuit of only "mild economic sanctions" which he does not believe will ever amount to success against Iran's nuclear program.<sup>11</sup>

Success should be defined as the destruction of Iran's nuclear infrastructure and means of retaliation necessary for the attack to be carried out without the return of force. An attack of this nature would require hitting multiple facilities, some of which are completely underground and near Iranian cities full of innocent civilians. This is where the Osiraq case begins to differ from the Iranian case. Osiraq was one target, isolated from civilian populations, and above ground. This is not the case in Iran. The Iranian case will require hitting multiple sites while recognizing the possibility that covert sites might exist. In order to understand the complexities and risks associated with an Iranian attack, the next section will examine what a U.S. strike on Iran would entail to provide a reasonable chance of success.

### **U.S. Military Strike on Iran**

The United States would have many factors and issues to consider when analyzing the likelihood of success against Iran's nuclear program. It would rely on the guidance and expertise of the U.S. military and the Joint Chiefs of Staff to assess U.S. capabilities and resources and draw up operational plans to include targets to account for collateral damage and loss of life. This is where the U.S. would need to reiterate its commitment to discrimination between combatants and civilians as required by just

war criteria and international law. One of the top priorities for the consideration of a military option would be a complete target list with a high confidence rate. The United Nations has identified several dozen nuclear-related entities that would have to be attacked in order to have a reasonable chance of slowing Iran's nuclear program.<sup>12</sup>

Iran's nuclear program is scattered at many different locations throughout the country. There are several different components that contribute to a nuclear program first uranium ore is mined out of the ground. It is then sent to a processing facility where it is refined into yellowcake. After refining it is then brought to a uranium enrichment facility where it is enriched to at least five percent for use in nuclear fuel rods for a reactor. At this point, the cycle for power plant usage and a weapons program differ. Some of Iran's nuclear program is most likely for energy, like the Bushehr Nuclear Power Plant.

Facilities related to weaponization should be on the top of the list of targets for the U.S. Unfortunately it is problematic to distinguish between energy and weapons facilities without intelligence of what is occurring inside the facilities or evidence of highly enriched uranium, above five percent, which is not needed for energy production. Slowing Iran's nuclear program is not what has been defined as success, therefore more sites would need to be destroyed in order to cripple Iran's program beyond recovery.

One of the considerations that would have to be made is whether or not Iran's missile, chemical, and biological facilities would also be on the target list.<sup>13</sup> The

primary concern with hitting these facilities would be to squash Iran's abilities to retaliate. If Iran's nuclear aspirations were squandered by a U.S. attack on only nuclear entities, Iran may choose biological or chemical capabilities to slash out at U.S. interests in the Middle East. Destroying Iran's missile facilities would help ensure that even if the U.S. missed a covert facility, Iran's chances for delivery of intact materials would be eliminated.

Dimitri Delalieu came to the conclusion that a military attack on Iran's nuclear program is the only feasible option as of 2007. In a follow-up article to one written on the possibilities in dealing with Iran's nuclear program the year before, he laid out the reasons why diplomacy and a possible resistance movement to prompt regime change were inadequate for dealing with the situation. In his opinion, either a military strike would need to be carried out by Israel or the United States, or some combination of both countries in order to stop Iran from testing a nuclear weapon.<sup>14</sup> If Israel were to carry out the attack then it would likely aim for the nuclear sites at the Natanz Uranium Enrichment Facility, the Uranium Conversion Facility (UCF) at Isfahan, and the Arak Heavy Water Reactor. One of the problems, however, is that many of these sites are near heavily populated cities and have cultural significance to Iran and the world. The United Nations Education, Scientific and Cultural Organization (UNESCO) has deemed Isfahan a World Heritage site and Natanz is considered a medieval jewel of the thirteenth and seventeenth centuries of Persian power.<sup>15</sup> It is believed that the

destruction of these three facilities would be enough to paralyze Iran's nuclear program, although not destroy it altogether.<sup>16</sup>

American analysts have devised a different plan, unlike the Israeli's short target list meant only to paralyze. A U.S. attack would include over 400 targets and aim to completely destroy Iran's nuclear program. The targets would not be limited to nuclear facilities but include chemical factories, arms production centers, and military bases.<sup>17</sup> Adding military targets might appear to be disproportionate; however, if the military were not involved in Iran's nuclear program to begin with it would be easily viewed as a civilian peaceful program and not the subject of this thesis.

Some of the additional targets that would be considered for the preemptive strike would include Iran's uranium mines at Saghand, Gachin, as well as the Ardekan uranium treatment site near the city of Yazd. Iran has a number of nuclear research facilities that although their primary function may be for civilian research, like the Bonab Atomic Energy Research Center that conducts research for nuclear agricultural applications, the expertise and ability to hide parts of a military program there would not be a stretch. Targets like this and the Iranian Research Reactor in Tehran are prime examples of sites that if destroyed, would greatly hinder Iran's ability to produce a nuclear weapon. Other targets that may be on the list are nuclear front companies, university nuclear labs, or suspicious defense industries-related facilities.<sup>18</sup>

Iranian military bases would be valid targets for attack by U.S. forces because they are not civilian targets. The Iranian military would be one of the entities to

threaten the United States and would be responsible for a weaponization program. The distinction here would be made when deciding whether or not to engage Iranian troops on the ground. This type of engagement would only lead to an all out war with Iran, which would not be proportionate or advisable from a success standpoint. An attack might begin with attacks on the Iranian Air Force defense targets in order to “clear the path” for U.S. B-2 stealth bombers. B-52 long-range bombers would probably launch cruise missiles outside of Iranian airspace.<sup>19</sup> Caravelli believes that, “in strictly military terms, the U.S. Air Force and Navy, if so ordered, could plan through the Joint Chiefs of Staff and successfully execute an attack with those parameters.”<sup>20</sup>

Although this type of mission would prove challenging the United States does have several advantages that would aid its success. The U.S. has the right equipment to annihilate the likely underground facilities at both Natanz and Arak with buster-busting weapons such as the BLU-28 and BLU-116 that are capable of destroying targets below the earth’s surface, but only to a certain depth.<sup>21</sup> It is possible that the Iranians are aware of this depth and have hardened their facilities to be able to resist a bunker-buster attack. If this was the case, then the U.S. bunker-busting weapons may be incapable of destroying deep underground Iranian nuclear bunkers.

From a logistical standpoint, Iran is surrounded by American bases in Afghanistan, Bahrain, Cyprus, Israel, Iraq, Jordan, Kirghizstan, Kuwait, Oman, Pakistan, Qatar, Saudi Arabia, Tajikistan, Turkey, and the United Arab Emirates.<sup>22</sup>

Even if the Arab nations opposed use of their bases for the purpose of striking Iran, Israel would surely be a willing ally because of their fear of a nuclear-armed Iran.

When it comes to talking about American firepower and military might, it is very easy to sound convinced that the United States would be able to destroy Iran's nuclear program if ordered. However, there remain a large number of unknown factors at play. Many of these factors surround the U.S. Intelligence Community and its ability to provide accurate intelligence to policymakers in Washington. This intelligence is not only necessary for carrying out a successful attack, but would also play a large role in the decision and evidence required to make the case for war. The intelligence will provide critical bases on which to deliberate and determine just cause, last resort, proportionality, and of course, the chance of success. In this regard, intelligence plays a crucial role in analyzing the justification for war in the Just War tradition. Accordingly, we next examine the challenges of intelligence and analyze the latest (2007) NIE on Iran's nuclear program.

### **The Role of Intelligence and the 2007 NIE**

The U.S. case against Iran's nuclear program had been building for years until the U.S. Intelligence Community surprised U.S. policymakers in November 2007 by reversing its prior assessment that Iran had been developing nuclear weapons by revealing there was evidence that Iran had suspended its weaponization work in 2003 and that it was unclear if it had ever restarted. The reversal highlights the challenges that the United States faces when dealing with intelligence for proliferation targets

such as the case against Iran's nuclear program. This section will briefly outline the highlights of the 2007 NIE and provide insight into how intelligence plays a role in evaluating the likelihood of success as required by the Just War theory.

The NIE is a highly classified document that was released to the public in an unclassified format, most likely stripping out a large part of the evidence and context of the document. The *Washington Post* claims the NIE was compiled from 1,500 intelligence reports and included intercepts of Iranian military officers. However, without the actual intelligence available to the U.S. intelligence analysts, outside comments on the NIE are difficult to analyze.<sup>23</sup> The key judgments of the NIE were that Iran had been working on a nuclear weapons program until the fall of 2003 but was believed to have halted the program while most likely open the option of developing nuclear weapons.<sup>24</sup> This was a large shift from the 2005 NIE on Iran, in which the Intelligence Community assessed with high confidence that Iran was determined to develop nuclear weapons.<sup>25</sup>

At the time of the NIE's release, the Intelligence Community did not know whether or not Iran intended to develop nuclear weapons, but judged with moderate-to-high confidence that Iran did not currently have a nuclear weapon, but that it was technically able to produce enough highly enriched uranium to produce a weapon as early as 2009 and at least by 2015. It also claimed that Iran was less determined to have a nuclear weapon in response to the consequences it has faced from the international community and "suggests Iran may be more vulnerable to influence on

the issue than we judged previously.”<sup>26</sup> The NIE also explained that the Intelligence Community did not, “have sufficient intelligence to judge confidently whether Tehran is willing to maintain the halt of its nuclear weapons program indefinitely while it weighs its options, or whether it will or already has set specific deadlines or criteria that will prompt the restart of its program.”<sup>27</sup>

Although the NIE stands as the unified voice of the Intelligence Community, there are still many unknowns about Iran’s intentions regarding its nuclear program. Judgments about the combination of intentions and capabilities are used to make threat assessments, and without reliable information and a firm understanding of both, making decisions on policies and future action is both difficult and risky. Not only does the NIE make it clear that the United States does not have enough intelligence to determine these factors, the NIE also has many shortcomings. According to Anthony Cordesman, the NIE fails to address the following five areas: Iran’s intentions, domestic factors that play into Iran’s decisions, external factors, and the range of potential Iranian actions, i.e. what factors would lead Iran to make one decision over another, and a holistic understanding of Iran’s current military capabilities and vulnerabilities.<sup>28</sup>

The NIE also does not discuss Iran’s ballistic missile program and its progress between 2003 and 2007. The status of Iran’s nuclear missile warheads and explanations of the types of weapons work that had been halted in 2003 were not present in the NIE.<sup>29</sup> Unfortunately, even future NIEs or other intelligence

assessments are destined to suffer from the same lack of depth, clarity, and confidence. Intelligence is a difficult and uncertain business, and obtaining intelligence against proliferation targets is even more difficult. Intelligence efforts against proliferation targets have often been off, as shown in several instances including Pakistan, North Korea, and even Iran.

Sadly, policy questions have been answered based on unclassified sources such as Iranian government statements, dissident group sources, and intelligence from liaison relationships with other countries. All of these sources have the possibility for influence and bias.<sup>30</sup> Unfortunately the situation with Iran will have the same problems as with Iraq. Those willing to talk or share intelligence are difficult to vet, and unless Central Intelligence Agency (CIA) “gets lucky with an Iranian “walk-in” who volunteers detailed, critical information about Tehran’s weapons program, the CIA will probably only know the mullah’s have the bomb after they detonate it.”<sup>31</sup> Intelligence on Iraq was largely biased because U.S. sources of human intelligence came from individuals who stood to benefit from a regime change, as they had fallen out of favor with the ruling Ba’th party and hence willing to talk to the U.S. intelligence apparatus. Intelligence on Iraq was also plagued by poor translations and lack of diversity in intelligence sourcing.<sup>32</sup>

### **The Iranian Response**

Part of the calculation of the success in attacking Iran’s nuclear program must include Iran’s anticipated response to an American attack. Solely judging the success

of an initial U.S. air campaign would be inadequate. Such an action would probably be followed by an Iranian response although the nature of the response would be an unknown factor in the equation. Iran's response may be to do nothing, which was what Syria chose to do after the 2007 Israeli strike on an undeclared site that Israel believed was a Syrian nuclear site. However, understanding Iranian capabilities and their modus operandi would help to gauge the overall success of a U.S. preemptive strike on Iran.

Iran may respond in a number of ways to lash out at the United States for hitting its nuclear facilities and military bases. The response from the Iranian military would be contingent on the extent of damage inflicted on Iranian infrastructure and defense arsenal and the protection of its forces in preparation for such an attack.

Although the Iranian military is the largest in the Middle East (approximately 545,000), it has suffered since the 1979 revolution and because of the very costly Iran-Iraq war. Iran has had to buy non-western technology, develop its own, or covertly procure equipment.<sup>33</sup> The United States has had an embargo on spare parts and Iran's plane's are in need of repair, with the exception of Russian-supplied equipment.<sup>34</sup> It is likely that Russia has equipped Iran with 29 TOR M-1 short range anti-aircraft missiles as well as S-300 Antey-medium-range air-defense missiles that are capable of destroying missiles and combat planes.<sup>35</sup> It is unlikely that the Iranian military would be able to put up an initial counterstrike capable of derailing the U.S. attack on Iran's nuclear program. Iran might try to counterattack, but would most likely have to use other means of retaliation.

The Iranian counterattack would likely include threats against the America's vulnerability because of its dependence on foreign oil. Iran supplies more than five percent of the world's daily oil supply. A strike on Iran would most certainly cause a spike in oil prices around the world. Iran may also try to block the Strait of Hormuz, thus constricting the flow of oil tankers in the Middle East.<sup>36</sup> While this would be an unlikely long-term action, it may be Iran's knee jerk reaction in retaliation to a U.S. strike. Iran's Speaker of Parliament and former Iranian nuclear negotiator Ali Larijani once stated that, "We are not interested in using oil as a weapon, but if the conditions change it could affect our decision."<sup>37</sup> An act of war by a sworn enemy would in the opinion of many qualify as a change in conditions. It should be expected that the Iranian government would make oil a target of retaliation, especially since it would not require a strong military capability to carry out. What is unclear is how long Iran would be able to sustain a block on oil because at some point the effects would be felt in Iran, and economically it would not remain a valid option indefinitely.

Iran may use the U.S. attack as a long-awaited excuse to back out of the NPT by acting as a victim before the international community.<sup>38</sup> It is possibly that it would then, like Iraq after Osiraq, decide to make a concerted effort to rebuild its nuclear program to quickly complete a nuclear weapon from what remains of its nuclear capabilities.<sup>39</sup>

Another unknown would be the response of the Iranian population. A strike of this nature would likely have few, if any, civilian casualties; however, such a blow

would certainly be felt on an individual level. As a pessimistic possibility, the large majority of the Iranian population, its youth, might be easily swept up in nationalist sentiments favoring the theocrats of the current regime through hatred propaganda and a call to arms.<sup>40</sup> Another possibility might be that Iran's youth will look at the path the current regime has taken and fear further attacks if change is not made within the theocracy. Understanding what the Iranian population would do in response to a U.S. attack remains largely unknown but should be considered by U.S. policymakers when deciding whether or not attacking Iran would be justified.

Other Middle Eastern nations would not likely directly get involved; however, Shiites in the region would likely lash out at United States, Israeli, and Western interests in the region. As stated in Chapter One, Arab nations are not in favor of Iran having a nuclear weapon. Arab nations believe Iran would use the bomb to intimidate its neighbors. They also fear the environmental hazards from using Russian equipment and the questionable nature of safeguards since the 1986 Chernobyl disaster.<sup>41</sup> Although the Middle Eastern nations may be somewhat happy with the Iranian threat taken care the Arab nations are likely to blame the United States for yet another attack by the West on the Islamic World.<sup>42</sup> Prince Saud al-Faisal of Saudi Arabia is quoted as saying, "we're hoping a diplomatic solution would work and would allow us to have a third option rather than two bad options that are there-either atomic weapons in Iran or taking them out."<sup>43</sup>

If properly speaking for the Arab community, diplomacy would be a preferred course of action, but clearly neither a U.S. attack nor an Iranian nuclear weapon are acceptable options either. The international community would most likely be relieved to have the Iranian threat dismantled.<sup>44</sup> This activity would most likely occur with and without direct orders from Tehran. But direct orders from Tehran would likely be given to Hezbollah in Lebanon to strike Israeli cities with medium-range missiles. The Lebanese Army would be incapable of controlling Hezbollah actions and the current fragile state of Lebanon would surely be of concern to the United States.<sup>45</sup> It would be possible for Hezbollah to launch attacks directly at Israel. U.S. military bases in Kuwait, Oman, and Qatar as well as U.S. warships in the Persian Gulf would be potential targets.<sup>46</sup> Although U.S. military bases in the area are vulnerable, U.S. interests in Iraq are even more fragile. Iran may use its proxies to further aggravate the civil tensions between the Sunni and Shi'a tensions.

### **Chance of Success**

Although a preemptive strike on Iran's nuclear program would be more complex and difficult than the Israeli strike on Osiraq, it still stands to have a reasonable chance of success. The stakes, however, will be very high, the world will be watching, and surely counting the dead, and waiting for Iran's response. The United States has the ability to carry out the strikes needed to significantly if not completely destroy Iran's nuclear program. If carried out before Iran acquires deliverable nuclear weapons, it could rule out nuclear retaliation. The plan is not flawless however, Iran

may have dispersed its nuclear elements at unknown or underground facilities that U.S. cannot strike without intelligence on where it is located and what it is used for, especially if it is used for nuclear weaponization.

The United States will have to rely on information and assessments of the Intelligence Community, with all the uncertainties entailed. Even with an aggressive effort to gather intelligence, the United States will still face serious gaps and uncertainties that will bear upon the relative success of any military missions. The United States will have to be ready for an Iranian response, which will probably come in the form proxy attacks on U.S. installations in the region via Hezbollah or Hamas. The U.S. would need to remain vigilant at U.S. installations abroad in case of retaliatory attacks.

As the other Middle Eastern nations are not in favor of a nuclear Iran, it is unlikely that the response to a U.S. preemptive strike on Iran's nuclear program would be viewed as an attack on Islam or the Middle East in general. The UN has not taken serious action against Israeli preemptive strikes in the past to warrant serious consideration from the U.S., especially given the U.S. seat on the Security Council. Given what is known about many of Iran's nuclear facilities, and our military capabilities to destroy underground facilities with great precision, the United States would likely be successful in a preemptive strike on Iran's nuclear program. The greatest challenge to that success will be acquiring accurate and timely intelligence to

provide the military planners and executioners with the intelligence necessary for success.

## CHAPTER FIVE

The Just War tradition requires that in order for a war to be just, it must be a last resort. As laid out in the previous chapter, a military strike on Iran's nuclear program would be a military option, but taking that course of action should only be attempted after trying all other reasonable methods at our disposal. Determining whether all other options have been attempted is difficult because each option has its own complexities and limits. This chapter will examine what the United States has tried to this point and what it should attempt before being morally justified in resorting to a military preemptive strike.

First this chapter will examine last resort in the Just War tradition and then look at three alternatives to a preemptive strike. The complexities of diplomacy will be explained and analyzed, as both the United States and the international community have pursued this option over the past couple of years. Then the punitive route of sanctioning Iran will be looked at to understand what has and hasn't been tried in order to determine whether or not tougher and more crippling sanctions could be attempted. Diplomacy and sanctions are not mutually exclusive, and indeed, may be mutually reinforcing. Lastly, a less feasible or immediate idea of regime change will be entertained. This option, however, carries the greatest risk of Iran achieving the bomb and would not likely work within the time estimates for Iran's nuclear program.

### **Last Resort**

In the Catholic just war tradition, scholars view the last resort as the number one criterion.<sup>1</sup> Walzer, however, is worried that the Catholic bishops have been blurring the distinctions between just war and pacification, putting too much emphasis on last resort and disproportionality. Walzer cited the example of the counter attack to Iraq's invasion of Kuwait in 1991 as an example where taking last resort too far could have had dangerous consequences. He claims, "we can never reach lastness, or we can never know that we have reached it."<sup>2</sup> Without the criterion of last resort the war alternative would be more prevalent in the world, and the theory would appear more like the realist theory, which claims to be harsher than the Just War theory. In choosing war as a last resort, the just war theory is able to tame rash decisions and ensure that war is in fact the only alternative. Although the world may not always agree with American decisions, acting rashly and without thinking are not problems attributed to the United States democratic system, especially because democratic states decision-making processes do not lend themselves to brash decisions. Walzer agrees that, "there is often plenty of time for deliberation, agonizing hours, days, even weeks of deliberation, when one doubts that war can be avoided and wonders whether or not to strike first."<sup>3</sup> It is this type of responsible policymaking that the Just War theory fosters in debating over when to resort to war.

In this tradition, war is considered once diplomacy, negotiations, and sanctions have failed to improve the situation or bring about a resolution. Johnson wrote, use of force is legitimate when "there are no other ways left to protect values that require to

be preserved.”<sup>4</sup> Johnson further explains the concept of last resort as, “The traditional idea that force must be the last resort thus carries with it the counsels of caution and prudence and serves as an implicit reminder that force may inspire more force, with the danger of loss of rational control over events.”<sup>5</sup> Johnson ties in the concept of proportionality as a concept for consideration in determining last resort. War, once initiated, can start off a series of events that cannot be undone.

Yet last resort is often a controversial part of the just war tradition. Like the rest of the criteria, there are no hard and fast rules and timing is particularly difficult to judge, especially when considering a preemptive strike. The Just War tradition does allow for use of preemption as a last resort. Although preemption can be considered an appropriate action, it is only allowed as a last resort and the parameters for preemptive strikes are even more stringent than in other cases.<sup>6</sup> In an article written about the Just War theory and American self-defense, authors Yaron Brook and Alex Epstein believe that, “self-defense” as a “last resort” is not self-defense.<sup>7</sup> Characterizing the Iranian nuclear threat, Brook and Epstein explains the following:

According to the Just War Theory, so long as Iran has not yet unleashed a devastating, direct attack against us, and so long as there is no altruistic emergency, these facts do not justify action, at most, they are justification for endless “diplomacy” or a request for a United Nations resolution.<sup>8</sup>

Brook and Epstein are frustrated with the Just War theory’s strict criteria that, in the legalist tradition, which they claim only supports actions in self-defense once you have been attacked. Whether or not that is the case since there have been specific cases

where striking first has been permitted, recent U.S. decisions like the war in Iraq in 2003 have made this proposition one of great scrutiny. Proliferation targets such as the threat posed by Iran have a problem fitting into this mold. In order to better understand when the concept of last resort would be justified in the case of Iran, some of the major tools of statecraft must have been tried first. The next section of this chapter will summarize U.S. and European diplomatic efforts, focusing more on the effects of these efforts than the lengthy process itself.

### **Diplomacy**

The United States has pledged itself to stopping proliferation around the globe. Since the end of World War II the United States has been trying to figure out how best to stop the spread of nuclear weapons. It was the fear of proliferation that led the United States in 1946 to have the United Nations supervise and secure atomic materials, production processes, and mining for nuclear materials with the Baruch Plan.<sup>9</sup> The United States has considered legislation, international norms and treaties, and even preemptive military action as ways to deal with the spread of nuclear weapons. As evident by the growing number of nuclear powers since that time, the best way to deal with proliferating states is unknown.<sup>10</sup> Addressing the subject of Strengthened Nonproliferation to Combat WMD Proliferation in the 2002 National Strategy to Combat Weapons of Mass Destruction, President Bush stated:

We must enhance traditional measures -- diplomacy, arms control, multilateral agreements, threat reduction assistance, and export controls -- that seek to dissuade or impede proliferant states and terrorist

networks, as well as to slow and make more costly their access to sensitive technologies, material, and expertise. We must ensure compliance with relevant international agreements, including the Nuclear Nonproliferation Treaty (NPT), the Chemical Weapons Convention (CWC), and the Biological Weapons Convention (BWC). The United States will continue to work with other states to improve their capability to prevent unauthorized transfers of WMD and missile technology, expertise, and material. We will identify and pursue new methods of prevention, such as national criminalization of proliferation activities and expanded safety and security measures.<sup>11</sup>

This statement clearly identifies the U.S. position and tactics for dealing with proliferating states. It explicitly identifies diplomacy and other non-violent means for dealing with this problem. The NSS of 2002 and 2006 allow for the possibility of preemptive military action if necessary to stop states or terrorists from acquiring WMD. Proliferation, however, is a very difficult problem to counter, especially with diplomacy that requires openness and trust. Counterproliferation requires “proving a negative” that is surrounded by layer after layer of secrecy and misinformation.<sup>12</sup> It is this proof of a negative which makes diplomacy a challenge for non-cooperative states.

Although a military option has been on the table for the United States for some time concerning Iran’s nuclear program, it has been attempting diplomatic efforts in some capacity for over a decade. Diplomacy with Iran has proved difficult for the international community including the United States, the United Nations, and Europe, most notably with the EU-3, which consists of Britain, France, and Germany. Iran’s diplomacy has even been likened to that of Japan. Iran’s “diplomacy serves the same purpose as Japan’s with us in late 1941 after their carrier attack fleet had sailed for

Pearl Harbor—to distract us from the coming attack.”<sup>13</sup> This time, however, a surprise would be inexcusable.

Since the outing of large parts of Iran’s concealed nuclear program in 2002, Iran’s tactics have been described as somewhere between those of Libya and North Korea. Libya completely surrendered its nuclear program in 2003, while North Korea, which has withdrawn from the NPT and tested a nuclear weapon, has participated in negotiations designed to achieve a nuclear-free Korean peninsula. It is unlikely that Iran would decide to reverse its nuclear program like South Africa, Brazil, or Argentina have done in the past.<sup>14</sup> Shahram Chubin, the Director of Studies at the Geneva Center for Security Policy, characterized Iran’s negotiating mindset in his 2006 book *Iran’s Nuclear Ambitions* with the following comments. “Iran’s negotiating style of reopening agreements exploiting or ingeniously creating loopholes, manufacturing crises and deadlines, and making last-minute demands is tactically impressive but strategically counterproductive.”<sup>15</sup> Chubin believes Tehran has only been partly playing along with the negotiations with the EU-3 and the IAEA. Iran has attempted to work within the NPT only to be allowed to continue its work on what it claims are its rights to pursue nuclear work for peaceful nuclear development and procurement of atomic materials. Iran feels that it is entitled to these privileges because it is an NPT signatory.<sup>16</sup>

In order for negotiations to work, Iran would require significant amounts of money and other incentives. Marc Grecht does not believe that any American president, whether liberal or conservative, would be able to justify handing over large amounts of money to the Islamic Revolutionary Guards Corp (IRGC) or an Islamic President like Ahmadinejad. Although this may have worked in the diplomatic circles in the 1990's, in the post-9-11 world the War on Terrorism has made this type of gesture, even with a greater good in mind, inexcusable.<sup>17</sup> In this context, without being able to offer incentives large enough to catch Iran's attention, Iran remains resistant to negotiation. It is afraid that giving into the United States would start it down the "slippery slope" towards internal dissent and ultimately regime change.<sup>18</sup>

Instead Iran chooses to walk a fine line between defiance and cooperation. In this regard it will likely hold a near-ready capability for a long time and then finish weaponization quickly at the end of its quest in order to avoid a preemptive strike by either Israel or the United States. Iran is aware of the constraints that the just war theory holds internationally, and is aware that weapons design and engineering will probably give the U.S. the just cause it needs for a preemptive strike.<sup>19</sup> Iran's strategy is full of defiance, trickery, and opacity. The international community needs to be aware of the possibility that diplomacy with Iran may lead nowhere and even worse, Iran may win. The longer Iran plays the diplomatic game, the longer it has to continue to covertly work towards getting the bomb so that it will no longer need to negotiate.

The EU-3 has been attempting to get through to Iran in a series of talks and negotiations; however, their actions remain largely ineffective. In rounds of talks in both 2003 and 2005 Iran has only tried to push the envelope of activities it can do legally while remaining on the brink, but not cause a crisis. Iran's actions have tiptoed on the line but not enough to have the situation referred to the UNSC.<sup>20</sup> The European negotiations, which have been largely backed by the United States, have not been scary enough for Iran to change its course. Grecht believes that the EU-3 have gone as far as they can go with their "soft-power negotiations". According to Chubin, "Iran thus used the EU-3 channel to try to avoid making a stark choice between the two goals, at least postponing the crisis while probing to see what benefits it could extract in exchange for renouncing the controversial technology."<sup>21</sup> The alternative posed by Germany and France is for the United States to provide a large incentive package, which as explained earlier is not a feasible option in the current state of affairs.<sup>22</sup>

Part of the problem with the current attempts at diplomacy with Iran is the lack of cooperation by two key players: Russia and China. If diplomacy were to stand a chance, it would most likely require the solidarity of these two nations. In testifying before a Senate Hearing about the Iran Counter Proliferation Act of 2007, Danielle Pletka, Vice President, Foreign and Defense Policy Studies at the American Enterprise Institute, made the following comments on the status of Iran's isolation with regard to these nations.

Could life be more difficult for Iran's leaders? Certainly. Could our friends and allies, particularly in China, Russia, and the Persian Gulf, do

more to isolate Tehran? Without a doubt. I would like to see the various Emirates shut down the Iranian Bank accounts that have flourished since Iran's banking sector became under pressure. I would also like to see nations like the United Arab Emirates do more to ensure they are not the pass-through of choice for Iranian imports and exports, legal and illegal.<sup>23</sup>

The United States has been attempting to isolate Iran and so has Europe for the most part, but Russia, China, and the United Arab Emirates have not been playing along. Iran has been getting supplies from these countries, and thus Iran has not felt truly isolated.

Determining when to resort to war is partly about actions and attempting less dire actions, but is also about timing. Nobody outside of Iran knows how far along Iran is in its nuclear weapons program, let alone confirm that it has one. Timeline estimates for when Iran may get the bomb range from a few weeks to more than a decade. Anthony Cordesman believes the United States and the international community still have four to seven years to negotiate and otherwise stop Iran from getting the bomb. He believes that the 2007 NIE is a major argument against a preemptive strike. The NIE reinforces pro-negotiation stances like that of Secretary of State Condoleezza Rice, Secretary of Defense Robert Gates, Chairman of the Joint Chiefs of Staff Admiral Michael Mullen, and former head of U.S. Central Command Admiral William Fallon.<sup>24</sup> Admiral Fallon resigned in March 2008 over direction of the Bush Administration's Iran policy. Fallon reportedly did not agree with the increasingly militant direction of Bush's Iran posture. Assessments like the NIE should continue to

narrow down the timeline and hopefully provide a clearer picture for policymakers judging how much time America still has to act.

The United States has been inconsistent in dealing with Iran partly because it seems counterproductive to engage or negotiate with a regime that the U.S. government has wanted to get rid of for over three decades. Stephen Kinzer believes this to be a foolish mistake because “engagement is the best tool the West has to encourage change in Iran.”<sup>25</sup> According to Kinzer, lack of direct engagement will end up with the United States failing to stop Iran’s nuclear weapons program and also preventing the possibility for political change. To further this point, Robert Kagan suggests that President Bush should start open talks with Iran because time is valuable and the coming change in administration could set back U.S. policy and progress by a year, and that year would be crucial to negotiating with Iran while it still does not have the bomb.<sup>26</sup> Gary Ackerman, Representative from New York and Chairman of the Subcommittee on the Middle East and South Asia, testified in March 2007 that success in negotiating with Iran was highly unlikely but, “two things are certain. First, not being seen to be willing to talk hurts America more than it hurts Iran. And second, if we don’t talk to the Iranians, we will never know if success was possible. Ignoring this possibility, however slight, is simply irresponsible.”<sup>27</sup> He asserted, “I believe that now is the time for aggressive diplomacy with Iran, including direct U.S. engagement. There is still a realistic chance, but not a guarantee, that the world can change Iran’s behavior. And

if we go the extra diplomatic mile, the world is much more likely to stand with us if diplomacy fails.”<sup>28</sup>

## **Sanctions**

The United States Congress has imposed unilateral sanctions against Iran for many years as a way of actively addressing the threat posed by Iran, one aspect being its nuclear program.<sup>29</sup> However, sanctions may prove to be ineffective against Iran’s hardened revolutionary culture. Needless to say, Iraq suffered 12 years of sanctions that never succeeded in bringing Saddam Hussein to the table.<sup>30</sup> The only solution that was able to bring about change, regardless of the nature or success of the change, was war. Afraid to be the face of an international action against Iran, the United States has relied heavily on the EU-3 and the United Nations. A report published by a working group at the American Foreign Policy Council went so far as to say that relying on UN sanctions would almost certainly lead to a nuclear Iran.<sup>31</sup> Countries like Russia have strangled UN sanctions, which has been a major impediment to harsher sanctions against Iran.<sup>32</sup>

Although sanctions have not worked thus far, Iran does have several economic vulnerabilities that the United States should attempt to exploit before resulting to a preemptive military strike. Iran is economically susceptible because of its high inflation, large income gap between the rich and the poor, as well as its largely government controlled economy. Iran also has a large dependence on foreign direct investment and depends on refined petroleum from abroad. In addition to these

economic weaknesses Iran has an aging energy infrastructure and repairing it would require considerable capital.<sup>33</sup>

The United States, however, cannot exploit these weaknesses single-handedly. The global market for goods as well as loans will, if not controlled, secure for Iran its financial needs even with harsh U.S. sanctions. Since 2000 the World Bank has loaned more than 1.2 billion dollars to Iran. It is impossible for the U.S. to send a serious message to Iran when the World Bank gives 122 million dollars directly to Iran's petrochemical industry, as it did in 2005. These loans free up billions of dollars for President Ahmadinejad to use on other projects, including Iran's nuclear program as well as causing chaos in Iraq.

Iran's financial irresponsibility, as argued by Danielle Pletka before a Senate hearing, is dangerous. Iran spends billions of dollars fueling the insurgency in Iraq, as well as sponsors the Assad regime in Syria, arms and supports Hezbollah, Hamas, and other terrorist organizations, and is arming itself with conventional weapons from Russia and North Korea.<sup>34</sup> If Iran was actually feeling the strain of sanctions it would not have the capacity to support such programs of hate and deception. Although the World Bank has not issued any new loans to Iran since 2005 it has continued to honor the previously issued loans.<sup>35</sup> Sanctions have yet to sting Iran enough to make real changes in its economy let alone bring them to the negotiating table over its nuclear program. Many would find resorting to a preemptive strike as a major jump forward from weak and ineffective sanctioning to war.

Time for sanctions specifically targeting Iran's nuclear program may be coming to an end as Iran reaches a point of self-sufficiency. By 2002 Iran was openly working towards self-sufficiency in its nuclear endeavors. Having already received extensive help from Russia and the A.Q. Khan network out of Pakistan, Iran has already acquired significant parts of its nuclear program. As mentioned earlier, other channels exist to dodge the international sanctions against dual-use technologies that help Iran attain its other nuclear needs. At some point Iran will reach a point of self-sufficiency when it will no longer be vulnerable to traditional counter-proliferation techniques such as export controls and sanctions.<sup>36</sup> At that point sanctioning dual-use goods would be pointless.

These types of sanctions are preferable to other types that quickly impact the daily lives of innocent Iranian citizens. Sanctions on consumer goods or other products would only make the populace as a whole, particularly Iran's poor, suffer for the sake of its nuclear program. Iran's hardliners are also willing to accept the hardships of sanctions.<sup>37</sup> With this in mind U.S. policymakers will have to consider that sanctions may last a long time before breaking Iran's will to continue its nuclear program. The longer the sanctions continue, like in Iraq under Saddam Hussein, the quality of life for Iranian's will continue to deteriorate. This is not only a humanitarian problem, but will more than likely fuel anti-western sentiments that could continue to fuel terrorism in the region, particularly in Iraq. On October 16, 2005 Ayatollah Jannati, Secretary of Iran's Guardian Council was quoted in an Iranian newspaper,

*Aftab-e Yazd*, stating, “We do not welcome sanctions, but if we are threatened by sanctions we will not give in.”<sup>38</sup>

Michael Walzer and Joy Gordon have written about the negative effects of sanctions, and the awful effects of reverse discrimination that occurs in these situations, and therefore alternatives have to be considered when determining the last resort principle.<sup>39</sup> The United States and Europe have been scared to put “teethy sanctions” in place for another reason. They are aware that tighter sanctions will quickly hit Iran’s oil market.<sup>40</sup> Today’s global interdependence on goods means that long-term sanctions on Iran would have an impact on Europe, Asia, and the United States.<sup>41</sup> Although the hope would be that sanctions would bring in the near to mid future bare results then another option, one less realistic and controllable as sanctions, must be entertained as an alternative to a military strike.

Regime change would be another possible way of turning Iran’s nuclear course. Although Iran’s nuclear aspirations have maintained a similar course for the past forty plus years, continued isolation and economic strain from the current regime’s nuclear aspirations may cause a new regime to change its course. This option however, is a not likely scenario, especially given the current belief that Iran may be capable of producing a nuclear device within the next few years. The primary concern here is that by the time a new regime may take power in Iran, it may be too far in the future and a new regime would simply inherit a nuclear weapon from today’s regime.

### **Regime Change**

Regime change remains the least likely yet most desired option to counter Iran's nuclear policies. If the United States is simply incapable of changing Iran's mind, then change Iran's leaders. This, however, is no easy task unless a full-scale Iraq-like invasion is the planned method. Iran's regime has several vulnerabilities; as pointed out earlier, its economy is built on many flawed practices and not all Iranians are happy with the current government.

The Iranian population is not monolithic. Many Iranians are unhappy with their lack of freedoms or how isolated they have become from the rest of the world. There are patches of the Iranian population that strongly believe that democracy would be the ideal form of government for the Iranian people.<sup>42</sup> Kinzer claims that Iran has two governments, a functional democracy with elections, a "feisty press," and reformist politicians. The other is "a narrow-minded clique of mullahs that has lost touch with the masses and sometimes seem to have no agenda other than closing newspapers and blocking democratic change."<sup>43</sup> But regime change would not easily occur from the outside. Kinzer believes forced outside change will never work, in part because foreign intervention has been a scarring experience for Iran in the past century. Not only would outside intervention likely fail, but also the United States is most certainly unprepared for such assistance, which would likely occur covertly. The CIA is totally unprepared to back the internal opposition to boost up the changes of change.<sup>44</sup> The United States could attempt to highlight the corruption within the Iranian regime in hopes of

discrediting Iran's leadership, but it is highly unlikely this would make an impact from the outside.<sup>45</sup> Burns explained the following earlier this summer:

We are confident that if given the opportunity to choose their leaders freely and fairly, the Iranian people would elect a government that invests in development at home rather than supporting terrorism and unconventional warfare abroad; a government that would nurture a political system that respects all faiths, empowers all citizens, more effectively delivers the public services its people are asking for, and places Iran in its rightful place in the community of nations; a government that would choose dialogue and responsible international behavior rather than seeking technologies that would give it the capability to produce nuclear weapons and foment regional instability through support for terrorist and militant groups.<sup>46</sup>

### **When Would Last Resort be Appropriate?**

Brook and Epstein view the Iranian nuclear threat in the broader context of “Islamic Totalitarianism” with Iran as the center of the war on terrorism because of its core believe system and support to terrorists worldwide. They believe that Iran and Saudi Arabia should be the real targets of the War on Terrorism and view the Just War theory as inadequately being able to defend America's self interests. In analyzing President Carter's failure to attack Iran in the wake of the 1979 hostage crisis when Iran held 52 American citizens hostage they argue the following:

What would Just War Theory say about whether this situation warranted a military response? Did it rise to the level of a direct attack sufficient to place us at the point of “last resort” with Iran and other nations that sponsor Islamic terrorism? Not according to Jimmy Carter. What about after two hundred and forty-three marines were killed in Lebanon in 1983? Not according to Ronald Reagan. Or after Khomeini's fatwa offered terrorists a bounty to destroy writer Salman Rusdie and his American publisher for expressing an “un-Islamic” viewpoint in 1989?

Not according to George Bush, Sr. Or after the first World Trade Center bombing in 1993? Not according to Bill Clinton. The pattern is telling.<sup>47</sup>

According to these authors, the consideration of last resort has been taken almost to the point of inaction, and likened to pacifism, which the Just War tradition is not supposed to be; it is supposed to rest somewhere realism and pacifism and allow for actions to be taken when necessary. Although their point of view may be on the more extreme side, there is value in considering the negatives of inaction, especially when considering when to act, and when to resort to military action.

One of the biggest challenges for determining last resort will be figuring out what timeline to work against. An accurate timeline is crucial to implementing diplomacy, sanctions, or regime change successfully. Unfortunately, the uranium enrichment and plutonium paths to the nuclear bomb are very hard to estimate because hardships and holdups could play into the timeline at any point.<sup>48</sup> Only solid intelligence would be able to provide hints at the true timeline of Iran's nuclear program.

Last resort may also materialize sooner if Iranian targets will be harder to hit or find in the future, or if they become more secure or advanced. In this context sooner rather than later may be a more appropriate answer and increase the likelihood of success because over time, military options and consequences change.<sup>49</sup> Middle Eastern nations and others around the globe are beginning to act in the context that Iran will get the bomb, and nobody will be able to stop them.<sup>50</sup> If this is the case, then is the United States not already at the point of last resort? Iran has yet to receive a credible threat and

Iran does not believe the United States will not be able to enforce any demands it makes because of its commitments in Afghanistan and Iraq. If the Iranians are correct in this assessment, then the United States may never be able to present a firm threat that would clearly dictate the consequences for Iran to continue with its nuclear program. Only after this credible threat has been delivered would the United States be able to say it has reached the last resort and a preemptive military strike was the only way to prevent Iran from acquire nuclear weapons.

## CHAPTER SIX

The preceding chapters have examined the issues pertaining to the *jus ad bellum* principles. Each examined the moral implications and complicating factors given the current situation and potential solutions to the Iranian nuclear situation. The goal of this thesis was to apply the Just War theory principles of just cause, right intention, proportionality, proper authority, probability of success, and last resort to the question of whether or not the United States would be morally justified to strike Iran's nuclear program preemptively. By reviewing the findings from each pillar, this thesis can offer moral guidance and practical parameters that can help policymakers better understand the implications of a possible strike on Iran's nuclear program.

This thesis has also revealed several findings about the utility and applicability of Just War principles, as often happens when applying a general model to a case study. The Just War theory is an ever-evolving set of moral guidelines about war, and the hypothetical case of Iran has highlighted some changes in the way Just War theory can be adapted to the post-Cold War world. The terrorist attacks of 9-11 have redefined U.S. national security and served as a catalyst for change in Just War thinking. As stated by Terry Nardin, a scholar of ethics in international affairs, the Just War theory has to “move back and forth between the general and the particular—to draw upon general principles. In reaching particular judgments and decisions and, at the same time, to revise those principles in light of the particular circumstances in which they are used.”<sup>1</sup>

Iran has continued to pursue nuclear technology since the 1970's, yet its true intentions remain unclear, and indeed, have apparently changed over time. Iran's aggressive and uncooperative attitude regarding its nuclear program continues to pose a potential threat to U.S. national security. The "Iranian moment" has started, Iran's two greatest enemies, Iraq and the Taliban, have been eliminated, and the strength of its surrogate Hezbollah is increasing in popularity and strength as demonstrated by the 2006 war with Israel in Lebanon.<sup>2</sup> Iran's desire to gain influence in the region has probably fed into its long-time dream of becoming a nuclear power. Dueck's belief that Iran plans to have the Gulf nations become subservient sheikdoms to Iran's mighty Shi'a regime furthers the suspicion that Iran would like to acquire a nuclear weapon capability.<sup>3</sup>

Iran has both offensive and defensive reasons to acquire a nuclear weapon. Instability in the Middle East makes future threats to Iran's security a dangerous unknown. The United States is struggling to maintain peace in both Iraq and Afghanistan and nobody knows what those two nations will be like a year from now, let alone five or ten years from now. America's use of increasingly unilateral decisions under the Bush administration has fueled Iran's desire for a strategic weapon.<sup>4</sup>

The 9-11 terrorist attacks on the United States have greatly changed the way the it deals with threats to the homeland and its interest abroad. In 2008, the United States cannot afford to allow serious threats to its vital interests to proliferate around the world, especially in regions of great instability, like the Middle East. Terrorism,

genocide, and WMD proliferation issues are often cited as its most serious threats. The United States cannot allow the world's number one state-sponsor of terrorism to acquire a nuclear weapon. Yet Iran's lack of cooperation with IAEA inspections and the UN demands to stop enriching uranium have caused many in the U.S. to believe that Iran is heading down a path towards nuclear weaponization instead of the peaceful program Tehran claims to be running.

The proliferation of nuclear weapons technology worldwide has become an increasingly important issue for the United States to address but one that is not easy to conquer. Some scholars have gone as far as to say that proliferation is unstoppable, and that proliferation is actually a stabilizing force in world affairs. Others view U.S. non-proliferation policies as an attempt to shape the world.<sup>5</sup> The United States has been unable to figure out an effective way of dealing with proliferation threats. These factors have contributed to both Iran's desire to acquire a nuclear weapon and U.S. fears of a nuclear Iran. In 2006, with the United States tied down in the controversial Iraq war debates domestically, 57 percent of Americans still favored a strike against Iran, according to the *L.A. Times*.<sup>6</sup>

Despite the fact that the majority of Americans would be in favor of a preemptive strike on Iran's nuclear program, there are moral considerations that need to be addressed prior to any decision to conduct such a strike. Even though the United States does not want to have a nuclear-armed Iran, it will have to consider all potential

options and facts before deciding on such a proactive decision that will surely have serious consequences of its own.

In order to better understand the moral implications of a preemptive strike on Iran, this thesis applied the widely used and accepted Just War criteria to Iran as a case study of a preemptive war on a proliferation target. The six criteria were all relevant to this case study and each offered both pros and cons of a preemptive strike, making a definitive decision as to whether or it would be morally justifiable problematic and difficult.

The first consideration would be to determine whether there was just cause. Traditionally just cause has been warranted in response to either an injustice or an aggression. The United States will have to sift through the words of hatred and anti-Semitism to try and understand what are Iran's intentions. If Iran continues to defy the UN and the international community, even without a direct Iranian strike on a sovereign nation such as Israel, it may be grounds to take action as an injustice against the integrity of international law.

In order to have just cause to act preemptively against Iran, hard evidence that Iran had violated a legally binding UNSC resolution or evidence that strongly indicated Iran was planning an imminent attack on another nation would be necessary. Chapter Three, however, described the difficulties that are prevalent in finding a smoking gun to allow U.S. policymakers to be 100 percent confident in their decision. Unfortunately the world we live in has many unknowns, misconceptions, and misunderstandings

regarding Iran. Understanding Ahmadinejad is not sufficient to understand Iran's intentions and capabilities. It is unclear how the Iranian people, particularly the Iranian youth, will respond to continued pressure on Iran.

Second, the United States will have to have the right intention regarding any preemptive strike on Iran's nuclear program. As a result of past actions in the Middle East, the United States has encountered an increasingly difficult time convincing the world, and even the U.S. population, that its actions in the Middle East are not solely for oil or economic reasons. The right intention would require the United States to take action to prevent Iran from conducting terrorist attacks and sponsoring supporters of terrorism in the future because Iran's terror sponsorship is a very real threat to United States interests. Allowing the world's leading sponsor of terrorism to have a nuclear weapon is unacceptable, and this alone should suffice as a right intention to take preemptive military action if the other Just War criteria had been met. The United States would not have the right intention to go to war with Iran because of its theocratic non-friendly and non-democratic regime, as warned by Walzer who states that above all politics and religion are not grounds for just war.<sup>7</sup>

The complexities of this case study of a potential preemptive strike on Iran represent the beginning of a paradigm shift in the Just War theory from narrow and highly regulated twentieth century Cold War theory to a more modern and perhaps expansive approach to war in the twenty-first century. The U.S. decision to go to war with Iraq in 2003 over its suspected nuclear program continued to expand an already

expanding acceptance of war beyond self-defense in order to keep up with today's threats that seem to appear without notice. Even if the case could be made that Iran was in violation of legally binding UNSC resolutions or there was solid evidence that it was only days away from a nuclear test, the other principles of *jus ad bellum* would need to be satisfied before carrying out the strike.

There is an ongoing debate over whether or not the United States has legitimate authority to conduct military actions abroad unilaterally. The U.S. government is internally a legitimate authority for taking military action through the representative government where in the people of the United States democratically elect their members to congress and the president. A preemptive military strike presents an interesting situation because it is a short-term military endeavor and not an all out war. However, if Iran chooses to retaliate the United States may be pulled into another war in the Middle East. The U.S. President would technically be allowed to order a preemptive strike, as the President retains the power to authorize military action without the consent of congress as stipulated in the War Powers Act of 1973. A U.S. preemptive strike decision would come likely from the White House and not the U.S. Capitol because the decision will likely need to be made quickly and planning would necessitate a low profile. Even though the United States should provide a public declaration prior to striking Iran, planning should be kept a secret to ensure a better chance of success.

In addition to satisfying domestic requirements of legitimate authority, the United States is also bound to work within the UN framework. It would be justified to act unilaterally, perhaps, but it would be in its best interest to recognize the UN and try to work within its framework first, keeping unilateral action as a last resort. If the U.S. acted unilaterally it would need to make a justification that it was necessary to maintain U.S. security and steer away from enforcing international law as its form of just cause, even if it would also maintain the will of the UNSC. The U.S. should make an effort to uphold its image as a benevolent superpower and to not be viewed as a bully on the international stage. The emergence of a paradigm shift in the Just War theory from the post-Cold War era to today has been illuminating insufficiencies in the UN's ability to deal with the security problems facing the world today. This may require states to act sometimes without UNSC authorization.

Even with a just cause, right intention, proper authority, proportionality, and a reasonable chance of success are required to satisfy Just War criteria. It is in the U.S.'s long-term best interest to take the Just War criterion of proportionality and proper authority as serious considerations when planning or deciding to strike Iran's nuclear program. One of the greatest considerations for the United States would be whether or not acting preemptively against Iran would save lives in the long run. It will have to make the difficult call as to whether or not a preemptive strike will bring more good than bad to the Middle East. The Arab nations in the region are not looking forward to Iran having its own nuclear weapons capability; therefore even though they are not

likely to take action against Iran's program, they may not oppose a U.S. strike.

Whatever the Arab nations decide to do in response to a U.S. action it would not likely erupt into an all out war in the Middle East. Ridding Iran's ability to control and dominate the Middle East by destroying its nuclear program will be a proportionally sound decision. The United States will however need to ensure that the strike, if conducted, would be carried out with extreme precision and minimize loss of life in order for Iran to maintain its dignity instead of making revenge their only option to regain their national status and pride.

If the U.S. was not successful in effectively destroying Iran's nuclear program than it would not do more good than bad in Iran, and it would nullify having proportionality. Although preemptive strikes on nuclear facilities have been attempted, and to some degree successful, as illustrated by the Osiraq case study provided in Chapter Four. The fallout of Israel's strike on Iraq's nuclear reactor has been increased secrecy and hardening of nuclear programs. This is true of Iran's nuclear program that has numerous underground facilities and the potential for several covert facilities.

The United States would have to decide what would be the definition of success. Some scholars contend that inflicting a substantial delay in Iran's nuclear program would be sufficient; others argue that much more extensive damage and delay would meet the threshold of success. The problem with nuclear programs, as with any technology and its associated infrastructure, is that they can be rebuilt and restored with time, money, and trained scientists and engineers. The best-case scenario would

be if the United States could cripple Iran's nuclear infrastructure and materials and thereby deter Iran from trying to rebuild a nuclear program that would again suffer a devastating blow.

The case of the Israeli attack on Iraq's Osiraq reactor, while technically a success, only provided five years respite before Iraq again determined to attain nuclear status. In order to succeed, the U.S. would need to cripple Iran's nuclear program and decide where best to strike. This would require at a minimum, destruction of the Natanz Uranium Enrichment Facility, the Uranium Conversion Facility (UCF) at Isfahan, and the Arak Heavy Water Reactor. The U.S. Department of Defense has compiled a list of 400 potential entities to destroy in a preemptive strike on Iran, including military bases and other related facilities, but it is still unclear whether or not that level of destruction would be necessary to destroy the program.<sup>8</sup> Aside from the known sites, successful attacks on all 400 entities might still miss unknown nuclear facilities that could house nuclear components such as gas centrifuges or weapons that Iran might be able to use in retaliation to the U.S. strike. Despite the many unknowns, the United States military most likely has the means to destroy Iran's known nuclear facilities, including the bunker-busting capability to destroy underground facilities. The United States has numerous military bases, facilities, and naval platforms in the Middle East that it could utilize as hubs for strike operations, but those bases would likely become Iran's retaliatory targets.

Although the United States has the military power to strike Iran's nuclear program, it will need the most up-to-date, accurate, and reliable intelligence to ensure success. The 2007 NIE left most Iran watchers convinced of nothing more than the fact that the U.S. Intelligence Community does not have any convincing insight into Iran's nuclear program's capabilities or intentions. Better, more insightful intelligence will be needed in order for the U.S. to provide convincing evidence of a non-peaceful program.

An important part of the calculation of the United States chance of success will be a sound assessment of the Iranian response to a preemptive strike. While disruption of oil supplies may be an initial reaction for Iran since the United States depends on foreign oil, a significant portion of which comes from the Middle East, the most likely form of retaliation would be attacks against U.S. military bases and interests in the region, and potentially around the world, most likely carried out by Hezbollah, Hamas, and other Iranian supporters. In short, if the United States decided to strike Iran's nuclear program, it would have to be ready for possible attacks.

The final component of the Just War theory to be considered is the concept of last resort. Last resort would ensure that the alternatives to war have been tried and failed, leaving the only feasible action a military strike. In order for that to occur, diplomatic actions, sanctions, as well as exploring the possibility of regime change should have been seriously but unsuccessfully pursued. The inability to identify the right moment to attack may cause the United States to wake up one morning to a new

Middle East, with one with the world's major state-sponsor of terrorism as a member of the nuclear club. One of the greatest obstacles to determining last resort is determining a viable timeline to work within. The timeline has to be based on when Iran is assessed to have sufficient amounts of weapons-grade fissile material and is able to achieve weaponization. The United States, with the help of the UNSC, will have to deliver a credible threat to the Iranians that makes it very clear that the U.S. and the international community are serious about continued violations of UNSC resolutions regarding Iran's nuclear program. Until there are meaningful sanctions that constrict Iran's ability to function economically or otherwise induce cooperation, a preemptive military strike would not be justified unless there was proof that Iran was days or weeks away from acquiring a nuclear weapon.

In the course of examining the *jus ad bellum* principles of just cause, right intention, proper authority, proportionality, reasonable chance of success, and last resort, there are a few points that stand out as extremely important factors in shaping policymaking and planning on this matter. The key to understanding Iran's capabilities and intentions is reliable intelligence. Chapter Four explained the difficulties in acquiring accurate and usable intelligence, which has implications for the application of many of the Just War criteria. Intelligence will provide the U.S. with insight into Iran's intentions that will be factored into just cause. Intelligence can also gauge how sanctions are affecting Iran that would help determine where the diplomatic effort can apply better and more effective pressure. The U.S. military will need accurate,

complete, and current intelligence in order to keep a target list up-to-date and ready for an order to strike at all times. Without better intelligence the United States will be left in a situation similar to 2003 when intelligence assessed that Saddam Hussein had WMD. This will be another factor that will weigh heavily on a U.S. decision to strike Iran.

The Iraq war has created a storm of controversy and regardless of the fact that each case is different; the Iraq war will certainly have an impact on any U.S. decision on Iran. The Iraq war tested President Bush's policy of preemption, and has left the nation and the world skeptical of its validity. Had Iraq been in possession of WMD, the situation for Iran might be clearer, but history has proved this was not the case. The United States will need to keep in mind that each case is different, and just because Iraq did not have WMD does not mean that it should wait too long to act if Iran is judged to be coming close to acquiring a nuclear weapon.

Lastly, in applying Just War theory to the Iranian nuclear case it became evident that the theory is at a crossroads. The Just War scholars in the twentieth century faced a different set of problems from those that exist today. The threats today cannot be dealt with the same way as interstate wars of the past. Proliferation, terrorism, and humanitarian crises can erupt at any time, and dealing with them after an attack would be unacceptable: it is immoral to let innocent people die when preemptive actions consistent with the Just War tradition can be taken to save lives. The Just War theory is in the midst of a paradigm shift that is a natural evolution in the context of

changing historical conditions. Such evolutions in the Just War theory have allowed it to remain a relevant moral standard of warfare since at least medieval times.

The U.S. should explicitly and publicly acknowledge these six criteria of the Just War theory, and policymakers should familiarize themselves with the complicated factors and judgments associated with their honest implementation. Such steps will help ensure that all reasonable actions are taken to avoid war, while understanding that at times war is necessary to maintain the greater peace in the world. The United States should not allow Iran to acquire a nuclear weapon; however, this does not mean that a preemptive strike is the only option to forestall or prevent it. This option should be exercised only if the Just War criteria including last resort can be satisfied once diplomacy and other measures have failed and the threat of a nuclear Iran is about to become a reality. War is most certainly should not be the first policy reflex of United States, but should be left on the table as an option to counter the threat posed by Iran's nuclear program.

---

## ENDNOTES

### CHAPTER ONE

1. U.S. President, Address. "Address Before a Joint Session of the Congress on the State of the Union," *Weekly Compilation of Presidential Documents*, (January 29, 2002): 134.

2. *Ibid.*, 135.

3. Franklin Wester, "Preemption and Just War: Considering the Case of Iraq," *Parameters*, (Winter 2004-2005), <http://www.carlisle.army.mil/USAWC/parameters/04winter/wester.pdf>, 27.

4. *National Security Strategy of the United States*, 2002, 2.

5. Michael Petrou, "Is It Time To Bomb Iran?" *MacLean's*, December 10, 2007.

6. Gawdat Bahgat "Iran and the United States: The Emerging Security Paradigm in the Middle East" *Parameters* 37, iss. 2 (Summer 2007): 5-14.

7. *Ibid.*

8. *Ibid.*

9. Colin Dueck and Ray Takeyh, "Iran's Nuclear Challenge," *Political Science Quarterly* 122, no.2 (Summer 2007): 194.

10. *Ibid.*

11. Ali Rafsanjani quoted in Colin Dueck and Ray Takeyh, "Iran's Nuclear Challenge," *Political Science Quarterly* 122, no.2 (Summer 2007): 194.

12. *Ibid.*, 193.

13. *Ibid.*

14. *Ibid.*

- 
15. Ibid., 191.
16. Jumhuri-ye Islami, "Anti-Arrogance Campaign Becomes Necessary," (November 3, 2004) quoted in Colin Dueck and Ray Takeyh, "Iran's Nuclear Challenge," *Political Science Quarterly* 122, no.2 (Summer 2007): 193.
17. Ibid., 196.
18. Ibid.
19. Ibid., 195.
20. Ibid.
21. Ibid., 192.
- 22 Peter Temes, *The Just War: An American Reflection on the Morality of War in Our Time* (Chicago: Ivan R. Dee, 2003), 49.
23. Ibid., 76.
24. Gerald M. Mara, "Justice, War, and Politics: The Problem of Supreme Emergency," quoted in William V. O'Brien and John Langan, *The Nuclear Dilemma and the Just War Tradition* (Lexington: Lexington Books, 1986), 49.
25. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, (New York: Basic Books, 1977), 21.
26. Ibid., 81.
27. Ibid.
28. Colin Dueck and Ray Takeyh, "Iran's Nuclear Challenge," 190.
29. Danielle Pletka, speaking for *The Iran Counter-Proliferation Act of 2007*, on April 8, 2008, to the Committee on Finance, S. 970, 110th Cong., 2nd sess., April 8, 2008.
30. Neta C. Crawford in Chapter 1 of Mark Evans, *Just War Theory A Reprisal*, 25.
31. Ibid., 26.

---

## CHAPTER TWO

1. Chris Dolan, *In War We Trust: The Bush Doctrine and the Pursuit of Just War*. (Burlington: Ashgate Publishing Company, 2005), 47.
2. National Conference of Catholic Bishops. *The Challenge of Peace: God's Promise and Our Response. A Pastoral Letter on War and Peace*. (Washington D.C: United States Catholic Conference, May 3, 1983), 18.
3. Carol Migdalovitz, "Israel: Background and Relations with the United States." Congressional Research Service:Report for Congress, September 8, 2008, [fpc.state.gov/documents/organization/110751.pdf](http://fpc.state.gov/documents/organization/110751.pdf) - 2008-11-28 (accessed on November 28, 2008).
4. Carol Migdalovitz, "Israel: Background and Relations with the United States," 2.
5. Chris Dolan, *In War We Trust: The Bush Doctrine and the Pursuit of Just War*, 47.
6. Ibid.
7. Ibid., 50.
8. James Turner Johnson, *Can Modern War Be Just?* (New Haven: Yale University Press, 1984), 12.
9. Cian O'Driscoll, *Renegotiation of the Just War Tradition and the Right to War in the Twenty-First Century*. (New York: Palgrave Macmillian, 2008), 10-11.
10. Ibid., 3.
11. Ibid., 18.
12. Ibid., 3.
13. James Turner Johnson, *Can Modern War Be Just?*, 21.
14. Cian O'Driscoll, *Renegotiation of the Just War Tradition and the Right to War in the Twenty-First Century*, 16-18.

- 
15. Ibid., 14-15.
16. Ibid., 44.
17. Andrew Fiala, *The Just War Myth: The Moral Illusions of War*. (Lanham: Rowman & Littlefield Publishers, Inc., 2008), 79.
18. Ibid., 84.
19. Charles Guthrie and Michael Quinlan, *Just War: The Just war Tradition: Ethics in Modern Warfare*. (New York: Walker & Company, 2007), 18.
20. Efraim Inbar, "The Imperative to Use Force Against Iranian Nuclearization," *BESA Center Perspectives*, no. 12 (December 15, 2005): 6.
21. Daniel Byman, "The Iranian Nuclear Crisis: Latest Developments and Next Steps," Testimony before The House Committee on Foreign Affairs, March 15, 2007. <http://foreignaffairs.house.gov/110/bym031507.htm> (accessed on November 29, 2008): 28-29.
22. National Intelligence Council, National Intelligence Estimate, Iran: Nuclear Intentions and Capabilities, November 2007.
23. Efraim Inbar, "The Imperative to Use Force Against Iranian Nuclearization," 7.
24. Ibid.
25. Franklin Wester, "Preemption and Just War: Considering the Case of Iraq," *Parameters*, (Winter 2004-2005), <http://www.carlisle.army.mil/USAWC/parameters/04winter/wester.pdf> (accessed on October 10, 2008): 22.
26. Ibid., 29.
27. Chris Dolan, *In War We Trust: The Bush Doctrine and the Pursuit of Just War*, 49.
28. Ibid., 47.
29. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 81.

---

30. Daniel Byman, "The Iranian Nuclear Crisis: Latest Developments and Next Steps."

31. Jack Caravelli, *Nuclear Insecurity: Understanding the Threat from Rogue Nations and Terrorists*. (Westport: Praeger Security International, 2008), 118-119.

32. Charles Guthrie and Michael Quinlan, *Just War: The Just war Tradition: Ethics in Modern Warfare*. (New York: Walker & Company, 2007), 24.

33. Ibid., 25.

34. Brian Orend, *The Morality of War* (Canada: Broadview Press, 2006), 47.

35. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 62.

36. Chris Dolan, *In War We Trust: The Bush Doctrine and the Pursuit of Just War*, 82.

37. Ibid.

38. Ibid., 65.

39. Ibid.

40. Franklin Wester, "Preemption and Just War: Considering the Case of Iraq," 31.

41. Ibid., 27.

### CHAPTER THREE

1. Gary Brown, *Proportionality for Military Leaders*, Air Command and Staff College, April 2000, <http://www.au.af.mil/au/awc/awcgate/acsc/00-208.pdf> (accessed on September 15, 2008), 8.

2. Ibid.

3. Ibid., 10.

4. Ibid., 8.

- 
5. Senator Joseph Biden, *BIDEN on Iran: Now is the Time for Aggressive Diplomacy, Including Direct U.S. Engagement* July 9, 2008.
  6. Charles Guthrie and Michael Quinlan, *Just War: The Just war Tradition: Ethics in Modern Warfare*, 20.
  7. Gary Brown, *Proportionality for Military Leaders*, Air Command and Staff College, 13.
  8. Ibid., 12.
  9. James Turner Johnson, *Can Modern War Be Just?*, 25.
  10. Yaron Brook and Alex Epstein, “‘Just War Theory’ vs. American Self Defense’ *TOS*, Vol. 1, no. 1 (Spring 2006): <http://www.theobjectivestandard.com/issues/2006-spring/just-war-theory.asp> (accessed on September 18, 2008), 15.
  11. Anthony Cordesman, “Israeli and US Strikes on Iran: A Speculative Analysis, 2.
  12. Charles Guthrie and Michael Quinlan, *Just War: The Just war Tradition: Ethics in Modern Warfare*, 21.
  13. William J. Burns, “Strategic Challenges Posed by Iran”, Testimony before U.S. Foreign Relations Committee, July 9, 2008. <http://foreign.senate.gov/testimony/2008/BurnsTestimony080709p.pdf> (accessed on October 13, 2008).
  14. Michael Walzer, *Arguing about War*. New Haven: Yale University Press, 2004, 84.
  15. Michael Petrou, “Is It Time To Bomb Iran?”
  16. Ibid.
  17. Gary Brown, *Proportionality for Military Leaders*, Air Command and Staff College, 6.
  18. Franklin Wester, “Preemption and Just War: Considering the Case of Iraq,” *Parameters*, 29.
  19. James Turner Johnson, *Can Modern War Be Just?*, 22.

- 
20. Brian Orend, *The Morality of War*, 51.
  21. War Powers Act of 1973, Public Law 93-148, 93rd Cong., (November 7, 1973).
  22. Brian Orend, *The Morality of War*, 32.
  23. Charles Guthrie and Michael Quinlan, *Just War: The Just War Tradition: Ethics in Modern Warfare*, 27.
  24. Brian Orend, *The Morality of War*, 55.
  25. Ibid.
  26. Ibid., 56.
  27. Charles Guthrie and Michael Quinlan, *Just War: The Just War Tradition: Ethics in Modern Warfare*, 30.
  28. The United Nations General Assembly, "Functions and Powers of the General Assembly." United Nations General Assembly, <http://www.un.org/ga/about/background.shtml> (accessed on November 14, 2008).
  29. Chris Dolan, *In War We Trust: The Bush Doctrine and the Pursuit of Just War*, 50.
  30. Franklin Wester, "Preemption and Just War: Considering the Case of Iraq," 29.
  31. Brian Orend, *The Morality of War*, 56.
  32. Ibid.
  33. Colin Dueck and Ray Takeyh, "Iran's Nuclear Challenge," 191.
  34. Pierre Goldschmidt. "Verifying Iran's Nuclear Program: Is the International Community Up to the Task?" (lecture: Lamont Lecture Belfer Center, Harvard University, Boston, MA, October 30, 2007).
  35. U.S. Department of State, "Designation of Iranian Entities and Individuals for Proliferation Activities." United States Department of State, <http://www.state.gov/r/pa/prs/ps/2008/07/106608.htm> (accessed on November 14, 2008).

---

36. Pierre Goldschmidt. “Verifying Iran’s Nuclear Program: Is the International Community Up to the Task?”

37. William J. Burns, “Strategic Challenges Posed by Iran”, Testimony before U.S. Foreign Relations Committee, July 9, 2008.  
<http://foreign.senate.gov/testimony/2008/BurnsTestimony080709p.pdf> (accessed on October 13, 2008), 6.

38. David L. Grange, “Forging an Iran Strategy” *The Journal of International Security Affairs*, (November 2006), 79-80.

39. Brian Orend, *The Morality of War*, 50.

40. Ibid.

#### CHAPTER FOUR

1. Peter Scott Ford, “Israel’s Attack on Osiraq: A Model for Future Preventive Strikes?” master’s thesis, Naval Post Graduate School, September 2004, 3.

2. Ibid., 32.

3. Ibid., 34.

4. Ibid., 1.

5. Ibid., 47.

6. Ibid., 3.

7. Ibid., 2.

8. Michael Eisenstadt in U.S. Army War College. Strategic Studies Institute. *Checking Iran’s Nuclear Ambitions*. edited by Henry Sokolski and Patrick Clawson, January 2004, 113.

9. Michael Petrou, “Is It Time To Bomb Iran?” *MacLean’s*.

10. Jack Caravelli, *Nuclear Insecurity: Understanding the Threat from Rogue Nations and Terrorists*, 117.

- 
11. Ibid., 117.
  12. Ibid., 122-123.
  13. Ibid., 123.
  14. Dimitri Delalieu, "Iran: Is the Military Option Coming to the Fore?" *European Strategic Intelligence and Security Center*. Analysis Note (April 26, 2007), 1.
  15. Ibid., 4.
  16. Ibid., 3-5.
  17. Ibid., 6-7.
  18. Global Security, "Nuclear Weapons Facilities," 15 October 2008, Global Security, <http://www.globalsecurity.org/wmd/world/iran/nuke-fac.htm> (accessed on November 28, 2008).
  19. Jack Caravelli, *Nuclear Insecurity: Understanding the Threat from Rogue Nations and Terrorists*, 123.
  20. Ibid.
  21. Ibid.
  22. Dimitri Delalieu, "Iran: Is the Military Option Coming to the Fore?," 6.
  23. Anthony Cordesman, "Israeli and US Strikes on Iran: A Speculative Analysis," Center for Strategic and International Studies, (March 5, 2007), 2.
  24. National Intelligence Council, National Intelligence Estimate, Iran: Nuclear Intentions and Capabilities, November 2007.
  25. Anthony Cordesman, "Understanding the Key Judgments in the New NIE on Iranian Nuclear Weapons," Center for Strategic and International Studies, (March 5, 2007), 9.
  26. National Intelligence Council, National Intelligence Estimate, Iran: Nuclear Intentions and Capabilities.
  27. Ibid.

---

28. Anthony Cordesman, "Understanding the Key Judgments in the New NIE on Iranian Nuclear Weapons," 3.

29. Ibid.

30. Jack Caravelli, *Nuclear Insecurity: Understanding the Threat from Rogue Nations and Terrorists*, 118.

31. Reuel Marc Grecht, in Julia Bauder ed., *Is Iran a Threat to Global Security?* (Detroit: Greenhaven Press, 2006), 59-60.

32. Franklin Wester, "Preemption and Just War: Considering the Case of Iraq," 25.

33. Gawdat Bahgat, "Iran, Israel and the United States The Nuclear Paradox" *Journal of Social, Political & Economic Studies* vol. 32, issue 1 (Spring2007), p3-21. <http://content.epnet.com/ContentServer.asp?T=P&P=AN&K=25094653&EbscoContent=dGJyMNxb4kSeqLI40dвуOLCmrlCeqLFSr664SbWWxWXS&ContentCustomer=dGJyMPGps02zqK5KuePfgeyx%2BEu3q64A&D=aph> (accessed on September 24, 2008).

34. Dimitri Delalieu, "Iran: Is the Military Option Coming to the Fore?," 4.

35. Ibid.

36. Jack Caravelli, *Nuclear Insecurity: Understanding the Threat from Rogue Nations and Terrorists*, 125.

37. Gawdat Baghat, "Iran, Israel and the United States The Nuclear Paradox," 7.

38. Dimitri Delalieu, "Iran: Is the Military Option Coming to the Fore?," 3.

39. Frank Barnaby in Jack Caravelli, *Nuclear Insecurity: Understanding the Threat from Rogue Nations and Terrorists*, 123.

40. Jack Caravelli, *Nuclear Insecurity: Understanding the Threat from Rogue Nations and Terrorists*, 123.

41. Gawdat Baghat, "Iran, Israel and the United States The Nuclear Paradox", 10.

---

42. Jack Caravelli, *Nuclear Insecurity: Understanding the Threat from Rogue Nations and Terrorists*, 124.

43. Prince Saud al-Faisal as quoted in Gawdat Baghat, “Iran, Israel and the United States The Nuclear Paradox” *Journal of Social, Political & Economic Studies* vol. 32, issue 1 (Spring 2007), <http://content.epnet.com/ContentServer.asp?T=P&P=AN&K=25094653&EbscoContent=dGJyMNxb4kSeqLI40dVuOLCmrlCeqLFSr664SbWWxWXS&ContentCustomer=dGJyMPGps02zqK5KuePfgeyx%2BEu3q64A&D=aph> (accessed on September 24, 2008), 15.

44. Jack Caravelli, *Nuclear Insecurity: Understanding the Threat from Rogue Nations and Terrorists*, 124.

45. Dimitri Delalieu, “Iran: Is the Military Option Coming to the Fore?,” 5.

46. Jack Caravelli, *Nuclear Insecurity: Understanding the Threat from Rogue Nations and Terrorists*, 125.

## CHAPTER FIVE

1. Peter Temes, *The Just War: An American Reflection on the Morality of War in Our Time* 78.

2. Michael Walzer, *Arguing About War*, 86.

3. Michael Walzer, *Arguing About War*, 75.

4. James Turner Johnson, *Can Modern War Be Just?*, 24.

5. Ibid.

6. Ibid., 25.

7. Yaron Brook and Alex Epstein, “‘Just War Theory’ vs. American Self Defense.’

8. Ibid.

---

9. David G. Coleman and Joseph M. Siracusa, *Real-World Nuclear Deterrence: The Making of International Strategy* (Westport: Praeger Security International, 2006), 110.

10. Ibid.

11. The U.S. President George W. Bush. National Strategy to Combat Weapons of Mass Destruction, NPD-17 / HSPD 4 [unclassified version], December 2002, <http://www.fas.org/irp/offdocs/nspd/nspd-17.html> (accessed October 11, 2008).

12. David G. Coleman and Joseph M. Siracusa, *Real-World Nuclear Deterrence: The Making of International Strategy*, 116.

13. Thomas Holsinger, in Julia Bauder ed., *Is Iran a Threat to Global Security?*, 71.

14. Jack Caravelli, *Nuclear Insecurity: Understanding the Threat from Rogue Nations and Terrorists*, 121.

15. Shahram Chubin, *Iran's Nuclear Ambitions*. (Washington D.C.: Carnegie Endowment for International Peace, 2007), 70.

16. Ibid., 63-64.

17. Reuel Marc Gerecht, in Julia Bauder ed., *Is Iran a Threat to Global Security?*, 62.

18. Shahram Chubin, *Iran's Nuclear Ambitions*, 64.

19. Ian Lesser, 'Iran Policy After the "NIE"--Modest Findings, Revolutionary Effects,' *The German Marshal Fund of the United States, Opinions* (January 8, 2008): 1.

20. Shahram Chubin, *Iran's Nuclear Ambitions*, 69.

21. Ibid., 67.

22. Reuel Marc Gerecht, in Julia Bauder ed., *Is Iran a Threat to Global Security?*, 59.

23. Danielle Pletka, "The Iran Counter-Proliferation Act of 2007", April 8, 2008.

- 
24. Anthony H. Cordesman, "Understanding the Key Judgments in the New NIE on Iranian Nuclear Weapons."
25. Stephen Kinzer, in Julia Bauder ed., *Is Iran a Threat to Global Security?*, 53.
26. Robert Kagan, "Time to Talk to Iran" *Washington Post*, December 5, 2007.
26. David L. Grange, "Forging an Iran Strategy," 80.
26. Danielle Pletka, "The Iran Counter-Proliferation Act of 2007."
27. Gary L. Ackerman, "The Iranian Nuclear Crisis: Latest Developments and Next Steps," Testimony before The House Committee on Foreign Affairs, March 15, 2007. <http://foreignaffairs.house.gov/110/bym031507.htm> (accessed on November 29, 2008).
28. Senator Joseph Biden, *BIDEN on Iran: Now is the Time for Aggressive Diplomacy, Including Direct U.S. Engagement*.
29. Danielle Pletka, "The Iran Counter-Proliferation Act of 2007."
30. Brian Orend, *The Morality of War*, 58.
31. David L. Grange, "Forging an Iran Strategy," 80.
32. Danielle Pletka, "The Iran Counter-Proliferation Act of 2007."
33. David L. Grange, "Forging an Iran Strategy," 80.
34. Danielle Pletka, "The Iran Counter-Proliferation Act of 2007."
35. Ibid.
36. Colin Dueck and Ray Takeyh, "Iran's Nuclear Challenge," 191.
37. Ibid., 197.
38. Ayatollah Jannati quoted in Colin Dueck and Ray Takeyh, "Iran's Nuclear Challenge," 197.
39. Peter Temes, *The Just War: An American Reflection on the Morality of War in Our Time*, 168.

---

40. Reuel Marc Gerecht, in Julia Bauder ed., *Is Iran a Threat to Global Security?*, 60.

41. Jack Caravelli, *Nuclear Insecurity: Understanding the Threat from Rogue Nations and Terrorists*, 129.

42. Stephen Kinzer, in Julia Bauder ed., *Is Iran a Threat to Global Security?*, 47.

43. Ibid., 48.

44. Reuel Marc Gerecht, in Julia Bauder ed., *Is Iran a Threat to Global Security?*, 61.

45. David L. Grange, "Forging an Iran Strategy," 82.

46. William J. Burns, "Strategic Challenges Posed by Iran," 8-9.

47. Yaron Brook and Alex Epstein. "'Just War Theory' vs. American Self-defense.'

48. Jack Caravelli, *Nuclear Insecurity: Understanding the Threat from Rogue Nations and Terrorists*, 120.

49. Charles Guthrie and Michael Quinlan, *Just War: The Just war Tradition: Ethics in Modern Warfare*, 33.

50. David L. Grange, "Forging an Iran Strategy," 78.

## CHAPTER SIX

1. Terry Nardin, "Ethical Traditions in International Affairs," in *Traditions of International Ethics*, ed. Terry Nardin and David R. Mapel (Cambridge: Cambridge University Press, 1992), 3.

2. Gawdat Bahgat "Iran and the United States: The Emerging Security Paradigm in the Middle East" *Parameters* 37, iss. 2 (Summer 2007), 5-14.

3. Colin Dueck and Ray Takeyh, "Iran's Nuclear Challenge," 194.

4. Colin Dueck and Ray Takeyh, "Iran's Nuclear Challenge," 193.

---

5. Andrew O'Neil, *Nuclear Proliferation in Northeast Asia: The Quest for Security* (New York: Palgrave Macmillan, 2007), 35.

6. LA Times, Greg Miller <http://articles.latimes.com/2006/jan/27/nation/nafornpoll27>.

7. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 62.

8. Dimitri Delalieu, "Iran: Is the Military Option Coming to the Fore?", 6-7.

---

## BIBLIOGRAPHY

- Ackerman, Gary L. "The Iranian Nuclear Crisis: Latest Developments and Next Steps," Testimony before The House Committee on Foreign Affairs, March 15, 2007. <http://foreignaffairs.house.gov/110/bym031507.htm> (accessed on November 29, 2008).
- Bahgat, Gawdat. "Iran and the United States: The Emerging Security Paradigm in the Middle East" *Parameters* 37, issue 2 (Summer 2007), 5-14.
- Bahgat, Gawdat. "Iran, Israel and the United States The Nuclear Paradox" *Journal of Social, Political & Economic Studies* vol. 32, issue 1 (Spring 2007), p3-21. <http://content.epnet.com/ContentServer.asp?T=P&P=AN&K=25094653&EbscoContent=dGJyMNxb4kSeqLI40dvuOLCmrlCeqLFSr664SbWWxWXS&ContentCustomer=dGJyMPGps02zqK5KuePfgeyx%2BEu3q64A&D=aph> (accessed on September 24, 2008).
- Barringer, Felicity. "United No More? The U.S. Went to War in Iraq Without the UN's Blessing. Does the World's Only Superpower Need the UN? In a Changing World, Is the UN Still Relevant?" *New York Times Upfront*, May 9, 2003.
- Bauder, Julia, ed. *Is Iran a Threat to Global Security?* Detroit: Greenhaven Press, 2006.
- Brook, Yaron and Alex Epstein. "'Just War Theory' vs. American Self Defense' *TOS*, Vol. 1, no. 1 (Spring 2006): <http://www.theobjectivestandard.com/issues/2006-spring/just-war-theory.asp>, (accessed on September 18, 2008).
- Brown, Gary D. *Proportionality for Military Leaders*, Air Command and Staff College, April 2000, <http://www.au.af.mil/au/awc/awcgate/acsc/00-208.pdf> (accessed on September 15, 2008).
- Burns, William J. "Strategic Challenges Posed by Iran," Testimony before U.S. Foreign Relations Committee, July 9, 2008. <http://foreign.senate.gov/testimony/2008/BurnsTestimony080709p.pdf> (accessed on October 13, 2008).

- 
- Byman, Daniel “The Iranian Nuclear Crisis: Latest Developments and Next Steps,”  
Testimony before The House Committee on Foreign Affairs, March 15, 2007.  
<http://foreignaffairs.house.gov/110/bym031507.htm> (accessed on November  
29, 2008).
- Caravelli, Jack. *Nuclear Insecurity: Understanding the Threat from Rogue Nations and Terrorists*. Westport: Praeger Security International, 2008.
- Chubin, Shahram. *Iran's Nuclear Ambitions*. Washington D.C.: Carnegie Endowment  
for International Peace, 2007.
- Cirincione, Joseph. “Can Preventive War Cure Proliferation?” *Foreign Policy* no. 137  
(Jul.-Aug 2003): 66-69.
- Coleman, David G. and Joseph M. Siracusa. *Real-World Nuclear Deterrence: The  
Making of International Strategy*. Westport: Praeger Security International,  
2006.
- Cordesman, Anthony. “Israeli and US Strikes on Iran: A Speculative Analysis,” Center  
for Strategic and International Studies, March 5, 2007.
- Cordesman, Anthony. “Understanding the Key Judgments in the New NIE on Iranian  
Nuclear Weapons,” Center for Strategic and International Studies, December 4,  
2007.
- Delalieu, Dimitri. “Iran: Is the Military Option Coming to the Fore? *European  
Strategic Intelligence and Security Center*. Analysis Note (April 26, 2007).
- Dolan, Chris J. *In War We Trust: The Bush Doctrine and the Pursuit of Just War*.  
Burlington: Ashgate Publishing Company, 2005.
- Dueck, Colin and Ray Takeyh. “Iran’s Nuclear Challenge,” *Political Science Quarterly*  
122, no.2 (Summer 2007): 189-205.
- Evans Mark, ed. *Just War Theory A Reprisal*, New York: Palgrave Macmillan, 2005.

- 
- Fiala, Andrew. *The Just War Myth: The Moral Illusions of War*. Lanham: Rowman & Littlefield Publishers, Inc., 2008.
- Ford, Peter Scott. "Israel's Attack on Osiraq: A Model for Future Preventive Strikes?" master's thesis, Naval Post Graduate School, September 2004.
- Gholz, Eugene, Daryl G. Press, and Harvey M. Sapolsky. "Come Home, America: The Strategy of Restraint in the Face of Temptation." *International Security* 21, no. 4 (Spring 1997): 5-48.
- Global Security. "Nuclear Weapons Facilities." 15 October 2008. Global Security. <http://www.globalsecurity.org/wmd/world/iran/nuke-fac.htm> (accessed on November 28, 2008).
- Goldschmidt, Pierre. *Verifying Iran's Nuclear Program: Is the International Community Up to the Task?* Lamont Lecture, Belfer Center, Harvard University, October 30, 2007.
- Grange, David L. et. al. "Forging an Iran Strategy" *The Journal of International Security Affairs*, (November 2006): 78-86.
- Guthrie, Charles and Michael Quinlan. *Just War: The Just war Tradition: Ethics in Modern Warfare*. New York: Walker & Company, 2007.
- Inbar, Efraim. "The Imperative to Use Force Against Iranian Nuclearization," *BESA Center Perspectives*, no. 12 (December 15, 2005): 1-6.
- Johnson, James Turner. *Can Modern War Be Just?* New Haven: Yale University Press, 1984.
- Johnson, James Turner. *Morality & Contemporary Warfare*. New Haven: Yale University Press, 2000.
- Kagan, Robert. "Time to Talk to Iran" *Washington Post*, December 5, 2007.
- Keller, William W., ed. and Gordon R. Mitchell, ed. *Hitting First Preventive Force in U.S. Security Strategy*. Pittsburgh: University of Pittsburgh Press, 2006.

- 
- Kemp, Geoffrey, ed. *Iran's Nuclear Weapons Options: Issues and Analysis*. Washington D.C.: The Nixon Center, 2001.
- Kim, Samuel S. "The US Catholic Bishops and the Nuclear Crisis." *Journal of Peace Research* 22, no. 4 (Dec. 1985): 321-333.
- LA Times, "57% Back a Hit on Iran if Defiance Persists, January 27, 2006." <http://articles.latimes.com/2006/jan/27/nation/na-fornpoll27> (accessed on October 18, 2008.)
- Lesser, Ian. 'Iran Policy After the "NIE"--Modest Findings, Revolutionary Effects,' *The German Marshal Fund of the United States, Opinions* (January 8, 2008): 1-2.
- Migdalovitz, Carol. "Israel: Background and Relations with the United States." *Congressional Research Service: Report for Congress* (September 8, 2008) [fpc.state.gov/documents/organization/110751.pdf](http://fpc.state.gov/documents/organization/110751.pdf) - 2008-11-28 (accessed on November 28, 2008.)
- Nardin, Terry and David R. Mapel eds. *Traditions of International Ethics*. Cambridge: Cambridge University Press, 1992.
- National Conference of Catholic Bishops. *The Challenge of Peace: God's Promise and Our Response. A Pastoral Letter on War and Peace*. Washington D.C: United States Catholic Conference, May 3, 1983.
- National Defense University. Institute for National Strategic Studies. *Radical Responses of Radical Regimes: Evaluating Preemptive Counter-Proliferation*, by Barry R. Schneider, Washington D.C. , May 1995.
- National Intelligence Council, National Intelligence Estimate, Iran: Nuclear Intentions and Capabilities, November 2007.
- Nichols, Thomas M. *Eve of Destruction: The Coming Age of Preventive War*. Philadelphia: University of Philadelphia Press, 2008.
- O'Brien, William V., ed. and John Langan S.J., ed. *The Nuclear Dilemma and the Just War Tradition*. Massachusetts: Lexington Books, 1986.

- 
- O'Driscoll, Cian. *Renegotiation of the Just War Tradition and the Right to War in the Twenty-First Century*. New York: Palgrave Macmillian, 2008.
- O'Neil, Andrew. *Nuclear Proliferation in Northeast Asia: The Quest for Security*. New York: Palgrave Macmillian, 2007.
- Orend, Brian. *The Morality of War*. Canada: Broadview Press, 2006.
- Petrou, Michael. "Is It Time To Bomb Iran?" *MacLean's*, December 10, 2007.
- U.S. Congress. Committee on Finance. *The Iran Counter-Proliferation Act of 2007*, 110th Cong., 2nd sess., April 8, 2008.
- Temes, Peter S. *The Just War: An American Reflection on the Morality of War in Our Time*. Chicago: Ivan R. Dee, 2003.
- Timmerman, Kenneth R. *Countdown to Crisis: The Coming Nuclear Showdown with Iran*. New York: Crown Forum, 2005.
- The International Institute for Strategic Studies. *Iran's Strategic Weapons Programmes: A Net Assessment*. London: Routledge Taylor & Francis Group, 2006.
- The United Nations General Assembly. "Functions and Powers of the General Assembly." United Nations General Assembly. <http://www.un.org/ga/about/background.shtml> (accessed on November 14, 2008).
- USAF Counterproliferation Center. "Nonproliferation-Challenges Old and New", *The Counterproliferation Papers Future Warfare Series* No. 24, August 2004.
- U.S. Army War College. Strategic Studies Institute. *Checking Iran's Nuclear Ambitions*. edited by Henry Sokolski and Patrick Clawson, January 2004.
- U.S. Army War College. Strategic Studies Institute. *Implications of Preemptive and Preventive War Doctrines: A Reconsideration*, by Colin S. Gray, July 2007.
- U.S. Congress. Senate. Committee on Foreign Relations. *BIDEN on Iran: Now is the Time for Aggressive Diplomacy, Including Direct U.S. Engagement*. 110th Cong., 2nd session, July 9, 2008.

- 
- U.S. Department of State. "Designation of Iranian Entities and Individuals for Proliferation Activities." United States Department of State.  
<http://www.state.gov/t/isn/rls/fs/102891.htm> (accessed on November 14, 2008).
- U.S. President, Address. "Address Before a Joint Session of the Congress on the State of the Union," Weekly Compilation of Presidential Documents, (January 29, 2002): 134.
- U.S. President, National Security Strategy. "National Security Strategy of the United States," 2002.
- U.S. President, National Security Strategy. "National Strategy to Combat Weapons of Mass Destruction," NSPD-17 / HSPD 4 [unclassified version], December 2002.
- Walzer, Michael. *Arguing about War*. New Haven: Yale University Press, 2004.
- Walzer, Michael. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. 4<sup>th</sup> ed. New York: Basic Books, 1977.
- Wester, Franklin Eric. "Preemption and Just War: Considering the Case of Iraq," *Parameters*, (Winter 2004-2005),  
<http://www.carlisle.army.mil/USAWC/parameters/04winter/wester.pdf>  
(accessed on September 15, 2008), 20-39.
- Western, Charles A. Major, USMC. "Abroad, In Search of Monsters to Destroy: The United States and the Future of Preemption." Master's Thesis, U.S. Army Command and General Staff College, 2005.
- Weigel, George and John P. Langan, S.J., eds. *The American Search for Peace: Moral Reasoning, Religious Hope, and National Security*. Washington D.C.: Georgetown University Press, 1991.