The Just War Tradition and the War on Terror
A Discourse Analysis of the American response to September 11, 2001

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Abstract

The aim of this paper is to assess the applicability of the Just War Tradition to a declaration of war on terrorism. The specific content that the paper will be analysing is the U.S. decision to declare war on terror in the aftermath of the 9/11 attacks. I will be focusing on three conditions used to justify preemptive attacks, which are essential to the Just War Tradition. (i.e. the scope of the self, the existence of evidence, and military intervention as a last resort). The method used, will be discourse analysis, focusing on how the United States justified their decision to go to war on terror. This study suggests that the U.S. justification was built upon their knowledge and use of the principles of the JWT. The findings shows that the conditions of a justified preemptive attack can be applied to the U.S. justification to declare war on terror. However, when the three conditions are applied, some important questions and implications arise. The main interpretation of the findings is that problems arise when the scope of the self is defined too widely. This, in combination with further implications, indicates that there is a need for a more structured framework in which terrorism can be analysed.

Keywords
Just War Tradition, War on Terror, Discourse Analysis, United States
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1. Introduction

The 9/11 terrorist attacks in New York City dramatically changed the way the world looked upon terrorism. The problem with international terrorism were given more importance and space on the political agenda. Still today, countries, cities and populations all over the world are daily forced to experience terrorism in different shapes. Very recently my hometown, Stockholm, was the target of a deadly terrorist strike. The continuous deadly, dangerous and frightening strikes are one of the most pressing problems today and they occur worldwide and affect us all. Wars against Terror have been waged, and the different strategies in this counter terror climate have been under much debate and critics. The aim of these wars is not the traditional aim of territory conquest, or the will to silence an ideology. The aim is to secure our environment to make it impossible for enemies to impose states of terror on us.\(^1\) In order to understand the new security climate, it is vital to provide a framework in which terrorism can be analysed and understood. The need to correctly respond to aggression and terrorism is urgent, however, it must be bound by certain ethical rules. Given that today’s security arena consists of a modern warfare in the shape of terrorism. The existing framework in which terrorism can be assessed from an ethical perspective, brings us to the Just War Tradition (JWT).

1.1 Question and aim

In order to elaborate on this topic the question I will be asking is, *Is the Just War Tradition and its conceptual tools applicable to the decision to declare war on terror? And if it is, how?* I will address this question by focusing on the United States decision to declare war on terror and the process of justifying their decision to invade Afghanistan. The aim of this study is to gain a deeper understanding of the applicability of the JWT in the context of terrorism. I will study the applicability of this framework as well as the eventual implications that arises. This will be done by using the case of the U.S. decision to declare war on terror and the process of justifying the decision to invade Afghanistan as instruments to assess the applicability of the JWT. In order to narrow down the study I am going to focus on the *Jus ad Bellum* principles of the just war tradition. The scope of the thesis will be further narrowed by looking at the conditions used when justifying a preemptive war, which originates from the *Jus ad Bellum*. These principles together with speeches and documents from the studied case will be discussed and analysed in the context of modern warfare and the U.S. decision to wage war on terrorism. I will look at documents giving an

\(^1\) Bobbitt, 2008, 3.
American assessment of the situation, and why they declared war on terror. The aim is therefore to elaborate on if parts of the Just War Tradition is applicable to the American reaction after the 9/11 attacks.

1.2 Outline

The thesis is divided into eight parts. Following this introduction, the second part is devoted to the background, giving the reader a brief summon of the the Just War Tradition and the declaration of war on terror. The third part, theoretical framework, will provide information about earlier research conducted on this topic, and provide the base for my study. The following part will introduce the chosen methodology, critical discourse analysis, and the chosen material for this thesis. Then, I will move on to my main investigation, from three chosen conditions with basis in the Just War Tradition I will assess the justification of the U.S. decision to declare war on terror and the process of justifying the invasion of Afghanistan. I will assess the U.S. justification by applying three conditions used to justify preemptive attacks with the aim to reach a deeper understanding of the usefulness of these rules in the context of modern warfare. I will analyse my findings and end with suggestions for further studies. The final part will include my conclusion providing the answer to my posed research question.
2. Background

In order to facilitate the understanding of the approach in this thesis, a short summary of the main concepts of the Just War Tradition will be presented. The meaning of this tradition is best described in three steps. First, the tradition originates from the assumption that "In order to maintain justice and peace among nations, wars are sometimes (tragically) necessary." The second step consists of the statement that "Humans are by definition moral creatures who wish (anomalies aside) to act in ways that are good." Third, "And therefore, Wars should be fought—to the extent that they must be fought at all—in ways that are compatible with our moral sensibilities." In other words, the JWT is a framework of how wars should be fought in accordance with ethical principles.

Following is some information regarding the empirical cases. The morning of September 11, 2001, four American commercial airplanes were hijacked and used as weapons by 19 terrorists from the radical Islamist terror network named al Qaeda. Two planes were crashed into the twin towers of the World Trade Centre, one plane were crashed into the Pentagon. The fourth plane missed its intended target after passengers on the plane fought to take control over the airplane from the hijackers. These horrible events marked the start of America’s War on Terror. The 9/11 terrorist attacks were not the first of this kind, several terror attacks have during a long period of time been directed against U.S. targets. However, the 9/11 attacks were the first acts of foreign aggression of such dimension on U.S. soil, in the past 200 years.  

So, after the 9/11 attacks, what happened is that the Bush administration decided to declare war on terror resulting in the action of militarily overthrowing the Taliban in Afghanistan who refused to hand over Bin Laden. Bush stated that a friendly regime located in Kabul would be necessary to let U.S. forces search for members of Al Qaeda there. The U.S. administration wanted UN backing for the use of military action. However the UN Security Council Resolution 1368 of September 12, 2001, said that the Council "Expresses its readiness to take all necessary steps to respond (implying force) to the September 11 attacks." Which was interpreted as an authorisation by the UN for military action in response to the 9/11 attacks. But it did not explicitly authorise the Operation Enduring Freedom or refer to the Chapter VII of the UN Charter which allows responses to threats

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3 Hayden, Lansford & Watson, 2003, preface ix.
to international peace and security. On October 7, 2001, the United States notified the U.N. Security Council according to Article 51 of the U.N Charter that the United States was taking action, using its right of self-defence in response to the September 11 attacks. U.S. military operations and support for Afghan military forces in the armed conflict in Afghanistan were undertaken in accordance to the Bilateral Security Agreement between the United States and Afghanistan, with the outspoken consent of the Afghanistan Government.

5 Katzman, 2017, 7.

3. Theoretical Framework

3.1 Definition of Terrorism

The concept of terrorism requires a rightful definition to facilitate the understanding and the ability to discuss the subject in the context of the Just War Tradition. To form an universally accepted definition of terrorism has turned out to be a very hard task. Different views of what the definition should consist of have made the forming of one difficult, and a collective definition has not emerged yet. One could argue that this is due to the fact that the organisations and individuals who are under the risk of becoming classified as terrorists according to a specific definition, reject these definitions with all means possible.\(^7\) I will therefore present to you different and slightly variating definitions and elaborate on which one is convenient to apply in this paper.

After studying several variating definitions of terrorism, what becomes clear is that all definitions have a set of common central components. These components consist firstly of the fact that terrorism is unlawful, it is against the law to perform any kind of act of terror. Second, that it is politically and ideologically motivated. The third component is that terrorism is premeditated, meaning that it is not an impulsive act of rage, it has in almost all cases been planned beforehand. Fourth, it is directed to non-combatants, it is not like traditional warfare directed to combatants taking active part in the war. Furthermore, it is meant to cause fear and terror, and the violence is aimed at directly influencing others than the targeted victims. Finally, the actions of terrorism are decidedly outside the accepted limits of the use of force in warfare, which is the base of its asymmetric nature.\(^8\) After realising this, I will now move on to study these common components in different definitions of terrorism.

Michael Walzer defines terrorism as; "Terrorism is the random killing of innocent people, in the hope of creating pervasive fear.” He adds, "The fear can serve many political purposes. Randomness and innocence are crucial elements in the definition.”\(^9\) Moreover, a definition that also is relevant to look at in this context is the American Federal Bureau of Investigation (FBI), their definition states that, "Terrorism is the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof,

\(^7\) Lagacé-Roy, Bernd Horn, 2008, 2.
\(^8\) Ibid., preface, viii.
\(^9\) Ibid., preface, vii.
furtherance of political or social objectives." These definitions both highlight the component of killing civilians, and that terrorisms aim at changing a society by coercing the government.

The league of Nations presented the following definition of terrorism in the year of 1937: "All criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public."

As of more recently, an United Nations General Assembly resolution added an important aspect to the definition: "... criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them". The amendment in this definition makes it very clear that an act of terror can by no means or purposes be justifiable, the unlawfulness of the act of terror is a basic principle that will stay unchanged.

A working definition of "an act of terrorism" according to Asa Kasher, an Israeli philosopher and linguist: "An act, carried out by individuals or organisations, not on the behalf of any state, for the purpose of killing or otherwise injuring persons, insofar as they are members of a particular population, in order to install fear among the members of that population ('terrorize' them), so as to cause them to change the nature of the related regime or of the related government or of policies implemented by related institutions, whether for political or ideological (including religious) reasons."

The implications with this definition as well as others are that acts by states are not considered as acts of terrorism, due to the fact that if states were included it would be easier to apply the international laws of armed conflict, involving states. Furthermore, acts against combatants can be regarded as terrorism, but on the condition that the the intention is to terrorise the population where the combatants are from.

"This, then, is the peculiar evil of terrorism - not only the killing of innocent people but also the intrusion of fear into everyday life, the violation of private purposes, the insecurity of public spaces,

11 Ibid., 2.
12 Ibid., 3.
13 Ibid., 3.
the endless coerciveness of precaution.”\textsuperscript{14} When reading this quote above, by Walzer and given these earlier definitions, it becomes clear that terrorism is different from traditional warfare, which is why the definition becomes relevant for my question. Terrorism is the new security environment, vastly different from wars of the past, resulting in the need to develop new means in order to ensure security. It is no longer war between states, states who fight with similar means to reach a goal known by both parts. Only combatants are no longer involved in the war, the non-combatant, innocent civilians, are highly involved in the attacks. Given that terrorism is a new kind of threat compared to traditional warfare, can we continue to use the old theories and criteria which are built upon the conception of traditional warfare?

\textbf{3.2 Jus ad Bellum}

Michael Walzer, is a professor, author and lecturer who has written about several topics in political theory and moral philosophy. His works, and among them his book \textit{Just and Unjust Wars}\textsuperscript{15} has played an important role in the development of ethical warfare and just wars. The book discusses the Just War Tradition and the different principles which it consists of. What I aim to do is firstly to present the different criteria and bring forward a discussion regarding the \textit{Jus ad Bellum}. I will later move on to applying some of these criterions to the U.S. decision to declare war on terror.

The Just War tradition makes an important distinction between two sets of principles called Jus ad Bellum, and Jus in Bello. Jus ad Bellum consists of principles regarding what makes it right to go to war, whereas Jus in Bello is the question of what one can do in war, what means of warfare are permissible. If the decision to go to war is to be counted as just, the following conditions must be satisfied according to the Jus ad Bellum: First, the war must be fought for a just cause; Second, the decision to go to war must be made with a right intention, states must have the proper reason and right motivation for going to war, which excludes war for personal or national gain, or for some other hidden purpose; These first two principles are both based on the conditions of legitimacy and justification. Principles three and four are both based on formal conditions consisting of the need of a decision to go to war by a legitimate authority, and the requirement of a formal declaration of war. These principles are not important for my focus in reaching a conclusion and answering my questions, which is why I will not discuss these principles any further; Fifth, there must be a

\textsuperscript{14} Walzer, 2004, 51.

\textsuperscript{15} Walzer, 2015.
reasonable likelihood of success, those engaging in war must have a reasonable hope of success; this principle focuses on the outcome of the possible war. Furthermore, the decision to go to war should be a last resort; And finally, the decision must satisfy the requirements of proportionality, that the good to be achieved in the war must be of sufficient importance to outweigh the harms which will be produced. These last requirements puts its focus in that the war must be based on non-aggression.

When starting a discussion on the criteria of just cause, according to the Jus ad Bellum, what would be a just cause? The answer to this question has traditionally been that the state considering waging a war must have been the victim of aggression directed to its political sovereignty and territorial integrity. Therefore acceptable just causes to go to war includes self-defence against an aggressor. It also includes reclaiming territory and people wrongly taken or threatened by an aggressor. Also, defending or rescuing innocent people from a violation of their human rights. Moving on, the criterion of right intention follows, meaning that it is not enough for a state to have the right cause to go to war, they must also have the proper motivation to achieve the just cause. The right intention criteria demands that a state must commit to uphold and follow the other just war criteria as well. A right intention does not consist of waging war in order to reach national success, like material gain or revenge built on religious or ethnic hatred. The principle of proportionality, the reasonable likelihood of success and the principle of last resort aim to minimise the suffering and destruction that follows a declaration of war.

3.3 Preemptive and Preventive attacks

In order to understand the nature of the concepts of preventive and preemptive attacks it is useful to look at the U.S. declaration of war on terror and the invasion of Afghanistan. A preemptive attack is launched with the expectation that the enemy is just about to attack, arguing that being the first to strike is better than being attacked. Preventive attacks on the other hand, are similar to preemptive attacks, but the difference lies in the fact that preventive attacks are launched as response to threats

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16 Norman, 1995, 118.
17 Hayden, Lansford & Watson, 2003, 106.
18 Ibid., 107.
19 Ibid., 108.
less immediate. Preventive attacks are motivated by a desire to fight sooner rather than later. This is where the two concepts differ.\textsuperscript{21} The U.S. called their war doctrine after 9/11 preemptive. "There is no question but that the United States of America has every right, as every country does, of self-defence, and the problem with terrorism is that there is no way to defend against the terrorist at every place and every time against every conceivable technique. Therefore, the only way to deal with the terrorist network is to take the battle to them. That is in fact what we’re doing. That is in effect self-defence of preemptive nature."\textsuperscript{22} The discussion of the nature of the attacks, and whether they are preventive or preemptive is not the main focus in this paper, therefore I will follow the track of the U.S. preemption doctrine and try to apply the traditional preemptive conditions and analyse them on the basis of their traditional Jus ad Bellum origin.

### 3.4 The four conditions for preemptive strike

Since the U.S. referred to their response to 9/11 as preemptive, I will study and apply some of the conditions used when deciding when a preemption is legitimate and when it is not. These conditions origins from the principles of the Jus ad Bellum, and will therefore, partly, reflect these aspects as well. So, for a legitimate preemption to occur the following four necessary conditions have to be met. To begin with, the party considering preemption have to look at and evaluate their conception of the self to be defended, the conception must be narrow in the context of self-defence. The second criteria states that evidence that a war is likely in the near future and inevitable, has to be strong. This requires definite intelligence saying that the potential aggressor has both intention and capability to do harm in the immediate future, since only capability is not enough justification. Third, the preemption should be successful in reducing the threat, if preemption is likely to fail, it should not be undertaken. Fourth, the use of military force is required to be highly necessary, no other measures can have time or be likely to work.\textsuperscript{23} These criteria will be the main focus in the analysis, therefore they will be described further in the following section.

However, I will not elaborate further on the third condition. This is due to the limited scope of the study. What can be said about this principle though, is that since the war was declared on terrorism worldwide, it could not be sure to reduce the threat. Capturing bin Laden in Afghanistan is not

\textsuperscript{21} Mueller et al. 2006, 8.

\textsuperscript{22} Crawford, 2012, 115.

\textsuperscript{23} Ibid., 116.
enough to reassure safety in the world. If not everything can be done, if not total safety can be guaranteed, then it is very hard to wage a justified preemption. In the case of terrorism, the scope becomes very large.
4. Theoretical Explanations

4.1 Defining the scope of the self

The scenario in which the self defence argument is based upon, consists of the right of individual self defence. It is a thoroughly discussed argument stating that it is justifiable to kill an attacker in order to save your own life or the life of a victim. However, when attempting to justify a war of self-defence we are no longer talking about taking the life of one single attacker, we are talking about justifying the killing of several hundreds or thousands or even more human lives. And we are no longer defending lives only, we are defending the life and also the liberty of the whole community. 24 Can the defence of the community’s right to political sovereignty and territorial integrity justify overriding the aggressor community’s right to the same values? When using collective self defence, is it possible to justify the killing of large number of people in the aggressors community?

Self defence can have a broader meaning than when our lives are threatened. It could also consist of when the self is not only expressed by mere existence, but more broadly expressed as the right to a free and prosperous life. "are we justified in using force to secure access to a good that would enhance the self?". 25 "When economic interests and vulnerabilities are understood to be global, and when the moral and political community of democracy and human rights are defined more broadly than ever before, the self-conception of great powers tends to enlarge. But a broad conception of the self is not necessarily legitimate and neither are the values to be defended completely obvious." 26 The U.S. definition of the self to be defended has become very broad in several aspects. The most recent Quadrennial Defense Review defines "enduring national interests" as including "contributing to economic wellbeing," with entails maintaining "vitality and productivity of the global economy". Moreover, "The U.S. national security strategy will be based on a distinctly American internationals that reflects the fusion of our values and our national interests. The aim of this strategy is to help make the world not just safe but better." 27 If the self is defined so broadly and threats to this greater self are met with military force, at what point does self-defence begin to look like aggression?

24 Norman, 1995, 134.
26 Ibid., 116.
27 Ibid., 117.
When evaluating the new preemption doctrine of the United States, the character of the potential threats becomes increasingly important. This means the assessment that the United States are facing rouge enemies who oppose every aspect of the United States. There exists strong evidence that al-Qaeda members have a desire to harm citizens of the United States. However, the National Security Strategy draws a questionable conclusion when assuming that rouge states also have a desire to harm the U.S. and therefore pose an imminent threat. Moreover, the distinction between the rouge states and terrorists are blurred, removing the potentially important difference between terrorists and those states in which they reside. But these distinctions could make a difference.28

Article 51 of the UN Charter specifically states that only an armed attack, not an anticipated attack, is a justifiable cause for acting in self-defence, the principle is therefore restricted to cases of armed attack. An United States Secretary of State, Daniel Webster in 1837 claimed that, in order for self-defence to be just, it should be limited to cases in which the "necessity of self-defence is instant, overwhelming, and leaving no choice of means, and no moment of deliberation." Furthermore he argued that self-defence must not be "unreasonable or excessive" and be limited by, and kept within the necessity that justified the self-defence.29 It is evident that the self-defence principle is restricted to be used in unique cases, when a situation fulfils all of the requirements mentioned above.

4.2 Strong evidence

The second criteria that there has to be strong evidence that war is inevitable and likely in the near future. This requires strong intelligence saying that the potential aggressor has both intention and capability to do harm in the immediate future. Waging a war on terror and moving into Afghanistan was an answer to aggression. The evidence following the 9/11 attacks were clear, however, the evidence for future possible attacks were more uncertain.

According to Michel Walzer, the line between legitimate and illegitimate first attacks is not drawn from the point of imminent attack but at the point of sufficient threat. He continues with saying, ”I mean it to cover three things: 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

29 Mueller et al. ”Striking First, Preemptive and Preventive Attack in U.S. National Security Policy, 53.
fighting, greatly magnifies the risk.” The U.S. Administration argues that they cannot wait for a ‘smoking gun’ situation. Terrorist attacks are hard to foresee because there may be little or no evidence at all before an attack. But the problem here, is that according to this view, the only requirement for evidence is reduced to a fear that the adversary has, or someday might have the means required for an assault. This line regarding when preemption is justified seems to be set very low in the Bush administration’s National Security Strategy.

According to the Vice President Cheney, at the time of the 9/11 attacks, he thought that proof of an enemy’s intentions and capabilities should not stop the American military from taking action. It would be a too high threshold, according to Cheney. Absence of evidence, is not evidence of absence, as Secretary of Defense Rumsfeld summarised their line of thinking. After 9/11 a ‘precautionary principle’ were applied. Meaning that if a serious threat exists, an uncertainty over the shape and nature of this risk should not excuse inaction. The responsibility of proof lies, according to this principle, with the other side, to show that their actions is not a threat.

4.3 Military force

The fourth criteria consist of the fact that military force must be necessary, no other measures can have time or be likely to work. One can question if every other means of action had been taken into consideration before deciding to answer the 9/11 attacks with a war on terror and invasion of Afghanistan. Walzer argues that "The nature of fear may be that once a group has suffered a terrible surprise attack, a government and people will, justifiably, be vigilant. Indeed they may, out of fear, be aware of threats to the point of hyper vigilance— seeing small threats as large, and squashing all potential threats with enormous brutality.” He also argues that it is necessary that the threshold of credible fear is lower regarding contemporary counterterrorism, however the consequences of lowering the threshold can lead to instability and the use of permanent force. One can argue that the threshold of evidence and warning cannot be at the bottom low, the simple thought that a possible enemy might exist somewhere and may be acquiring means to do harm should not be enough to

30 Walzer, 2015, 81.
31 Crawford, 2012, 117.
32 Hensel, 2016, 104.
33 Ibid., 105.
34 Crawford, 2012, 118.
trigger the offensive use of force. In that case, it would not be preemption, it would be paranoid aggression. We must by prepared to accept some vulnerability and uncertainty, regardless of how hard it might be.35

Determining when the first use of force in a given situation is justified is a difficult task. The part considering an attack must have the certainty of the threat in regard, as well as the magnitude and severity of the harm that will be caused in the absence of preemption. The costs as well as the gravity of the consequences which may result from taking preemptive action.36

After 9/11 a new problem emerged, regarding the situation when trying to decide how to combat low-probability/high-impact threats to American national Security.37 "Fear of a possible future attack is not enough to justify preemption. Rather, aggressive intent, coupled with a capacity and plans to do immediate harm, is the threshold that may trigger justified preemptive attacks."38 So in order to assess the situation one can look at if potential aggressors have indicated the will to cause harm in the immediate future or whether they have caused harm in the recent past. Moreover one can look at if potential adversaries are moving their forces into a position, ready to do significant harm.39

35 Crawford, 2012, 118.
36 Hensel, 2016, 103.
37 Ibid., 104.
38 Ibid., 118.
39 Ibid., 119.
5. Methodology

Chosen method: Critical Discourse Analysis

Since the Just War Tradition is a normative theory, the literature on this topic is norm oriented. The normative framework referred to is the existing rules and norms of how states should act in traditional warfare, according to the Just War Tradition. It is normative because it is a recognised set of rules, supposed to alter nations behaviour. The normative question observed in this thesis requires a method equipped with the tools to analyse this. I will observe how the U.S. officials are trying to justify their decision to go to war on terror, by describing the process towards this decision. I will then interpret their decision process from the perspective of the Just War Tradition. Therefore, an interpretive method is applied in this thesis, a qualitative discourse analysis of relevant documents and speeches (i.e. the decision process) will be conducted.

The research strategy is qualitative with the aim to reach a deeper understanding by studying and analysing the discourse. The principles searched for in the discourse are often hidden, which is why the discourse analysis is applied to find these hidden meanings.\textsuperscript{40} The strategy is qualitative since a systematic research is conducted to clarify the structures in the process when the U.S. officials attempted to justify their actions.\textsuperscript{41} Moreover, the approach in this paper to the relation between the normative structures and research is inductive, since the empirical research is conducted with the aim to draw new conclusions.\textsuperscript{42} The aim is to look at and examine a real case and with the use of normative rules and principles, elaborate on the applicability of these rules to the decision to go to war on terror.

The concept of discourse is in several contexts defined as vague. However, what can be interpreted as underlying the word ‘discourse’ could be the general thinking that language is structured in accordance to patterns that we interpret different, according to what part of the domains of social life they take part in. Discourse analysis is therefore the analysis of these patterns. One way of defining discourse is "as a particular way of talking about and understanding the world (or an aspect of the world)".\textsuperscript{43} Discourse analysis as several other method techniques have received critical reviews and have its advantages as well as disadvantages. In this paper, the discourse analysis will

\textsuperscript{40} Esaiasson et al, 2012, 210.
\textsuperscript{41} Ibid., 211.
\textsuperscript{42} Ibid., 276.
\textsuperscript{43} Winter-Jörgensen & Phillips, 2000, 1.
be used since it is significant in the understanding of the applicability of the principles of the just war tradition. To very carefully study the US decision to wage the war on terror and look at the traditional rules for war will be helpful in reaching a conclusion and answering the posed question. Looking at documents and speeches from the time following the 9/11 attacks will be useful when analysing the applicability of the JWT. Critique that the method of discourse analysis have received consists of arguments saying that too little focus is put to the context in which the discourse is produced.\textsuperscript{44} In order to meet this critique, I will argue that the discourse will be carefully explained in its original context and can be understood from the background and theory presented in the paper.

The theorist Norman Fairclough developed a framework for critical discourse analysis, which he means is critical since it seeks to expose ‘hidden connections’ between power, language and ideology.\textsuperscript{45} In order to understand the discourse of modern warfare it is helpful to apply Fairclough’s three-stage system of critical discourse analysis. This consists firstly of description, identifying the formal properties of the text. Second, interpretation, identifying the relationship between the text and interaction. And thirdly, explanation, identifying the relationship between the interaction and the social context.\textsuperscript{46}

So, how will this framework be applied in the context of my research? When looking at the first variable; description, I will describe how the U.S. officials tried to justify their actions according to the three chosen conditions from the Just War Tradition. The actions in focus are the justification of the decision to wage war on terror alongside with the decision to invade Afghanistan. The reader will get an accurate summon of how the discourses touches upon these cases, from the view of the chosen conditions. In order to interpret the text, I will look at how their actions fits into the normative framework that I am introducing. What will be studied is how they are justifying it, and if the process creates any difficulties. The third variable, explanation, will not be included in the analysis in this study, this is further explained in the chapter about limitations.

\textsuperscript{44} Pierce, 2008, 297.
\textsuperscript{45} Pierce, 2008, 285.
\textsuperscript{46} Ibid., 286.
5.1 Limitations

The third step of Fairclough’s analysis, explanation, will not be included in my thesis due to the limited scope. I will not be concerned with further explanation of the studied framework. If the discourse have a proved effect on behaviour and if this was turned into action during the invasion of Afghanistan, will not be further discussed here. The given word limit and resulting small scope of this paper does not allow a continued discussion in this direction. However, this is a question I will leave open for further research. I am further restricted in this study to secondary sources. In order to directly assess the strategic thinking behind the decisions in focus, interviews would have been a more suitable method to use. However, conducting these interviews with relevant individuals would have been too complicated. Moreover, since the aim of this thesis to study the U.S. justification of waging the war on terror, the literature used in this thesis should be sufficient.

Another limitation in this paper, worth to mention, is that a discussion regarding the nature of the U.S. response to 9/11 regarding if it is preemptive or preventive, will not be conducted. This would have been an interesting and relevant discussion to bring into this study. However, with regard to the limited scope and the complexity of that discussion, it cannot be done. I chose to follow the U.S. Security Strategy, stating that their strategy is of preemptive action. This resulted in that I could apply the conditions for a justified preemptive attack, as the basis of my study. This decision resulted in the exclusion of some of the principles in the Jus ad Bellum. However, this decision was necessary in order to narrow down the scope of the study.

5.2 Implementation of method

I will conduct a brief read-through of the chosen relevant documents connected to the studied case in order to get an overview of the information. Then, I will make a more thoroughly reading of the material in order to highlight important sections and see what goes into the operationalised definitions of what I am measuring in my analysis. Then I will discuss their connection with the normative framework of the JWT, and whether it can say anything about their behaviour, or even be used in cases with modern warfare, and terrorism. Or will our original assumptions based on the normative arguments of how states act be proved to not be applicable.

First, the conception of the "self" will be presented according to the material chosen for the analysis. How the "self" of the US is defined and used in the context of going to self defence
against the terrorists and wage a war on terror. Then the second principle regarding strong evidence that war is likely in the near future will be analysed. Their conception of how important the use of strong evidence is, alongside with their conception and proof of a continuous threat will be searched for. I will study this by looking at their reasons for going to war, and regarding what evidence they imply is necessary. Finally, the principle of that the use of military force is required to be highly necessary will be discussed. What will be searched for here is what other means were considered and which priority different solutions were given.

5.3 Operationalisation

There are a certain number of concepts that will be the main focus in this discourse analysis. Therefore it will be useful to define and operationalise these concepts in order to make them measurable. The empirical indications needed to be clarified in this analysis are the following concepts;

To begin with, the scope of the the U.S. assessment of the self in the context of defending the self from terrorism needs a clarification. The definition of the self in this thesis is going to be left quite open ended and loose. This is because the way the U.S. defines their self is important in the interpretation of their justification of the war on terror. To be able to capture the complete picture of their conception of the self it needs to be widely defined. Therefore I will let the definition of the self not only include the mere existence and survival of the self, but also freedom, economic interests, democracy, human rights and the right to a free and prosperous life.

Moreover, another variable used in the analysis is the one regarding strong evidence and intelligence. This operationalisation is in itself more factual. It this case though, there is still room for interpretation regarding what can be perceived as good and strong evidence and what cannot. In this thesis, I will define strong evidence as the definitive proof that an potential aggressor has both intention and capability to to harm in the immediate future, since capability in itself in not justification enough.

Finally, I will give a description of how terrorism is looked upon in my analysis. Terrorism in this thesis will be defined as acts of violence, different from acts of war. Since it does not consist of actions between states, the violence is directed to innocent civilians with the aim to terrorise them. It is the difference between terrorism and traditional warfare that makes it interesting to apply the
existing rules regarding warfare and study how this application can be performed and how it fits into the framework of terrorism.

5.4 Material

The work of finding relevant material on this topic in order to answer the research question has proved to be time consuming. Since there are a wide range of different material on this subject, finding good, useful and trustworthy material has been complicated. The sources I have used are books, found online through the tools given by the university and from libraries in Uppsala as well as the Anna Lindh library in Stockholm. Peer reviewed scientific articles have also been used when searching for earlier theories and research. In the analysis, I have used a limited number of texts to analyse the case with regard to the given word limit and the resulting relatively small scope of the thesis. The thesis will show a fragment of the American assessment of the declaration of war and the operation in Afghanistan. And with this as a base, a discussion on the applicability of some parts of the Just War Tradition will be conducted. A selection was made, based mostly on relevance, and the fact that the scope need to be kept small due to the given world limit.

5.5 Presentation of material

The speeches

In order to answer the research question, four speeches conducted by President Bush on the subject of the 9/11 attacks were chosen to analyse. These speeches was chosen because they give a direct view of the U.S. conception of the attacks. And in order to study the chosen criteria, these speeches give a broad picture and room to interpret each of these criteria in a satisfactory manner. They are direct from the President, reflecting the views of the U.S. administration, meaning they are trustworthy sources when looking at the U.S.’s conception of the situation. I am aware of that the sources are not direct transcripts of the speeches, however the sources are valued as trustworthy and are therefore used. I have focused on choosing material from close to the 9/11 attacks in order to get the full American reaction and conception and an overview of the situation in focus. The speech held by Bush on the evening of the day the 9/11 attacks occurred can be looked upon as the first official national reaction to the attacks. The first speech is Bush’s address on Tuesday night, September 11, 2001, the same day as the terrorist attacks were conducted. The next speech is from September 21, 2001, which is Bush’s address to a joint session of Congress and the American people. It was a special report on the topic of terrorism in the US. The third speech is Bush’s speech
on March 11, 2002, a speech held six months after the terrorist attacks. He gave his remarks on the topic to a gathering of dignitaries on the south lawn of the White House. The fourth speech is from September 12, 2001.

To mention the context surrounding the speeches, they are all formal, prepared by speech-writers and honed to perfection by rehearsals. Some of the speeches are made to the Members of Congress directly, and indirectly to the citizens of the U.S. via the news media. The speeches will all probably be carefully considered by U.S. allies, supporters, critics and enemies. When conducting the speeches they are all unchallenged by opposition, only interrupted by applause, triggered by pauses in the Presidents delivery.47

**The Quadrennial Defence Review Report**

In combination, the Quadrennial defence review report will also be carefully considered in the analysis. This report is an official source where all my criteria can be analysed from a more official and though through perspective. This report was conducted in close connection to the 9/11 attacks which is why I find it very useful. About the Quadrennial Defense Review Report, from September 30, 2001. Conducted by the Department of Defense, United States of America. The report is a research and study by the United States Department of Defense, which analyses potential military threats and strategic objectives. The report describes the Unites States military doctrine and is the main public document in this area.48

**The document of Authorization for use of Military Force Against Terrorists**

Finally the document of Authorization of the use of United States Armed Forces against those responsible for the 9/11 attacks, will be analysed. In order to get more analytical material on the third analysis principle, regarding the use of military force. This public law, 107-40 [S.J.RES.23], was passed by the United States Congress, considered and passed to the Senate and House on September 14, 2001. The AUMF was signed by George W. Bush on September 18, 2001. The law authorizes U.S. armed forces to use military force against all persons in connection to the terrorist attacks that occurred on September 11, 2001.49

47 Pierce, 2008, 297.
6. Results and Description

The Analysis is divided up in a way that presents the three criteria and the relevant remarks that each discourse makes regarding them. Followed by a general discussion to put the results into the context of how the Just War Tradition can be applied. I am going to present the three criteria in the following order, first the scope of the self, then move over to strong evidence/intelligence and finally the use of military force, and bring up relevant information brought up in the discourses.

6.1 The scope of the self

The speech held by President Bush on the evening of September 11, 2001 can be looked upon as the first reaction and description of the possible way ahead after the attacks. In the speech, the President condemned the attacks and talked about why America was their target, because "we’re the brightest beacon for freedom and opportunity in the world".50

In all of the speeches which have been examined in this analysis, President Bush is using a wide definition of the self of America in the context of what to defend from terrorism, and what was under attack in the 9/11 strikes. Values like freedom and democracy are included in the scope of the self.51 "They hate what we see right here in this chamber - a democratically elected government. Their leaders are self-appointed. They hate our freedoms - our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other."52

He also broadens the conception of the threat, which is described as a threat against all forms of civilization in the world, pluralism, tolerance and freedom. Here he steps away from the conception of the self of the United States and brings in all parts of the civilised world. "This is the world’s fight. This is civilization’s fight. This is the fight of all who believe in progress and pluralism, tolerance and freedom"53 The Quadrennial defence report also widens the scope of what needs to be protected when involving friends and allies. It does this by picturing the threat as a

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52 Ibid.
53 Ibid.
problem and danger to all parts of the world. The threat is pictured as a problem and danger to all parts of the world.54

Moreover, already the day after the attacks, Bush called the terrorist strikes acts of war. Bringing in the rules of war, and the right to use self-defence. "The deliberate and deadly attacks which were carried out yesterday against our country were more than acts of terror. They were acts of war."55 Which is also highlighted in the Quadrennial defence report,"It is a war against America and America’s way of life. It is a war against all that America holds dear. It is a war against freedom itself."56 Changing the attacks from single events to acts of war is strategic since it brings in several means allowed to use for the U.S. military. Moreover, the Quadrennial defence report opens with the 9/11 attacks, and the fact that, in these attacks, people did not die as combatants, but as innocent victims. It was not a traditional kind of war, it was "the brutal faceless weapons of terror".57 A continuous pattern through the discourses is how the terrorist are portrayed as the worst enemies, with a lot of effort put into the chosen words used to describe them, being the worst possible in every aspect.

The report mentions that America’s military defence must protect their way of life, yet again, stepping away from the narrow description of the self. A narrow definition of the self would be the existence of the nation, simply staying alive. But here, the report enters areas where the self is described as their way of life, including vastly more things than the mere existence of the nation. It is also brought up in the report that the U.S. military is working towards the achievement of certain goals. These goals are not found in the arena of defending the nation. These goals consists of developing America’s political, diplomatic, and economic leadership which in itself contributes to global peace, freedom and prosperity according to the defence report. And it is directly stated that the U.S. military strength is essential in the process of achieving these goals.58

54 Department of Defense, 2001, 1.
56 Department of Defense, 2001, foreword, III.
57 Department of Defense, 2001, Foreword III.
58 Ibid., 1.
The defence report continues with bringing up a list of what the development of the defence posture should take into account when ensuring U.S. security and freedom of action. This list is of a broad nature as it extends further than defending the nation. This lists includes, U.S.’s sovereignty, territorial integrity, and freedom alongside with safety for U.S. citizens at home and abroad. Protection of critical U.S. infrastructure as well as the honouring of international commitments such as security and well-being of allies and friends. Moreover, to avert hostile domination of critical areas, and the contribution to economic well-being, including vitality and productivity of the global economy, security of international sea, air, and space, and information lines of communication.\textsuperscript{59}

\textbf{6.2 Strong Evidence}

What follows is a description of how the principle of strong evidence and intelligence is regarded upon in the discourses. In the Speech held September 11, Bush says that a search for the ones responsible for the attacks have started and full resources are used in the operation of finding them. He continues with clearly stating that they will make no distinction between the terrorists and those who harbour them.\textsuperscript{60} This could be a problem since, when the lines between the nations and the terrorists are blurred, several important differences are looked away from.

After 9/11 the U.S. had a strong non-negotiation approach to the Taliban in Afghanistan. They had decided on a non-negotiable strategy and did not falter. The Taliban refused to give information on Bin Laden without sufficient evidence. The U.S. did not take the Taliban’s requirement into consideration and refused to hand over any kinds of evidence.

"Deliver to United States authorities all the leaders of al Qaeda who hide in your land. (…) Close immediately and permanently every terrorist training camp in Afghanistan, and hand over every terrorist, and every person in their support structure, to appropriate authorities. Give the Unites States full access to terrorist training camps, so we can make sure they are no longer operating. These demands are not open to negotiation or discussion. The Taliban must act, and act immediately. They will hand over the terrorists, or they will share in their fate."\textsuperscript{61}

\textsuperscript{59} Ibid., 2.
\textsuperscript{60} CNN, Speech, September 11, 2001.
The new defence strategy has been shifted to a capabilities-based approach of defence. This is a concept that relies on the fact that the U.S. cannot be sure of what nation, non-state actor or combination of states will pose a threat to U.S. interests or U.S. allies and friends. However, it is possible to anticipate the capabilities that an enemy might use to coerce others. This capabilities based model focuses on how an adversary could fight, rather in who will fight and where. This is a view that broadens the strategic perspective of the U.S. military, making their scope of reaching possible adversaries even wider. This shift broadens the scope of who can be a threat against the U.S.

In the speech from September 21, it is stated several times that the terrorist are to be found, and attacked, before they strike. Their new capabilities-based approach is clear, they want to enlarge the law enforcement and add the tools needed to find terrorists. The plan is to develop their intelligence capabilities in order to find terrorists before they strike by using intelligence to anticipate their plans before they act. The importance of intelligence is also stated in the defence report. "Improving intelligence capabilities is particularly important, as these assets provide U.S. forces with critical information on adversaries’ intentions, plans, strengths, and weaknesses.”

However, in several parts of the defence report, it is indicated that the U.S. is not sure of what the future will hold. "Although U.S. military forces enjoy superiority in many dimensions of armed conflict, the United States is likely to be challenged by adversaries who possess a wide range of capabilities, including asymmetric approaches to warfare, particularly weapons of mass destruction." As showed in this quote, they use phrases like 'is likely to be challenged' which indicates their uncertainty of the situation and the shape of future possible threats.

### 6.3 Military use of force

What follows is a description of what the studied material provides regarding the criteria of the use of military force. In one of the speeches, president Bush aggressively says that their anger has turned to resolution. "Our grief has turned to anger, and anger to resolution. Whether we bring our

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64 Department of Defense, 2001, 12.

65 Ibid., 3.
enemies to justice, or bring justice to our enemies, justice will be done”\textsuperscript{66}. Anger often leads to fast decisions, not based on anything but pure anger, which is why this formulation is brought up.

Moreover, Several means to tackle terrorism are discussed, showing their willingness to use other means besides war. However, they were quick to decide that every necessary weapon of war was going to be used. In the speech from September 21, 2001, it is explained that they will use every resource possible, involving the use of diplomacy, every single tool of intelligence, law enforcement, financial influence and also, every necessary weapon of war, in the battle of defeating the global terror network\textsuperscript{67}. Presenting a wide range of resources to put into action.

A careful assessment of what means will be necessary to use against the terrorists is given. Showing the offensive approach chosen by the U.S. This is a very direct message being sent, aggressive means will be used, while looking away from additional different solutions and means to tackle this problem.

"Our response involves far more than instant retaliation and isolated strikes. Americans should not expect one battle, but a lengthy campaign, unlike any other we have ever seen. It may include dramatic strikes, visible on TV, and covert operations, secret even in success. We will starve terrorists of funding, turn them one against another, drive them from place to place, until there is no refuge or no nest. And we will pursue nations that provide aid or safe haven to terrorism. Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists."\textsuperscript{68}

This section sends a direct message about the U.S. conception of the situation. Their conceptions is that aggressive means are necessary to use in the expected long and violent combat of terrorism.

The joint resolution on the authorization of the use of United States Armed Forces against the ones responsible for the 9/11 attacks talks about their right to use self-defence, since terrorism continues to pose an extraordinary threat. The reasons why the implementation of the use of force is called upon are quite a few. It describes the acts of extraordinary violence against the U.S. which results in


\textsuperscript{67} Ibid.

the necessary and appropriate use of self-defence. The evident threat to national security along with the continuing extraordinary and unusual threat posed by the terrorists. Is argued to invoke the rights which, according to the Constitution, is to prevent and deter acts of international terrorism.69

Through the authorisation report the U.S. have a broad conception of what is permitted to do in this unique situation. It is all evolved around the President’s conception of, who he determines is responsible.

 ”The President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determined planned, authorised, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harboured such organizations or persons, in order to prevent ant future acts of international terrorism against the United States by such persons."70

6.4 Summon of the description

By studying the lifted material, I conclude that all three conditions are applied in different manners when justifying their decision to go to war on terror. An evident pattern is that the use of the self of the United States and its scope is defined very broadly throughout the discourses. This is proved by the broad concept of the self, including freedom, prosperity, pluralism, a civilised world, friends and allies. Regarding their attitude to the use of strong evidence and intelligence, differentiating views can be interpreted from the texts. Several paragraphs determines the importance of intelligence, by describing a plan to develop these for further use in the war on terrorism. At the same time, other parts indicates that a small amount of evidence regarding an adversaries capabilities is enough proof to wage an attack. The authorization for the use of military force, can be argued to be just in the aftermath of the severe aggression committed towards the U.S on 9/11. The problem however, is whether the continuous threat are sufficient enough to invoke the use of military force. They bring up other possible measures to use in this battle but they start with and always come back to the necessity of the use of military force.


7. Analysis

In this section I will interpret how the decision to go to war on terror was justified by the U.S. on the basis of the three conditions. The third step of Fairclough’s analysis, explanation, will not be included in my study. The given word limit and thus limited scope of this paper does not allow a continued discussion in this direction.

7.1 General applicability of Just War Tradition to war against terror

One can argue that the rules from the Just War Tradition did influence the U.S. justification to wage war on terror and subsequently invade Afghanistan. Since the U.S. are trying to justify their actions in accordance with these rules, the prerequisites for interpretive work are good. When trying to justify this war, the U.S. actively chose to do it through application of the justifying criteria from the Just War Tradition. They could have chosen a whole other path by ignoring these rules and waging the war without any effort to justify it. The general applicability of this framework can be argued to be bended and used in a desired way to support specific actions and intentions. It can influence behaviour since it has a recognised place in the normative framework of warfare.

The scope of the self

Regarding the scope of the self, what justifies the use of self-defence in war on terror is the direct aggression conducted by the terrorists. The acts of terror directed toward territories and innocent civilians are unquestionably wrong. Fear of future attacks can be argued to be a sufficient threat and a credible fear thus justifying the use of self-defence. It is the aggressive intent together with the knowledge that the terrorists have capacity and a plan to do immediate harm that can trigger a justified preemptive attack. However a problem arises when the scope of the self becomes too wide. The self-defence principle is invoked in this decision, due to the nature of terrorism. Since the terrorists are dangerous enemies with an asymmetric approach to warfare, and so the self-defence principle is necessary to apply in order to conduct preemptive attacks to ensure security. Meaning, that there exist a right for the U.S. to protect their way of life and values like democracy, from aggression.
**Strong evidence**

The case of terrorism is that future attacks appear in the shape of low-probability/high-impact threats, where smaller amounts of evidence of a high impact threat can be enough to justify an attack. One way to justify a preemptive attack as an answer to terrorism is to argue that it is the responsibility of the adversaries, to prove that their actions do not pose a threat. The original problem of terrorism in the context of the application of just war tradition is that a possible war would not be between two states. This is why the rules of war are not the evident framework to assess terrorism from. But since war on terrorism has been waged, the rules of the past war tradition have to be applied, since other options are not available. The principle of strong evidence is applied to wars on terrorism by pointing to evidence that a high impact threat exists. This principle is therefore used to identify potential dangers of terrorism and subsequently justify a preemptive attack.

**Use of Force**

Regarding the use of force as a last resort, what is evident is that terrorism has a direct intent to inflict terror in a population through violence. Moreover, the amount of time and effort put into conducting attacks all over the world demand a high degree of preparation and motivation. The use of force is supposed to be invoked when no other measures are likely to work. The use of force is supposed to ensure safety along with protecting the way of life, freedom, prosperity, economic well-being and several other values. The scope of the threat posed by terrorists against all of these values, can be treated as a ground for justification of the use of force. All resources and means possible are thus necessary in the war on terror. However, since terrorism is a global network, operating in different places and also attacking places all over the world, the nature of their violence is asymmetric. The justification is necessary in this context in order to directly attack the terrorists where they reside. To target their training camps and headquarters with military means can be argued to be the only way forward. As the battlefield is different in war on terror compared to traditional warfare, it is important to battle the terrorists asymmetric violence, by bringing the combat to them.
7.2 How to apply the conditions and the implications

Scope of the self

To approach the discussion of how to apply these criteria, I will argue that a problem with the application of the normative framework of the just war tradition arises along with the broad scope of the conception of the self. If the conception of the self is not narrowly defined, the rule of self-defence becomes problematic. In this way, it is a restricted principle. A justified preemption cannot be waged to protect anything other than the existence and survival of the nation, which is the narrow definition of the self. If this principle is used in a wider sense to ensure values like safety of economic well-being and gaining of useful assets, its legitimacy is weakened. One could in that case invoke the self defence argument and justify a preemptive attack when something slows down the economic development of the country. This cannot be accepted. The analysed material shows the evident pattern regarding the size of the scope of the American self, which in every aspect is broadly defined as it brings in everything from freedom, democracy to economic well-being and access to strategic resources. This is the main problem when assessing the basis of the U.S. justification of the war on terror.

However, the fact that terrorism can strike anyone, at any time, anywhere, may enlarge the supposed conception of the self to be defended in the war on terror. The non-combatants are forced to be part of the violence, and the terrorist aims at structural changes of the society and its basic values. They are not only attacking due to territorial boundaries. They are attacking with the aim to change the people’s right to freedom, to democracy, to basic human rights and to other important values. It may therefore be rightful to argue that the self in self defence in the context of terrorism is allowed to be broader. It may also be contended as a reason as to why the traditional framework of just war is not updated to be applicable to modern warfare. Since it aims at changing important values and the targeting of innocent people in a community is a broad threat, difficult to be protected from. This is what may have to be changed and revalued in a new set of principles regarding terrorism. To permit the scope of the self to be wider, since the self to be defended becomes bigger.
In addition, the U.S. also broadens the scope of the threat in the context of terrorism. The threat is pictured as a problem and a danger to all parts of the world. This in itself can be argued to undermine the self-defence argument. If the war can be waged on the grounds of self defence, why then would the rest of the world take part in the war? Is it toward the goal to defend themselves, or to help defend the U.S.? One can of course see the terrorist threat as a global problem, but then the criteria of self defence might be the wrong principle to apply. This problem arises along with the difficulties of defining terrorism. Who can be looked upon as an enemy is not defined clear enough. The wide definition of the threat of terrorism together with the blurred difference between terrorists and the rough states poses a problem. This is due to the growing group of possible enemies in the context of terrorism. If the perception of the enemy is allowed to grow in the same manner as the scope of the self, the difference between enemy and friend will eventually be blurred. It could in this case be argued that as soon as another nation, organisation or individual poses a threat or danger to the economical or cultural well-being, they can be looked upon as enemies, and an attempt to justify an attack against them can be conducted.

**Strong evidence**

How the criteria of strong evidence and intelligence was approached in the material is interesting. A lot have been written about developing the U.S. intelligence capabilities, which is good. However, what the documents show is that they seem to not use verified evidence, when deciding on waging a war on terror. And that strong evidence is no matter of importance, implying that their desire of finding evidence of who the enemy is has been weakened in their approach to terrorism. With the use of words and phrases like ’it is likely’, ’perhaps’, and the president’s ‘perception’. The formulation indicates and clearly describes their uncertainty and their application of non-verified intelligence. It seems like a more profound base of evidence would have been useful and necessary to fully support their decision in the context of the Just War Tradition.

Regarding strong evidence, a few sentences in the analysed material do imply that the U.S. has an aim to develop their intelligence capabilities, implying that importance is put into this criteria. They want to be able to provide the defence forces with correct information about terrorists whereabouts, capabilities and plans. In this point they follow the requirement of strong evidence. However, their capabilities based approach argues that it is enough to find evidence of the capabilities of an adversary to justify an attack, which is not in accordance with this principle.
Military force

In regards to the use of military force, the principle is applied by bringing up discussions about all the resources, other than military force, which will be used in the war on terror. The use of military force as a last resort, appears in the discussions about the use of diplomacy, economic resources and the development of intelligence capabilities. However, the focus always returns to the necessary use of force when fighting terrorism. And nowhere is it written that they are going to use the force as some kind of last resort. One important comment that can be made regarding this is whether waiting with the use of force, and applying other resources towards the terrorists instead, will enlarge the current and future risk. Is the threat so immediate that there is no time for other measures? This question is not answered in the analysed material, instead they are arguing that the use of force is necessary in order to get to the ones responsible for the attacks. The U.S. do not try to put it in a way that implies that they would try other means first. This, in the speeches, could be due to the fact that they are directed to the citizens of the United States as well as their enemies. They know that the information is going to reach out to a big and global audience. Which results in taking a hard and offensive approach to the war.

Furthermore, it is clearly stated that a lengthy campaign consisting of dramatic strikes is to be expected. One does not get the impression that they discussed other possible means before deciding on the use of force. In order to look at it from another perspective, the response could also have been a hidden connection regarding the aspect of time. The harsh and surprising nature of the attacks required an immediate response. This meant that a time issue existed. An urgency for the U.S. to show their citizens and the rest of the world their capabilities to respond and show strength thus it might not have been an absence of other options, but absence of time for other options. The principle of military force as last resort was therefore justified by implying that other means was going to be used as well. However an implication with this view is that it was not the content of the principle that altered their behaviour. It was the hidden connection to the time aspect, which can be a problem when applying this condition.

The situation that the preemptive attacks are directed against low-probability/high-impact threats makes the situation difficult. The low probability is not in accordance with the principle of evidence that the attack will occur in the direct, immediate future. However the high impact does in itself in one way justify a preemptive attack. Since the self-defence is allowed to be invoked as an answer to aggression directed to a nation and its population. This question subsequently needs to be separated
into two parts. Showing the need for a developed framework in which one can look at and assess this new security environment with the overhanging but quite small risk for serious terrorist strikes against innocent people. I come back to the fact that fear of a future attack is not enough to justify preemption. Showing yet again, the need to evaluate these conditions in the context of the JWT.
8. Conclusion

In this thesis I have elaborated on the applicability of parts of the Just War Tradition to the U.S. justification of their decision to wage war on terror. This study suggests that the U.S. justification was built upon their knowledge and use of these principles of the JWT. The findings show that the conditions of a justified preemptive attack can be applied to the U.S. justification to declare war on terror. The studied material shows that the conditions were applied by active consideration and discussion on how their response could be formed according to these conditions. However, according to the analysis of the chosen discourse, when applying the three criteria measured, some important questions and implications arise. Creating a fine balance between just and unjust actions.

The main problem is that the scope of the self is too broad, which undermines the legitimacy of the self-defence used to justify preemptive attacks. When using the self-defence as the point of departure, it is not supposed to consist of anything other than the narrow concepts of existence and survival. Moreover, the principle of strong evidence can be argued for in both ways. However, the aggression committed on 9/11 can be sufficient for a justified preemptive attack to stop further violence. But implications can occur when the importance of defining the enemies and backing up their decision with strong evidence, becomes too weak. The principle that the use of force must be highly necessary, is argued to be fulfilled due to the continuous threat of terror, however this principle is not taken into consideration at all levels.

What can be concluded is that the conditions can, with some difficulties be applicable and argued to have altered the behaviour. The normative basis in these criteria have good grounds, however they are left open ended and the room for interpretation of the criteria is considerable. The analysis in this thesis shows the possible applicability of the framework of Just War Tradition. However, the several existing implications described indicates that there is a need for a more structured framework in which terrorism can be analysed. Requiring more precisely defined components, in the assessment of what actions can be justified.
8.1 Suggestion for further studies

With the results from my analysis, I have created a basis which can be used in further studies with a wider scope. Further research examining the invasion of Afghanistan, and if the JWT influenced their actions and decisions can be conducted with the basis of the presented conditions. However the scope of this thesis does not allow, further discussions on this topic.

Another interesting study would be to continue working with the presented conditions. To study their applicability to terrorism and the existing difficulties in order to elaborate on how these conditions can be used in the forming of a changed framework used in the context of terrorism.
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