The War on Terror: Tensions in The Social Contract Post-September 11

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“Wherefore, security being the true design and end of government, it unanswerably follows that whatever form thereof appears most likely to us, with the least expense and greatest benefit, is preferable to all others.”

Thomas Paine, *Common Sense* ¹

CHAPTER ONE: INTRODUCTION

On April 23, 1995, President William Jefferson Clinton gave a brief address to discuss the Oklahoma City Bombing that had occurred four days earlier. Never overtly describing the act as terrorism, Clinton referred to it as a “crime,” an “evil,” and a “terrible sin.” He explained that America’s duty was to “purge ourselves of the dark forces which gave rise to this evil. They are forces that threaten our common peace, our freedom, our way of life . . . Those who trouble their own house will inherit the wind. Justice will prevail.” He encouraged Americans to “stand up against the forces of fear. When there is talk of hatred, let us stand up and talk against it. When there is talk of violence, let us stand up and talk against it. In the face of death, let us honor life.” Perhaps the most poignant moment of the speech was a quotation Clinton gave from a widow of the terrorist attack on Pan Am flight 103: “The anger you feel is valid, but you must not allow yourselves to be consumed by it. The hurt you feel must not be allowed to turn into hate, but instead into the search for justice.” Clearly, Clinton’s goal was to calm Americans’ grief, unify them behind common values, rebuild and move on. Though he did speak of justice, his message was one of healing and sorrow rather than anger and action.

Six years later, on September 14, 2001, President George W. Bush addressed the American public regarding the events of 9/11. In a nationally-televised speech, he explained, “On Tuesday, our nation was attacked with deliberate and massive cruelty.” After describing the death and destruction of the attack, Bush decried, “Our responsibility
to history is already clear: to answer these attacks and rid the world of evil. War has been waged against us by stealth and deceit and murder. This nation is peaceful, but fierce when stirred to anger.”ii Six days later, in a joint session of congress, President Bush outlined his approach against “enemies of freedom.” Coining his set of anti-terrorism policies “our war on terror,” Bush explained that America would begin by destroying al Qaeda, but the struggle would “not end until every terrorist group of global reach has been found, stopped and defeated.”iii

Granted, Oklahoma City and September 11 were very different events. A small fringe group of domestic radical Americans carried out the Oklahoma City Bombing, while an international terrorist network orchestrated September 11. Clearly, Osama bin Laden was a larger threat to future security than Timothy McVeigh, and twenty times as many people died on September 11. But despite these differences, enough similarities exist between the two events to make a comparison useful: in 1995, Oklahoma City was the largest terrorist attack ever to take place on American soil; and like 9/11, it was a catastrophic and unimaginable event that sent ripples of fear and anger throughout the United States. Still, each terrorist attack resulted in markedly different reactions and rhetoric by American leaders. While Clinton sought to calm anger, Bush channeled it into a call to arms. While Clinton advocated peace and progress, Bush responded to an act of war. While Clinton described the event and attackers in nuance, Bush invoked graphic imagery and a well-defined enemy.

This contrast of styles and rhetoric demonstrates different approaches that different leaders can take to similar circumstances. Today America is at war, but it does not have to be. George Bush chose to describe the world as a state of war to explain
reality as he saw it. The “War on Terror” is not an absolute reality. The “War on Terror” is rhetoric, perception, and worldview spun into the fabric of reality. President Bush’s “War on Terror” approach was not necessarily a bad choice, but it was a choice.

September 11 brought the threat of terrorism to the forefront of American and international dialogue. The Bush Administration responded to the threat by developing the “War on Terror” rhetoric and policies that they believed would make America safer. They created the Department of Homeland Security; they expanded intelligence-gathering capacities at the Department of Justice; they arrested and detained ‘enemy combatants’ and illegal immigrants suspect of terrorist activities; and they led two military actions to topple oppressive regimes in the Middle East. Civil liberties groups allege that the Bush Administration has overstepped its bounds and unnecessarily curbs sacred liberties that governments are created to protect. The Bush Administration counters that in defense of national security, the liberties of some must be sacrificed for the good of the whole.

Both sides claim to be in the right, and both—through polarizing rhetoric and unwavering ideology—talk past each other. Although American history, tradition, and constitutional law have established that the government should engage in a balance between civil liberties and national security, it is no easy task to decipher what that balance should be. After all, even the terms ‘liberty’ and ‘security’ are not easily defined. Perhaps the way to strike a balance between liberty and security in the context of a post-9/11 world is to analyze the theories from which the modern understanding of the terms originated. The choice that George Bush makes to paint the world as a state of war is based on his perceptions and assumptions about human nature and political society. And
the choice that civil liberties groups make to criticize the president’s rhetoric and policies is based on their perceptions and assumptions as well. These fundamental beliefs can be unpacked and derived from the early political theory on which modern American politics are based. Whether the actors realize it or not, they invoke basic concepts of political philosophy, specifically the ideas of Thomas Hobbes and Jean-Jacques Rousseau.

Hobbes and Rousseau wrote in very different time periods: Hobbes during the English Civil War, and Rousseau during the height of eighteenth century French aristocracy. Each theorist claimed that the ultimate goal of government is protection, with Rousseau inserting the additional principle of freedom. And both Hobbes and Rousseau derived these ends from human flaws in the state of nature. But each man conceived of a different state of nature, and by extension their notions of beginnings of government and its role in everyday life are at odds. Thus, although Hobbes and Rousseau both believed that government is meant to protect the populace, they perceived different types of security and liberty.

Hobbesian theory is a philosophy of fear. According to Hobbes, the state of nature is a state of war. The most important concern for man is self-preservation, which is no easy task when each man has the ability to kill every other man. Though the mutual threat between men enables a sort of natural equality, it also creates an atmosphere of deep-seeded distrust. Hobbes concludes that the life of man is “solitary, poor, nasty, brutish, and short.” As a result of the chaos and terror that endures in the state of nature, men enter into a social contract with each other, thus forming government.

The role of government, then, is to protect the lives and security of its subjects. By consenting to live under the rule of government, men agree not to resist their
sovereign’s authority. This theoretical sovereign, whom Hobbes deems Leviathan, has absolute police power over his subjects. He keeps order by encouraging his subjects to fear his punishment. Although Hobbes acknowledges that individual men still retain the right to preserve themselves—even in defiance of Leviathan—the sovereign’s rule is the law, and those who fail to enter into the social contract exist in an outside state of war and are inherent threats to order and security.

While Hobbes believes the absolute ends of government is security against the vile and brutish nature of man, Rousseau takes a more optimistic approach to the same concern over the role of government. If Hobbes’s theory is a philosophy of fear, then Rousseau’s is a philosophy of freedom. Rousseau depicts a state of nature in which men live together amicably. All men are equal, too dumb and indifferent to spar with each other. They are neither good nor evil, but live in an animal-like state, only concerned with day-to-day existence. He believes, unlike Hobbes, that men share a natural impulse of pity: a natural repulsion to the suffering of fellow man. This keeps the state of nature from lapsing into Hobbesian state of war.

But Rousseau’s state of nature is not perfect. Man’s progress causes him to claim plots of land as his own and engage in agriculture. Ownership erodes men’s natural equality, and differing degrees of wealth lead to inequality between them. Ownership leads to ambition, which causes rivalry and competition. The result is a Hobbesian state of war. Eventually, according to Rousseau, the rich seek to protect their assets by codifying inequality in the name of government. Civil right replaces natural right. The poor consent to the body politic because they hope for protection and security. While this might appear to be a contradiction, Rousseau actually illuminates two different
motivations for creating government: the rich consent to protect their assets, and the poor consent to protect their liberty. Men agree to this dual-role government by forming what Rousseau labels the “social contract.”

The social contract is an agreement in which man forsakes his license to do as he pleases in nature to join a body politic that protects his liberty. Thus, despite inherent inequalities, the main goal of Rousseauian government is the protection of liberty. He blends the ideals of the Enlightenment and Romantic Period to develop a theoretical society—modeled after Geneva and ancient city-states like Sparta—that celebrates the simple nature of man, human equality, and the potential for progress without the problematic side effects of modernity. His ideal government codifies protection of the sacred ideals of liberty and equality, and asserts that any government which fails to meet these standards is illegitimate.

Thus, while Hobbes claims the ultimate goal of government is protection, Rousseau plays down the threat from fellow man in exchange for an emphasis on liberty. President Bush and civil liberties groups parallel this argument: Bush sees the outside world as a threat, while his opponents believe the largest threat is Bush’s corrosion of liberty. Thus, just as Hobbes and Rousseau’s diverse judgments, worldviews, and priorities lead the theorists to speak past each other, their modern, post-9/11 counterparts do the same. In this sense, a compromise theory that emphasizes both security and liberty should be allocated to implement a new worldview: one which blends and tempers the values that Hobbesian and Rousseauian ideologies cannot seem to meet on. This middle way can be found in the last of the major social contract theorists: John Locke.
Like Hobbes, Locke lived and wrote during the English Civil War. He also speaks in a language of security and describes consent to government as a means of dealing with the flaws of human nature. But like Rousseau, Locke emphasizes that all men are created equal and enjoy their liberties in a relatively benign state of nature. He explains that only two laws apply to pre-political man: all men must preserve themselves, and they must also preserve mankind. Thus, according to Locke, men protect each other unless such actions will obstruct their own preservation. When man only concerns himself with his own preservation rather than that of mankind, the state of nature devolves into a state of war.

Civil society and government exist as a means to protect people’s property. According to Locke, all a man owns is his self and his labor. When he mixes his labor with nature, he adds value to the nature and the result is property, which he owns as well. To protect property—which Locke defines as “life, liberty, and estates”—men consent to be governed. Government protects men’s natural liberties from outsiders, as well as from each other. The government’s power is not arbitrary, but subject to checks and balances, and relies on consent of the majority of the people. If the government fails to protect the people’s liberty, they have a right to dissolve their compact with it, rebel, and institute a new government that achieves the goal of liberty.

There are a number of similarities between the theories of Hobbes and Locke. Both philosophers agree that the state of war exists in the state of nature; it takes place outside the realm of government protection. They also agree that the right of self-preservation is a basic, natural principle. However, unlike Hobbes, Locke does not believe the state of nature is always a state of war. He does not see each man as a threat
to all other men, but rather—as Rousseau claims—that government and civil society’s purpose is to be a means of cooperation, protection, and prosperity. Locke also believes that absolute rule (a.k.a. Leviathan) defeats the purpose of government because it revokes people’s liberties and consent to be governed. But he still admits that some liberty must be sacrificed in the action of consenting to political society. Specifically, man gives up his right to be his own judge so one common judge can execute laws equally among all men.

While Hobbes and Rousseau depict incompatible government goals and balances between security and liberty based on their perceptions of human nature, Locke finds a middle road. Hobbes portrays man as a violent being, motivated by passion; Rousseau claims that man’s empathy keeps him from becoming the violent Hobbesian man; but Locke sees him as more objective, acting on reason. Each theorist captures useful insights into human nature, as man acts on passion, empathy and reason, but their theories hold different degrees of relevance depending on their given context. In times of peace, the US government tends to rely on Rousseau and Locke, protecting civil liberties and following the direct link to their theories through America’s Founders and early political thought. But in moments of danger, America often reverts to a Hobbesian political logic as it perceives a threat and security rises to a more prominent priority.

This brings the discussion to the world post-September 11. The events of 9/11 prove that the threat of terrorism is real. And since the threat consists of an unknown and relatively untraceable population of civilians-turned-combatants, it is understandable that many Americans perceive a Hobbesian state of war. One suicide bomber, or one terrorist with a suitcase, has leverage over the life of every American. And given the stealth
nature of terrorist networks, there is no telling who is a threat to our preservation. Thus, it is no surprise that President Bush has invoked Leviathan-like powers and rhetoric to protect the security of the United States. He has bent the law, developed new precedents, and ignored the liberties of some as a means to protect the security of the whole. From a Hobbesian perspective, George Bush’s actions have been entirely justified.

Hobbes, however, is not the only lens through which to view the world today. John Locke also claims that the goal of government is security. Although American leadership tends to revert to Hobbes in times of conflict, moments of chaos and violence on a Hobbesian-state-of-war scale are extremely rare. Locke becomes useful because not only does he grant government the role of protecting the people’s lives, but he also says it must protect their liberties. Although preservation of life takes precedence, freedom is also a basic end of government—whether it is the freedom of citizens or aliens who tacitly consent to be ruled.

By rhetorically describing his policies as a ‘War on Terror,’ President Bush appeals to Hobbesian ideals by comparing reality to a state of war. This is a conscious choice. As demonstrated by Bill Clinton after Oklahoma City, terrorism can be portrayed as a threat without being painted as a war. Terrorism can be combated without a reliance on fear or the painting of an ‘other’. But on the other hand, it is a real problem that an idealistic, Rousseauian emphasis on civil liberties does not necessarily address. A Lockean—rather than Hobbesian or Rousseauian—approach would portray terrorism as a threat to our lives and liberty. It would be aggressive and perhaps even use some of the same policies as President Bush, but it would place a sincere emphasis on freedom that seems to be lost in the policies of his administration. A Lockean approach gives the
president power to curb liberty in exchange for security, but it also creates a strong check on the abuse of that authority. Thus, although we invoke Hobbes today in defense of the ‘War on Terror,’ a number of questions remain: Do we have to? Is our state of danger as extreme as a state of war? Do we have no other choice but to revert to Leviathan-like powers? Or is this a conscious decision by leaders within the limits of a Hobbesian worldview?

A close analysis of the relationship between the ideas of Hobbes, Rousseau and Locke, and the ways in which President Bush and civil liberties groups choose to invoke each theorist, is necessary because it leads to a deeper understanding of America post-September 11. It demonstrates that the policies Bush claims are crucial for national security might not be essential, and that his opponents’ defense of liberty might be unpractical. Moreover, it shows that the current administration’s choice of rhetoric (“war on terror,” “axis of evil”) primes the public for a Hobbesian mentality, thus making it easier for them to accept more extreme policy. A different approach—a Lockean approach—could achieve the same ends of protection without as much polarization, fear, and reduction of civil liberties.

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George Bush’s policy and rhetoric are logical extensions of his worldview and beliefs about the nature of government, and his philosophy is traceable to the writings of seventeenth-century political theorist Thomas Hobbes. Although President Bush does not explicitly connect his ideas to those of Hobbes, the parallels are real. Hobbes has been called the father of modern pragmatism, and the figurehead of conservative ideology. His realist philosophy attempts to use a scientific approach to discuss human nature and the ensuing purpose of government.

Believing that all objects and people are always in motion, and painting thought as a type of motion, Hobbes begins *Leviathan* with a logical explanation of the origins of imagination—which he defines as “nothing but *decaying sense.*”\(^v\) If all thoughts are actually reflections of man’s five senses (touch, smell, sight, hearing, taste), then all thoughts are grounded in the physical world. In fact, Hobbes defines science as “the knowledge of Consequences, and dependence of one fact upon another: by which, out of what we can presently do, we know how to do something else when we will, or the like, another time.”\(^v\) Thus, all voluntary motions can be rooted in science, and Hobbes includes passions as a type of voluntary motion. Starting with the passion of ‘endeavor’ as the “beginnings of Motion,”\(^v\) Hobbes systematically derives every emotion known to man, including desire, love, hope, diffidence, glory, envy and felicity. From these passions, Hobbes develops his theory of the basic nature of man.
Hobbes explains that “felicity” is the “continual progressse (sic) of the desire, from one object to another; the attaining of the former, being still but the way to the later.”

Man’s natural tendency is to not only want an object for its pleasure, but to want it for all time. And once man obtains his desire, he will move on to a new object. Hobbes expands this argument to conclude that there exists “a generall inclination of all mankind, a perpetuall and restlesse desire of Power after power, that ceaseth onely in Death (sic).”

But man cannot guarantee this power unless he builds up his security at the expense of others. In other words, in order to maintain his possessions and acquire more, man must have an unbalanced advantage over his neighbors. This competition between men becomes problematic because the only way for man to attain his desires “is to kill, subdue, supplant, or repell (sic)” those around him.

This tendency creates a sort of equality in the state of nature because every man has leverage over every other man’s life. Everyone is a threat to everyone else. But because of this equality, when two men desire the same mutually exclusive object or power, they must become enemies because the only way to achieve their goal is to “endeavor to destroy, or subdue one an other.” Constant competition with and fear of others means “there is no way for man to secure himselfe (sic).” As a result, man’s natural goal will be “to master the persons of all men he can, so long, till he see no other power great enough to endanger him.” Thus, Hobbes concludes, in the state of nature, men “are in that condition which is called Warre; and such a warre, as is of every man, against every man (sic).” In the state of nature, man is at war. Even in an absence of outright violence, it is still war because war “consisteth not in Battell onely, or the act of fighting; but in a tract of time, wherein the will to contend by Battell is sufficiently
known (sic).” Hobbes depicts this state as violent chaos. It is a space of horror lacking morality and decency. With no government, there is no law, no right or wrong, no justice. “The Passions that encline (sic) men to Peace, are fear of death.”

Men institute government to combat these natural vices. To keep peace, they create an artificial body politic in order to fear it. They consent to a “Leviathan” who wields absolute power. Men create a covenant with each other to live in peace, but they require Leviathan’s power to enforce that agreement. According to Hobbes, if men are in awe of government’s authority, strength, and threat over their lives, they will not break their covenant with each other. He explains that men:

conferre all their power and strength upon one Man, or upon one Assembly of men, that may reduce all their Wills, by plurality of voices, unto one Will; which is as much to say, to appoint one Man, or Assembly of men, to beare their Person; and every one to owne, and acknowledge himselfe to be Author of whatsoever he that so beareth their Person, shall Act, or cause to be Acted, in those things which concerne the Common Peace and Safetie; and therein to submit their Wills, every one to his Will, and their Judgements, to his Judgement. (sic)

In other words, each man gives up his right to govern his self on condition that all other men give up their right to govern their selves. All these rights to govern manifest in one sovereign or body, resulting in a commonwealth—whose ruler Hobbes names Leviathan. By uniting all men’s strength, power, and will, Leviathan uses terror to keep peace at home and fight enemies abroad. Thus, the ultimate ends of government are “protection and defense” of subjects.
Hobbes says that the purpose of government is security. And he derives this conclusion ‘scientifically’ from a complicated discussion of man’s nature. Claiming that man acts from his passions, Hobbes paints the condition of natural man as a chaotic and anarchical state of war. Since man’s ultimate goal is self-preservation, and he lives in constant fear for his life, man agrees with his neighbors to create a government with the absolute right to make laws and execute them. If the covenantal balance breaks, then men regress into a state of war, where they once again have leverage over each other’s lives. According to this logic, on September 11, 2001, when terrorists crashed airplanes into the World Trade Center, the Pentagon, and a Pennsylvania field, they broke this covenant between men and the world regressed into a Hobbesian state of war.

**Politics of Fear**

September 11 has become a watershed event in American history: America’s definitive vulnerability led President Bush and his administration to change the way they run government. As Secretary of Defense Donald Rumsfeld has said, they now see the world “through the prism of September 11.” George Bush’s interpretation of the events of 9/11 can shed some light on what Rumsfeld meant by the “prism of September 11.” Moreover, this prism—this worldview—is essential to comprehending the Hobbesian nature of President Bush’s rhetoric and policies. Since 9/11, George Bush has perceived the world and his role in it through the Hobbesian lens of security. He presumes government’s ultimate aim to be the protection of its citizens, and this basic assumption leads to a political emphasis on fear and government’s role in calming it.
On a basic level, Bush and Hobbes use similar rhetorical moves by appealing to fear. Each man uses it instrumentally to present a vulnerable perception of the world and then offer a solution to resolve that vulnerability. In his book, *Pride and Solace: The Functions and Limits of Political Theory*, Norman Jacobson describes Hobbes’s use of fear as a tool. He writes, “Hobbes first heightens our terror by conjuring up our deepest and hitherto nameless dread, and compels us to dwell with it for awhile. When we are drawn almost to the breaking point . . . we discover . . . that we are far from incurable: our dread may be laid to rest by treatment that is rational and public in character.”v Hobbes depicts a world of chaos and invokes fear in his readers as means to convince them that his plans for government are necessary. “A reading of *Leviathan,*” Jacobson explains, “is meant to induce, within our own being, the psychological experience of political dread, then the glimmer of hope promised by the Idea . . . and finally, the clear sunlit day of political tranquility.”v Hobbes incites emotions which enable him to present his ideal government as one that provides solace to its subjects.

George Bush uses a similar politics of fear throughout his War on Terror rhetoric and policies. 9/11 created a feeling of insecurity in America, and Bush used that insecurity to justify his own ideas for government. In his 2002 State of the Union Address, Bush decried, “Thousands of dangerous killers, schooled in the methods of murder, often supported by outlaw regimes, are now spread throughout the world like ticking time bombs, set to go off without warning.”v While the statement is technically accurate, the rhetoric used—the imagery of “ticking time bombs,” “dangerous murderers,” and “outlaw regimes”—appeals to Americans’ fear of another terrorist attack. Bush does not just refer to Americans’ fears; he instigates them. And by
escalating the collective sense of vulnerability, he increases the likelihood of Americans accepting his policy as a means of comfort and protection.

On a policy level, President Bush also used fear as a tool through his Homeland Security Advisory System. Developed in 2002, this policy color-codes the likelihood of a terrorist attack: green means low risk of an attack, blue means guarded risk, yellow means elevated risk, orange means high risk, and red means severe risk. Since the policy’s creation, America’s threat level has usually been yellow (elevated risk), with occasional spikes into orange (high risk). On the Department of Homeland Security website, the Bush Administration justifies the system with the following statement: “The world has changed since September 11, 2001. We remain a nation at risk to terrorist attacks and will remain at risk for the foreseeable future. At all Threat Conditions, we must remain vigilant, prepared, and ready to deter terrorist attacks.” Thus, due to the constant risk of terrorism, the Bush Administration has actually developed a policy that color-codes how much Americans should be afraid. Since the threat level has always been either significant or high risk, the advisory system serves as a constant, tangible reminder of the ever-present threat of terrorism. Interestingly, the system does not provide an option for “no risk;” it presumes a constant and looming threat. The physical representation of fear has a serious psychological impact on the public. To be able to articulate America’s exact—or even estimated—level of danger, to watch the threat level scroll across the television screen on a twenty-four hour news program, creates a constant awareness of danger. It removes the abstraction from fear, and molds it into a tangible, changeable, describable phenomenon. The constant and physical reminder of danger keeps the public conscious of and alert to the risk of terrorism. In this manner, it serves
to increase a sense of fear and prime the public to accept the solace of counter-terrorism policies.

President Bush does more than just tell Americans to be afraid of terrorists; he has also increased America’s fear through his escalatory use of the word “war”. He calls events of September 11, 2001 an act of war. On that day, in his national address from the oval office, President Bush’s opening statement was, “Today, our fellow citizens, our way of life, our very freedom came under attack.” By the end of the speech he had expanded his interpretation from “attack” to “war” by exclaiming that America and the international community would “stand together to win the war against terrorism.” Nine days later, President Bush solidified his statement when he told a joint session of Congress that “on September 11, enemies of freedom committed an act of war against our country.” He used the word “war” twelve times in that speech. There is no question that 9/11 was a terrorist “attack.” Deliberately killing thousands of people is an “attack.” But an “act of war?” What constitutes the difference between an “act of war” and an “attack?” Today few people question whether September 11 was an act of war by terrorists. But it did not have to be framed as such.

On October 14, 2000, then-President Bill Clinton used a radio address to discuss the terrorist attack on the USS Cole off the shore of Yemen. Memorializing the soldiers lost, Clinton said, “Even when America is not at war, the men and women of our military risk there lives.” The USS Cole bombing was orchestrated by al Qaeda; it was carried out by the same terrorist network that was behind September 11. But Clinton stopped short of labeling it an act of war. He called the terrorists “enemies of freedom and peace” and he spoke of justice and “fighting terrorism,” but he never called it an act of war, and
it was not interpreted as such. Granted, the Cole bombing did not take place on American soil and resulted in minimal destruction compared to 9/11. But the example demonstrates that framing an event to be an act of war is a choice, not a necessity.

On September 11, people were afraid, shocked, and insecure. The world needed someone to interpret the meaning of the events, and they naturally looked to the President of the United States for leadership. George Bush rose to the occasion, described the terrorist attacks as he saw them, and invoked a language of fear. Leaders use rhetoric to explain their interpretation of reality. Soon reality begins to mirror rhetoric until the two eventually become indistinguishable. 9/11 was an act of war because George W. Bush called it an act of war. And his interpretation was unmistakably Hobbesian: describing 9/11 as the beginning of a war invokes the fears, anxieties, and insecurities of battle—especially when this war takes place on American soil, in the heart of our largest city and at the headquarters of our armed services.

Like Hobbes’s *Leviathan*, Bush’s depiction and worldview primed the public to listen to and accept his policies. Also, like Hobbes’s *Leviathan*, Bush made a move to expand the powers of the state to combat the fear he invoked. Hobbes says the goal of government is to alleviate man’s fear of his neighbors in the state of nature. Men agree to form a government to fear so they will not fear each other. In his September 20 address, Bush explained, “freedom and fear are at war . . . freedom and fear, justice and cruelty, have always been at war.” By paralleling freedom and justice, fear and cruelty, Bush makes and interesting rhetorical move. Hobbes claims that justice does not exist in the state of nature because there are no laws to create right or wrong. By positing justice against fear, Bush emphasizes the importance of rule of law to keep Americans from a
state of fear. He says law will keep them safe. His security policies, including the
PATRIOT ACT, stricter immigration laws, and relaxed police regulations, are meant to
support the rule of law and appease Americans’ fear. He increases powers of the state to
keep Americans from fearing their neighbors. It would be hyperbole to claim that Bush
is a Leviathan-like despot, but his impulse to increase police power to lessen fear, and his
explicit invocation of fear, are fundamentally Hobbesian.

Hobbesian International Relations

According to Hobbes, not only is man’s natural state a condition of war, but there
exists the constant potential of regressing into that state of war. If the Leviathan fails to
keep its subjects in awe of its power, or if men revoke their promise to renounce their will
and power, then the system falls apart and returns to the natural state. As he explains,
“The nature of War, consisteth not in actuall fighting; but in the known disposition
thereto, during all the time there is no assurance to the contrary.” The September 11
hijackers’ actions eradicated any assumption of peace and created a state of war on both a
micro and macro level. In the United States they exerted their ‘natural’ right to the
possessions and bodies of others, ignoring the authority and threat of the American
government. But since they were part of an international terrorist network, they also
attacked the sovereignty of the United States. Thus, terrorism is both an internal and an
external threat. Domestically, it is the role of Hobbes’s Leviathan to exert police power
and squelch the threat. Internationally, the state acts as a separate body among other
bodies; thus, Bush acts not as a Leviathan, but as the figurehead of a state protecting itself from other states with no international police force to keep the peace.

George Bush ascribes to the ‘realist’ theory of international relations. This theory asserts that the world exists in a Hobbesian state of nature, in which each country is a body politic seeking its own personal interests, in competition with the personal interests of every other body politic. One of the founders of ‘realist’ international relations theory, Hans Morgenthau, wrote in 1952:

In a world where a number of sovereign nations compete with and oppose each other for power, the foreign policies of all nations must necessarily refer to their survival as their minimum requirements. Thus, all nations do what they cannot help but do: protect their physical, political, and cultural identity against encroachments by other nations. 

This passage is particularly Hobbesian, especially when juxtaposed to Hobbes’s depiction of competition between men in the state of nature: “by force, or wiles, [man will] master the persons of all men he can, so long, till he see no other power great enough to endanger him: And this is no more than his own conservation requireth, and is generally allowed.” Both Morgenthau and Hobbes justify aggressive action as protection of interests and means of survival. With security as the ultimate goal and no greater power frightening a competitor from action—and assuming hostile intentions of others—man and state have the natural right to defend themselves. The logical extension of this thinking is that, in a space of fear, competition, and distrust, with the only existing principle being self-preservation, man has the natural right of preemptive strike.

Thus, the Bush Doctrine of preemptive strike is a fundamentally Hobbesian principle. In his defense of war with Iraq, the president claimed that military action is valid based on both potential and imminent threats. Referring to the “prism of September
11,” he explained, “On September 11, 2001, America felt its vulnerability—even to threats that gather on the other side of the earth. We resolved then, and we resolved today, to confront every threat, from any source, that could bring sudden terror and suffering to America.” The operative word here is “could.” There is no direct evidence of imminence, but the potential and ability of attack justifies preemptive strike. Bush elaborates on the extent of the threat when he declares, “We cannot wait for the final proof—the smoking gun—that could come in the form of a mushroom cloud.”

Preemptive strike is viable because, according to Bush, Iraq has the potential for nuclear capabilities and other weapons of mass destruction.

George Bush believes the potential for conflict is exacerbated by a lack of rule and order between nations. Crushing an international threat requires a larger power and enforced laws to frighten rogue nations into compliance. This is why, when the United Nations refused to endorse military action in Iraq, Bush took it into his own hands. Without the option of an overarching international Leviathan, President Bush wanted to enforce order through a hegemonic United States. As Hobbes would say, Bush’s goal was to keep order by forcing states to feel awe toward a larger power.

When non-state actors such as international terrorist networks refuse to accept international law, the threat becomes even more hostile. In a September 2002 speech to the United Nations, Bush said that the international community is “threatened today by outlaw groups and regimes that accept no law of morality and have no limit to their violent ambitions.” This is a direct reference to Hobbes, who explains that in the state of nature, “nothing can be Unjust. The notions of Right and Wrong, Justice and Injustice have there no place. Where there is no common Power, there is no law: where no Law,
no Injustice.” Without morality in the state of nature, an absence of law and order fosters of violence and aggression. With no universally accepted law of morality, the ‘realist’ (and thus Hobbesian) approach to international relations becomes increasingly useful: stop a threat by turning oneself into an even larger threat; for without a force to intimidate terrorist networks and rogue regimes from violence, the potential for attack will always exist.

**Hobbesian Worldview**

George Bush does not just envision an America at war with Iraq and Afghanistan. And he does not just perceive an America at war with terrorists. He describes an America at war with fear itself. He sees his world and his country as a state of war, and this image pervades how he views his role in history. In February 2004, in an oval office interview with *NBC’s Meet the Press*, Bush expressed just how he perceives his presidency: “I’m a war president. I make decisions here in the oval office in foreign-policy matters with war on my mind. Again, I wish it wasn’t true, but it is true. And the American people need to know they got a president who sees the world the way it is. And I see dangers that exist, and it’s important for us to deal with them.” Bush describes the world as he sees it, and it is in a state of Hobbesian war.

Through his domestic and foreign relations rhetoric and policies, George W. Bush has demonstrated a clearly Hobbesian perception of the world and role of government. Just like Hobbes, Bush claims, “Our first priority must always be the security of our nation.” The domestic implication is a sacrifice of certain civil liberties in favor of
increased police power. The international implication is unilateral foreign policy and a
document of preemptive strike. Bush’s emphasis on security is so strong, it extends into
policies seemingly unrelated to the “War on Terror.” For example, in his 2002 State of
the Union Address, President Bush laid out three goals for America: winning the war in
Afghanistan, homeland security, and “economic security.” Rather than saying America
needs to recover from recession, better its economy, or create jobs, he painted the
economy as another type of security. And within the theme of economic security, he
discussed “health security,” “retirement security,” “and social security.” By viewing the
economy through a lens of security, Bush shows a clear example of his Hobbesian
tendency to rank security and defense above all else.

George Bush’s Hobbesian logic leads to his rhetoric and policies. Beginning with
his initial interpretation of September 11 as an act of war, leading through his pool of
War on Terror policies, and culminating in the Iraq War, Bush’s presidency has taken its
place in history as that of a self-defined “war president.” This particular perception of
September 11 and its aftermath has influenced the state of the world today. A different
president with a different worldview could have led to a very different world. While it is
impossible to prove how another president whose perceptions derived from another
theorist could have handled September 11 differently, Bush’s rhetoric and ideals must be
broken down to their components. The way he paints the world, the rhetoric he uses, and
the theories he invokes are choices of leadership. These choices conflict with those made
by President Bush’s opponents, as well as the ideas of other social contract theorists.
Specifically, the weight of George Bush’s decisions and rhetoric is embodied in the
tension between the theories of Thomas Hobbes and his ideological rivals.
While President Bush’s worldview can be traced to the theories of Thomas Hobbes, his civil liberties group opponents’ perspectives are ideological descendents of Jean-Jacque Rousseau. Although Rousseau wrote almost a century after Hobbes’s death, he did place himself in dialogue with Hobbesian theory. Criticizing his descriptions of the state of natural man, refuting his theories on the origin of the body politic, and reframing the ultimate goals of government, Rousseau combined strains of classic and romantic thought with Hobbes’s social contract philosophy. He theorized a different kind of social contract, in which governments are meant to protect the liberty of the people.

Rousseau agrees with Hobbes that man has historically existed in a state of competition and violence. But he claims that the Hobbesian state of war existed after the state of nature. With an implicit jab at Hobbes, Rousseau explains, “The philosophers who have examined the foundations of society have all felt the necessity of going back to the state of nature, but none of them has reached it.” Although Hobbes believed he was describing the state of nature by his portrayal of man’s state of war, he was mistakenly discussing a societal state. Rousseau continues, “All of them, finally, speaking of need, avarice, oppression, desires, and pride, have carried over to the state of nature ideas they had acquired in society: they spoke about savage man and they described civil man.”

Rousseau’s state of nature is much more pleasant and docile than Hobbes’s. This is because, “Living in their original state of independence, [natural men] lack the constant intercourse necessary to constitute either a state of peace or a state of war, men are not
naturally enemies.” In fact, natural man is largely indifferent: “Wandering in the forests . . . with no need of his fellowmen, likewise with no desire to harm them, perhaps never recognizing anyone individually, savage man, subject to few passions and self-sufficient, had only the sentiments and intellect suited to that state.”

Rousseau derives his depiction of the natural state from what he calls the two fundamental laws of nature. While he agrees with Hobbes that the first law is that of self-preservation, he criticizes his predecessor and writes, “since the state of nature is that in which care of our self-preservation is the least prejudicial to the self-preservation of others, that state was consequently the best suited to peace and the most appropriate for the human race.” Rousseau also adds a second fundamental human trait: “a natural repugnance to see any sensitive being perish or suffer, principally our fellow man.” Thus, although man must act for his own preservation, the second principle of pity “tempers the ardor he has for his own well-being by an innate repugnance to see his fellow man suffer.” Since these two principles exist before society institutes inequality, competition, and violence, natural man is not the brute described by Hobbes: “It seems at first that men in that state, not having among themselves any kind of moral relationship or known duties, could be neither vices nor virtues.” While Hobbes claimed the absence of law and justice in the state of nature would inevitably lead to a miserable existence, Rousseau spins the same concept in the opposite direction. He explains, “One could say that savages are not evil precisely because they do not know what it is to be good; for it is neither the growth of enlightenment nor the restraint of law, but the calm of passions and the ignorance of vice which prevent them from doing evil.”
But this state does not last forever; the momentum of human progress inevitably leads man out of the initial state of nature. Rousseau writes:

From the moment one man needed the help of another, as soon as they observed that it was useful for a single person to have provisions for two, equality disappeared, property was introduced, labor became necessary; and vast forests were changed into smiling fields which had to be watered with the sweat of men, and in which slavery and misery were soon seen to germinate and grow with the crops.

The introduction of property, agriculture, and labor ended man’s equality in the state of nature. Man’s natural inequalities—differences in strength, intelligence, etc.—take hold through division of labor and “thus does natural inequality imperceptibly manifest itself along with contrived inequality.” Men separate into rich and poor, which inevitably turns man’s previously peaceful state into one of competition and violence. Rousseau explains, “The destruction of equality was followed by the most frightening disorder; thus the usurpations of the rich, the brigandage of the poor, the unbridled passions of all, stifling natural pity and the as yet weak voice of justice, made man avaricious, ambitious, and evil.” This new state of disorder, passion, ambition and evil is void of pity and undoubtedly Hobbesian. According to Rousseau, man has now reached the condition Hobbes mistakenly called the state of nature.

In this new state, the rich realize the disadvantage of perpetual war. They need a means to secure their assets, and so they form government. As Rousseau explains it, the rich man uses “in his favor the very forces of those who attacked him, to make his defenders out of his adversaries, inspire them with other maxims, and give them other institutions which were as favorable to him as natural right was adverse.” Thus, since government is conceived to establish inequality, it is inherently flawed. “Despite all the
labors of the wisest legislators, the political state remained ever imperfect . . . because, as it began badly, time in discovering faults and suggesting remedies could never repair the vices of the constitution.” But despite these flaws in government, men did not “throw themselves into the arms of an absolute master without conditions and for all time.” Political society might revoke certain natural freedoms and natural equality, but men consent to it as a protection from the Hobbesian state that immediately precedes the body politic. In exchange for protection of liberty, they give up natural freedom, creating what Rousseau calls the “social contract.”

Out of the state of nature, men consent to form the body politic. They do so by making a contract by which each man agrees—either explicitly or tacitly—on the following statement: “Each of us puts his person and all his power in common under the supreme control of the general will, and, as a body, we receive each member as an indivisible part of the whole.” Thus, men create a social contract in which they give up part of their freedom in exchange for mutual protection of their selves and their liberties. The agreement is worthwhile because “although in this state [man] denies himself several of the advantages he owes to nature, he gains others so great—his faculties are exercised and developed, his ideas are extended, his feelings are ennobled, his soul is so uplifted.” The social contract leads to man’s perfectibility because it assures that laws and principles will be executed equally among all members of the contract, and this assurance is of higher value than the liberty lost.

The concept of liberty sacrificed and secured is very important to Rousseau. He actually defines the different types of liberty at play: natural liberty, civil liberty, and moral liberty. Natural liberty is the “unlimited right to everything that tempts [man] and
to everything he can take.” It is the liberty renounced for the sake of the social contract. Civil liberty, on the other hand, is gained by the social contract; it is man’s “ownership of everything he possesses.” And moral liberty, also gained by the contract, “alone makes man truly his own master, for impulsion to appetite alone is slavery, and obedience to the law that one has prescribed for oneself is liberty.” Rousseau insists that the purpose of government is to protect these civil and moral liberties, and any assertion otherwise is absurd. It is “incontestable, and it is the fundamental maxim of all political right, that peoples have given themselves chiefs to defend their freedom and not to enslave themselves.” He goes on to quote Pliny the Younger: “If we have a prince . . . it is so he may preserve us from having a master.” Thus, although man gives up some liberty for the sake of community, the sovereign “cannot impose on the subjects any restraints that are useless to the community.” The burden of proof is on the government.

In the fourth chapter of On Social Contract, Rousseau counters Grotius, an early social contract theorist—and indirectly Hobbes—by dismissing a subject’s duty to obey his sovereign when his freedom is denied. Rousseau exalts, “It will be said that the despot guarantees his subjects civil tranquility. That may be, but what do they gain by that, if the wars which his ambition brings upon them, his insatiable greed, and the vexations of his administration devastate them more that their own dissensions?” Moreover, to entirely give up one’s liberty to the sovereign is unnatural: “To renounce one’s liberty is to renounce one’s humanity, the rights of humanity, and even its duties.” Thus, the social contract is a basic agreement between men and their government; it is a sacrifice of certain license in order to protect liberty. And this liberty must be protected
in the strictest sense. Rousseau provides no gray area in this assertion for, according to the ominous maxim he invokes, “liberty can be acquired, but it can never be recovered.”

According to Rousseau, a security-liberty compromise takes place during the establishment of the social contract. Any further diminution of liberty is unnatural, unnecessary, and a violation of the contract. This perspective is in direct contention with George Bush’s rhetoric and policy since September 11, 2001. Bush claims that the role of government is to protect its citizens’ lives, but many of his opponents assert that government fails to fulfill its role if liberties are lost in the process. Senator Russell Feingold (D-WI), the only senator to vote against the USA PATRIOT Act, explained, “Preserving our freedoms is one of the main reasons that we are now engaged in this new war on terrorism. We will lose that war without firing a shot if we sacrifice the liberties of the American people.” Like Rousseau, Feingold claims that the role of government is to protect civil liberty; a failure to do so is a failure of government to fulfill its initial purpose.

Civil Liberties and The War on Terror

To truly comprehend the nature of the civil liberties at risk under President Bush’s War on Terror policies, a brief overview of his more controversial activities is in order. Probably the most contested policy is the USA PATRIOT Act. An acronym for “Uniting and Strengthening America by Providing Appropriate Tools Required To Intercept and Obstruct Terrorism,” the Patriot Act was rushed through Congress in October 2001 with little floor debate. An one-hundred-thirty page document, it includes a number of
provisions, ranging from providing benefits to the families of victims of terrorism, to broadening FBI surveillance powers, to combating international money laundering, to redefining domestic terrorism. The largest criticism of the Patriot Act has been its curtailment of privacy rights, allowing for roving wire taps, sneak and peak searches, and relaxing restrictions on who and how the FBI can investigate. It broadens the Foreign Intelligence Surveillance Act (FISA), by giving investigators the right to anyone’s travel records and other documents. In the past, this information was only available for foreign agents, though now it does not matter whether the suspect is a foreign agent or a terrorist. Theoretically, under the USA Patriot Act, the FBI has relatively free access to anyone’s library records, emails, internet activity, cellular phone, and travel records. While the Department of Justice (DOJ) and Bush Administration insist these powers have not and will not be abused, and that they are necessary to adequately fight terrorism, civil liberties groups are rightfully skeptical about potential infringements of the right to privacy and due process.

In addition to the Patriot Act, the Department of Justice has engaged in an aggressive illegal immigrant detainment policy, arresting and holding illegal aliens suspect of terrorist activity. Legally holding them under immigration charges, the DOJ then runs an FBI investigation on the detainees, refusing to release them until the FBI clears them of any connection to the September 11 investigation. Although the policy is technically legal, inadequate resources and bureaucratic foul-ups have resulted in some immigrants being detained for up to eight months in harsh conditions without knowing their reason for arrest, never being served criminal charges, and lacking adequate access to lawyers. These detentions and ensuing immigration trials have been held in relative
secrecy, and of the 762\textsuperscript{v} known detainees, only five were eventually charged with any terrorist-related activities.\textsuperscript{v} While this policy does not directly affect American citizens, civil liberties groups have cried foul at the thought of secret arrests, ethnic profiling, and a lack of due process.

Bush opponents also criticize that the DOJ has not limited detainments to aliens violating immigration law. Since September 11, the Department of Justice has been enforcing an obscure “material witness” clause in federal law. It allows the detention of a witness before a trial if the government claims that the witness can provide evidence and is a flight risk. In other words, the government can hold a person in custody who has broken no laws simply because they predict the person will flee if given the opportunity. The Washington Post published in November 2002 that at least forty-four material witnesses were detained in the first fourteen months after September 11, half of whom had yet to testify.\textsuperscript{v} This policy has been criticized because, as Georgetown Law Professor David Cole explains, it is a “run around the Fourth Amendment rule barring arrest and detention without probable cause of criminal activity.”\textsuperscript{v}

Another controversial method the Bush Administration has used to detain suspected terrorists is to classify them as “enemy combatants.” This label removes an individual from the criminal justice system and places him in military custody, potentially until the end of the War on Terror. Several hundred (650 as of March 2003\textsuperscript{v}) foreign nationals have been held as enemy combatants in a prison camp on Guantánamo Bay in Cuba. While these prisoners are mostly suspected Taliban and Al Qaeda members captured on the battlefields of Afghanistan and Iraq, there have also been two American citizens, Jose Padilla and Yaser Esam Hamdi, held as unlawful combatants in naval brigs.
Padilla was arrested in May 2002 under the suspicion of planning to plant a radioactive “dirty bomb” in America. Hamdi, born in Louisiana, was captured while fighting for the Taliban in Afghanistan in November 2001. Both citizens have been held in secret, without charges and without access to lawyers. In light of potential violations of the fifth, sixth, and even seventh amendments, the government’s right to detain them is currently being considered by the United States Supreme Court.

A Rousseauian Critique

The social contract guarantees civil liberties, which Rousseau defines as the freedom to do anything not prohibited by law. In other words, civil liberties are rights guaranteed by the codification of law in the social contract. In the context of America, the Constitution and the Bill of Rights guarantee certain civil liberties that the federal government is prohibited from violating. Wrapped in this concept is the emphasis on individuality and freedom within the limits of a community. According to Rousseau, “the instant government usurps sovereignty, the social pact is broken, and all the common citizens, rightfully returning to their natural liberty, are forced but not obligated to obey.” Thus, the ‘social contract’ of the United States guarantees the legal freedoms of due process, a speedy and public trial, and security against unreasonable search and seizure and warrants without probable cause. The Constitution also assures the democratic tenets of political representation and open deliberation. For President Bush to violate any of these rights, according to Rousseau, is unnatural and outside the scope of the social contract. While civil liberties groups do not go so far as to declare the social
contract void, their criticisms are rooted in Rousseauian philosophy because they
denounce the violations of established political freedoms.

   For example, the president’s opponents accuse him of indirectly curbing civil
liberties guaranteed by the first amendment. Many claim that his administration has
implicitly violated the tenet of free speech because they have chilled dissent in America.
Immediately after September 11, Attorney General John Ashcroft made a number of
statements declaring that those who criticized Bush policies aided and abetted terrorists.
For example, on December 6, 2001, he told the Senate Judiciary Committee, “To those
who scare peace-loving people with phantoms of lost liberty, my message is this: Your
tactics only aid terrorists, for they erode our national unity and diminish our resolve.
They give ammunition to America’s enemies and pause to America’s friends.” An
accusation of aiding terrorism is political death for a politician. It has the same effect on
a private individual or an advocacy organization: they lose their credibility if the public
believes they are counterproductive to the War on Terror. Thus, if the Bush
Administration claims that its critics aid the perpetrators of September 11, those same
critics will be more hesitant in expressing opposition, and this is an indirect assault on the
freedom of speech.

   More importantly, by relaxing the rules on domestic surveillance and intelligence
gathering, the administration causes anti-Bush activists to fear infiltration and arrest by
police and FBI agents. As Nancy Chang of the Center for Constitutional Rights explains,
such actions “raised the costs of political activism.” Certainly a group or individual will
reconsider voicing opposition to the current administration if they fear being targeted as
potential terrorists. FBI surveillance rights were decreased in the 1970’s after the public
learned of the Watergate scandal and FBI infiltration of peaceful anti-war and civil rights organizations. Now, since the passage of the USA PATRIOT Act, the FBI’s jurisdiction and capabilities are the broadest they have been in thirty years.

Civil liberties groups’ criticisms are Rousseauian in nature, not because Rousseau explicitly discusses the liberties guaranteed in America’s Bill of Rights, but because they are based on the same assumptions of natural man and the ends of government that Rousseau discusses in his Discourses on Inequality and On Social Contract. This dispute with George Bush is the same contention Rousseau has with Hobbes. Bush, like Hobbes, views the world through a lens of security; he perceives others as a threat and therefore claims that government’s absolute end is security. Civil liberties groups, however, do not perceive the same kind of threat as President Bush. While only the most extreme ideologues claim that liberty can never be curbed for security, they do not see the need to use a heavy hand just to be certain of safety. This is not because they believe safety is less important, but because they do not fear for their safety to the same extent. When they speak of fear, it is of an abusive government, not an outside enemy. This stems from a more pessimistic perception of government’s role in security and a more optimistic view of human nature.

Hobbes claims that life without government is chaotic, and he gives government the responsibility to make peace; he places faith in a Leviathan and leaves no space for checks and balances or criticism of government rule. Rousseau, meanwhile, depicts the origins of government as the codification of inequality. While it is ultimately for the protection of life and liberty, the social contract is easily dissolvable, and government will remain “ever imperfect because . . . as it began badly, time in discovering faults and
suggesting remedies could never repair the vices of the constitution.” Moreover,

Rousseau asserts that all men need not explicitly consent to the social contract to be held accountable to it. He writes, “anyone who refuses to obey the general will shall be compelled to do so by the entire body; this means nothing else than that he will be forced to be free.” Thus, while Hobbes and Bush tend to rely and trust in government protection, Rousseau and civil liberties proponents are inherently skeptical of government action. This does not mean they fear all government activity, but only that which involves security and defense. Just as civil liberties groups question government’s insistence on protection, Rousseau criticizes the formation of government as a codification of inequality—a protection of the assets of the rich from the indiscretions of the poor. When the Bush Administration claims that its secrecy is for national security, civil liberty groups refuse to accept that as an answer, and they justify their caution by basic assumptions about government.

In addition to an inherent skepticism of government defense policy, this shroud of secrecy behind which the Bush Administration operates exacerbates the fear and anxiety over expanded police powers. The detention policies, especially, have received a great deal of criticism due to the administration’s lack of openness about them. Throughout 2001 and 2002, the DOJ consistently refused to release names, locations, or even numbers of detainees. Also, all September 11 detainees’ hearings were held in secret, denying access to press and family members.

In December 2001, a coalition of over forty civil liberties groups—including the American Civil Liberties Union and the Center for National Security Studies—sued the Justice Department to release the names of about nine hundred detainees under the
Freedom of Information Act and the First Amendment. In 2002, media groups in New Jersey and Michigan filed separate lawsuits against Attorney General Ashcroft, contesting the due process of a blanket policy of closed-door immigration hearings. In court, the Justice Department argued that a lack of absolute secrecy could give Al Qaeda clues about the DOJ terrorism investigation. They also claimed it would encroach on the privacy of detainees because their communities would think they were terrorists.

Although these lawsuits are still making their way through federal courts, their implications are important to the balance of civil liberties and national security. After all, arrests become that much more serious when they take place under a veil of secrecy. As federal appeals judge Damon J. Keith declared, “Democracies die behind closed doors.” Denial of information impairs the detainees’ ability to protect themselves legally, and deprives the press and public of their role in government oversight. Without public scrutiny, the Bush Administration expects Americans to have faith that their actions are not clandestine. But excessively long detentions and the infringement of established legal rights lead some to conclude that the secrecy is as much political as it is for national security. Thus, the debate over secrecy underscores an even larger issue: it weighs national security against the roles of public scrutiny and government transparency in an open democracy. In 1971, Justice Potter Stewart wrote in the Pentagon Papers case that “the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry—in an informed and critical public opinion which alone can here protect the values of democratic government.” Potter makes a direct reference to the principles of Rousseau, who
discussed the need for precautions to “ensur[e] that the general will is always enlightened, and that the people is not deceived.”

According to civil liberties advocates, government transparency and accountability are most important in times of threat because those are the periods when governments are most likely to revoke the liberties of its citizens. Justice William Brennan claimed in 1987 that “the perceived threats to national security [that] have motivated the sacrifice of civil liberties during times of crisis are often overblown and factually unfounded.” Throughout America’s history, leaders have invoked national security to justify curbing civil liberties only for hindsight to prove that they had overreacted. The list of government mistakes includes—but is not limited to—Japanese detainments during World War II, McCarthyism, the Palmer Raids, mass arrests during World War I, and even FBI activity against Black Panthers, civil rights activists, and anti-war protesters during the Vietnam War. With such a track record, it is no wonder civil liberties groups are skeptical of the Bush Administration citing national security in order to curb liberties under a shroud of secrecy.

Again, Bush opponents’ criticisms are rooted in Rousseau. Rousseau advocates the need for public enlightenment and government transparency in a republic. In fact, he takes a step beyond public enlightenment, and encourages public participation through assemblies: since “the sovereign . . . acts only through laws, and since laws are the only authentic acts of the general will, the sovereign can act only when the people is assembled.” Granted, Rousseau envisioned small republics roughly the size of city-states, and today it is inconceivable for every American citizen to gather in one place. But his defense of public assemblies should not be lost: they are “the shield of the body
Government transparency and public enlightenment are necessary political safeguards. They protect the people from abuse, and strengthen the very resolve of the republic. To those, like President Bush, who claim a necessity for government secrecy, Rousseau retorts, “the stronger a government is, the more frequently the sovereign should show itself;” a good government has nothing to hide.

Not only does Rousseau say that government decisions should be made directly by the people, but he questions the very nature of political representation. He writes, “will cannot be represented: it is either the same will or it is different; there is no middle ground. Deputies of the people, therefore, are not, nor can they be, its representatives . . . any law the people has not ratified in person is invalid.” It is impossible for a person’s will and desires to be fully represented and embodied by another. The public should not—and cannot—trust political representatives to act in their interests. Rousseau continues, “the moment a people gives itself representatives, it is no longer free.” For the Bush Administration to make decisions without informing the people, to rule behind a closed door, is unnatural and illegitimate. The size of America might make it impossible to rule without representatives, but the least those representatives can do is keep their constituents informed and act according to the general will. Thus, to pass the Patriot Act without extensive public and open dialogue, to secretly detain immigrants and other suspected terrorists, and to operate on a need-to-know basis with the American people violates the basic elements and goals of government that Rousseau’s theory envisions.

Civil liberties groups’ Rousseauian objections have not been limited to explicitly breached liberties and lack of transparency. They have also focused on the manner in
which such liberties are curbed. More specifically, they have criticized the selective
enforcement and targeted encroachment by the Bush Administration. While they
certainly feel anxiety over the reduction of liberties in America, Muslim and Arab
populations have been dealt the toughest blow by the post-9/11 policies. All nineteen of
the September 11 hijackers were Arab Muslims, and the FBI, CIA, INS, and local law
enforcement have engaged in rigorous racial profiling in an attempt to stop any further
terrorist attempts. Thus, while the Patriot Act can be used against any American, it is in
all likelihood enforced against Muslims and Arabs. While the DOJ’s immigration
detainment policy can be used against any illegal immigrant, virtually every immigrant
taken into custody was an Arab male. And while unlawful combatant and material
witness detention policies can be used to arrest anyone, they have only been used to
detain Arab-Americans and Arab immigrants. So, although civil liberties groups often
speak in universals when discussing lost liberties since 9/11, they also note that President
Bush’s War on Terror policies have most adversely affected Arab immigrants and Arab-
Americans.

In his discussion of the social contract, Rousseau writes that “the social pact
establishes such an equality among the citizens that they all commit themselves under the
same conditions and should all enjoy the same rights.” He goes on to say, “By the very
nature of the pact . . . every authentic act of the general will, obligates or favors all
citizens equally, so that the sovereign knows only the body of the nation and makes no
distinctions between any of those who compose it.” By consenting to the social
compact, all parties agree to equal enforcement of the law. No group can be singled out
for enforcement, and every group enjoys the same rights and equal protection. Under this
premise, it is no surprise that Bush opponents were dismissive of the DOJ’s request to interview approximately eight thousand Arab immigrants in the first six months after September 11.

Georgetown Law professor and civil liberties lawyer David Cole argues that selective enforcement enables the US government to carry out its post-9/11 laws. He claims that George Bush does not sacrifice all Americans’ liberty in exchange for security; rather, he sacrifices a minority group’s liberty in exchange for the security of the whole. Specifically, Cole says the US government has targeted foreign nationals. He cites Justice Robert Jackson’s warning from 1949: “Nothing opens the door to arbitrary action so effectively as to allow [government] officials to pick and choose only a few to whom they will apply legislation and thus escape the political retribution that might be visited upon them if larger numbers were [affected].” Thus, an implicit Rousseauian skepticism of government motives combines with a Rousseauian criticism of unequal enforcement of laws to inspire a scathing dismissal of Bush policy.

Some might argue that selective enforcement is justified because it affects immigrants who are not American citizens. The underlying assumption is that liberty guarantees do not apply to non-citizens, especially those in America illegally. Cole disagrees with targeted law enforcement against “enemy aliens,” claiming that laws and liberties should apply to everyone. In his argument, he directly cites a similar case made by James Madison:

It does not follow, because aliens are not parties to the Constitution, as citizens are parties to it, that whilst they actually conform to it, they have no right to its protection. Aliens are not more parties to the laws, than they are parties to the Constitution; yet it will not be disputed, that as they
owe, on one hand, a temporary obedience, they are entitled, in return, to their protection and advantage.\textsuperscript{v}

Madison claims that because non-citizens in America are subject to its laws, they are also protected by them. Rousseau makes a similar argument. Discussing those who do not explicitly consent to the social contract, he writes, “They are foreigners among citizens. When the state is instituted, residency implies consent; to inhabit the territory is to submit to the sovereign authority.”\textsuperscript{v} Thus, taking his cue from John Locke, Rousseau claims that although foreigners in a state are not citizens, they tacitly consent to the social contract. By living within the bounds of a state, they agree to its laws in exchange for the privileges such consent ascribes. Madison—and opponents of George W. Bush—extend this argument and apply it to the United States Constitution: although foreign nationals do not consent to the Constitution in the same manner as American citizens, they still submit themselves to the laws and enjoy the benefits of America’s liberty. In fact, the Constitution explicitly differentiates between rights of citizens and rights of ‘the people:’ non-citizens cannot vote nor run for public office, but Supreme Court precedent guarantees them rights under the first, fourth, fifth, and fourteenth amendments.\textsuperscript{v} The rights of political freedom, due process and equal protection belong to anyone on American soil because—according to the U.S. Supreme Court—they are “implicit in the concept of ordered liberty.”\textsuperscript{v}

Civil liberties groups do not oppose George Bush’s counter-terrorism policies merely because they curb constitutionally guaranteed liberties, stifle dissent, limit government transparency, and engage in selective enforcement. They criticize the president because they believe his actions on behalf of security serve a greater threat than
the enemy he wants to protect America from. Although security is important, protection is futile when it involves eroding the social contract between government and the governed.

But just as George Bush fails to seriously address protection of liberties, civil liberties proponents fail to truly engage the issue of security. They criticize the War on Terror, but do not—and cannot—provide another solution to resolve the threat to America’s security. They assert that Bush’s policies are problematic, but do not propose viable alternatives. Certainly, this is in part due to the specialization and technical experience needed to write security policy. But it is also a flaw in the philosophy that civil liberties groups’ ideas are derived from: Rousseau theorizes liberty, but he himself remains ambiguous regarding the balance between liberty and security. In fact, Rousseau hardly discusses security at all. Other than a brief mention of those who violate the contract and cease to be members of society, he does not theorize a relationship between a society under social contract and its neighbors. He constructs a world where outside threats do not exist. Rousseau theorizes modernity and the beginnings of political society; security is not his project. And this hole in his theory becomes transposed into the politics of civil liberties groups. Because they believe the goal of government is the protection of liberty, they fail to address pragmatic approaches to security. This does not mean their discussions of liberty are wrong, per se, only that they perceive the world in the context of Rousseau. Just as George Bush inherits the flaws of Hobbesian theory, his opponents inherit the flaws of Rousseau.

The criticisms of civil liberties proponents are rooted in basic Rousseauian assumptions about human nature and the goals of government. They hold a more
positive view of human nature and believe that government’s role is to protect liberty. Bush, meanwhile, ascribes to a Hobbesian approach, perceiving man as naturally threatening, and claiming government’s goal to be security. Although both approaches are not entirely incompatible, times of war or perceived threat shed light on the basic differences between the two. September 11 and the War on Terror have caused opposing camps to emphasize differences in their policy positions and rhetoric. Thus, while making their own assertions they speak past each other. Especially in today’s political climate of sound bytes and mass media, both sides have lost their chance for meaningful dialogue, and neither seems to have engaged the full picture. Each debates the principles of security, freedom, liberty and democracy, and part of the clash is derived from the different theoretical origins of each worldview. Perhaps, then, the answer is to reevaluate the political theory from which these assumptions and worldviews originate. Perhaps the solution is to find a different theorist, and a different worldview, from which to make decisions.
While Bush tends to view the world with a Hobbesian perspective and civil liberties groups tend to view it through a lens of Rousseau, neither worldview is complete. Hobbesian theory paints the world as a state of war but has a real tendency to overplay external threats. Meanwhile, the Rousseauian perspective emphasizes liberty but fails to put forward a realistic solution to the dilemma of security. A third theorist, John Locke, provides a more centered approach through the theory he wrote in the context of the English Civil War. Although Locke mainly used his ideas to contest Robert Filmer’s defense of the divine right of kings, he also locates his theories in contrast to Hobbes’s advocacy for the Leviathan.∗

Like Hobbes and Rousseau, John Locke also views the ultimate goal of government to be security. And like Hobbes, he also derives this from man’s flaws in the state of nature. But Locke claims that another role of government is the protection of people’s liberty—a prospect Rousseau later champions. Locke’s similarities to and differences from Hobbes and Rousseau originate in his theory of the state of nature. He agrees with the other social contract theorists that self-preservation is a natural right. Though Rousseau harnesses this right with the notion of pity, Locke asserts that “when [man’s] own preservation comes not in competition, ought he as much as he can to preserve the rest of mankind.” In other words, man must preserve the lives and liberty of others as long as his own preservation is not threatened as a result. This is markedly
different from Hobbes’s claim that man only protects himself in the state of nature, and yet it does not go so far as to claim pity as a natural characteristic of man.

Also, like both Hobbes and Rousseau, Locke portrays the state of nature as one of equality. He says that men are in “a state of perfect freedom to order their actions, and dispose of their possessions and persons as they think fit.” But Locke claims that all men are created equal because they are all descendants of Adam; since God granted his dominion to all of Adam’s descendents, all of nature is shared equally. Moreover, since God owned man first, man does not have the power to take his own life, nor give it away. Locke writes, “Nobody can give more power than he has himself, and he that cannot take away his own life cannot give another power over it.” In other words, just as it is unnatural for man to violate the law of self-preservation and commit suicide, it is also unnatural to enslave himself by giving his life and liberty over to a tyrannical authority.

Given that the first law of nature is that of self-preservation, each man owns his self. And labor, as an extension of one’s self, also belongs to the individual. When man mixes his labor with nature, he gives it value and turns it into property, which he then has a natural right to. Whereas Hobbes claims that man has the right to everything in the state of nature, Locke argues that he has the exclusive right to nothing except his self, his labor, and his property. Thus, men tend to live in a state of natural peace, under the basic rule that each man should do unto others as he would expect done unto him. Locke writes, “how should I look to have any part of my desire herein satisfied, unless myself be careful to satisfy the like desire, which is undoubtedly in other men weak, being of one and the same nature.” Moreover, Locke grants every man the right to enforce this rule: “in the state of Nature every one has the executive power of the law of nature.”
But men are still insecure. They are subject to outside invasion, and in the state of nature safety is uncertain. Therefore, in exchange for protection, men cede to the commonwealth their authority as judge. They give government the right to make laws for the common good and enforce them. And the end goal of this consent is for “comfortable, safe, and peaceable living, one amongst another, in secure enjoyment of their properties, and a greater security against any that are not of it.” Thus, while Hobbes paints government’s role as strict security, Locke—like Rousseau—explicitly cites government’s role to protect liberty in addition to life.

Despite Locke and Hobbes’s disagreements regarding the ultimate ends and origins of government, their arguments converge when discussing a state of war. Again, Locke argues that in a state of nature, man must protect mankind as well as himself. But he leaves a loophole in his assertion: if an individual’s preservation comes in between a man and his role of protecting mankind, he must think of himself first. This theoretical situation—a state of war—is exactly what Hobbes claims to be the constant state of nature. Although Locke concedes the potential for a state of nature to become a state of war, he maintains that they are not the same. Taking an implicit jab at Hobbes, Locke writes that there is a “plain difference between the state of Nature and the state of war, which however some men have confounded, are as far distant as a state of peace, goodwill, mutual assistance, and preservation; and a state of enmity, malice, violence and mutual destruction are from each other.” So although a state of war can exist in the state of nature, it does not comply with Locke’s general worldview.

Moreover, Locke does not claim a state of war is pre-political per se. Rather, he argues that whenever aggression occurs without the existence of a common judge, man’s
natural right to protect himself devolves the situation into a state of war. Locke uses an example of a thief: a man can protect himself from a thief because a robber does not give him ample time to appeal to a higher judge than himself. But Locke explains that as soon as the conflict ends, “the state of war ceases between those that are in society and are equally on both sides subject to the judge.” Thus, whereas Hobbes claims the goal of government is to take man out of a permanent state of war, Locke believes the state of war is a temporary episode which only exists during a crisis when there is no common judge to appeal to.

A Lockean War on Terror

The distinction between a constant, looming, natural state of war and a temporary, resolvable state of war is an important one to make, especially regarding the world since September 11. By defining the War on Terror as he does, George Bush has created a war without any foreseeable conclusion. Terrorism has existed for as long as an imbalance of power has existed, and while Bush can destroy terrorist network infrastructures and arrest or kill its leadership, terrorism will always be a threat. After all, one terrorist, one suitcase, one car bomb can create immense devastation. While fighting terrorism is not futile, approaching it as a Hobbesian state of war frames the problem as never-ending. If a state of war exists whenever there are looming threats, then the state of war will be eternal. George Bush says he does not merely want to lessen the threat of terrorism, but to eliminate it. The War on Terror will end when “every terrorist group of global reach has been found, stopped and defeated.”
This Hobbesian approach to security requires brute force to eliminate the threat. But the nature of terrorism complicates the issue: force eliminates certain threats while giving terrorist organizations a powerful recruitment tool. Fighting terrorism also serves to fuel it. Thus, a problem with a Hobbesian approach is not its use of force, but that it both frames and creates a threat that can never be resolved. If President Bush were fighting to eliminate another state, the clear end of the conflict would be the fall of the rival government. But due to the lateral structure of terrorist networks and the fact that they gain their authority from grassroots public support rather than government power, a Hobbesian approach to security is not entirely compatible with the fight against terrorism. Even if America’s military can kill Osama bin Laden and decapitate al Qaeda, they will not end the looming threat of terrorism. They might lessen it, but in today’s global world, a “terrorist group of global reach” is any group with a passport and access to an airport. According to George Bush’s terms, as long as the threat of terrorism exists, the world will be in a state of war—but the threat of terrorism will always exist.

A Lockean approach to September 11 and its aftermath does not create an unwinnable war. It acknowledges the threat of terrorism, but attacks it from a different angle. According to Locke’s philosophy, the 9/11 hijackers created a state of war when they violated international and domestic law through their act of terrorism. They rendered the official judge of government invisible and became their own judges as they committed their terrible act. But Locke says a state of war exists only as long as every man is his own judge. So when the act of terrorism is completed, the state of war ceases to exist. This does not imply that the United States should not pursue terrorists or ignore
the threat they present. It does mean that the fight against terrorism should be an act of law enforcement, an exercise of authority by a higher judge.

Domestically, a Lockean approach to security invokes the authority of and consent to the United States government. Since, according to Locke, everyone in America at least tacitly consents to the authority of the US government, it has the right to enforce its laws. By acting as judge, the government eliminates the possibility of a state of war within its jurisdiction. Therefore, the domestic fight against terrorism takes the shape of the enforcement of laws and the rightful actions of a judge, rather than a chaotic moment of judge-less war.

A Lockean approach to international relations is multilateral, invoking the authority of the international community. If the entire international community—rather than one member of it—serves as judge, security actions will take the form of equal enforcement of law and order. It is law enforcement, rather than a state of war, because it involves the assertion of established norms and the authority of a universally accepted judge to insist they are followed. Since legally established states consent to the authority of the international community, it does not matter that terrorist networks do not. Thus, instead of one member of global society exercising its beliefs of right and wrong, a unified community engaging in the same actions invokes a stronger and more legitimate voice.

Describing America’s reaction to September 11 as a Lockean police action rather than a Hobbesian war has real consequences. For one, it invokes considerably less fear. War and looming threat produce a great deal of anxiety among the public and political leaders. This leads to more rash decisions and a lower threshold before the accepted
reduction of civil liberties. A public that is not paralyzed by fear is more likely to question its government’s actions, and ensuing dissent reinforces the structure of open democracy. While war tends to polarize and inspire a lack of compromise, law enforcement paints in more shades of gray. This is the approach that the Clinton Administration took regarding the Oklahoma City, African embassy, and U.S.S. Cole bombings. While September 11’s degree of destruction proved that a heavier hand is needed in the fight against terrorism, George Bush did have the option of stopping short of all-out war.

On some levels, George Bush has treated the War on Terror as a type of law enforcement. After all, he cited enforcement of United Nations Security Council Resolution 1441 to send troops into Iraq. He has also engaged the Department of Justice, and created the Department of Homeland Security to improve America’s law enforcement capabilities. But President Bush has framed law enforcement within the context of a war. He presents his wide range of policies as facets of his larger “war on terrorism,” and his actual engagement in armed conflict demonstrates that he uses the term “war” as more than just a rhetorical device. Also, Bush has not established a time limit to his policies, or even set achievable end-goals, thus framing a permanent and unrelenting Hobbesian war. There is no doubt that George Bush, a self-defined “war president,” perceives America at war. Law enforcement is a temporary and concrete component of that war, but it is definitely a war.

A Lockean Approach To Liberty
Part of the Lockean approach to September 11 is a respect of and emphasis on liberty, which the Rousseauian approach directs so much attention to. A Lockean approach would agree with civil liberties groups that governments are created to protect liberty. Like Rousseau, Locke does not believe man to be innately evil, and this would be found in derivative policy. Civil liberties groups insist on a sacrifice of liberty only in the direst of circumstances, and policy and rhetoric derived from Lockean theory would tend to agree. After all, it is Locke who writes that “whenever the legislators endeavor to take away and destroy the property [life, liberty and estates] of the people . . . they put themselves into a state of war with the people, who are thereupon absolved from any further obedience.” Given that Locke believes government which fails to protect people’s liberty can be legitimately overthrown, policy and rhetoric derived from his ideas would not tolerate an unnecessary reduction of liberty.

The difference between a Lockean and Rousseauian approach is that unlike Rousseau, Locke speaks in a language of security. While Rousseau—as well as his modern counterparts—claims that the goal of government is to protect liberty, Locke says government protects “life, liberty and property.” He provides a space for security that is both useful and necessary post-9/11. He does not ignore or downplay external threats; he weighs them in with liberty.

George W. Bush is not entirely un-Lockean. In fact, he cites Locke on a fairly regular basis. On the first anniversary of September 11 he said, “The attack on our nation was also an attack on the ideals that make us a nation. Our deepest national conviction is that every life is precious, because every life is the gift of a Creator who intended us to
live in liberty and equality.” He continued, “There is a line in our time, and in every
time, between those who believe all men are created equal, and those who believe some
men and women and children are expendable in the pursuit of power.” Bush’s use of the
phrases “Creator” and “all men are created equal,” and his emphasis on life and liberty,
are derived from Thomas Jefferson’s wording in the Declaration of Independence. And
this document was taken, at times verbatim, from John Locke’s Second Treatise on
Government. Bush also refers to the importance of liberty when he regularly describes
terrorism as an attack on freedom. In fact, in his oval office address on 9/11, he opened
his statement with, “Today, our fellow citizens, our way of life, our very freedom came
under attack.”

Despite President Bush’s use of Locke and discussion of freedom, he is not
inherently Lockean. There is a large distinction between rhetoric and policy, and while
Bush’s oratory might occasionally invoke Locke, his heavy-handed actions most
certainly do not. The root of this is that, although he gives clout to Lockean ideals,
George Bush views liberty, freedom, and equality through a strict lens of security.
Perhaps the most eloquent assertion of his reconciliation between these issues was made
not by the president, but by his assistant attorney general for legal policy, Viet Dinh.
Dinh explains, “The function of government is the security of its polity and the safety of
its people. For without them there can be no structure so that liberty can survive. We see
our work not as balancing security and liberty. Rather we see it as securing liberty by
assuring the conditions of true liberty.” Dinh—a spokesperson for the president—ranks
security above liberty. He says that security of lives must exist for liberty to exist; that
without security there is no liberty. Locke, meanwhile, says that government exists “for
the mutual preservation of . . . lives, liberties, and estates.” While the two statements are similar, their subtle distinctions are important. Locke does not make security a prerequisite for liberty. He discusses the protection of life, liberty and estates at once, even giving them the blanket label “property.” Thus, to Locke, security is not an abstract ideal, but the literal protection of life and liberty. If a government fails to protect liberty directly, it fails to be a government. George Bush believes that liberty can be lost at the expense of security so it will be protected in the long run; Locke does not leave space for this option, but instead requires a protection of both.

Since September 11, George Bush has de-emphasized the protection of liberty. A Lockean approach would keep security a priority, while reinstating the importance America places on liberty in times of peace. A political program derived from Locke would also remove some of the bellicosity that has alienated America’s allies, fed into terrorists’ criticisms, and polarized the American people. It would provide a middle road between Hobbes and Rousseau that achieves everyone’s goals and appeals to the ideals on which the United States was founded.
CHAPTER FIVE: CONCLUSION

If George W. Bush had taken a Lockean approach to September 11, his ensuing policy and rhetoric would have been markedly different. A sincere emphasis on liberty and multilateralism, a uniting rhetoric, and a message of peace would have changed the course of history. On September 11, 2001, America’s leader told the world that it had been the victim of an act of war. His bellicose rhetoric served to paint a picture of an irrational, evil other, an imminent threat to the United States. It did not have to be that way.

President Bush could have echoed the sentiments of Bill Clinton after the Oklahoma City Bombing. He could have described the victim of terrorism as the international community rather than a wounded superpower. He could have said:

We as a free world must purge ourselves of the dark forces which gave rise to this evil. They are forces that threaten our common peace, our freedom, our way of life . . . Those who trouble their own house will inherit the wind. Justice will prevail . . . We must stand up against the forces of fear. When there is talk of hatred, let us stand up and talk against it. When there is talk of violence, let us stand up and talk against it. In the face of death, let us honor life.

But he did not. George Bush views the world as a Hobbesian reality, and he described September 11 as he saw it. His rhetoric echoed reality, which in turn echoed his rhetoric. And thirty months later, the world is in a state of war.

Modern politics are derived from the political theory on which our society is based. Early philosophy became ingrained in the fabric of political reality, influencing how today’s leaders perceive the world and the role of government. Although many
factors have affected modern political thought, and no leader or interest group presents a pure derivative of any political theorist, each actor clearly has strong influences. George W. Bush is Hobbesian. Civil liberties groups are Rousseauian. And still others are Lockean. Over the course of three and a half centuries of evolving political philosophy, social contract theory has turned into a type of spectrum, with Hobbesian thought on one end, Rousseauian on the other, and Lockean in the center. Ideally, it is through Locke that the extremes participate in dialogue and find compromise solutions.

But the feasibility of compromise in the War on Terror is slim. Both ends of the spectrum are influenced by idealogues: George Bush surrounds himself with ‘realist’ advisors like Donald Rumsfeld and John Ashcroft; civil liberties groups often make arguments that are more anti-Bush than about the issues. Both sides feed on fear, be it of terrorists or the federal government. The difficulty in a Lockean approach is that it does not invoke the fear that Hobbesian and Rousseauian theorists use to mobilize support. People react to the threat of terrorism, and they respond to anxiety over lost liberties. This has contributed to the gathering of support on polarized ends of the spectrum, with little serious engagement in the center.

Each side occasionally invokes the rhetoric of Locke, but neither pursues Lockean policy. George Bush discusses defense of freedom, but then curbs liberty as a means to it. The ACLU runs a “Safe and Free” public relations campaign, but never seriously theorizes the issue of security. A truly Lockean approach would engage both sides of the debate, and find security policy that maintains liberty as a priority. An emphasis on Locke could decrease the polarity of the American political scene as well as the
international community. Though it is by no means a fix-all solution, a Lockean approach to terrorism is certainly a step in the right direction.

The differing origins of today’s politics from early political philosophy matter because they serve to highlight the logic behind the decisions that affect our world. The choices George W. Bush makes regarding domestic and foreign policy come out of the range of options he perceives. By holding a Hobbesian worldview, he limits his options to those of a bellicose nature, built out of a response to fear. He defines the world, erects boundaries, and then makes decisions based on that context. Bush’s philosophy serves as an example of how crucial leadership can be in difficult times, and how the choice of leadership can have an enormous impact on history.

President Bush often speaks of his role in history. In his 2002 State of the Union Address, he declared, “History has called America and our allies to action, and it is both our responsibility and our privilege to fight freedom’s fight.” By describing the War on Terror as a moment in history, George Bush adds a factor of inevitability to it. If history has called America to action, then Bush’s battle is part of a much larger struggle. He even says, “Freedom and fear, justice and cruelty, have always been at war, and we know that God is not neutral between them.” Bush’s rhetoric adds a cosmic tinge to the War on Terror. And his Hobbesian approach’s lack of nuance and depiction of absolutes supports his perception of history. But although President Bush describes his policies as if they have been scripted by a greater power, his true test of history is the choices he makes. By pursuing a Hobbesian approach to the watershed of September 11, Bush sets precedent and defines future reactions to like circumstances. His actions might be part of a much greater struggle, but it is a struggle he himself is shaping. Unfortunately, the
Bush worldview does not appear to provide any options outside the scope of Hobbesian thought. When a leader has this destructive a worldview, only one option remains: find a new leader.
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