

Evaluation of the just war doctrine



Abstract

This paper explores the extent to which the 2003 American War was just. There are definitions for the six conditions of the just war doctrine, and analysis of the war with respect to the six principles of a just war. The paper also evaluates the 1991 U. S on Iraq as an example of an American war that meets all the requirements of the just war doctrine. The paper concludes by emphasizing the need to adhere to the just war doctrine, noting that there are no circumstances that would warrant U. S war on other nations while ignoring this doctrine.

The Just War Doctrine

The Conditions for a Just War

The aggression associated with war conflicts with the fundamental civilization values. It infringes on people's rights to security, subsistence, life, peace, and liberty. However, the theory of just war postulates that there are cases where war is morally justifiable. There are six criteria suggested for a war to be considered just. The first one is that war needs to have a cause that is just (Lecamwasam, 2013). Examples of such cause include self-defense, provision of protection for innocent people against a regime that is considered aggressive, defending others from aggressive attack, or corrective punitive action for past aggression (Lacewing, 2010). All these instances entail the use of armed force to resist aggression that is deemed to violate basic human rights. The second condition is that such as war should be the last resort. A war can only be just in a case where all other peaceful options have been exhausted. The third principle is that the entity

waging war must have a legitimate authority. As such, an individual or groups of people that do not constitute a legitimate government have no moral authority to wage war. The fourth principle concerns the probability of success. A war can only be just, where there is a logically high probability of success. A country cannot wage war with low chances of success. Fifth, war should have the right intention (BBC, 2014). The main reason for waging a war is the establishment of peace. The peace in the aftermath of the war should supersede the level of peace achievable in the absence of the war. Sixth, the means applied in war has to be in proportion to the end that the war hopes to achieve (BBC, 2014). The nations that are at war have to avoid an employment of military force or action that is disproportionate. The amount of force applied should be absolutely necessary.

The 2003 War Waged by the U. S against Iraq

There are various arguments to the debate on the legality of America's invasion of Iraq in 2003. Some accounts suggest that it was just while others disapprove of such a claim. A good understanding of the various viewpoints depends on analysis of the events leading to the war, the reason put forth to defend the action of waging of war, how the war was conducted, and the aftermath of the war. President Bush in his January 2003 state of the union address argued that Iraq was in possession of weapons of mass destruction (WMD) that can harm the American people, or innocent people from other parts of the world (Chambers, 2004). In the address, he popularized the notion that his country was a potential victim of Iraqi aggression as Americans faced the risk of a possible attack from Iraq's WMDs. The argument here was that allowing Saddam Hussein to remain in power would

pose a huge risk to America's territorial integrity. The second case that President Bush presented as justification for a war on Iraq was with respect to the country's links to terrorist groups including Al Qaeda, responsible for the September 11, 2001 attack on the U. S (Chambers, 2004). He argued that the U. S was justified in taking military action against Iraq not only in response to an act that constituted aggression on the U. S in 2001, but also to prevent Saddam Hussein from selling his WMDs to terrorist organizations that had the capacity and potential from attacking the American people in the future (Chambers, 2004).

According to Chambers (2004), a further analysis, however, reveals that none of the validations put forth by President Bush meets the basic requirement for just cause. The claim that President Saddam Hussein could attack the U. S using his WMDs is not rational when one looks at it in conjunction with America's policy concerning North Korea that possessed such weapons as well as the means to use them against the U. S. At the time, North Korea had 100 missiles that had a 1000-kilometer range (Chambers, 2004). North Korea presented a greater threat to the U. S compared to Iraq. When the Senate intelligence committee sought to find out from the CIA, the level of threat that Iraq posed to the U. S, a senior CIA intelligence officer responded by saying that it was low (Chambers, 2004). President Bush, on his part, insisted that urgent military action against Iraq was necessary. Going by this reasoning, one can conclude that there was no just cause in the decision by the U. S to attack Iraq.

Another argument that appears keen on dispelling the notion that the war on Iraq was just is that it was driven by fears concerning oil as well as the future

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of the American dollar. Chapman (2004) argues that the government has opted to remain silent over the two factors and instead choosing to distract the American public with the Hutton and Butler reports. Those tasked with evaluating the Butler report and determining its accuracy as well as the rationality of its recommendation opted to adopt it despite the absurdities in it simply because they had a different and a more substantive reason which lay in the issue of oil. WMD was merely a bureaucratic argument as the reason was the vast amount of oil that Iraq was endowed with. Iraq was at the Gulf's center, home to a quarter of the 2003 global oil production, and in control of about 60% of all of the world's known oil reserves. Saddam Hussein controlled 115 billion oil reserve barrels, and arguably as much in 90% of the country that was yet to be explored. Only Saudi Arabia exceeds Iraq's oil capacity. In contrast, the U. S is the world's biggest importer of oil. After invading Iraq, President Bush convinced the United Nations to lift the limits that it had placed on the production of oil in the aftermath of the Kuwait war. Controlled over Iraq was according to Chapman (2004) intended to enhance the security of supplies destined for the U. S with the exploration and development contracts between Iraq and China, Russia, India, France, and Indonesia being abandoned in favor of the U. S and British companies possibly. Going by this argument, the intention of going to was not right as such violated a key doctrine of just war.

Concerning the principle of legitimate authority, the U. S appears to have met it. The government is the legitimate authority. President Bush gave the authority as the head of government. The American constitution gives the president as the commander in chief, lawful authority to employ military

force given that he has notified Congress of his intention (Chambers, 2004). The fulfillment of the principle of the potential of a peaceful outcome is not certain since both chaos and peace were equally likely. The country continues to experience constant wars that erupted between different factions.

As per the principle of war being taken as a last resort, the U. S was yet to exhaust all peaceful avenues before launching its attack on Iraq. The coalition governments had pursued several potential avenues, only that they had not exhausted them including backing a UN resolution to send its inspectors to Iraq, as well the decision to go through the process of diplomacy at the UN (Chambers, 2004). However, it is worth noting that the U. S could have considered other nonviolent approaches such as overthrowing Saddam Hussein from his position as the President of Iraq, and as such denying him access to WMDs. This would have been a nonviolent approach involving the Iraqi people through withdrawal of their consent. When people's consent, as well as that of a country's soldiers, is withdrawn, a dictator cannot survive, and would be compelled to step down (Chambers, 2004). Such an approach has been applied in the past with a great degree of success.

About the use of proportionate force, the U. S adhered to this condition in its war on Iraq. Even though it utilized combat capabilities, the level of casualties was low due to the application of sophisticated military technology. There was the use of all-weather bombs guided by GPS, and infrared technology (Zandstra, 2013). American soldiers were able to track Iraqi forces and strike them despite their attempts to make their movements

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at night and when there were sandstorms. Emphasis was on the utilization of surveillance, communication, and precision. Unmanned reconnaissance aircraft, satellites, and airborne radar were used to avail daily and detailed oversight of Iraq. The use precision-guided missiles enabled the U. S to target and strike specific targets without hitting civilian centers inadvertently. There was vast and elaborate communication in combat enabling the U. S to act not only quickly but also effectively. President indicated that the focus of the American forces was on striking specific military targets that would undermine the ability of President Saddam Hussein to wage war, such as leadership targets (Zandstra, 2013). Another integral consideration of the operation was a reduction of any disproportionate destruction of civilians as well as the infrastructure they used. The had created a “ No-strike” list that included mosques, power plants, hospitals, water treatment facilities, sensitive cultural sites, and other elements that constituted civilian infrastructure (Zandstra, 2013). As the war continues, more items were added to the list, and it finally grew to include numerous other off-limit targets.

American War that Adhered to the Conditions of the Just War Doctrine

An example of an American war that meets the six-principle criteria for a just war is the Gulf war that the U. S waged against Iraq in 1991. Iraq had invaded Kuwait and occupied a considerable portion of its territory. First, there was a just cause, which was to get Iraq forces out of Kuwait and ensure that the recovered territory is back under the control of Kuwait (Dorn, Mandel & Cross, 2015). There was also a valid reason for the use of force, which was to reverse Kuwait’s invasion by Saddam who was unrelenting in

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his quest to control Kuwait's oil fields. The war's net benefit was that Kuwait managed to regain control over its territory and peace restored. There was also legitimate authority for the war as it had been authorized by both the U. S Congress and the United Nations Security Council. The US-led coalition involved several other partner countries which served to legitimize the war further. As per the principle of last resort, the 1991 Gulf war met the threshold (Dorn, Mandel & Cross, 2015). Iraq had been increasingly solidifying its hold on Kuwait and unwilling to back despite sanctions and pressure from the U. N. It was clear that war was the only way to reverse Iraq's invasion of Kuwait (Dorn, Mandel & Cross, 2015). In the war, President George H. W. Bush could have chosen to invade Iraq as an act of deterrence but stopped after the goal of the war had been achieved. In effect, there was compliance with the principle of proportionality of means. Right conduct was also observed as the U. S actions appeared to be generally consistent with International Humanitarian law, as well as, the Geneva conventions (Dorn, Mandel & Cross, 2015).

Conditions for Failing to Adhere to the Just War Doctrine

There are no conditions under which the U. S can consider waging war against another country without adherence to the just war doctrine. Attacking another nation without meeting some or most of the criteria for a just cause would be a recipe for chaos that would result in situations that are worse than they were before the war. Such an action would set wrong precedence with other nations waging war for selfish gains. As the leader of the free world, the U. S ought to lead by example by ensuring that its wars are justifiable.

Evidently, the U. S failed to fulfill most of the principles of the just war doctrine in its 2003 attack of Iraq. However, it adhered to all the conditions in its attack Iraq during the Gulf War. There are no conditions that would excuse America's actions if it were to choose to attack another country without adhering to the just war doctrine. There is a need for all nations to adhere to this doctrine to ensure greater peace and stability globally.

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