

Just war theory and the 2003 iraq war politics essay



The Iraq War or the second Gulf War has been commenced since 20 March 2003. Despite the troops consisted of military force of various western nations, it was actually led by the United States.

Over the years, people have questioned the Bush administration whether it is justified to invade Iraq, and whether the Iraq War fulfill the criteria of the Just War Theory. As such, this essay will attempt to determine whether the invasion of Iraq by the Bush administration is justified.

Just cause – The reason for going to war must be just. Force may be used only to correct a grave, public evil, i. e. aggression or massive violation of the basic human rights of whole populations[1]. In addition to what we generally accept that force may only be used to correct a grave and public evil, Holmes (1992) stated that the criterion of “just cause” has been downgraded. He also stated that a war is justified in response to aggression, ie, self-defense. It also extended to cover also defense of another state against aggression, intervention to protect potential victims of grave wrong by nations, and even pre-emptive strikes against potential aggressors.

Right authority – War may be waged by constituted legal authority.

Right intention – War may be waged only in a truly just cause but not for material gain or maintaining economies.

Last resort – War may be waged only after all peaceful alternatives have been exhausted or are not practical.

Prospects of success – the goal of the war must end with peace

Proportionality – the anticipated benefits must be proportionate to its expected evils or harms.

Besides, the just war theory also requires the moral standard to define the conduct of armed conflict (Just ad bellum):-

Noncombatant Immunity – Army must take reasonable measures to avoid and minimize harm to civilians.

Proportionality – Only necessary force is to be used to achieve the military objective, and to avoid unnecessary collateral damage civilians and their properties.

Right intention – the aim of the war is to achieve peace. The act of vengeance and indiscriminate violence are forbidden.

Reason to Invade Iraq

In the speech given by Bush on 18 March 2003 in the White House, he gave the reason for taking military action against Iraq. In this essay, I will mainly attempt to use this speech as my argument for reason for invasion to Iraq.

JUST WAR THEORY VS US INVASION (Just ad bellum)

1. Just Cause

In the speech given by Bush, he stated:-

" We have passed more than a dozen resolutions in the United Nations Security Council. We have sent hundreds of weapons inspectors to oversee the disarmament of Iraq. Our good faith has not been returned"

" Over the years, UN weapon inspectors have been threatened by Iraqi officials, electronically bugged and systematically deceived. Peaceful efforts to disarm the Iraqi regime have failed again and again because we are not dealing with peaceful men"

" Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised. This regime has already used weapons of mass destruction against Iraq's neighbors and against Iraq's people."

" It has aided, trained and harbored terrorists, including operatives of al Qaeda"

" The danger is clear: using chemical, biological or, one day, nuclear weapons, obtained with the help of Iraq, the terrorists could fulfill their stated ambitions and kill thousands or hundreds or thousands of innocent people in our country, or any other."

" Terrorists and terror states do not reveal threats with fair notice, in formal declarations – and responding to such enemies only after they have struck first is not self-defense, it is suicide. The security of the world requires disarming Saddam Hussein now."

In Bush's speech, the causes for invasion are:-

Iraq possess weapon of mass destruction and peaceful efforts to disarm the Iraqi regime have failed.

Iraq aided terrorist like al Qaeda, and terrorists could make use of Iraq's weapon of mass destruction to kill Americans or people of other nations.

However, it seems that the Iraq invasion did not fulfill the "just cause".

Regarding the weapon of mass destruction, in late 2002 Iraq agreed to inspection by UN inspectors in accordance with UN Security Council Resolution 1441. However, the inspectors discovered no weapon of mass destruction. They only concluded that Iraq government failed to prove that all weapon of mass destruction were properly destroyed.

Besides, there was no evidence that the Iraqi government had any intention to use such weapon of mass destruction (even if Iraq did have the weapon). We did not see that the United States was facing a imminent threat of attack by Saddam Hussein.

Moreover, we are all aware the recent missile test by North Korea and its possession of material for making nuclear weapon. Would it justify to wage war against North Korea? Certainly not, or why the United States has not waged war against North Korea?

In respect of Iraq's link with terrorists, there was no evidence that Iraqi government had any link or connection with al Qaeda (or were involved with the attacks of September 11). If the Bush administration had such evidence, it would be a just course as the invasion is an act of self-defense. Postwar finding[2]also indicated that CIA assessed that Iraq and al Qaeda resembled <https://assignbuster.com/just-war-theory-and-the-2003-iraq-war-politics-essay/>

two independent actors trying to exploit each other. It also indicated that Saddam Hussein was distrustful of al Qaeda and viewed Islamic extremists as a threat to his regime, refusing all request from al Qaeda to provide material and operational support.

2. Right Authority

The US Congress passed the Joint Resolution to Authorize the Use of United States Armed Forces Against Iraq on 11 October 2002. This resolution provided the Bush Administration with the legal basis for the invasion to Iraq.

Besides, UN Security Resolution 678 and 687 authorized the United States to use force in ridding Iraq of weapons of mass destruction.

As such, US action was carried out with right and legal authority.

3. Right Intention

As pointed out in Bush's speech, the intention of invasion is to protect American and other people from weapon of mass destruction possessed by Iraq and its support to terrorists.

In respect of the intention to protect people from terrorists, as I earlier reported, there was no creditable evidence that Saddam Hussein had supported the terrorist like al Qaeda. Being the chief of command, Bush should have known that the allegation of connection with terrorist was nothing more than an excuse. Scholar (Murray and Scales, 2003) argued that after the September 11 attack, the destruction of dictator Saddam's government by a swift and forceful military action could establish the

authority of the United States and the determination to fight against terrorism. As such, the invasion did not meet the criterion of "right intention" from this perspective.

Regarding weapon of mass destruction, since UN Inspector stated that after the inspection in late 2003 the Iraq government had failed to prove that all weapon of mass destruction were destroyed. The "right intention" of protecting people from such weapon was justified.

However, a number of scholars opined that the true intention of US's military act was to acquire Iraq's oil supply and to protect the oil in the Middle East. In the end, "right intention" is a subjective measure that depends on what was Bush thinking at the time of the invasion. Based on the circumstance, it seems that the right intention was justified as an independent UN inspection team (though may be highly influenced by US) had doubted whether Iraq had destroyed all weapon of mass destruction.

4. Last Resort

Coates (1997) stated that "the criterion of last resort underlines the primacy of peace over war in just war thinking. Recognition of the potential moral instrumentality of war is not to be confused with moral enthusiasm for war." ".... moral considerations go hand in hand with political and military ones, and the moral judgment needs to be informed by a certain realism. Deciding when diplomatic and other non-belligerent means of securing peace have been effectively exhausted, or deciding when a conciliatory approach has become counterproductive, is largely a matter of political and military judgment."

Coates rightly pointed out that the idea of "last resort" is subjective and could be influenced by political and military judgment.

Walzer (2004) emphasized the importance of "last resort" as "because of the unpredictable, unexpected, unintended and unavoidable horrors that it regularly brings." As for the notion of lastness, it is essentially "cautionary," he stated: "look hard for alternatives before you 'let loose the dogs of war.'

The issue we need to discuss is whether the Bush administration had exhausted all non-violence means to achieve peace before the invasion to Iraq.

However, I personally think that there would not be any "last resort" in the reality. From anti-war believer, we would never meet the criterion of "last resort". As such, we have to act at some point as far as all "reasonable diplomatic and non-violence means" have been done. As a matter of fact, when it comes to war, anti-war believer would always say that even at the last minute, there still are alternatives (which is always the best argument against waging war). The alternatives could be economic sanctions, UN inspection, pressure from neighbor and diplomatic meeting. However, Saddam could also use such non-violence alternative to buy time, so that he could have more time to build or hide the weapon of mass destruction. One of the reasons as to why the UN inspector could not find any weapon of mass destruction may be because Saddam had bought enough time from previous noncooperation with UN inspection.

Since Bush administration and UN had exercised diplomatic means to warn Saddam that war would be unavoidable if he chooses not to cooperate with <https://assignbuster.com/just-war-theory-and-the-2003-iraq-war-politics-essay/>

the United States or UN, it is justified for Bush administration to say that he had exhausted the “last resort”.

5. Prospects of success

In general, the US-led coalition outnumbered the Iraqi army. The military technology of the US led coalition was more advanced than that of Iraqi army. Bush administration knew that there was high probability of success. The invasion phase of the war, ie, from 19 March to 20 April, proved that the criterion of “prospects of success” was met. The problem is whether the US invasion was likely to generate condition of lasting peace by removing the dictatorship.

However, after the invasion phase, despite the Iraqi army was quickly overwhelmed, some religious radicals and Iraqis angered by the occupation have begun isolate attack against the US led coalition. This contributes one of the main reasons for US military death in Iraq after the invasion phase. Besides, US and UK government was not able to restore basic services to the Iraqi people, and the decaying infrastructure due to a decade of sanction, bombing, corruption had left major cities barely functioning. Local people claimed that their living standard was actually worse than that in Saddam regime which had contributed to local anger at the transitional Iraqi government.

Even three years after the invasion, on 14 August 2007 800 civilians were killed by a series suicide bomb attacks in Iraq. More than 100 homes and shops were destroyed during this series of attacks. Isolated attacks have taken place from time to time killing US army. Besides, the invasion also
<https://assignbuster.com/just-war-theory-and-the-2003-iraq-war-politics-essay/>

creates anger by Iraqi people against United States. On 14 December 2008, at a press conference by George W. Bush in Iraq, a reporter threw his shoes to Bush screamed “This is for the widows, the orphans and those who were killed in Iraq”. It seems that the military act was a success during the invasion phase, peace is still very remote for Iraqi people. The worst is that the invasion also creates tension between civilian of Iraq and the United States which would not be easily solved in short period of time (taking Chinese against Japanese government for the war crime they did during WWII as an example).

6. Proportionality

Being a just war, it must be proportionate. The use of force must not produce evils and disorders graver than the evil to be eliminated. We all are concerned that invasion of Iraq could have unpredictable consequences not only for Iraq but for peace and stability elsewhere in the Middle East. Wells (1996) stated that “if the price of the projected war is too great in total dislocation, suffering, and death, including all human, economic, and cultural costs, in comparison to the good likely to come of it, again, considering all the likely gains, then the war is disproportionate.”

During the invasion phase from 19 March to 30 April 2003, 9,200 Iraqi combatants were killed along with 7,299 civilians, primarily by US air and ground forces. Coalition forces reported the death in combat of 139 US military personnel and 33 UK military personnel. The casualty rate of Iraqi is almost ten times higher than that of the coalition force. From casualty perspective, we could say that it was a disproportional war.

Besides, war would definitely destroy the infrastructure of Iraq and affect the living standard given the fact that they had already lived at the edge of survival after a decade of destructive sanctions. The international communities and the countries in the Middle East were not ready to handle the problem of refugee from the Iraq.

What about the good achieved by the war. The most obvious one would be the discovery or destroy of weapon of mass destruction. Since the western countries generally believed that Saddam had possessed a number of weapon of mass destruction and was intended to use. The military action protected the live of American and people of other nations.

Besides, Saddam was known to be brutal dictator who killed his own people including children and women. Removing Saddam might facilitate the development of democracy and protect the right and live of Iraqi civilians.

It is important to compare the benefit and detriments caused by the war. Given that the Bush's speech on 18 March 2003 did warn that " it is not too late for the Iraqi military to act with honor and protect your country by permitting the peaceful entry of coalition forces to eliminate weapons of mass destruction. Our force will give Iraqi military units clear instructions on actions they can take to avoid being attacked and destroyed. I urge every member of the Iraqi military and intelligence services, if war comes, do not fight for a dying regime that is not worth your own life." Besides, in the same speech, Bush also promised that " as our coalition takes away their (Saddam) power, we will deliver food and medicine you need...., we will help you to build a new Iraq that is prosperous and free. In a free Iraq, there will

no more wars of aggression against your neighbors,...no more execution of dissidents, no more torture chambers and rape rooms." In view of all the circumstance, it is reasonable to say that the invasion met the criterion of "proportionality".

Based on the above analysis, the invasion of Iraq fulfills all criteria of "Jus ad bellum" except the criterion of "just cause". The reason the invasion of Iraq failing to meet the requirement of "just cause" is because there is no weapon of mass destruction found in Iraq and Iraq had no connection with Terrorists. However, if the Bush administration, based on the intelligence provided by CIA prior to the invasion, truly believed that Iraq had weapon of mass destruction (and was intended to use it) and there was evidence to suggest Iraq had aided al Qaeda, then it would be reasonable to say the invasion fulfills the criterion of "just cause".

JUST WAR THEORY VS US INVASION (Just in bello)

1. Noncombatant Immunity

Coates (1997) states that "the moral reasoning associated with the principle of civilian or, more exactly, noncombatant immunity is one of the most strongly contested areas of just war theory." "Since moral guilt or innocent can be established only by reference to the intentions, state of mind and subjective disposition of an individual, the distinction could not be used as a means of discriminating between legitimate and illegitimate targets of attack." This means the criterion of noncombatant immunity is a subjective measure of a person's mind.

In a democratic government like the United States, targeting civilian or noncombatant during a war would be a crime. I would quite confident to say that the US-led coalition force did not violate the criterion of noncombatant immunity. But there is always collateral damage. People estimated the number of civilian causality since 2003 ranged from 91,676 to 100,083[3]. The large number of civilian causality or collateral damage gave a worrying reality that noncombatant immunity is very difficult to uphold in a war. Those Iraqi civilian killed may be because the coalition army truly believed that their lives were in danger and it was an act of self-defense.

Besides, there were the human right abuses during the war and in particular at Abu Ghraib prison. Captured Iraqi army was tortured by US army in order to have intelligence. Those Iraqi soldiers were prisoners and could no longer cause any harm to the US, and strictly speaking, they were noncombatant. I consider such act by US is a violation to "noncombatant immunity".

Nonetheless, those violations to "noncombatant immunity" are isolated cases during the entire war. From the proceeding currently undertaking against US soldiers committing war crime, it shows that the US government is determined to uphold the requirement of "noncombatant immunity".

In respect of proportionality and right intention, their arguments are basically the same as the cases in "jus ad bellum", and I would not repeat here.

CONCLUSION

The US-led coalition's invasion of Iraq met all the requirement of the just war theory except the "just cause". The Just Cause Theory is a subjective theory.

Whether a war is just depends on the state of mind of the person who wages war, and we could only assess the circumstantial evidence. I guess that we would never know whether the Bush administration knowingly accept the false intelligence that Iraq had weapon of mass destruction and connection with terrorists or the Bush administration simply misled by incredible intelligence from CIA or other government agencies. It would a just war from Bush's perspective, if he was deceived by incredible intelligence.

It is very difficult to assess whether a war is just, particularly for those war waged by powerful nations who could exert influence to its alliances or even the United Nation. I therefore suggest that an independent organization should be created who could have access to documents relating to the decision to wage war. This organization should also have judiciary power to conduct proceeding to decide whether a war is just. It can publish country for waging a unjust war and any wrongdoing during a war. Without an independent organization, nations will continue to wage war using the subjective side of the Just War Theory to justify their action.
