



Running Head: An Ethical look at Warfare

An Ethical Look at Warfare and the War in Iraq

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David DeBates

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Abstract: This paper will focus on the origins of warfare and how we quantify it as just or unjust. I will discuss what constitutes a just and unjust war, the rules of warfare and how the participants conduct is judged in that war. I will describe the morality of warfare and the ethical decisions that lead a nation to war. I will finish with a discussion of the United States involvement in the two wars in Iraq, 1991, and 2003 and how these theories of just warfare affect the perceptions of the world as to the two different battles fought there.

Are wars just? Since the beginning of time, man has waged war. Nations have fought and waged war with their neighbors over an endless list of reasons and justifications and for just as long, men and women have talked about war in terms of right and wrong and attempted to justify their right for aggression on their neighbor as noble or necessary. However, what is war? Is this a legal, moral, necessary and justifiable action for nation states to enter, or is it just a means to justification state sponsored criminal activity and to support their aggression?

Our reasons for war: The reasons for nations going to war are varied and often complicated and due to a wide range of issues. Many times, wars are waged to settle the disputes that arise over issues of ideology, resources, territory, and sovereignty, religion when a more peaceful solution fails or is not attempted. When negotiations fail, nations make a determination that the dispute must be settled with aggression.

Clausewitz describes war in very simple terms:

“We shall not enter into any of the abstruse definitions of war used by publicists. We shall keep to the element of the thing itself, to a duel. War is nothing but a duel on an extensive scale. If we would conceive as a unit the countless number of duels which make up a war, we shall do so best by supposing to ourselves two wrestlers. Each strives by physical force to compel the other to submit to his will: his first object is to throw his adversary, and thus to render him incapable of further resistance.

*War therefore is an act of violence to compel our opponent to fulfil our will.*

Violence arms itself with the inventions of Art and Science in order to contend against violence. Self-imposed restrictions, almost imperceptible and hardly worth mentioning, termed usages of International Law, accompany it without essentially impairing its power. Violence, that is to say physical force (for there is no moral force without the conception of states and law), is therefore the *means*; the compulsory submission of the enemy to our will is the ultimate *object*. In order to attain this object fully, the enemy must be disarmed; and this is, correctly speaking, the real aim of hostilities in theory. It takes the place of the final object, and puts it aside in a manner as something not properly belonging to war.”

Therefore, war is defined as an act of aggression to compel the enemy to succumb to our will but does it make it justified? Is it legal?

From a historical standpoint, wars tend to be judged twice. The first is a measure of whether the war is a just war, the second determines whether the war is fought justly. The determination between the two has been discussed for as long as wars have been fought. The Latin phrases *Jus ad bellum* or justice of war and *jus in bellum*, justice in war points to this distinction and to the deeper issues that surround them.

So it becomes possible for a just war to be fought unjustly and for an unjust war to be fought within the strict accordance of international law, and therefore considered, just. *Jus ad bellum* are a set of criteria that are consulted *before* engaging in war, in order to determine whether entering into war is justifiable. *Jus ad bellum* is sometimes considered a part of the laws of war, although the term "laws of war" can also be considered to refer to *jus in bellum*, which concerns whether a war is conducted justly. In modern language,

these rules hold that to be just, a war can only be waged to recapturing things taken or to punish people who have done wrong.

Therefore, the question is raised; does the United States have a legitimate right to wage war on a sovereign nation for the purpose of a regime change? Is this a just war? Does this meet the requirements of jus ad bellum?

In 1991, The United States and its allies fought in accordance with international law and within the model of a just war or jus ad bellum. They ended the invasion of Kuwait and defeated the invading armies of Saddam Hussein. There was no attempt to overthrow the Government or replace the Baathist party that was responsible for the war. We had met the intent in that we had returned the country of Kuwait and punished those responsible. We chose to allow the Iraqi people to remain a sovereign nation and exercise their own self-determination as to their own form of Government even though we were still very concerned with the current political leadership of Iraq and advocated a change in the regime. This war has been judged by the nation, and the world, as a just war, a war was fought justly because it returned a country that was annexed illegally and punished those that were responsible.

By 2003, our position and its allies had changed drastically. The United States had determined that the Government of Iraq was unstable and inherently aggressive and posed a clear and present danger to the sovereignty of its neighbors and threatened the safety of the region, along with the world. Just as it had committed atrocities in the past and acts of aggression against its neighbors, it was determined that it had the will, the ability and the desire to do this again. Citing Iraq's past conduct, The United States claimed that it

would happen again, unless the current Government was replaced so it began to implement a shift in the policy away from its containment policy to one of a demand for a change in the Iraqi regime.

Therefore, this war was not started as a response to aggression, as is the case in the first gulf war. It was not started to return property or things taken or to punish those responsible and it was not started because of an imminent threat to Kuwait or its neighbors. The purpose was to replace the current regime to prevent projected future wrongdoings even though many other reasons were cited. This liberal expansion of the definition of jus ad bellum caused much of the friction that later developed and where many nations, and people determined that this was not a just war. This was not a war to prevent murder, to stop aggression, or to prevent an invasion of another sovereign nation. It was a preventive attack to remove a perceived evil regime that we perceived had become a distinct threat to the region.

This brings about another question. Does the United States, or any nation, have the right to invade another country and violently execute a change in their current regime based solely on that countries capability or potential for aggression.

So, what changed between 1991 and 2003 that caused the United States to change its policy and go to war again with Iraq with the purpose of a regime change when this could have been more easily pursued in 1991?

At the end of the first war in Iraq in 1991, the United States and its allies instituted a containment system on the country of Iraq to prevent the country from murdering its

people, to prevent Iraq from projecting its aggression on its neighbors and to prevent Iraq from acquiring weapons of mass destruction. The United States attempted to accomplish this by placing an embargo on Iraq, which was intended to prevent the importation of arms. It also established an inspection system, organized by the UN to block the development of nuclear weapons. Finally, it established no fly zones in the north and the south to prevent the regime from using its air power against its own people. This designed containment system proved to be highly effective, in that it prevented further mass murders and the importation and development of weapons of mass destruction. It was not effective in that the current regime remained in power.

The problem is that what began as a multi-national effort in the war and the original enforcement of the containment policy became a unilateral effort by the United States. By 2003, it became more desirable to effect a change in the regime than to continue the policy of containment unilaterally. The countries that argued against invasion and supported the policy of containment were not willing to assist in the inspections, enforcing the embargo, or supporting the no-fly zones.

This unilateral responsibility of containment, along with its prohibitive costs and the inability to sustain the operation indefinitely caused a change in the political policy of the United States administration and the policy of containment was replaced with a policy that favored a change in the Iraqi regime. The United States determined that it could no longer support the costs of the containment policy and determined that a change in regime would be more effective, financially and politically than the current policy. Since this war was not waged by a state to recapture things taken or to punish those who have

done wrong, it did not meet the conditions of *jus ad bellum*, it is widely viewed as unjust by the world and the reason we have garnered much less support than the first Gulf war.

In conclusion, I have discussed the definition of warfare, the theories of what constitutes a just and unjust war and how those theories affected world opinion about the United States involvement in the war in Iraq and the degradation of world support for our cause.

Works cited:

Walzer, Michael, *Just and Unjust Wars*, 1977 Basic Books

Clausewitz, Carl Von, *On War*, 1873