

Just Wars, Unjust Wars, and Everything In Between

BY WALTER DORN

When I teach officers at the Canadian Forces College, I sometimes ask them: Under what circumstances would you pull the trigger? Almost all of their replies turn out to be in line with what has developed over the centuries as the “Just War Criteria.” These include just cause, right intent, legitimate authority, last resort, net benefit, proportionality and right conduct.

Though there are no absolute pacifists among the students, pacifists assert that no war is just and that there can never be any excuse to use force. In a sense, I admire this highly principled approach; if the whole world consisted of absolute pacifists, there could not be a war. But the world is not like that and, along with many other people, I believe that sometimes force is needed to constrain force.

The people at the opposite extreme from absolute pacifists believe in force that is not morally constrained. Fortunately, few Canadian military officers would subscribe to that view. Such persons would prefer an anarchical world in which there would be no limit on the capability of a nation or even an individual to use force.

Just War Theory applies to neither extreme: pacifism or anarchism. But in between those two extremes there are many reasons for judging when force is justifiable, and that’s where Just War Theory comes in.

When Barack Obama gave his acceptance speech for the Nobel Peace Prize in 2009, he referred to Just War criteria, saying that war is justified only when it meets certain pre-conditions. For example, it must be used only as a last resort or in self-defence; the force used must be proportional, and, whenever possible, civilians must be spared from violence. Those are just a few of the Just War criteria mentioned above, but the president’s statement encourages us to think in new ways about Just War and the imperatives of a “just peace.”

The Just War Theory has at its base a “presumption of peace”—meaning that you should not use

force except under certain preconditions. In the literature, there are four to eight conditions that are typically cited. I usually choose seven because they answer quite satisfactorily the basic questions about the use of force: Why? Who? When? What? Where? and How?

WHY? WHO? WHEN? WHAT? WHERE? HOW?

Why use force? Just War theory insists that you need a *just cause*—a good reason. You need the *right intent*—you can’t have ulterior motives behind your action that are not consonant with your declared cause. And you need to have a *net benefit*. If the end result of your fighting is going to be negative, then it does not meet the net benefit criterion.

Who should authorize force? The theory says that it should be a *legitimate authority*. The modern interpretation of that principle is that the authority should be legitimate under international law—which means the UN Security Council, in accordance with the UN Charter.

What level of force? The theory requires *proportional means*. You must not use nuclear weapons after someone steps on your foot! You should use weapons and means that are proportional to the atrocity that was committed or to the action that must be corrected.

When should you use force? Only as a *last resort*, which means after all peaceful options have been exhausted. That criterion may be hard to meet, since there are always some peaceful options left, but let’s say that *reasonable* options must have been exhausted, or that any remaining ones are clearly unlikely to succeed.

Where can you use force? Only on *military targets*, not on civilian ones. That is specified by the Just War tradition and modern international laws regarding armed conflict.

How to use force? With *right conduct*, including obeying all the laws of armed conflict.

Applying those criteria to specific conflicts can be challenging but the theory is quite practical. In a

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test of the theory I explored assessments by experts of the wars fought by Canada and by the United States. I asked them to evaluate the “justness” of the wars on a scale. Instead of merely stating “This war is just,” or “That war is unjust,” I asked them to quantify the justness from -3 to +3. Nature is rarely binary; most things in nature are on a spectrum. So it is with most moral issues. You rarely have a completely just war or a completely unjust war; most wars are in between.

In our survey, we defined each of the criteria for the experts. While some people define “right intent” as meaning that you must intend to create peace, we defined it in a different but compatible way—as the degree to which the actual motivation behind the use of force is the same as the declared motivation. We also asked them what they consider a “just cause” in general.

The experts ranked the justice of various possible causes in descending order of their acceptability to our survey respondents, with the following results:

- 1) The most accepted cause was “to defend one’s country against an attack that has already begun”—pure self-defence.
- 2) The second most accepted cause was “to defend against an imminent attack that is certain.”
- 3) Next, “to protect the lives of others threatened by violence”—i.e. a humanitarian intervention. (The respondents who identified themselves on the right of the political spectrum gave lower rank to this criterion than those on the left.)
- 4) Fourth in acceptability was “to show solidarity,” which was higher to the right-wingers than to the left.
- 5) Next came “to prevent an attack on one’s country that is thought to be probable”—a pre-emptive attack. (It was much less acceptable, and the right and left were about equally reluctant to accept it.)
- 6) Sixth most accepted: “To avenge an attack.” Here, the right-wing respondents were considerably more favorable to that than the left.
- 7) Finally, the least acceptable cause by far was “to acquire territory or resources from another country.” The right-wing respondents were marginally more accepting of that cause than the left, but fortunately very few people accepted it at all.

That was our analysis of the “Right Cause” criterion. Then we asked the respondents to apply seven

criteria to particular wars that had been fought. They were to appraise each war on a scale running from minus three (the least just) to plus three (the most just) war, with zero representing the neutral score. We did that for all seven criteria and then averaged them for each war. That average is the “just war index” for that particular war.

COMPARING GULF WAR I AND GULF WAR II

Let me give an example of how I think about these matters before I show the respondents’ results. I’ll compare my assessment of Gulf War I (George H. W. Bush or Bush Senior’s 1991 war) to that of Gulf War II (George W. Bush or Bush Jr.’s 2003 war).¹

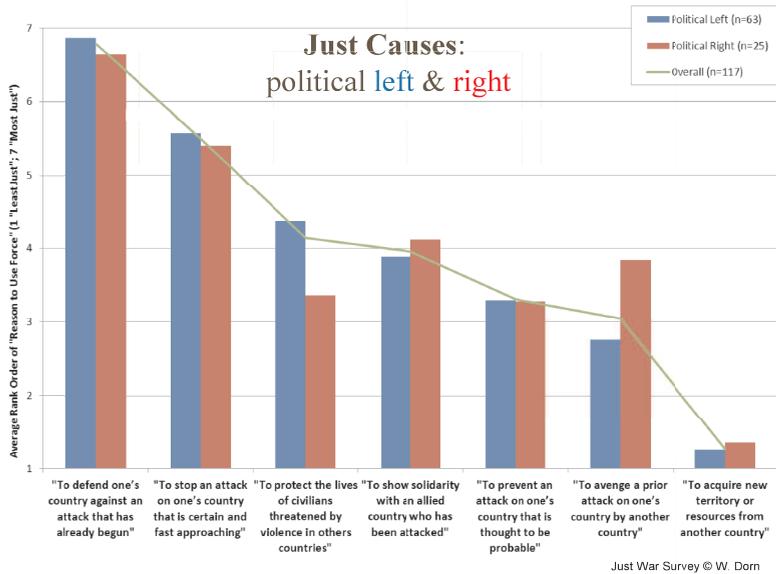
	Gulf War I (1991)	Gulf War II (2003)
Just Cause	+2	-1
Right Intent	+2	0
Net Benefit	+2	-2
Legitimate Authority	+3	-2
Last Resort	+2	-2
Proportionality of Means	+2	-2
Right Conduct	+1	+1
Just War Index	+2.0	-1.1

Right Cause? The cause for which Gulf War I was fought was to expel Iraq out of Kuwait, which it had annexed. The declared cause for Gulf War II was the presumption that there were weapons of mass destruction that needed to be disarmed, as well as the presumption that there were terrorists inside Iraq that had to be taken down. I gave Gulf War I a score of +2, since its cause was to repel a serious case of aggression. But Gulf War II? At best it would be a pre-emptive attack based on the assumption that WMD, presumed to be in Iraq, might be used sometime. That’s a weak justification, so the highest score I could give it was a -1. It was a rather unjust cause.

Right intent? Gulf War I wasn’t perfect. We know that George Bush Senior was an oil man and may well have had a selfish motive. But on the other hand, we wouldn’t want to see Kuwait’s oil reserves stay in Saddam Hussein’s hands, allowing him manipulate the oil market, so there is some justification there. I gave it a +2. The intent of the United States was to reverse a wrong by expelling Iraq from Kuwait, so I gave it a +2. As for Gulf War II, I question the intent of Bush Junior and the most I could give it was a 0.

Net benefit? The war in 1991 resulted in the expulsion of Iraq from Kuwait, with the Kuwaitis getting

The most accepted cause was pure self-defence



back their own government and their own oil. There was only a slight improvement in the democracy of Kuwait but at least they were not under a dictator and were not still annexed to Iraq, so I gave it a +2. By contrast, the net result of Gulf War II was highly questionable. There were so many deaths! For example, more American soldiers died in Iraq than civilians died in the September 11 attack, plus over 100,000 Iraqi civilians died in the invasion and its aftermath.² The internal fighting is still going on, with 50 to 100 people being killed in some bombings. So the net benefit is strongly negative (-2). Yes, there were democratic elections there but the current government is not interested in sharing power.

Legitimate authority? The Security Council authorized Bush Senior's invasion of Iraq through Resolution 678. The international community supported the United States when they attacked Iraq. It was not unanimous but there were no vetoes. In Gulf War II, on the other hand, Bush Junior saw that he was not going to get a resolution from the Security Council authorizing invasion, so he declared that he did not need a resolution. His administration reasoned (weakly) that their authorization comes from the resolutions after Gulf War I that made certain demands on Iraq. In terms of international law, that is not nearly enough, so I gave it a -2.

Last resort? Gulf War II was an optional war. There was no sense that it had to be done immediately or that it would be too late. There were allegations that weapons of mass destruction existed but there had been a very thorough investigation and

the UN's commission had destroyed over 3,000 tons of chemical weapons. The IAEA had carried out inspections and had found no evidence of a nuclear weapons program. Maybe there were some biological weapons in a suitcase somewhere but they were not militarily significant. So I gave the "last resort" criterion a -2.

Proportionality of means? In 1991 the military means used to expel Iraq from Kuwait were not perfect. On the "Highway of Death" the US bombed any vehicle leaving Kuwait to Iraq, creating kilometers of blown-up vehicles. Those were not proportional means. However, the United States did not proceed into Iraq. US forces stayed within the boundaries of Kuwait, so I gave it a +2 in proportionality of means. In Gulf War II, however, the US actually invaded and took over the entire country. Invasion is about the strongest possible measure in warfare. It was so disproportional that I gave it a -2.

Right conduct? There were embarrassments in both Gulf Wars where the wrong sites were bombed and so on. I now believe I shouldn't have given them the same score because Gulf War II had Abu Ghraib, Guantanamo, the Falluja massacres, and lots of other terrible incidents. There were abominable attacks by Americans on civilians.

In any case, I averaged the scores for both wars and came up with +2 for Gulf War I and -1.1 for Gulf War II, considering all seven criteria.

Now let's see what my survey respondents thought. Their opinion resembled mine when it came to comparing Gulf Wars I and II. They gave an average of +1.5 to Gulf War I and -1.2 to Gulf War II.

EIGHTEEN US WARS

I also asked them to appraise the 18 conflicts in which the United States had fought since 1900. In their judgment, the most "just" war of all was World War II, which scored almost +2. However, the Right Conduct criterion was not very high in that war, perhaps because of the fire bombing of cities and the atomic bombs dropped on Hiroshima/Nagasaki.

Then in descending order of the "Just War" index, the respondents assigned positive scores to the current anti-piracy mission in Somalia; then to Gulf War I; World War I; Bosnia; the Kosovo War (which didn't have Security Council authorization); the Korean War of 1950-53; the Iraqi No-Fly Zone to protect the Kurds in the north; the Haiti intervention of 1993 (in which hardly a shot had to

Gulf War II was optional

be fired to get the junta to step down and bring Aristide back to power)³; George W. Bush's Operation Enduring Freedom in Afghanistan; the NATO mission to Afghanistan (the experts rated both Afghanistan operations as equally just, but I disagree). Though they differed, all of these wars were given ratings as "just" (positive on the scale).

When it comes to the Global War on Terror, however, there were negative scores on some criteria, such as Right Conduct and Proportionality. It scored overall at about zero—neither quite just nor quite unjust.

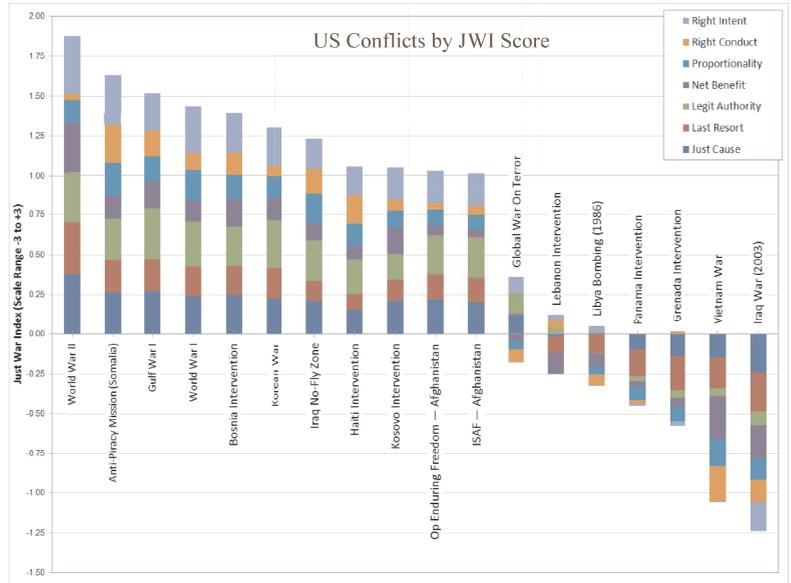
Then we get a series of six wars to which the experts assigned negative scores, getting progressively worse, one after the other. One was President Ronald Reagan's intervention in Lebanon in 1983, where over 200 hundred marines were blown up in barracks; then the unauthorized 1986 Libya bombing, also by Reagan, in 1986 where the US bombed Gadhafi's compound, killing one of his children; the Panama intervention to overthrow Noriega; the 1984 Grenada intervention to prevent its turning into a socialist state; the Vietnam war, where over 60,000 American lives were lost, along with countless Vietnamese; and finally George W. Bush's Iraq War, which was the worst of all the 18 wars they rated.

RIGHT AND LEFT JUDGMENTS

When we compare the right and left-wing experts, they both tended to agree about the relative ranking of the various wars, but the right-wingers were generally more likely to see any war as justified than were the left-wingers. Since all of the respondents were academics, it is not surprising that about 80 percent of them described themselves as on the left rather than the right. When it came to the negatively rated wars, the left and right diverged markedly in the score (though not so much in the rank). Right-wing American scholars tended to see almost any US war as just, whereas the experts on the left were much more critical (negative) about the unjust wars.

It would be interesting to compare these opinions to the appraisals of a sample of Canadian peace activists. Feel free to score these wars yourself and post your comments on Peace Magazine's web site: <http://peacemagazine.org>. □

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NOTES

1. The name "Gulf War" has been applied to three modern conflicts, all involving Iraq: the 1982-88 war with Iran; the 1990-1991 international military intervention to force Iraq out of Kuwait; and the 2003 US-led intervention to depose Saddam Hussein. Current usage is to call them the Iran-Iraq War, the Gulf War, and the Iraq War, but there are a range of alternative names in English and in other languages. [ed.]
2. Associated Press and the Iraq Body Count project recorded slightly over 100,000 violent deaths of civilians between 2003-2011. A somewhat lower figure (66,000) appears in the classified logs published by WikiLeaks. Three surveys which used statistical sampling and/or mortality projections had higher figures: 151,000 from the Iraq Family Health Survey, 601,000 in the *Lancet*, and over 1.03 million from Opinion Research Business (ORB). The methodology of the latter two surveys has been disputed by most independent experts. [ed.]
3. US forces were on their way to Haiti when the junta led by Raoul Cedras, which had overthrown President Jean-Bertand Aristide, agreed to step down. US forces remained in Haiti for six months in a peacekeeping capacity; their intervention was much less controversial, and less violent, than was the case with 2004's coup and its aftermath. [ed.]

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George W. Bush's Iraq War was the worst of all the 18 wars they rated