

Iraq: Don't go there: Attack would violate 'just war'

by [George Hunsinger](#) in the [August 14, 2002](#) issue

"Wars are not won on the defensive," asserts Vice President Dick Cheney. "We must take the battle to the enemy and, where necessary, preempt grave threats to our country before they materialize." For the Bush administration, this policy appears to include a preemptive strike against Iraq, which is viewed as another installment in its war against terrorism.

A war of preemption, advocates maintain, will bring about a highly desired "regime change" in Iraq, install a democratic government there and free the Iraqi people. By just war standards, however, a preemptive attack against Iraq must be condemned.

According to just war theory, three criteria determine whether going to war is justifiable: the cause must be just, the chances of success must be reasonable and the authority to wage war must be competent. None of these conditions can be met by the preemptive strike planned against Iraq. It is not likely that the main criteria for justifiable conduct in war—providing immunity for noncombatants and using means proportional to the ends—can be met either. Let's look at each of these principles in light of the proposed attack against Iraq.

Just cause? Having a sufficient cause is the most important condition justifying war. Historically this has involved (a) self-defense (b) against an act of aggression and (c) used as a last resort. Initiating an act of war violates this requirement, since the only sufficient reason for warfare is self-defense against physical aggression.

The right to preempt an anticipated attack can be extrapolated from the self-defense principle if preemptive strikes meet a high standard of justification: the attack being prevented must be imminent, not merely conjectured or vaguely feared in the long run. Everything depends, therefore, on whether Iraq plans to launch an attack against the U.S. in the near future.

Two questions are relevant: Does Hussein actually possess weapons of mass destruction? And if so, do they pose a clear and imminent danger to the U.S. or its allies? The answer to both these questions seems to be no. No evidence has been produced that Iraq is manufacturing weapons of mass destruction. According to experts, both the capacity to manufacture them and the capability of delivering them are lacking. This assessment has been confirmed by sources as diverse as Former Defense Secretary William S. Cohen, current Secretary of State Colin Powell and former UN arms inspector Scott Ritter.

As a result of the gulf war, Iraq had virtually all of its major weapons programs destroyed—including its nuclear weapons capability, as reported by the International Atomic Energy Agency. Even if Hussein does retain some minimal capability in weapons of mass destruction, mere possession, by just war criteria, is not enough. Iraq has obvious incentives not to implicate itself in using such a capability against the U.S.—unless Iraq itself should be attacked first in an unprovoked war of preemption. In that case, Saddam Hussein would have nothing to lose by unleashing, in desperation, anything he may have.

Reasonable chance of success? The just war theory requires stringently weighing in advance the consequences of a military campaign, even though this requirement by itself is not decisive. Any one who has read Tolstoy's *War and Peace* or who remembers the Vietnam War should know that when success is made to sound too easy, skepticism is the order of the day. Precious human lives and scarce economic resources are at stake.

Would "liberating" Iraq really be a "cakewalk," as Ken Adelman, former U.S. arms control director, has claimed? Or is Immanuel Wallerstein of Yale University correct when he warns that Iraq could become another Vietnam: "Just as in Vietnam, the war will drag on and will cost many U.S. lives. And the political effects will be so negative for the U.S. that eventually Bush (or his successor) will pull out. A renewed and amplified Vietnam syndrome will be the result at home."

According to some estimates, as many as 250,000 U.S. troops will be needed. While other estimates are lower, one Pentagon study has projected an "acceptable" death rate of 20,000-30,000 U.S. soldiers. (The number of "acceptable" Iraqi deaths has apparently not been calculated.) The Iraqi army, estimated at 500,000 troops, will be defending their homeland against a foreign invader who has been bombing them for years. Dissident military analyst Carlton Meyer says: "Ideally, the campaign can be

won by sending in 50,000 troops charging in from the air and sea. . . . However, they could get bogged down if the Iraqis fight in the cities and mine the roads. In every military operation there are a hundred things that can go wrong; if you can anticipate half of them, you're a genius."

Arab leaders have warned that a U.S. war against Iraq could destabilize the entire region. Iraq itself threatens to collapse into anarchy. A puppet regime is far more likely to result than a democracy, and even that will be difficult to achieve. Senior U.S. military officials reportedly have serious doubts about whether defeating Iraq would be worth the high military and diplomatic cost. A unilateral war against Iraq would be widely perceived as an American bid for colonial occupation in the Middle East. An occupation of oil-rich Iraq, says Meyer, "will not be about freedom, democracy, or security; just money and power."

Legitimate authority? It is doubtful that the U.S. possesses legitimate authority to launch a preemptive war alone against Iraq. "Unilateral action by the United States to overthrow the government of another sovereign nation," writes Hastings law professor George Bisharat, "would constitute a grave breach of international law." Yet that is what the administration proposes to do.

Almost no other country supports a U.S. invasion of Iraq. No Arab state supports it, nor does most of Europe, Russia, Turkey, Pakistan and Iran. Israel and Great Britain are the two notable exceptions, although Tony Blair has pledged that no attack on Iraq will be permitted without UN assent. Whether he will stand by this pledge, however, is by no means clear.

Article 51 of the UN Charter allows for international attacks only if there are no alternatives, and if there is immediate danger with no time for deliberation. The U.S. will almost certainly disregard the UN, since it expects its planned invasion will be opposed. Our country will then look less like the honest international broker it claims to be and increasingly like a rogue state.

On the domestic front there are also doubts about legitimate authority. Recently, Senator Robert C. Byrd (D., W. Va.) urged the Senate to play a central role in determining whether our nation should invade Iraq. According to the Constitution, he insisted, it is the role of the Congress to declare war. "I am determined to do everything in my power to prevent this country from becoming involved in another Vietnam nightmare," he declared. "This determination begins with Congress being

fully and sufficiently informed on the undertakings of our government, especially if it involves the commitment to military action.”

Proportionality and noncombatant immunity? The principles of proportionality and noncombatant immunity concern how much force is morally appropriate and who are legitimate targets of war. They distinguish the legitimate conduct of war from acts of murder. Too often our country fails to honor these principles.

According to military analyst William Arkin, the Pentagon fails to take civilian casualties with sufficient seriousness. Having surveyed recent U.S. military engagements in the Gulf War, the Balkans and Afghanistan, Arkin concludes that though some progress has been made, U.S. efforts are just not good enough. “The U.S. military can assert all it wants that it takes ‘all’ measures to minimize civilian harm. But until it is willing to actually study why civilians die in conflict, it is an assertion that has little credibility.”

The planned U.S. preemptive strike will take place against the background of comprehensive UN sanctions that have already wreaked havoc on civilians. They have devastated the weakest and most vulnerable members of Iraqi society: the poor, the elderly, the sick, the newborn and the young. According to UN reports, over 1 million civilians, the vast majority of whom are children and the elderly, have died since 1990 because of this suffocating blockade. UNICEF officials estimate that in 2000 more than 5,000 children were dying each month primarily because of the sanctions.

From this perspective, the planned invasion will be a continuation of outrages begun by other means. Cluster bombs, like those used in Afghanistan, and other ghastly weapons dropped from 15,000 feet are sure to produce massive civilian casualties. Earlier this year, in a change of official policy, our government even announced a possible “first-use” strategy of “low yield” nuclear weapons. Richard Perle, chairman of the Defense Policy Board that advises the defense secretary, has said: “No strategist would reject, in principle, using nuclear weapons against Iraq.”

George Kennan observed years ago that just war principles mean little without a commitment to keep civilian casualties to the absolute minimum, “even at the cost of military victory.” The just war tradition requires that “victory” alone cannot be the overriding goal.