THE IRAQ WAR OF 2003: A RESPONSE

Louis P. Pojman
United States Military Academy

Gabriel Palmer-Fernandez’s “The Iraq War of 2003” is a penetrating and devastating indictment of the Bush Administration’s ill-judged rush into war. The only aspect of his report with which I have reservations is the depth of evil perpetrated by the “insurgents” in Iraq. Islamic terrorists who purposefully target noncombatants, who regularly behead people like the humanitarian relief worker Margaret Hassan and dedicated businessmen like Ken Bigley. The BBC reported that in Falluja the insurgents used civilians as shields. They regularly murder civilians and policemen not engaged in military action. They adhere to the fatwa that makes killing every American a religious duty. The tragic situation of Iraq is not one of an evil American force against innocent Iraqis, but of moral ambiguity, where cultures clash and evil results from even noble intentions. The situation is one of moral ambiguity, where both sides are guilty of atrocities. I will say more of this anon.

Perhaps the best way to use the space allotted to me is by responding to some of the questions put forth by Palmer-Fernandez.

1. What are the conditions for a morally defensible doctrine of preemptive war? How will we distinguish between genuine threats and phantom menaces? What is the standard of proof that determines whom and when to attack? Were those conditions and the burden of proof met in this war?

In a world where weapons of mass destruction can wreak enormous havoc in a very short time, the concept of preemptive attacks takes on new relevance. Since a nation has a right to defend itself against outside aggression, it may preemptively attack a would-be aggressor. Thus, Israel, on the basis of incomplete evidence, preemptively attacked Egypt and Syria in 1965, staving off what could have been a murderous attack on Israel. Add the threat of WMDs and the legitimacy of preemptive strikes
becomes a strategy to be considered. A well-placed dirty bomb could kill hundreds of thousands of innocent people and make cities like New York or Los Angeles uninhabitable for decades. A War with Terror exists. This is why the Department of Homeland Security is justified and why a well-coordinated global and national intelligence network is necessary. This is part of what we have learned from the disaster of September 11, 2001.

The civilized world reacted in appropriate horror to that tragedy. The invasion of Afghanistan to destroy al-Qaida base camps was probably a justified response to the threat of terrorism, but the invasion of Iraq was an overreaction. Palmer-Fernandez correctly points out that our leaders were grossly mistaken about the danger of Saddam Hussein’s regime.

According to Just War Theory, the most developed moral theory on the rules of fighting a war, one may not go to war unless (1) every means of resolving a dispute has been exhausted and (2) there is a clear and present danger. Neither of these conditions were met in “Operation Shock and Awe.” An invasion on humanitarian grounds could have been justified in 1991 during the Desert Storm War, but the genocide against the Kurds and southern Shiities had long since ceased by 2003. So we may answer the 2nd question: the war in Iraq is not a just war. We turn to the third question:

3. Suppose it is not a just war. Can an unjust war be fought justly? Or is it the case that the injustice of the war corrupts the entire conduct of the war? If so, then regardless of the great care in their conduct, Coalition forces are engaged in injustice.

One must separate jus ad bellum from jus in bello, the justice of going to war from justice in fighting a war. They overlap but are conceptually separate. Let me illustrate this. Suppose Uncle Andy makes a mistake and marries a belly dancer with whom he has nothing in common. A child is born. Andy shouldn’t have gotten into this mess, but now there are consequences of his actions. A child is dependent on him. Andy is not free to walk away from the relationship as he would have been before the marriage and the birth of the child. He has to mitigate a bad situation, choosing the lesser of evils, hoping that some good will come out of the situation. On an enormously magnified scale the situation in Iraq is roughly analogous to Andy’s foolish marriage. “Fools rush in where angels fear to tread.” Just as Andy can work for a decent relationship and support his child until the child is an autonomous adult, so America and Great Britain, having made a tragic mistake, must mitigate a bad relation-
ship, and support the interim government and January election until a stable Iraqi government is able to manage on its own.

Knowing how to act, to minimize the casualties on all sides, will take intelligence not in evidence at this point. The “insurgents” are a violent, fanatical lot, who use innocent civilians as shields, and who are willing to kill themselves and innocent civilians, as well as our soldiers, in their hatred of us and everything we stand for. How to constrain their violence and bring them to justice should be our number one priority in Iraq, for unless and until we greatly reduce their disruptive violence, it will be impossible to enable Iraqis to rebuild their country.

I have just returned from Iran where I spent two weeks discussing the Iraq situation with academics and students and read their newspapers on their assessment of the situation. I witnessed the kind of Islamic fundamentalism which conditioned children to kill for their religion in jihad, but I also witnessed, among educated people, a growing disgust with terrorism and violence. A consensus is emerging that removing Saddam Hussein’s government was a salutary event and that the January elections followed by an early exit by the USA and Great Britain was “the least evil option available.” Iran, a Shiite nation, wants a Shiite dominated government in Iraq, fearing a Sunni resurgence. The recent terrorist attacks, all evidence shows, have been by Sunni, especially Baathists, on Shiites, including clerics. December 19, 2004, 64 people were murdered in two car bomb attacks in Najaf and Karbala and three election officials were pulled from their car and murdered. Iraqis and all those who want peace and justice must work together to eliminate such mindless evil. We are dealing with fascists the likes of which we have not encountered since dealing with the Nazis. Tony Blair, the British Prime Minister, said it best, “Whatever people’s feelings or beliefs about the removal of Saddam Hussein and the wisdom of that, there surely is only one side to be on in what is now very clearly a battle between democracy and terror. On the one side you have people who desperately want to make the democratic process work, and want to have the same type of democratic freedoms other parts of the world enjoy, and on the other side people who are killing and intimidating and trying to destroy a better future for Iraq.”

In conclusion: Our government has made a gigantic and tragic mistake by invading Iraq in 2003. But just as one cannot abdicate responsibility in a bad marriage, especially where children are involved, our country cannot just walk away from its responsibilities in Iraq. There’s no point crying over spilled milk. We have to clean it up. We can only hope that the sacrifice of our military personnel and the Iraqi people will be
rewarded with a stable, democratic, just government in the not-too-distant future.

*Louis P. Pojman is Professor of Philosophy at the United States Military Academy.*

**NOTES**

1 Margaret Hassan is a heroine, a true martyr, who served the people of Iraq for over 30 years. Her organization, Care International, is the world’s largest humanitarian relief agency, with a presence in 72 countries.

2 Iran lost over a million men in the Iraq-Iran war of the 1980s and very much desires a stable, peaceful neighbor to its West.