

## APPLYING THE JUST WAR THEORY

Written by Calvin Fox

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This is my Position Paper re application of Just War Theory to the war in Iraq (written 2/23/11); applicable to today's "War on Terrorism"

The classic principles that have guided Christian discussion about war since Augustine (d.430 A.D.) are collectively known as the Just War Doctrine. [There are several versions of it, as it has evolved. Some of its ideas go back to the

ancient Greeks, but all of them are Humanitarian or Christian Ideals.]

This paper is my use of the Theory to evaluate the War in Iraq.

It was very helpful and I hope you will find it so, as well.

*"The most authoritative and up-to-date expression of Just War doctrine is found in paragraph 2309 of the Catechism of the Catholic Church. It says:*

*[For a war to be just, there must be at least these criteria]... At one and the same time:*

*· the damage inflicted by the aggressor on the nation or community of nations must be lasting, grave, and certain;*

*· all other means of putting an end to it must have been shown to be impractical or ineffective;*

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· *there must be serious prospects of success;*

· *the use of arms must not produce evils and disorders graver than the evil to be eliminated. The power of modern means of destruction weighs very heavily in evaluating this condition.*

*The evaluation of these conditions for moral legitimacy belongs to the prudential judgment of those who have responsibility for the common good." [i.e.-in America, the President and Congress, not private citizens as such]"*

Although there are other, more extensive, lists of Just War Principles. We will begin using this short list of four. Pacifists

(who say all war is unchristian and wrong, period) and Cynics (who will say this approach is totally unrealistic or non-applicable in today's world) or Skeptics (who will doubt and reject almost everything the Administration has claimed about this War) will dismiss this exercise outright.

I am not trying to convince them otherwise or to defend this classic Doctrine.

I accept it and am using it as is.

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The background or context for this discussion is the teaching that the civil government of a Nation has the responsibility to protect its citizens and their common good from harm. It may use coercion (the “sword“) to do this.

This God-given duty of the State applies to preventing, stopping and punishing crime and violence, riots, insurgencies and civil war within the Nation.

This same duty applies to external threats, from any source, to the Nation’s citizens and their common good.

To me, this teaching is very Biblical and a given.

It is important to recognize that we have in view the action of the State as a State, not the action of private, individual citizens. The latter have an obligation, as citizens, to serve the State in the coercion used by the Law enforcement agencies or Military, if called upon by the President or Congress.

Individuals may object to this service for the sake of conscience. The Government must respect and honor that; however, the citizen must be willing, then, to pay whatever consequences the State may extract from him, such as incarceration.

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Il of this, too, I accept as very Biblical and a given.

With all of that said, let us discuss the classic principles of the Just War Doctrine, as they apply to the current war in Iraq, which our Government has declared to be part of the “Global War on Terrorism”. I admit the “Iraq War” is a controversial, confusing and convoluted “war”. The amount of material for study is voluminous. This present discussion is based on a bare outline of the events and factors involved, as I understand them.

The current situation (2007) is actually an outcome, even a continuation, of the Persian Gulf War, aka Operation Desert Storm, with Iraq (1990-91), which had started with Saddam Hussein’s invasion of Kuwait, and its rebuff by an international Military Coalition.

This was by preceded by Iraq’s invasion of Iran and the consequent war between those Nations (1980-1988).

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When this current conflict began (with the 2003 invasion of Coalition Forces to present) we had been convinced, by our Government, that the still President of Iraq, Saddam Hussein, was a certain threat to our Nation. We believed that Saddam had weapons of mass destruction and would use them against us or our allies in that Region. We believed that he was also harboring and aiding, and might make those weapons available to, Osama bin Laden and al Qaeda, the Islamic Terrorists group that had recently attacked the United States (9/11). This, plus the record of atrocities perpetuated by Saddam in his country and the region, all together convinced most of us that he was an evil Dictator, who needed to be stopped.

[That no WMD have ever been found does not change anything.

It is what we believed in 2003 that matters here.

That he had them or the capacity and intent to use them, still might yet prove to be true]

Congress and other nations agreed at the time.

Hussein and al Qaeda had to be stopped. The War with Iraq was considered to include the Global War against Terrorism.

Thus, the first criteria for a just war were met in most American minds, before this invasion began.

*· the damage inflicted by the aggressor on the nation or community of nations must be lasting, grave, and certain;*

For more than eleven years, there had been on-going attacks on Coalition aircraft flying over the Country, by Iraqi forces, after Operation Desert Storm, while inhumane conditions within the Country escalated. Economic sanctions imposed by the UN against Iraq were to no avail. There were UN Resolutions and international attempts to improve conditions within Iraq.

Supposedly, the buildup of WMD was happening.

A search for the WMD was sponsored by the United Nations, but was thwarted by Iraq.

Attempts to stop the threat of Saddam to the United States

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· *have been shown to be impractical or ineffective;*

Thus, the second criteria for a just war seemed established. The third criteria seemed assured.

· *there must be serious prospects of success;*

The invasion of Iraq, by a US-led military coalition, and the defeat of Saddam took less than 2 months in 2003. It was believed to be a successful war effort.

Where happened since then, however gives the strongest challenge to the Just War Doctrine.

· *the use of arms must not produce evils and disorders graver than the evil to be eliminated. The power of modern means of destruction weighs very heavily in evaluating this condition.*

The second sentence has reference to the use of our own weapons of mass destruction. We

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believed that Saddam might use, among other weapons, biological (germ) and poisonous gases, against Israel to start with.

We wanted to prevent that.

We did not use such weapons, but we did use “smart bombs” and massive firepower, creating great “collateral damage”.

That remains controversial. However, most Americans were convinced in 2003, that all this was necessary and unavoidable to defeat Saddam and his WMD and al Queda.

I have not been persuaded to distrust the Administration in its assessments about what was happening in Iraq. Thus, in my mind, this aspect of the 4<sup>th</sup> principle stands. The more serious issue is in the first sentence above: military action

*must not produce evils and disorders graver than the evil to be eliminated.*

Since Saddam’s defeat, over 3 years ago, Iraq has fallen into near civil war, with great civilian, as well as military, casualties. There are private, sectarian, rogue militia fighting each other, as well as fighting Coalition troops. There is escalating, bitter, tribal or ethnic rivalry and bloodshed. This current situation was unforeseen by most of us before the invasion.

This may have been a gross misunderstanding of realities within Iraq, or simply ignorance, on the part of our Leaders.

At the time the War began, most Americans were convinced that the toppling of Saddam and the liberation of the people of Iraq from their suffering and oppression under his torturous tyranny was a far greater evil than anything which would follow.

In fact, we held hope for reconstruction of that Nation and its transformation into a modern Democracy.

That was the secondary, albeit major, goal of the War with Saddam and his Iraqi forces. A great deal of progress [new Constitution and national elections, and Leadership] has been made toward that end.

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Therefore, my conclusion, using the Doctrine of Just War, is that the initial invasion of 2003, the Second Iraq War, aka Operation Iraqi Freedom, based on the circumstances at the time and what we knew then, meets the criteria of a Just War, worth the sacrifice that was paid to accomplish it.

We could add additional Just War Principles to test this conclusion. The most relevant one concerns intentionality. The declared reasons for the War must be the actual or honest intent of those making the declaration.

In this case, there remains the suspicion among critics, for example, that the true intent was to secure availability of oil from the region for American use or even that the War was being fought to secure profit for American oil companies. In absence of proof for this suspicion and with continued trust in the integrity of our Leaders who voted for the War, my conclusion is not altered.

The flip side of this issue of intentionality is that the War must be pursued with the objective of the rebuilding of the aggressor Nation and its eventual reconciliation and resumption of good international relations, after the conflict is over. I believe it has been fought with that goal. I trust these were, and remain, our Countries intention.

Furthermore, the conduct of the war itself must be conducive to that goal, i.e.- the way it is fought must not end up destroying the enemy country, especially its civilian population and all its resources and infrastructure or humiliating it to the point that hatred and a desire for revenge will be created in their hearts.

I believe that, with some few notable exceptions, this is the way the War has been conducted. Thus, again, the War has been Just.

It could be argued now, after the fact, that inasmuch as there were no WMD, the main rationale for the war was false. On that basis, the war could be considered as not justified; however, the other reasons for supporting the War remain valid and my assessment has not changed. If years later, new knowledge or different understanding, of their causes could be demonstrated, then, likewise, arguments could be, and have been, made that other wars (Viet Nam, WWI and our own Civil War, et al) were never justified. But, that is not the way the world (or life) works. Decisio

ns must be within a time frame and made based on knowledge at the time, for better or worse. An important lesson is that, next time, there must be a far more thorough and dispassionate

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(apolitical, rational) grasp of facts and motives- using all 4 of the Just War Principles- before another War is declared.

What do we have now in Iraq? The War has not only continued, but it has morphed into something different than it was 3 years ago. Is it still justified? The 9/11 Terrorist attack, attributed to al Qaeda, on the United States precipitated and gave the final impetus to Congress' Resolution one year later to enter the War. It certainly galvanized the support of that War by the American people. Saddam Hussein and his cohorts are gone. The fighting and its damage continue. It now seems that the War on Terrorism is the main rationale for continuing the war in (no longer against) Iraq. That is significant. We are no longer at war with Iraq. We are now allies with the Government there, as we wage war with dissident, rogue groups within Iraq. They apparently include al Qaeda or related groups, seeking their own advantage. The major argument for continuing our military presence is that continued safety from terrorist attacks upon America requires a united, stable democratic Iraq, which will no longer harbor or aide Islamic terrorists. It will also be a solid ally for our country in the midst of a volatile region of the world. This, too, is essential to our welfare and safety. Such a Nation has not yet been established. We are now involved in nation building, as part of this effort to stabilize the Region. We are fighting now to achieve that goal and it goes to the intent we had when entering the fray.

But, as to winning the War on Terror, there have been "terrorists" of various kinds operating for centuries. The first modern reference is 1795 in France. The current multinational encounter with Terrorism began before our war with Saddam Hussein and Iraq. Bin Laden and al Qaeda were first recognized in 1988. Examples of Terrorism are numerous, but not all of these are attributed to Islamic extremists.

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Terrorism by Islamic extremists is not limited to or identified with any particular Nation, although it is harbored and helped by several, such as Iraq's next door neighbors. This current War on Terrorism is global, both overt and covert.

It is very different from the original War on Iraq and must not be equated with it. It seems the 4 Principles of Just War can not apply to it

*· the damage inflicted by the aggressor on the nation or community of nations must be lasting, grave, and certain;*

This seems to be true, but it is significant that the "aggressor" is not a Nation.

*· all other means [other than military conflict in Iraq] of putting an end to it [Islamic Terrorism] must have been shown to be impractical or ineffective;*

This has not been demonstrated.

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· *there must be serious prospects of success;*

This is very questionable. Although Coalition Forces have defeated particular al Qaeda Leaders and Fighters, most Americans today are not convinced that the War on Iraq itself will succeed in winning the global War on Terror.

· *the use of arms must not produce evils and disorders graver than the evil to be eliminated.*

The use of arms, as in traditional military warfare, does not seem to be a major, let alone fatal, deterrent against al Qaeda and radical Islamists. In fact, it can be cogently argued the War in Iraq actually seems to be increasing their resolve to inflict serious and permanent damage against America (and our allies). That War may very well be creating more Terrorists, who are getting their training for international operations by participating in it. Thus, the current conflict may be producing a more grave evil.

The additional Principle of Intent is also seriously compromised. The intent of our war against the Terrorists is to destroy them. There is a strong element of revenge involved. There is no intent to rebuild “the aggressor Nation”, as they are not a Nation, or to reconcile with them.

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Therefore, using the Just war Doctrine, the continued military war in Iraq cannot be justified as a War on Terrorism. The latter seems best fought covertly- breaking up secret terrorist cells and thwarting their plots to blow up planes, etc. as well as fought politically and socially- getting at root causes of Terrorist hate. We must have other reasons to justify continuing this War.

The current war in Iraq seems to be primarily against factions of Iraqi themselves, who are using terrorist tactics against each other, as well as against our troops. The main rationale to remain now is that to withdraw would encourage and facilitate civil war in Iraq and lead to sectarian partitioning of the Land [to my mind, this may not be a bad idea]; and perhaps, eventually, our withdrawal may lead to the takeover of major sections of that country by Iran, giving al Queda a stronghold for their ongoing assaults on America. All kinds of negative scenarios are afloat. Such a situation would be a threat to American interests, therefore this is a plausible rationale for continuing on, until Iraq is at peace and stable.

When that has been achieved, our intentions and goals will have been achieved.

War over.

Many Americans do not seem to be convinced by this argument. Any Terrorist threat on America is one thing, they believe; whatever is happening in Iraq itself is now something else altogether and the price we are now paying to remain engaged there is greater than any known threat to our national welfare in the future.

This is speculation and not proven.

Let's use the Just War Principles one more time. Is the present

War in Iraq, under current circumstances, justified?

· *the damage inflicted by the aggressor on the nation or community of nations must be lasting,*

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*grave, and certain;*

Who is the aggressor now? There are insurgents within Iraq (some are al Qaeda, most are Iraqi) fighting each other as well as our troops- the objective of each group is to get our military to leave, and, presumably, to take control of Iraq for themselves. Th  
These sectarian combatants are not about to inflict lasting damage on America itself.

Under their influence, a future Iraq might.

For now, the present Nation of Iraq and its people are not about to inflict certain harm to the United States.

Thus, my conclusion is continuing military action in Iraq does not seem to be justified by Just War Doctrine.

What might be better is an Occupation Force similar to the one we placed in Japan after WWII (1945-1952) and/or the implementation of some kind of Marshall Plan, such as we imposed in Europe after WWII.

Whether either is at all feasible, let alone desired, would remain to be seen.

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