

Pre-emption, Iraq and Just War

A Statement of Principles

November 14, 2002

Pacifism says that all war is morally prohibited. What is often called realism says that war is essentially about power and self-interest, rendering ethical analysis largely beside the point. In contrast to both of these perspectives, the just war tradition, developed over a period of 1500 years, says that ethical standards can and should be applied to the activity of war.

The ends of war, and the means deployed to achieve them, must be based on justice. Indeed, it is precisely because justice is so important that war is a legitimate and necessary part of political life. But just war teaching also makes clear that war is at best a necessary evil, in part because war takes human lives, and in part because war is such a blunt and uncertain instrument of policy. These twin ideas, highlighting both the centrality of justice and the problematic nature of war — von Clausewitz's famous “fog of war” — undergird the numerous requirements for declaring war justly. These include rightful cause, proper authority, the intention to pursue peace and justice, and the use of force only after other reasonable alternatives have been considered and found wanting.

These ideas also set forth the requirements for waging war justly, including proportionality of response and a clearly positive balance of benefits over costs. In addition, the just war tradition teaches that while war alters some implications of the principle of equal human dignity — the idea that even our adversaries have the same human rights that we do — war does not suspend or negate that principle. Specifically, equal human dignity requires us to observe the principle of noncombatant immunity and to do everything reasonably in our power to minimize civilian casualties.

From this just war perspective, we have supported, and continue to support, the use of military force against the murderers of September 11 and those who assist them. In February of this year, we were among those who stated: “Organized killers with global reach now threaten all of us. In the name of universal human morality, and fully conscious of the restrictions and requirements of a just war, we support our government's, and our society's, decision to use force of arms against them.”¹

Today, from this same ethical perspective, we state our views, including our critical concerns, regarding the Bush Administration's proposed strategic doctrine of pre-emption, the crisis in Iraq, and the relationship between the two.

In recent statements and documents, the Administration declares the right to initiate attacks against states deemed to be future threats to the U.S. The idea of attacking a nation that does not pose a threat today, but that may pose one in the future, is as old as war itself. But within the framework of just war theory, pre-emption can be morally justified only in rare circumstances — when the attack is likely to be imminent, the threat is grave, and preventive means other than war are unavailable.

Expanding this narrow and exceptional option into a broad doctrine at the center of U.S. foreign policy is inconsistent with the just war tradition. We are concerned that such a doctrine may well make the world a more dangerous place, especially if other nations appropriate it for their own purposes. For example, the new doctrine might appear to license India in the use of force against Pakistan, with the intention of pre-empting the possibility of Pakistani action. Particularly since both of these nations possess nuclear weapons, it should be U.S. policy to do what we can to reduce, rather than enhance, the likelihood of either of these nations pre-emptively attacking the other.

The Administration's new doctrine is also troubling to us because, at least regarding Iraq, it seems clearly to be unnecessary. Debating pre-emption in the context of Iraq obscures the fact that the U.S. has been in a low-grade military conflict with Iraq for more than a decade, stemming from our leadership of the coalition that reversed Iraq's illegal occupation of Kuwait in 1991. As long as our demand is Iraq's compliance with United Nations-approved disarmament requirements stemming from that conflict, including requirements against developing, stockpiling or using weapons of mass destruction, the U.S. doesn't need a new doctrine called pre-emption to justify an increased use of force. The relevant issue is enforcement, not pre-emption.

Would a renewed U.S.-led military assault against Iraq be just? In recent months, the Bush Administration has publicly floated numerous reasons for such a move. From the perspective of just war thinking, most of these rationales are not compelling. For example, we hear of "regime change" as a primary goal in Iraq. Regime change can be one consequence of a just war, but waging a war primarily to get rid of a foreign leader, even a dangerous one, could set a dangerous precedent and is generally inconsistent with just war principles.

We also need much more clarity on the imminence of the threat. Specifically, there seems to be little or no credible evidence indicating that Iraq is about to launch an attack against the U.S. or any other country. Evidence of Iraq's complicity in the attacks of September 11 appears so far to be thin and inconclusive. While Iraq's government is certainly brutal and

repressive, there is no evidence, so long as no-fly zones over Iraq are enforced, that Iraq's government is currently in a position to engage in widespread killings of Kurds or Shiites living in Iraq.

At the same time, one rationale for at least preparing to attack Iraq seems fully justified. The U.N. Security Council resolutions on disarmament and weapons inspections in Iraq, passed in 1991, have been flagrantly — and so far, with impunity — violated by the Iraqi regime. The U.S. and its allies should have been willing to fight a just war over this issue years ago, especially when Iraq effectively expelled the U.N. weapons inspectors in 1998. Although Iraq almost certainly does not yet possess nuclear weapons, it appears to be aggressively seeking the means to produce them. As President Bush has rightly insisted, the fact that Iraq today may be only a year away from obtaining nuclear weapons makes the regime's continued flouting of these disarmament requirements a legitimate international crisis.

For this reason, if Iraq fails to comply with demands for a renewed and unencumbered program of arms inspections by a near-term date, then the use of force to compel compliance would be both justified and necessary. Conversely, however, if Iraq does comply, the Administration should take "yes" for an answer — not because weapons inspections are a panacea, but because they worked reasonably well in Iraq in the early 1990s, and because, at least for the immediate future, they are morally preferable to full-scale U.S. military action against that country.

As President Bush recently stated, true disarmament in Iraq would constitute "regime change" in the most relevant respect — it would dramatically reduce Saddam Hussein's capacity to threaten his neighbors and the world. That should be the principal aim of U.S. policy, and we should resort to war only if we have exhausted all other reasonable means of achieving it. If we proceed in this measured, step-by-step manner, we will not only do justice, but be seen as doing justice. No other course of action could better advance the long-term prospects for a more peaceful and democratic world order.

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1. *What We're Fighting For: A Letter from America* (Institute for American Values:
February 2002). Available at www.americanvalues.org/html/follow-up.html.

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