79. The Case for Iraq War II

BURTON M. LEISER

Burton M. Leiser considers a number of objections to Iraq War II and finds them all wanting. In the end, Leiser claims that the case for going to war against Saddam Hussein did not depend on our finding any weapons of mass destruction in Iraq; Saddam Hussein was himself “the ultimate weapon of mass destruction.” Leiser argues that once it became clear that Saddam Hussein would use such weapons as were available to him in wars of aggression, a preemptive war in self-defense became fully justified.

As I write these words some forty days after the end of major hostilities in Iraq, Congress, the press, academics, and the public are reassessing the war, and most especially the intelligence upon which the United States and its allies based their decision to pursue war rather than to continue the UN inspection program, as some members of the United Nations Security Council and the United States Congress had urged.

It is perhaps too soon to determine whether the war was a “just war” in the sense that used to be called jus ad bellum—a war that was fought for a just cause. But it is certainly not too early to declare that it was certainly a just war insofar as it was jus in bello—fought in accordance with the laws of war. The coalition forces did not employ outlawed weapons. Nor did they deliberately target civilians or non-combatants. On the contrary, they appear to have done everything humanly possible to avoid civilian casualties, and indeed, made every effort even to keep the enemy’s military casualties to a minimum.

Objections to the war during the months prior to the opening of hostilities consisted essentially of three types: (1) those that were based upon utilitarian considerations, (2) those that presumed that it was possible to resolve the conflict between Saddam Hussein and those who were concerned about his weapons of mass destruction (WMDs) without war, and (3) those that were grounded on interpretations of international law and morality.

The utilitarian arguments alleged that dire consequences of one sort or another were likely to result from a military attack on Iraq. Those harmed would be the armed forces of the United States and its allies, innocent Iraqi civilians, the armed forces of Iraq, or other people not directly involved in the combat zone but likely to be affected by it. Other serious consequences of military intervention were thought to involve some injury to the United Nations or to world order as a whole. Here is an incomplete but useful list of some of the predictions of undesirable consequences that were made during the months leading up to the war:

- Saddam Hussein was likely to use his weapons of mass destruction on the armed forces assaulting his nation, with potentially devastating effects.
- Saddam was likely to turn his weapons against other states in the region, such as Saudi Arabia, Kuwait, Iran, and most especially Israel, widening the conflict and engulfing the entire region in the flames of war.
- The United States and its allies—but most especially the United States—would suffer the effects of a growing hatred throughout the Arab and Islamic world because of what the Arab “street” would see as American aggression against Islam.
- War would destroy the infrastructure of Iraq and lead to a massive humanitarian crisis. Since Saddam’s government was the only one in place, war would leave no effective food distribution system and would lead to widespread starvation and disease.
- The United States would leave Iraq “with its tail between its legs, defeated.”
The rest of the world would see the United States as an arrogant, presumptuous, unilateralist bully, reinforcing attitudes engendered by other recent actions, such as the American administration’s refusal to adopt the Kyoto Protocol or to join the International Criminal Court, among others, thus further reducing the esteem in which the rest of the world holds it and consequently reducing American moral influence in the rest of the world.

If the United States acted against Iraq on its own, without the sanction of the Security Council of the United Nations, it would have dealt a severe blow to the UN’s authority throughout the world and to the rule of law internationally.

The Pollyannaish arguments boiled down to the following:

- Since Saddam had never used weapons of mass destruction against an adversary who could retaliate in kind, it is reasonable to assume that he would not use them against the United States, and therefore containment rather than war should be sufficient.

- The United Nations could compel Iraq to reveal what weapons of mass destruction it possessed, and UN inspectors, together with American spy planes and satellites, should be sufficient to monitor such weapons and their destruction.

Finally, as to arguments based on international law and morality:

- War is always evil, and it is unthinkable that the United States would launch a preemptive war of aggression against Iraq with all the risks to civilian life, not to mention those of combatants, certain to result from such a war.

- The United Nations Charter, to which the United States is a signatory and for which the United States is largely responsible, forbids preemptive war.

- “You cannot subdue a large and hostile city except by destroying it completely.” It will take a “holocaust,” a “massacre” of Iraqi civilians to conquer Baghdad.

- In view of the fact that there was no convincing evidence either that Iraq possessed weapons of mass destruction or that it had any hand in terrorist attacks against the United States, there was no justification, under international law, for the United States to launch a war against Iraq.

- No nation is ever entitled to engage in warfare against any other nation except in self-defense, and then only as a last resort. In the absence of clear and convincing evidence that Iraq posed an imminent threat to the United States, there was no legal justification, either under traditional principles of international law or under the Charter of the United Nations, for invoking the right of self-defense against Iraq in order to launch a war against it.

- The hidden agenda behind the war was the desire for oil—a materialistic and dishonorable reason for going to war.

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**Utilitarian Arguments**

Utilitarian arguments must of necessity be based upon predictions of the consequences of the actions they purport to judge. If the predictions are ultimately shown to be false—most especially in hindsight, after the events in question have played themselves out—then the judgments themselves must be regarded as incorrect. Despite the fact that I am writing these words just a few weeks following the end of major hostilities, it is nevertheless possible to evaluate the utilitarian arguments. A few remarks should suffice.

Saddam Hussein’s forces did not resort to weapons of mass destruction, so their potentially devastating effects did not come to pass. It is noteworthy, however, that critics of the war who employed this argument are now suggesting that Iraq never had such weapons, or at least that the American government and British Prime Minister Tony Blair engaged in lies, evasions, and misdirection in order to persuade the public and other governments to go along with its intention to make war against Iraq. Nor did Saddam attack other nations in the region—largely because of careful strategic planning by the coalition, which early in the conflict disabled rocket
launchers that might have targeted Israel, Saudi Arabia, and Kuwait in particular.

The war against Iraq did not spread to other parts of the Middle East. On the contrary, other Arab countries seem to have become less belligerent than they were before the war, and even Syria, responding to thinly veiled threats, has assured the United States that it will cooperate and that it will not offer refuge to Saddam or to other leaders of the Iraqi regime. Some evidence indicates that Syria has expelled some leading Iraqi Baathists and blocked others from entering its territory.

The infrastructure of Iraq was already badly damaged by years of neglect under Saddam Hussein. Although some infrastructure suffered as a result of bombing during the war, coalition forces have devoted enormous resources to repairing the damage. One of the principal obstacles has been deliberate acts of sabotage against the infrastructure (e.g., power lines, transformers, and oil field equipment) by Saddam loyalists.

Far from leaving Iraq with its tail between its legs, the United States and its coalition partners won a dramatic and swift victory while suffering minimal casualties and inflicting relatively few casualties on the civilian population of Iraq. The crucial test lies in the future, when pressure will be brought to bear by critics in and out of Congress, and most especially in the Arab world, for the coalition to pull its forces out of Iraq prematurely, allowing the vacuum to be filled by extremists who may turn out to be as bad as the regime that has been displaced.

As for the widely held opinion that the United States is arrogant and unilateralist—that opinion was widespread before the war and the war has no doubt done little to ameliorate it. But neither the United States nor any other nation is or should be engaged in a world popularity contest. No American likes to hear his nation described in deprecatory terms; but American foreign policy must be based upon what is in the long-run interests of the United States, and not on the attitudes of other people toward us. As for arrogance, it is difficult to conceive of a government that acts in a more high-handed way than that of France, which seems to presume that its judgments must govern the actions of all other nations, whose ministers threaten other nations with exclusion from the European Union if they fail to go along with French dictates, and whose ambassador to London arrogates to himself the right to refer to another nation as a "shitty little country."

The U.S.-led war against the regime of Saddam Hussein inflicted no damage at all on the United Nations, for the UN had already brought contempt upon itself for its racist policies, its utter incompetence, and its paralysis in the face of major world crises. It is useful to recall here that the UN did not bring much honor on itself when it voted to make Libya, one of the worst offenders against human rights and a strong supporter of international terrorism, chair of the UN's Human Rights Commission. Iraq, in the meantime, to the great consternation of the United States, had inherited the chairmanship of the UN's Disarmament Commission.

Were the world in general or the Iraqi people in particular worse off at the end of the war than they were before it began? Any fair assessment of the facts would have to conclude that a vast improvement had taken place and that the sum total of human happiness had increased dramatically. One of the world's most monstrous despots had been removed from power, together with his extraordinarily cruel and brutish agents. It came as no surprise to anyone familiar with Saddam's thuggish policies that mass graves containing the remains of thousands of prisoners who had been tortured and executed were found throughout the country. Because of the war and Saddam's decisive defeat, those practices have come to an end. The torture chambers have been shut down, the prisoners have been freed, both those within the prisons and those without. The luxurious palaces that Saddam had built for himself, his sons, and his close associates were revealed to the world. At the same time, photos of the squalor and the suffering people of Iraq were widely disseminated.

Needless to say, the suffering of the Iraqi people was well known before the war. Even the harshest critics of the United States were aware of the deprivations that were inflicted upon the Iraqi population. Ramsey Clark, who is well known as one of the most vigorous defenders of Arab terrorists, has trumped from campus to campus throughout North America, denouncing the United States for its "genocidal" behavior toward Iraq as he described the starving and sick children who were deprived of adequate food and medicine whom he had encountered in Baghdad and elsewhere in Iraq. He attributed all of this suffering to the American-led boycott of Iraq rather than to the brutal regime that converted oil revenues earmarked for food and medicine to the provision of palaces and luxuries for top members of the regime, but he certainly confirmed the suffering
that was taking place in that unfortunate land. The Iraqi government itself invoked the suffering of its people, claiming that the sanctions were at fault. In fact, the sanctions were set up in such a way as to allow food, medicine, and other vital supplies to be imported and paid for by oil that Iraq was permitted to sell. Instead, the funds were diverted by the Iraqi dictatorship to Saddam’s own priorities and those of his cronies.

Kurds and other minorities were forcibly expelled from their homes during Saddam’s long reign, and their property was sold and resold to others. Now that the original owners are returning and demanding that the squatters return their property to them, disputes are breaking out; but despite the unhappiness of the squatters (some of whom seem not to have known that title resided in others who had been displaced under duress), there is a sense that justice is being done and that a massive injustice is being remedied.

In short, Iraq is emerging from decades of torture, death, poverty, and gross injustice into a new era that holds promise of peace, freedom, democracy, and the prosperity that should redound to a people who live in a land that possesses one of the most extensive proven reserves of oil in the world. Now that the tyrant has been eliminated, that great wealth can be distributed to the people instead of being plundered for the private enjoyment of a small group of overlords.

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**Pollyanaish Reasons for Not Going to War**

The argument that Saddam Hussein would not use weapons of mass destruction against the United States because, after all, he had never used them before against an adversary that was capable of retaliating in kind is a rather intriguing kind of inference. Although it is sometimes reasonable to infer that a given event will not happen because such an event has never happened before (e.g., that a ewe will not give birth to an egret), such an inference is more likely to be persuasive if something more than the mere fact that such events have not happened in the past can be deduced in support of it. Saddam Hussein’s failure to use weapons of mass destruction on adversaries who had the capacity to strike back in kind is not supported by such universal experience as the fact that mammals do not give birth to birds and the wide genetic disparity and modes of reproduction of mammals and birds. In fact, Saddam’s willingness to employ WMDs on such powerful forces as those of the United States had not been tested prior to the first Gulf War, and that one experience was scarcely enough to justify such a broad inductive generalization. But more seriously, suppose Iraq had WMDs. Based upon Saddam Hussein’s well-established historical record, it would have been utterly foolhardy and irresponsible for any nation to proceed under the assumption that he would not use them. Why, after all, would he have acquired them in the first place, if he did not intend to use them to save himself and his regime in time of peril?

Moreover, nothing that had happened in the previous twenty years was consistent with the proposition that Saddam could have been compelled by the United Nations or any other authority to reveal his WMDs. On the contrary, all of the evidence pointed to further obstructionism by the Iraqi government. As Secretary of State Colin Powell showed the world in his presentations to the Security Council, the Iraqis were quite capable of hiding their WMDs underground or moving them about in mobile units to escape detection. Even the most sophisticated satellite and U-2 surveillance equipment and other forms of intelligence gathering were unable to gather definitive evidence of materials that were so easily concealed. The UN inspection teams, most recently headed by Hans Blix, failed in their mission to uncover the weapons because of obstructions placed in their path by the Iraqis. Absolute certainty was impossible to establish, although there was ample evidence to establish the high likelihood that they did exist. Blix’s reports to the UN repeatedly indicated that such weapons did exist, even though his inspectors had been unable to put their hands on them. Even now, after the war, extensive efforts to find such weapons have not been successful. Does it follow that they do not or did not exist? Not at all. Saddam once admitted to having 8,500 liters of anthrax. The entire stockpile would fill half a tractor-trailer. The ingredients for some biological and chemical weapons could have been combined in a small portable laboratory similar to those that Secretary of State Powell illustrated during his Security Council speeches. It would have been extraordinarily imprudent to act as if Saddam had no such weapons under these circumstances—particularly when the Iraqi government had itself admitted...
that it possessed them, had engaged in numerous subterfuges and diversions in the face of UN-authorized inspections, and had failed to account for those weapons that it had admitted possessing.

Mahdi Shukur Ubaydi, one of Iraq’s leading scientists and former head of its uranium enrichment program, has turned over to coalition forces centrifuge components that had been concealed in a barrel buried beneath rose bushes in his garden. He has admitted to investigators that he lied about Iraq’s nuclear program before the war. Now, evidently feeling secure against retaliation by the Iraqi government because he is out of the country, he says that this equipment was hidden under his rose bushes and was to be brought out and used to enrich uranium for nuclear weapons once the embargo against Iraq was lifted.7

The notion that Iraq could be persuaded to disarm peacefully is a completely unrealistic figment of the imagination. There was nothing in the history of the Saddam regime to suggest that such a program had the slightest chance of succeeding, and there was certainly no evidence prior to the war that Saddam intended to cooperate with inspectors, much less anyone planning to dismantle his weapons of mass destruction—assuming that he had any.

In view of the brutal history of Iraqi aggression, not to mention the repression and genocidal actions Saddam had taken against people and groups he considered to be enemies of his regime, and the legitimate fears and concerns engendered by terrorist attacks against the United States on September 11, 2001, as well as those committed both prior to and after that date, it would have been the height of folly to fail to do whatever was necessary to remove what was reasonably perceived to be a potentially lethal threat to the American people and to world peace.8

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**Legal and Moral Issues**

As I shall show below, the war against Iraq was not about oil, though the fact that Iraq floats on immense reserves of oil is not irrelevant to the world’s interest in it. Nor is it inconsequential insofar as Saddam Hussein’s power derived very largely from the fact that he was able to tap the enormous income from Iraq’s oil production for his own purposes. Anyone who heats her home in winter, cools it in summer, uses electricity to watch television, heat dinner, and keep a refrigerator and freezer running, and loads her children into her motor vehicle to drive them to school, to Little League, and to piano lessons cannot be indifferent to the energy that fuels all of those activities and more. Without a constant flow of oil, commerce, commodious buildings, education, travel, manufacture, and possibly life as we know it would become impossible. Whether she drives her own motor vehicle or takes public transportation, she cannot, without hypocrisy, sneer at fighting an adversary who would cut off a substantial portion of the world’s energy if he could. But as we shall see, there are justifications for the war against Saddam Hussein other than his control over an important oil spigot.

Because of superb strategic and tactical planning, the war against Iraq proceeded very rapidly and by the time it was concluded, the damage done to noncombatants was fairly minimal, coming nowhere near the predicted “holocaust” or “massacre.” It now appears that even the Iraqi military did not suffer exceedingly large numbers of deaths because so many of them heeded the warnings and instructions that had been dropped on their positions before the war began, laid down their weapons, and either surrendered or went home. Coalition forces were even careful to avoid bombing important cultural centers and monuments, such as museums and archaeological sites, which suffered far more damage as a result of massive looting and pillaging by local residents during and after the war than from the effects of the war itself. Neither Baghdad nor any other city was destroyed, though many buildings were reduced to rubble. In order to keep the infrastructure as intact as possible, coalition forces spared bridges, roads, power stations, oil fields, and the like. Iraqi supporters of Saddam Hussein and opponents of the occupation have done far more damage to such facilities than the invading or occupying forces themselves. In short, the war was carried out in such a way that there was minimal loss of life and property. In retrospect, therefore, it is clear that the devastation predicted by opponents of the war failed to materialize.

But that is not a sufficient response to those who argue that war is inherently evil and that no nation ever has a right to subject another to the hazards of war, regardless of the provocation and regardless of the good intentions of those who instigate the action.

It is difficult to know quite how to respond to such an absolutist position. Those who adhere to it
are not likely to be persuaded, however rational the response might be. Nevertheless, it is worthwhile to discuss the alternative briefly.

The nations of the world, after all, have never adopted an absolute ban on war, though one might think that the French and Germans had done so when they expressed their intention in the Security Council to vote against authorizing a U.S.-led coalition to go to war with Iraq. (I leave aside for now the question whether the use of armed force had not already been authorized in earlier resolutions dealing with Iraqi disarmament.) When the Charter of the United Nations was adopted, a proposal to define aggression in Article 39 and elsewhere was defeated on the ground that it introduced an undue element of rigidity in the interpretation of the Charter, making it exceedingly difficult to determine, under Article 51, what might properly be regarded as an “armed attack” justifying a response in self-defense. During discussions on the international control of nuclear energy, it was observed that serious violations of the convention might properly be regarded as “armed attack,” that is, aggression that under Article 51, a state might respond to as an act of self-defense.9

In international law, the right of self-defense has always been regarded as an inherent right, one that was not within the competence of any state other than the one invoking it to judge. Indeed, when the League of Nations Charter was ratified, the signatories reserved to themselves the right to go to war in self-defense and to judge for themselves whether a situation had arisen that justified doing so. France, for example, declared that “Nothing in the new treaty restrains or compromises in any manner whatsoever the right of self-defense. Each nation in this respect will always remain free to defend its territory against attack or invasion; it alone is competent to decide whether circumstances require recourse to war in self-defense.” The United States and other signatory nations made identical or similar declarations.10

Nevertheless, there are those who believe that the justification of self-defense cannot be invoked in support of preemptive war. They base their argument on the following premises: That (1) territorial integrity and political sovereignty are basic rights of states; that (2) any use of force or imminent threat of force by one state against the political sovereignty or territorial integrity of another constitutes aggression and is a criminal act; that (3) the victim is entitled to act in self-defense in case of aggression against it by another state; and that (4) “nothing but aggression can justify war.”11

In applying this analysis to the 2003 war against Iraq, the obvious weak point is in (2). Just what constitutes aggression? What is an “imminent” threat of force? In domestic law, a person may invoke self-defense against a criminal charge of homicide by proving that he reasonably apprehended that he was in imminent danger of serious bodily harm or death from the person he attacked. He need not wait until he sees the person he identifies as the aggressor pulling the trigger of his gun. By then, it may well be too late. Such rigid adherence to the niceties of law is both irrational and suicidal. The government of a nation may be reasonably apprehensive that its territory is imminently threatened with invasion, or that its citizens are imminently threatened with great bodily harm or death without waiting for the missiles to be fired or the homicide bombers to blow themselves up together with scores of innocent victims, in a passenger plane, a pizza parlor, or a school bus, before taking action to ward off the perceived threat.

In the case of an international threat, the word “imminent” must be far more elastic than it is in personal confrontations. When a burglar enters my house at night and points a gun at my head, there is no doubt that I am in imminent—i.e., immediate, instant—danger. But imminent dangers to nations may range from weeks to months. When President Kennedy prepared for war and threatened preemptive strikes against the Soviet Union during the Cuban missile crisis, the imminent danger consisted of the unloading and positioning of long-range missiles in Cuba. Those missiles might have been weeks or months from being armed and ready for launch, but they were perceived to be sufficiently threatening to justify risking World War III and the launching of nuclear weapons.

After the terrorist attacks against the territory of the United States on September 11, 2001, American authorities became highly sensitive to the risk of further attacks on the United States, American interests, and its allies. The threat was rightly perceived to be centered most especially in the Middle East and among persons from that part of the world. Once intelligence agencies had developed credible evidence that established a high likelihood that the Iraqi regime possessed nuclear, chemical, or biological weapons and was unwilling, over a period of many years, to permit UN inspectors to look for them
unmolested, much less with the cooperation of Iraqi scientists and government officials, it was reasonable to assume that Iraq constituted an imminent threat to the United States as well as to others.

Add to that the fact that Saddam Hussein openly and notoriously aided the Palestinian Arab homicide bombing campaign against Israel by presenting checks for $25,000 each to the families of such bombers, the well-known brutality of the Iraqi regime against Kurdish and Christian minorities within Iraq, dissidents of all kinds, and members of Saddam Hussein's own immediate family; Iraq's use of nerve gases against Iranians and Kurds; and Iraq's war of aggression against Kuwait and its launching of missiles against Israel and Saudi Arabia during that war—and there was ample reason to be apprehensive about the safety of American citizens and the integrity of their homeland against possible attacks launched by Saddam Hussein or his surrogates.

Much has been made of the fact that until now, no clear and convincing evidence has been found of the weapons of mass destruction that were invoked as one of the principal justifications for removing Saddam Hussein's dictatorship from its position of power in Iraq. No doubt nuclear, chemical, and biological weapons are properly called weapons of mass destruction. But such weapons by themselves are unlikely to produce serious damage to anyone. On the other hand, such common weapons as plastic explosives and box cutters can cause immense damage, as the people of Israel, the families of passengers on Pan Am 103, the people of Lockerbie, Scotland, and the 3,000 victims of the 9/11 terrorists found out to their everlasting sorrow.

Those inanimate physical objects are not in themselves weapons of mass destruction. Those who would use them are. Osama bin Laden and Saddam Hussein are the ultimate weapons of mass destruction. Once they and those like them are eliminated, the objects they would use to harm their adversaries become relatively harmless.

When it became clear that Saddam Hussein would use such weapons as were available to him in wars of aggression—as he had already demonstrated by doing so, and as he continued to do by his support of Middle Eastern terrorists—it became clear that neither his neighbors nor those living at greater distances from Iraq, including Americans and Europeans, would be safe if he should decide that they were a danger to him or his interests. A preemptive war in self-defense became fully justified, for he was properly perceived to be an imminent threat to innocent human lives and to world peace.

Endnotes

1. I refer throughout to the American government and not to the Bush administration, as some of that administration's opponents and critics prefer to do. Despite the wish in some quarters that George W. Bush were not the President of the United States, the fact is that he was elected and inaugurated as President of the United States. His actions and those of the government he heads are actions of the United States of America, and not those of the Bush administration alone. As Hobbes once said, "to whatsoever man or assembly of men shall be given... the right to present the person of them all—that is to say, to be their representative—every one, as well he that voted for it as he that voted against it, shall authorize all the actions and judgments of that man or assembly of men in the same manner as if they were his own." Every theory of democracy must make the same assumption, for without it, elections will come to mean nothing. A recent news report referring to "the Bush administration's occupation of Iraq" reflects a shocking failure to appreciate how democracy works.

2. M. Daniel Bernard, quoted in the Times of London, Dec. 19, 2001. French spokespersons did not deny that the ambassador made the statement attributed to him, and have not retracted or apologized for it.

3. January 20, 2003, statement by the United States Ambassador to the European Union. The United States, in a departure from tradition, called for a vote on the election of Libya to the chair of the Commission "so that we could leave no doubt about our objection to Libya." He said Muammar Qadhafi's regime detains political opponents, tortures and mistreats prisoners, and restricts freedom of speech, press, assembly, association and religion. "A country with this record does not merit a leadership role in the U.N. System." When asked whether the outcome of the vote, which was favorable to Libya, represented a defeat for the United States, the ambassador responded, "No, this was not a defeat for the United States. It was a defeat for the Human Rights Commission, a defeat for the system which allows countries with egregious abusive records on human rights to become members of the Commission."

4. Condoleezza Rice, the U.S. National Security Advisor, said on February 9, 2003, "Clearly, to have Libya as chairman of the U.N. Human Rights Commission is laughable;
to have Iraq in line to become head of the disarmament commission ... it’s laughable. Yes, the United Nations needs to worry about its credibility, but most importantly, the Security Council now needs to worry about its credibility.” Radio Netherlands Newsletter, Feb. 10, 2003.

5. I happened to attend former U.S. Attorney-General Clark’s lecture at the Pace University School of Law. When a member of the audience asked him whether he had been able to travel to universities in Iraq to talk about Iraqi aggression against Kuwait, or Iraq’s use of chemical weapons against Iran and against its own Kurdish minority, his complete response, verbatim, was, “The moment I saw the suit you were wearing, I knew that that was the question you were going to ask.” See also other accusations he has brought against the United States of genocide against the people of Iraq in a letter to the United Nations Security Council dated February 28, 2001; and his accusations against the United States, the U.N., President Bill Clinton, the members of the U.N. Security Council, and many others of genocide, crimes against humanity, use of a weapon of mass destruction, and other crimes. Clark brought those accusations to the International Criminal Court in November 1996. Many other similar documents are available on the website of Clark’s International Action Center (iacenter.org).

6. February 5, 2003, and March 7, 2003. These statements, together with the documents and recordings to which they refer, are available on the website of the U.S. Department of State at usinfo.state.gov.


10. Ibid., 187, n. 1.


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80. Iraqi War II: A Blatantly Unjust War

JAMES P. STERBA

James P. Sterba first examines the nature of chemical, biological, and nuclear weapons. Only nuclear weapons, he claims, on which most money is spent in any case, are truly weapons of mass destruction. He then goes on to argue that there was adequate evidence available before the war that Iraq was no longer attempting to develop nuclear weapons and that it no longer had stockpiles of chemical or biological weapons or was linked to Osama bin Laden’s Al Qaeda network. He further argues that there is no considerable evidence available that President Bush and members of his administration deliberately lied to the American people about whether Iraq presented such a threat, undercutting democracy in a way that merits impeachment.

On 19 March 2003, George W. Bush ordered American forces “to disarm Iraq and depose Saddam Hussein.” In the course of this second war against Iraq, 172 coalition soldiers lost their lives, and an estimated 3,500 Iraqi civilians and tens of thousands of Iraqi soldiers who did not welcome the Americans as liberators also lost their lives before an end to major hostilities was declared on May 1. The justification for Iraqi War II was given by President Bush and by members of his administration starting in early September 2002.

- On 12 September 2002, Bush declared before the United Nations General Assembly that Saddam Hussein “continues to develop weapons of mass destruction.” “The first time we may be completely certain he has a nuclear weapon is when, God forbid, he uses one.”

- That same month, Bush cited an International Atomic Energy Agency Report that he said showed that Saddam was only months away from having nuclear weapons.
“I don’t know what more evidence we need.”

- In a 7 October 2002 speech, Bush declared: “In 1995, after several years of deceit by the Iraqi regime, the head of Iraq’s military industries defected. It was then that the regime was forced to admit that it had produced more than 30,000 litres of anthrax and other deadly biological agents... This is a massive stockpile of biological weapons that has never been accounted for, and capable of killing millions.”

- On 29 January in his State of the Union message, Bush noted that the British government had learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

- In his presentation to the UN Security Council on 5 February, Secretary of State Colin Powell claimed: “It took years for Iraq to finally admit that it had produced four tons of the deadly nerve agent VX. A single drop of VX on the skin will kill in minutes. Four tons. The admission only came out after inspectors collected documentation as a result of the defection of Hussein Kamel, Saddam Hussein’s late son-in-law.”

- In that same presentation, Powell claimed that Iraq was linked to Al Qaeda through Abu Musaab al-Zarqawi, who maintained a poison and explosive training camp for Al Qaeda in Northeastern Iraq.

So the main reasons offered by Bush and members of his administration to justify going to war against Iraq were Iraq’s possession of weapons of mass destruction, its continuing development of those weapons, and its connection to the Al Qaeda terrorist network.

In addition, Iraq was in a unique predicament with respect to weapons of mass destruction. Following the first war against Iraq, the United Nations Security Council had passed a number of resolutions (seventeen in all), some of which demanded that Iraq destroy all its weapons of mass destruction. So, unlike other nations, for Iraq to continue to possess and develop weapons of mass destruction placed it in violation of UN Security Council resolutions as well. Could all these reasons taken together be thought to suffice to justify Iraqi War II?

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**Just War Theory**

In traditional just war theory, two requirements must be met in order to justify going to war. First, there must be a just cause. Second, just means must be used to fight the war.

In order for there to be a just cause:

1. There must be substantial aggression.
2. Nonbelligerent correctives must be either hopeless or too costly.
3. Belligerent correctives must be neither hopeless nor too costly.

Needless to say, the notion of substantial aggression is a bit fuzzy, but it is generally understood to be the type of aggression that violates people’s most fundamental rights. To suggest some specific examples of what is and is not substantial aggression, usually the taking of hostages is regarded as substantial aggression while the nationalization of particular firms owned by foreigners is not so regarded. But even when substantial aggression occurs, frequently nonbelligerent correctives are neither hopeless nor too costly to pursue. And even when nonbelligerent correctives are either hopeless or too costly, in order for there to be a just cause, belligerent correctives must be neither hopeless nor too costly.

Traditional just war theory assumes, however, that there are just causes and goes on to specify just means as imposing two requirements:

1. Harm to innocents should not be directly intended as an end or a means.
2. The harm resulting from the belligerent means should not be disproportionate to the particular defensive objective to be attained.

While the just means conditions apply to each defensive action, the just cause conditions must be met by the conflict as a whole.

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**The Application of Just War Theory to Iraqi War II**

To meet the requirements of just war theory, there must have been a just cause for Iraqi War II.
This means there must have been substantial aggression and the use of nonbelligerent correctives to respond to that aggression must have been hopeless or too costly and the use of belligerent correctives to respond to that aggression must have been neither hopeless nor too costly. But what was the substantial aggression to which the U.S.-led forces were responding? Unlike Iraqi War I, Iraqi War II was not waged to oust Iraqi forces from another country. Rather, it was waged to remove weapons of mass destruction from Iraq itself. The Bush administration claimed that Iraq’s possession and development of weapons of mass destruction in violation of UN Security Council Resolutions, together with its ties to Al Qaeda, constituted a threat that we were justified in going to war to eliminate.

Let us assume, for the sake of argument, that a threat can be so serious that it alone can constitute an act of aggression sufficient to justify a military response. For example, some have thought that the Soviet Union’s deployment of missiles that could be armed with nuclear warheads in Cuba in 1962 posed such a threat to the United States. So the question is whether Iraq posed such a threat to the United States.

To answer this question, we first need to get clearer about what are weapons of mass destruction. There are three kinds of weapons of mass destruction: nuclear, biological, and chemical. About all these weapons have in common is that they are illegal for at least some countries to use or even possess. For example, while nuclear weapons are legal for some countries such as the United States, Russia, France, and the United Kingdom to possess, they are illegal for other countries to possess who have signed the Nuclear Nonproliferation Treaty. These three kinds of weapons are certainly not equally destructive, and in the case of chemical weapons, they are not really weapons of mass destruction at all. Chemical weapons are basically battlefield artillery weapons. That is how they were used when they were first deployed in France during World War I. After the war, the Geneva Convention of 1925 outlawed their use. That neither side used them in World War II, even though they had built up enormous stocks just in case, was largely due to the fact that neither side could figure out any permanent military advantage from using them. In fact, except for a small-scale use by Soviet and Egyptian troops in the Yemeni civil war in the 1960s, the convention was never violated until the Iran-Iraq War in the 1980s. But that is not so surprising once you consider that poison gas is really not a useful battlefield weapon, except in World War I-style circumstances, where you face an enemy with large numbers of infantry in densely populated trenches. It also helps if you face an enemy who does not have chemical weapons.

Actually, that was the situation that Saddam Hussein found himself in at the beginning of the Iran-Iraq War. Add to that the fact that Hussein’s own initial offensive into Iran had failed and that Iranian troops had advanced within a few miles of Basra, Iraq’s second largest city. It was then that Iraq began using mustard gas to stop Iran’s “human wave” attacks. They did this with the full knowledge and substantial support of the United States. The Carter administration had in fact encouraged Iraq to go war against Iran. The Reagan administration further increased U.S. support for Iraq as the war progressed.

Declassified U.S. government documents now reveal that Secretary of State George Schultz was given intelligence reports on 1 November 1983 reporting the “almost daily use of CW against Iran.” That same month, President Ronald Reagan signed a secret order instructing his administration to do “whatever was necessary and legal” to prevent Iraq from losing the war with Iran. On 20 December 1983, Donald Rumsfeld, then special envoy to the Middle East, now Bush’s secretary of defense, traveled to Baghdad to tell Saddam personally that the U.S. government would regard “any major reversal of Iraq’s fortunes as a strategic defeat for the West,” and that the United States was ready for a resumption of full diplomatic relations immediately. Hussein was reportedly “extremely pleased” with Rumsfeld’s visit but wanted to delay resumption of diplomatic relations until the following year.

According to a sworn affidavit prepared by Howard Teicher, a former National Security Council official, the United States, “actively supported the Iraqi war effort by supplying the Iraqis with billions of dollars in credits, by providing military intelligence and advice to the Iraqis, and by closely monitoring third country arms sales to Iraq to make sure Iraq had the military weaponry required.” The American government allowed vital ingredients for chemical weapons and missile components to be exported to Iraq, together with samples of all the strains of germs used by the United States to make biological weapons. The United States was also the sole country to vote against a 1986 Security Council statement condemning Iraq’s use of mustard gas against Iranian troops.
As many as a hundred thousand of Iran’s war deaths in the Iran-Iraq War were due to Iraq’s use of poison gas (which the Iranians eventually reciprocated), but delivering it on a battlefield requires thousands of poison gas shells per square mile of battlefield in an artillery barrage. To kill those hundred thousand Iranians, Iraq probably used at least that many poison gas shells. Thus, while gas can be a useful battlefield weapon under certain conditions, it is hardly a weapon of choice for terrorists. More damage with a far higher level of confidence that your weapon will work would probably result from using a nail bomb instead of a poison gas dispenser of the same size and weight. That was the lesson that could have been learned from the Japanese cult Aum Shinrikyo’s release of sarin gas into the Tokyo subway system (eleven packages on five subway lines), which only managed to kill twelve people.

So fifteen years after the Iran-Iraq War, did Saddam Hussein’s regime still have poison gas weapons, even if they really aren’t weapons of mass destruction and even if they are not very useful for terrorists? It is possible that he did, although the UN arms inspectors who spent seven years in Iraq after Iraqi War I certainly found and destroyed the vast majority of Iraq’s stocks. Rolf Ekeus, the chief UN inspector from 1991 to 1997, reported to the Security Council that 93 percent of Iraq’s major weapons capacity had been destroyed. Since chemical weapons degrade in five years or less, anything not destroyed by the UN inspectors would be useless by now. And the new, large-scale production facilities required to make chemical weapons in sufficient quantities are fairly easy to detect.

But what about biological weapons? Aren’t they genuinely weapons of mass destruction? According to Gwynne Dyer, the answer is that nobody really knows how dangerous they are because they have never been used in war, apart from Japanese attacks on eleven Chinese cities before and during World War II, and there does not exist any reliable medical data on the effects of those attacks. Aum Shinrikyo tried to attack the Japanese parliament with botulism toxin in 1990 and in 1993 sprayed anthrax spores from the roof of a building in Tokyo, but moved on to nerve gas because these biological agents produced no discernible effect at all. The only other example we have of the actual use of bio-weapons is the post-9/11 anthrax attacks in the United States, in which a still unidentified terrorist—probably a disgruntled former employee from a U.S. government lab—managed to disrupt the mail, inspire a number of hoaxes, but in the end kill only four or five people, clearly not a mass killing by anyone’s measure.

In order for biological weapons to qualify as genuine weapons of mass destruction, they must have the ability to be dispersed secretly and effectively so as to quickly kill a large number of people. As Dyer points out, in developed countries, this is harder to do than it seems, since the usual human immunities mean that most diseases spread relatively slowly, and that normal medical reporting procedures ensure that outbreaks will quickly be detected and contained by vaccination and quarantine measures. Consider, for example, how the city of Toronto has managed to fairly effectively contain the SARS epidemic that struck the city by quarantining almost 20,000 people.

The one disease that clearly does cause a lot of worry is smallpox, given that most people now have no immunity against it because vaccinations ceased once it was eradicated over thirty years ago. The only surviving samples of the virus, as far as we know, are in government laboratories in the United States and Russia. Of course, it is possible that other countries might have found some way to acquire the virus, but, as Dyer points out, the most realistic measure of the level of threat felt in this regard is the fact that the entire population of Western countries could be protected from smallpox infection by a program of vaccination, but because the vaccine kills about one in a million of the people who take it, that risk is regarded as too high to impose on the general population.

If you really want to determine what military experts think about the comparative value of the different weapons that are normally grouped together as weapons of mass destruction, consider the fact that of all the money that has been spent on these weapons since the end of World War II, very little has been spent on chemical and biological weapons. As much as 98 percent of it has been spent on nuclear weapons. Over that period of time, the United States, and Russia together have built around fifty thousand nuclear weapons—at the cost of hundreds of billions of dollars, although about half of these weapons have now been destroyed. Five other countries have followed suit—Britain, France, Israel, China, India, and Pakistan have acquired between five hundred and fifty nuclear warheads each. And still other nations are hoping to join this exclusive club. So unless the nuclear powers take credible steps
toward nuclear disarmament, their number is likely to grow.20

There is also the fear that one or more of these true weapons of mass destruction might fall into the hands of terrorists. At the same time, there is a general consensus that it is unlikely that mere terrorists, lacking the resources of a state, could build such weapons themselves.21 To make even the simplest of nuclear weapons requires an investment of hundreds of millions of dollars, a lot of electrical power, and access to strictly controlled raw materials and precision machinery. Terrorists are just not going to put a nuclear weapon together in a basement somewhere.22 But might they not steal or be given one?

The fear that a nuclear weapon might fall into the hands of terrorists probably peaked just after the collapse of the Soviet Union in 1991.23 At the time, there were large numbers of warheads outside of Russia in other former Soviet republics, and even the security and accounting procedures for nuclear weapons within Russia were somewhat lax. By 1993-1994, however, with American assistance to the Russian authorities, all the weapons were back on Russian soil and security measures had dramatically improved. Of course, we can’t be certain that during the period of transition, one or two nuclear warheads did not end up in terrorist hands. But if they did, why would the terrorists wait ten years to use or threaten to use them?

There is, of course, the worry that some “outlaw” state might just give a nuclear weapon to a terrorist group. Members of the Bush administration suggested that that is what Saddam Hussein would have done had he succeeded in acquiring nuclear weapons. Of course, Hussein did spend many billions of dollars over a period of more than a decade (1979-1991) in an attempt to build nuclear weapons. But if we are to understand what Hussein might have done with them if he had acquired them, we need to understand why he wanted them in the first place. During the time that Hussein was seeking nuclear weapons, he was our friend receiving considerable military and diplomatic support from us. So his goal in acquiring nuclear weapons was not to threaten us but rather to deter Israel, who, unlike Iraq, had never signed the Nuclear Nonproliferation Treaty and who, with the help of the French, had secretly assembled about two hundred nuclear weapons.24 Of course, Saddam would never have been able to match Israel’s nuclear arsenal and means of delivery, but having just a few nuclear weapons could have constituted a sufficient deterrent; Israel most likely would never have sought to obliterate Iraq with nuclear weapons, or even threaten to do so, knowing that it might lose one or two of its own cities to a nuclear attack. In addition, Hussein may have been able to extend this deterrence to other Muslim countries as well, thereby securing considerable honor and prestige for himself and his country in the Muslim world. In any case, this was hardly the strategy of a madman. Nor was it morally appropriate for the United States to simply press Iraq to disarm, leaving Israel as the undisputed nuclear power in the Middle East. Rather, the United States should have demanded that all countries in the Middle East renounce nuclear weapons.

Following Iraqi War I, however, the UN inspectors were able to completely destroy Iraq’s potential to make nuclear weapons, and, at the same time, the sanctions made it impossible for Iraq to import the raw materials and specialized equipment needed to restart its nuclear program. So in the run-up to Iraqi War II, Iraq presented no nuclear threat of mass destruction to anyone, and this would have continued to be the case as long as Iraq was kept from importing certain raw materials and specialized equipment and building a large nuclear processing facility. At the same time, to remove the incentive for Muslim countries to acquire nuclear weapons, Israel should have been (and still should be) required to give up its nuclear weapons and sign the Nuclear Nonproliferation Treaty.

Given then that the evidence available before Iraqi War II indicated that Iraq lacked any nuclear weapons, or the wherewithal to develop them, and given that the evidence showed that Iraq could only have had degrading remnants of its past stockpiles of chemical and biological weapons, which in any case were not truly weapons of mass destruction, there clearly was no justification for going to war with Iraq, certainly not one based on a threat of weapons of mass destruction.

Nor was there any justification for going to war based on evidence that Iraq might pass off the small amounts of the chemical or biological weapons it might have to bin Laden and his Al Qaeda network. There was no reputable evidence at all linking bin Laden and Al Qaeda with Iraq. In his presentation to the UN Security Council, Secretary of State Powell claimed that Iraq was linked to Al Qaeda through Abu Musaab al-Zarqawi, who maintained a poison and explosive training camp for Al Qaeda in northeastern
Iraq. But this supposed link was undercut by the fact that the camp was maintained in an area of Iraq that is controlled, not by Saddam Hussein, but by the Kurds. Moreover, previous attempts to find a link between Saddam Hussein and Al Qaeda have similarly failed. In fact, it has just now been revealed that independent interrogations of both Abu Zubaydah, an Al Qaeda planner and recruiter, and Khalid Sheikh Mohamed, the Al Qaeda chief of operations, indicated no connections between Al Qaeda and Iraq. But this evidence was never made public by the Bush administration as they pressured for war with Iraq. In fact, the only countries for which there is strong evidence of material support for bin Laden and his Al Qaeda network are Saudi Arabia and Pakistan, and these countries claim to be our allies. Given then that Iraq did not present us with a threat of weapons of mass destruction either directly, or indirectly through Al Qaeda, not even the first requirement of a just cause for Iraqi War II was met. There was simply no substantial aggression to respond to here, even when we allow that a threat of an appropriate magnitude could itself constitute substantial aggression. There just was no evidence of such a threat.

Yet maybe the evidence that the United States had before Iraqi War II was inadequate, and maybe now that the U.S.-led forces are in control of Iraq, they will be able to show that Saddam Hussein really did have stockpiles of usable chemical and biological weapons and that he really was attempting to develop nuclear weapons. Of course, the justification for going to war must be based on the evidence that is available before the war. It can’t be based on evidence that turns up after the war is over. Even so, now that the war is over, it is interesting to note that no evidence of the relevant sort has turned up. The U.S.-led forces have been in Iraq several months now, and as of this writing, all that has been discovered are two mobile labs that may or may not have been used to produce biological weapons (weapons that in any case I have argued do not really qualify as weapons of mass destruction). However, no chemical or biological weapons themselves, nor any precursors of such weapons, have been found. Before the war, Bush administration officials ridiculed the inability of UN weapons inspectors to turn up evidence of chemical or biological or nuclear weapons, and now without anyone impeding the United States’ own search for such weapons, the United States has not been able to uncover anything beyond the two mobile labs. The labs themselves show no trace of such weapons, and Iraqi scientists in custody claim that they were used legitimately to produce hydrogen weather balloons. Yet even if we had had this ambiguous evidence about these two mobile labs, it would not have provided us with sufficient evidence to justify our going to war against Iraq.

The Deliberate Deception of the American People

Unfortunately, the situation with respect to the justification for Iraqi War II is even worse. Not only was there sufficient evidence available showing that Iraq did not threaten us with weapons of mass destruction either directly or indirectly through Al Qaeda, there is also considerable evidence now available that Bush and members of his administration either deliberately lied to us concerning whether Iraq presented such a threat or were grossly incompetent in using intelligence agencies to inform themselves in this regard. It is also unlikely that they were just incompetent. More likely, they deliberately lied to the American people concerning Iraq.

Consider the evidence. In September 2002, Bush cited an International Atomic Energy Report that he said showed that Saddam Hussein was only months away from having nuclear weapons. In fact, the report said no such thing. As Paul Kurgman of The New York Times recently noted, this “discrepancy” was initially reported for a few hours as the lead story on MSNBC’s web site, which bore the headline “White House: Bush Misstated Report on Iraq.” Then the story disappeared—not just from the top of the page, but from the site.

In his State of the Union message, Bush claimed that the British government had learned that Saddam Hussein recently sought significant quantities of uranium from Africa. This was reported in a fifty-page document issued by the British government in September 2002. It was based on documents showing that Iraq had tried to buy uranium from Niger so it could build nuclear weapons. As it turns out, earlier Vice President Cheney’s office had asked for an investigation of the uranium deal. So a former U.S. ambassador to Africa was dispatched to Niger. In February 2002, according to someone present at the
meetings, that envoy reported to the CIA and State Department that the information was unequivocally wrong and that the documents had been forged. One official document was signed with the name of Allele Habibou, a Niger Minister of Foreign Affairs and Cooperation, who had been out of office for over ten years. In addition, the Niger mining program was structured so that a large diversion (500 tons of uranium oxide) was impossible. The envoy’s debunking of the forgery was passed around the administration and seemed to be accepted—except that President Bush and members of his administration kept citing it.

In February 2003 the British government issued another report presented as up-to-the-minute British intelligence on Iraq, which Secretary of State Powell praised in his presentation before the UN Security Council. This report was quickly exposed as having been extensively plagiarized (11 out of 19 pages) from three nonsecret published articles. The main article was written by an American postgraduate student and was based on material that was over ten years old. Even typographical errors and anomalous uses of grammar from the original articles were included. The only substantial difference in the report is that the estimate of the size of the Fedayeen Saddam given in one of the articles as between 18,000 and 40,000 was inflated to between 30,000 and 40,000. To win support for going to war, the British government needed an up-to-date report, and this unconscionable deception is what the government provided and what the U.S. government endorsed.

As we noted earlier, both Bush and Powell, as well as Cheney and other members of the U.S. government, had cited testimony provided by General Hussein Kamel, Saddam Hussein’s son-in-law, who defected in 1995. Kamel testified that Iraq had produced large amounts of chemical and biological weapons, and this part of Kamel’s testimony is unfailingly reported by Bush and members of his administration. But Kamel also testified in the same debriefing that Iraq had destroyed all of these weapons. How do you explain this omission except as an attempt to deceive the American people?

A few years ago, President Bill Clinton was almost impeached by the U.S. Senate and driven from office for lying about an affair he had had with White House intern Monica Lewinsky, which was the only charge that a $40 million dollar investigation by Independent Counsel Kenneth Starr was able to bring. At the time, conservative pundit William Bennett, author the Book of the Virtues and the

Children’s Book of Virtues, claimed that Clinton by his indiscretions had damaged the American presidency and thereby deserved impeachment. For several months, the investigation into whether Clinton had lied about his relationship with Monica Lewinsky and, if he had, whether this was an impeachable offense, virtually put a halt to any new legislative initiatives by the federal government. Yet in any fair comparison, the lying of President Bush and members of his administration is far more significant than Clinton’s actions. President Bush and the members of his administration deprived the United States of the wherewithal to function as a democracy. For a democracy to function, its citizens and especially their representatives must not be deprived of the information they need to make the major decisions affecting the country. Information pertaining to whether a country should go to war or not clearly relates to a major decision for any country. Information pertaining to the private sex life of one of its members, even the president of the republic, is clearly not of that sort. It was only made a topic of public concern in the United States as part of a concerted effort to keep Clinton from implementing his political agenda. By contrast, the lying of President Bush and members of his administration strikes at the heart of the republic. It is nothing less than a criminal attempt that has undermined the functioning of the American democracy, and it should be treated as such. By grossly deceiving the American people about Iraq, President Bush and the members of his administration have also undercut their own legal and moral authority for representing the American people and waging war on our behalf. For this, they should be impeached and/or driven from office.

Other Possible Justifications for the War

In the aftermath of Iraqi War II and the failure to find a nuclear weapons program or the large arsenals of chemical and biological weapons that it was claimed could be deployed within 45 minutes, some have begun to suggest that we really didn’t need the threat of weapons of mass destruction to justify our going to war. As Thomas Friedman, the chief foreign affairs columnist for The New York Times, put it recently in his Op-Ed piece:
As far as I’m concerned, we do not need to find any weapons of mass destruction to justify this war. Mr. Bush doesn’t owe the world any explanation for missing chemical weapons. It is clear that ending Saddam’s tyranny [is enough].

In a later Op-Ed piece, Friedman expanded upon his view, distinguishing between the stated reason, the right reason, and the moral reason for going to war against Iraq. The stated reason is, of course, that Saddam had weapons of mass destruction that posed a threat to us. The right reason was that we needed to turn back the hatred for America by doing something good for the Iraqi people—liberating them from Saddam Hussein. And the moral reason was that Saddam Hussein deserved to be overthrown because of his past atrocities. Friedman allows that Bush appealed to the “stated reason” only to get U.S. and world support. But he thinks that the “right reason” and the “moral reason” could have sufficed to justify Iraqi War II. But they could not have sufficed.

In order for reasons to justify a course of action, they must be fittingly related to the course of action; they must be the ends for which the course of action is the most appropriate and effective means. But Iraqi War II is not the most appropriate and effective means for realizing the ends that Friedman endorses. If we had wanted to use $70 billion (the first installment for the war in Iraq) to turn back the hate for America, we could have offered to handsomely resettle all Palestinian refugees and also made a significant dent in world hunger. That would have been a far more appropriate and effective way of pursuing Friedman’s “right reason.” Friedman’s “moral reason” could also be more appropriately and effectively pursued by exposing and driving from power those in the United States, both inside and outside the Bush administration, who aided and supported Saddam Hussein’s past atrocities. That would have done more to show where we really stand on the moral issues at stake. So absent the threat of weapons of mass destruction (which really means the threat of nuclear weapons), there was no justification for Iraqi War II.

It is also important to note that the United States applied considerable pressure and offered large financial incentives in its failed attempt to gain approval from the UN Security Council for Iraqi War II. After the negative vote, the United States took whatever steps it could to punish those countries that voted against it. The United States promised Turkey as much as $26 billion in economic aid to permit U.S. troops to open a northern front against Iraq, but Turkey’s elected parliament voted the offer down. Recently, on a visit to Turkey, U.S. Deputy Secretary of Defense Paul Wolfowitz openly questioned why the Turkish military did not play a stronger role in forcing its elected government to vote in favor of Iraqi War II. So much for the United States’ claim to be a strong supporter of democracy in the Middle East.

**Conclusion**

When Americans reflect upon world affairs, most of them regard the two world wars as paradigms of their country’s military involvement in other countries. World War I was the “War to End All Wars” and World War II was the “War for Four Freedoms.” Both wars are viewed as good wars, although, in fact, only parts of each war were good or just. Most Americans do not like to think too much about other earlier wars that pitted Americans against other nations: the conquest and extermination of American Indian nations, which only ended in 1890, the Mexican-American War of 1846–1848, and the Spanish-American War of 1898. Of course, today Americans might recognize these past wars as unjust, but they usually tend to identify them with a youthful, immature nation, not the America with which they identify that fought in the two world wars. However, if you reflect upon many of the more recent U.S. military interventions into other countries—for example, U.S. interventions into Chile, Nicaragua, Panama, Grenada, Lebanon, Sudan, Afghanistan, and the ten-year-long intervention into Vietnam, which left three million Vietnamese dead—these interventions do tend to resemble more those earlier wars with which do not identify than the two world wars with which we do identify. At least, this is how most people in other countries have come to think about us in recent years as “the greatest threat to peace.” And now we have our military occupation of Iraq, the result of a blatantly unjust war that our leaders deceived us into waging. The portents are not good. Under the Bush administration, the United States has definitely begun to strongly reidentify itself
with its colonial past. So unless we begin to take meaningful steps to undo the injustice of Iraqi War II and begin to take other steps to show ourselves to be good citizens of the world, we will soon be clearly forced to see ourselves and our country differently, the way many people of other countries already regard us, and I don’t think many of us will like what we will see.

Endnotes

1. It is worth noting that at the time the U.S. launched its war against Iraq, no public in the world but the Israeli one supported the war under the conditions in which it was launched—that is, without UN support. Jonathan Shell, "The World’s Other Superpower," Nation, Apr. 14, 2003.


4. It is worth noting here that the U.S. has not been equally concerned with enforcing other Security Council resolutions. There are about 31 UN Security Council resolutions against Israeli, mostly in connection with the West Bank and the Gaza strip, land that Israel occupied after the 1967 Arab-Israeli War, and 23 resolutions against Turkey in connection with its occupation of Cyprus. Yet both of these countries receive vast amounts of U.S. aid and weaponry, even though they are in blatant violation of UN Security Council resolutions. Given that the U.S. supports the violation of some UN Security Council resolutions while opposing the violation of others, it is clear that its opposition to Iraq has little to do with the mere fact that Iraq is in violation of Security Council resolutions.

5. Built into the “too costly” requirement is the traditional proportionality requirement of just war theory. Clearly, various nonbelligerent and belligerent measures can be too costly either to ourselves, to the other side, or to both sides together. When belligerent measures are too costly either to ourselves or to the other side or to both sides together, they are rightly judged disproportionate.

6. This way of thinking about the issue cuts across the distinction between preemptive and preventive war suggesting that the key question to be assessed is not whether the war is preemptive or preventive but how serious is the threat.


8. In what follows, I rely on Gwynne Dyer’s account of the differences between these weapons. See his Ignorant Armies (Toronto: The Canadian Publishers, 2003), p. 22 ff.


12. Ibid.


14. Research Unit for Political Economy, op. cit.

15. Pitt and Ritter, op. cit


19. Ibid.

20. Unfortunately, recent actions by the U.S. government are only likely to increase the danger from nuclear weapons. After a self-imposed decade-long ban on the research and development of low-yield nuclear weapons, the U.S. Senate Armed Services Committee voted to lift the ban and push ahead with the production of nuclear weapons that would be more usable. Surely other nuclear powers will feel impelled to follow our example. See http://www.wsws.org/articles/2003/may2003/nucm14.shtml.


22. Of course, there is the possibility that terrorists might use radiological weapons; that is, they might combine nuclear waste, say from a hospital, with conventional explosives.


24. France had violated the Nuclear Nonproliferation Treaty in helping the Israelis develop nuclear weapons, and Mordechai Vanunu, who exposed Israel’s secret acquisition of nuclear weapons in 1986, was kidnapped by Israeli agents in Rome that same year and has been imprisoned in Israel ever since.


27. New York Times, May 29, 2003; Some of the members of a group of U.S. experts who have more recently seen the labs dispute the claim that these labs were used to make biological weapons. See New York Times, June 7, 2003.


36. In 1990, when Yemen voted against a U.S. Security Council resolution to militarily oust Iraq from Kuwait, a senior American diplomat told the Yemeni ambassador: “That was the most expensive No vote you ever cast.” Three days later, a U.S. aid program of $70 million to one of the world’s poorest countries was stopped. Yemen began to have problems with the IMF and World Bank, and Saudi Arabia expelled 800,000 Yemeni workers. Later, when the U.S. sought another resolution to blockade Iraq, two other rotating members of the Security Council were duly coerced. Ecuador was warned about the “devastating economic consequences of a No vote”, and Zimbabwe was threatened with new IMF conditions for its debt. Norman Solomon and Reese Ertlich, Target Iraq: What the New Media Didn’t Tell You (New York: Context Books, 2003), pp. 69-70.


39. The firebombing of Dresden and Hamburg and dropping atomic bombs on Hiroshima and Nagasaki were neither good nor just. For an argument to this effect, see my article “Terrorism and International Justice,” in my collection Terrorism and International Justice (New York: Oxford University Press, 2003), pp. 212-213.

40. According to a Time (Europe) poll, 87% of respondents regarded the U.S. as the greatest threat to peace in 2003 (http://www.time.com/time/europe/gdnl/peace2003.html).