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THE DEFIANT WAR / When it began three years ago, few people could have anticipated that the combat in Iraq would last so long or that the enemy would become a stubborn and resilient insurgency / Judged only on ethics, Iraq war gets just a C

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On the third anniversary of the beginning of war in the harsh environment of Iraq, the physical well-being of U.S. forces seems far better than the state of the ethical health of our country's military and civilian leadership.

Our troops have learned to cope with extreme heat, pestilential conditions and wily, dogged insurgents. But those at the top rungs of managing the war for the United States have not done nearly so well in meeting the challenge of maintaining good moral conduct -- a failure whose contagion has even spread to some American soldiers.

The abuses at Abu Ghraib prison, the thousands of innocent Iraqis killed and the hundreds of billions spent to force a fruitless search for nonexistent weapons of mass destruction are the symptoms of moral malaise. These problems should impel us, at the three-year mark in this war, to look unflinchingly at our own behavior.

Such soul-searching can be greatly assisted if we review our actions against the long-standing guidelines of the medieval theologian Thomas Aquinas, whose "Treatise on Law" advanced principles about what makes a war just or unjust. For more than seven centuries, his ideas have stood as the ethical standard in conflict, from the Hundred Years' War to what the Pentagon now calls the Long War in Iraq.

Aquinas broke the whole matter down into two main categories, each with three components. First, moral action requires going to war justly. One must demonstrate "right purpose," act with "duly constituted authority," and fight only as a last resort. In practical terms, this means not starting wars, making war only with the authorization of governments or allies, and exhausting all avenues of negotiation before fighting.

With regard to conducting military operations ethically, Aquinas emphasized the need to avoid excessive force, to protect civilians and those we capture, as well as to try always to do more good than harm. So, for example, President Harry Truman's decision to nuke Hiroshima and Nagasaki clearly violated Aquinas' concepts of "proportionality" and "noncombatant immunity."

Truman defended his decision by arguing that using atom bombs ended the war immediately, saving lives and, overall, doing more good than harm. This is all still hotly debated, though, with most ethicists tending to agree that Truman broke the rules for fighting in a moral manner.

The question now, regarding Iraq, is how we match up with Aquinas' six basic measures of ethical behavior, referring solely to our actions, because Aquinas believed that the evil done by others is never an excuse for one's own transgressions.

Let's take a look at our scores in all six categories.

Right purpose: Our invasion of Iraq was not in response to an imminent threat, but rather in anticipation of a gathering one. Good

ethical behavior allows self-defense, perhaps even pre-emption when the enemy is massing for an attack. But it does not countenance starting a preventive war. Grade: F.

Duly constituted authority: Although there was no formal declaration of war, more than 60 senators did vote to authorize the invasion of Iraq. What was lacking was agreement by the United Nations, an assent we obtained in 1950, at the outset of the Korean War, and again in 1990 before the first Gulf War. Grade B.

Last resort: In some respects, it's amazing that we didn't go to war again with Iraq much sooner. An Iraqi-American antagonism had persisted throughout the 1990s, with much sniping back and forth. And before invading three years ago, President Bush did engage in several months of crisis bargaining. But one more round of inspections was still possible, as Saddam Hussein was dismantling missiles as we had demanded, right up until the moment our tanks crossed the border. Grade: A-.

Proportionality: Was shock and awe aerial bombing required to defeat the Iraqi army? Hardly, because Hussein's 400,000 troops simply melted away in the face of our advance. But we score well in terms of the size of the force employed, which at 200,000-plus was less than half what senior generals wanted. Further, the rubble-ization of Fallujah has been by far the exception rather than the rule. Grade: B+.

Noncombatant immunity: Estimates of the numbers of noncombatants killed in the aftermath of our invasion vary, from official U.S. figures of about 30,000 to a British study that puts the number at as many as 100,000. The truth is somewhere in between. Whatever the magnitude, it reflects a campaign fought with too little care for civilian safety, and has featured serious abuses of those we have taken into captivity. However, we have been improving. Grade: C.

More good than harm: This is another very poor category for us. The war's cost is more than \$300 billion, more than 2,300 of our soldiers have been killed, with about 16,000 wounded. Iraqis no longer suffer under Hussein, but the internal war that ignited during our occupation has made the past three years even worse. Also, we have to weigh the loss of respect the United States has suffered in the world because of our invasion of Iraq. Grade: D-.

On a four-point scale, an average of these grades comes out a C.

But the better thing to do is to home in on the marks in a more diagnostic way. For example, had we obeyed the ethical stricture to behave with right purpose, the war might not have happened at all. Or, if we had striven for an A in seeking duly constituted authority for the war, or negotiated a little more before invading, we would have had much greater international support and improved our chances of achieving more good than harm.

In judging how we have fought in Iraq, it's clear that we needed to behave far better toward Iraqis, and that our excesses have fueled an insurgency that is waged, overwhelmingly, by Iraqis. Had we behaved better, there would be fewer Iraqis fighting us today.

It is obvious from our performance in Iraq that we need to give more attention to ethical concerns before going to war, for our own good if nothing else. And, although it is too late to undo the damage we have done in Iraq these past three years, we have time right now to begin making moral matters a top priority during the remainder of our occupation and in all future military plans. We should also emphasize Aquinas' precepts in all public debates about going to war.

A world leader, and beacon of human rights, cannot hope to get by with a C average in ethics.

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