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## **The Business of Iraqi Freedom: Some Ethical Implications of Attempting a 'Just War' in a Post-Modern World**

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### **1. Introduction**

Despite experiencing the great tragedies and costs of war throughout human history, the world has again been learning the painful lessons of armed conflict as a method of national dispute resolution. Millions of people around the world have been intensely watching on television as the invasion of Iraq by America, Great Britain, and their allies overthrows the Baath Party Regime led by Saddam Hussein. Embedded news reporting and extensive Internet communication have revolutionized the communication of events and opinions about this war, turning it into the truly first post-modern global war. Various nations and interest groups have attempted to control the media spin of events as images and information instantly flow from the battlefield and influence in real time the public's opinion about the necessity and outcomes of the war.

One of the most important areas of public focus has been on the ethical determination of a *just* war political rationale for the military action. A recent *Google* search of the Internet by this author revealed over 5,600,000 hits for various websites on this subject. Across some of these sites cynics have repeated the old criticisms that "war is the

highest form of real estate entrepreneurship" or that this war is "all about the control of the middle-eastern oil business," but most citizens of America, Great Britain, and their allies largely resist this simplistic interpretation from whatever source. Business management guru Peter F. Drucker (2002) warned his readers in his last book that the coming business reality was no longer "it's the economy *Stupid*" but rather "it's the society, *Stupid*." And that new reality is now apparently making its impact on the world order with a shock and awe equal to that of the powerful munitions used on the Iraqi battlefields. The global village is attempting to debate the issues of justice involved in this central event of the young new millennium.

In this paper the author has attempted to reflect upon the contemporary framework of the *just war* debate and briefly comment on a few important ethical implications that he believes businesses and individuals need to consider in their private and public responses to this early twenty-first century debate.

## **2. The definition of war**

War has been defined in many ways by many people, but there are likely two useful definitions to consider in our analysis. The military strategist Clausewitz wrote that war was not merely a political act, but also a real political instrument, "a continuation of policy by other means." Historian of warfare, Robert O'Connell (1995) has stated that war must demonstrate the following characteristics:

- An element of premeditation and planning; it is not simply a random emotion-driven act.
- It is not concerned with the individual issues but with societal issues, with the intent to resolve them by force.
- War is directed by some form of governmental structure and a military determined in part by that structure.
- The combatants are willing to conduct a campaign aimed at economic and/or political goals, *though these may be as simple as defense and survival.*
- The combatants are willing and able to apply lethal violence and risk injury and death pursuant to the stated objectives.
- The results of the war are understood by the parties to be more lasting than momentary.

## **3. The background of the *just war* doctrine**

The *just war* test of a military action is one largely emerging from the theological literature of the Western Christian church. This is not to say that there were no considerations of justice in war prior to the church's

discussion of *just war* criteria or that Non-Christian or Non-Religious people haven't made important contributions to the public idea of justice through war. It is to say that concern for the human impact in war has always been a central concern of the Christian church throughout its two thousand years of existence, despite the limits of its power to change human nature.

In the early fifth century, the Christian scholar St. Augustine of Hippo (1994) wrote that the defense of one's own life or property was never justification for killing one's neighbor and that the natural order conducive to peace among humans demands that the power to declare and counsel war should be in the hands of those who hold the supreme authority. War, far from being something which Christians should avoid is understood by Augustine as a *normative* part of the life of a nation. But this did not mean that all wars were *just*. As implied, a *just war* must be fought for the right reasons and it must be waged under rightful authority (DeForrest, 1997). Accordingly, according to Augustine the only reason for waging a war would be to defend the nation's peaceable culture against a serious injury. Later, in the Western Church of the thirteenth century, Thomas Aquinas (1947) brought the force of his deductive logic to the idea of a *just war* adding little to St. Augustine's statements but clarifying the *just war* arguments in church literature for all educated men to read and understand.

In contrast, the early Eastern Christian church had no *just war* doctrine, or any doctrine concerning the involvement of Christians in war at all. The East did not seek to answer questions concerning the correct conditions for entering war and the correct conduct of war because it did not hold to such a view. Despite the tradition of the Christians who had supported the emperor Constantine and so obtained legitimacy for their public legitimacy, the Eastern Christian position was that war could only be a necessary evil, never just (Grant, 1993). "The peace ideal remained normative, and no theoretical efforts were made to make conduct of war into a positive norm" (Harakas, 1992).

Following the Reformation, Protestant thinkers rejected many leadership and sacramental aspects of Roman Christianity and re-emphasized an elevated ethical ideal of the early Christian church as taught in the New Testament scripture, but basically they adopted the *just war* doctrine of the Roman Catholic Church. The criterion of *just war* now explicitly included one or more of three possibilities: defense against wrongful attack, retaking something wrongly taken, or punishment of evil (Pavilischek, 2001). For most Protestants and Roman Catholics the test for a *just war* became a balance of the criteria to determine if going to war is justified, *Jus ad bellum*, and what type of conduct is permissible in a just war, *Jus in bello*. The just-war

tradition holds that the enforcement of justice has higher priority than nonviolence when these two values conflict.

The Dutch Protestant scholar Hugo de Groot, also known by the Latin eponym, Grotius, published the first systematic treatise of international law, *De Jure Belli ac Pacis* (On the Rights of War and Peace), in 1625 (Kelsey, 1925; Borquin, 1948). Noting the importance of this work by Grotius, Adam Smith, in his lectures delivered in 1762 on the subject of moral philosophy and the law of nations, said that the Dutch scholar "seems to have been the first who attempted to give the world anything like a regular system of natural jurisprudence, and his treatise *On the Laws of War and Peace*, with all of its imperfections, is perhaps at this day the most complete work on the subject" (Smith, 1896). The extensive research and seminal work by Grotius set forth the "just war" doctrine into international law (Bederman, 1996).

Pacifism had been represented among Christians ever since the early church. For Christian Pacifists the life of Jesus is seen as an example for believers in all matters, including his response towards those who would kill him. In the centuries following the Reformation, not all Protestants supported the *just war* doctrine and many *anti-war* Christians grew among the pacifists in the so-called *peace churches* as they found themselves in conflict with Roman Catholic and other Protestant denominations: the Anabaptists (surviving as the Mennonites and Hutterites), the Brethren, and the Religious Society of Friends (Quakers). There has always been a redemptive element of personalism that found expression in such statements as the British Quaker George Fox who stated, "We love all men and women, simply as they are men and women and as they are God's workmanship." Fox refused to fight for Cromwell in the English revolution and an American Quaker, William Penn, even boldly went unarmed to meet the Indians and signed a treaty with them. (Ferguson, 1978) The American and British *anti-war* movement, as opposed to the *just war* movement, originated from the work of these peace churches and spread among both Christians and non-Christians.

Despite the devastating effects of World War I, liberal optimism attempted to establish an anti-war ethical ideal in both Europe and the United States during the 1920s, but the actions of Hitler in the 1930s destroyed this effort. By 1939 Europe could no longer avoid the attempts of the Fuhrer to unify it under German power without resistance. Interestingly, a poll of Americans in February, 1941, registered 85% for remaining out of the war in Europe, although 68% would provide economic aid to Britain even if that might risk war. Of course, pacifism in America nearly died following Pearl Harbor and the involvement of the United States in the war in Europe. It was the need

to deal with the Axis Powers by the Allies that defeated all anti-war arguments. (Bainton, 1960)

During the 19th and 20th centuries, the *just war* theory underwent an evolutionary process. There were treaties, such as the Hague Conventions, which codified the *just war* theory, but there was little innovation. Following World War II, two documents dramatically changed the code. The first document is the charter for the Nuremberg war crimes trials for Nazi leaders and the second is the Charter of the United Nations (U.N.) The Nuremberg Tribunal established that the *just war* theory, as Grotius understood it, is the universally binding customary international law. The U.N charter (1945) stated two key points in regard to international relations and the rightful use of force in international disputes.

- Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.
- Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Jean Bethke Elshtain, The Laura Spelman Rockefeller Professor of Social and Political Ethics at the University of Chicago, points out that the *just war* position is a middle ground between the extreme positions of the *pacifists*, where war can never be justified, and the *realpolitikers*, where justice is not the main concern but rather power (2003).

#### **4. Contemporary Ethical Implications**

In this author's opinion there are at least four ethical implications that should be pointed out concerning the framework of the current *just war* debate. A. While much public discussion has occurred about whether or not the existing just war criteria has been ethically satisfied, surprisingly little discussion has taken place about the lack of agreement between scholars over the number and specific content of the *just war* criteria; B. Whether or not the categories or criteria are not universally agreed upon, the *just war* doctrine is not obsolete or of no importance; C. With respect to the news business, the world needs to keep central the idea that objectivity in news is not neutrality; D. Due to unintended consequences, the justice of the war will not be able to be

determined in the short term. It will be the long-term outcomes of the war with its affect on respective world populations that will reveal the justice of the military enterprise. The balance of this section addresses the importance of each of these implications.

### **A. The Number of Just War Criteria**

The French scholar Jean Piaget's study (1965) of a child's development of moral judgment noted that children involved in their games, such as the simple game of marbles, seldom agree on the rules. It should be no surprise that in adult competitive activity such as politics and economics there will be an inability to agree on the rules. In the current debate very little attention has addressed the various numbers of criteria for a *just war* which has varied from two to nine principles, depending on the scholar. Many lists join both the *Jus ad bellum* and *Jus in bello* criteria without explanation. The description that follows is not exhaustive for there are many participants in the public debate. But it should provide a few of the significant examples for the reader's consideration in order to establish the ethical point.

(1) Murry N Rothbard, a founder of modern libertarianism and the dean of the Austrian School of economics, describes two ethical criteria. A just war exists when a people tries to ward off the threat of coercive domination by another people, or to overthrow an already-existing domination. A war is unjust when a people try to impose domination on another people, or try to retain an already existing coercive rule over them (Rothbard 1994). Using these criteria, he states that there were only two just wars in the history of the United States: The Revolutionary War and the War for Southern Independence. All other military action, including the U.S. actions in Europe in World Wars I and II were unjust.

(1) Scholars often take the traditional approach of the ancient and medieval Roman Catholic scholars and identify **three** ethical criteria. For instance, scholar Mark Edward DeForrest (1997) seems to broaden the previous just cause element to a more comprehensive statement set in modern politics and add two additional elements, competent authority and ethically right intention:

- Proper (Just) Cause [*Jus ad bellum*]
- Proper (Competent) Authority [*Jus ad bellum*]
- Proper (Ethically Right) Intention [*Jus ad bellum*]

It should be clearly understood that for these Christian scholars, wars of aggression and aggrandizement are never acceptable. It should also be pointed out that competent authority is an issue for evaluation at the

time and place of the decision. For these scholars, the intention (or objective) of the war must be clearly stated and independently justified.

(1) The fact sheet on the *just war* theory for the Charles Colson resource, Breakpoint Online, an influential Christian resource within the United States, lists **four** criteria (2001). In this list of elements, intentionality is not an issue, but in addition to proper cause and authority, there must be a reasonable chance at improving the conditions that previously existed and the violence that occurs in war must be proportional to the injury suffered. The four criteria are:

- Proper cause [*Jus ad bellum*]
- Proper authority [*Jus ad bellum*]
- Reasonable Chance of Success [a derivative of the *Jus ad bellum* Proper Cause criterion]
- Proportionality [*Jus in bello*]

(1) Probably, most involved in the public debate use the number of **five** criteria. Interestingly, three of those leading the current public debate disagree on the precise content of the five. Richard Harries, Bishop of Oxford (2002), for instance accepts the previous four criteria and adds a fifth criteria:

- The war is only a last resort, when nonviolent dispute resolution has failed. [*Jus ad bellum*]  
Robert George, Professor of Jurisprudence at Princeton University and author of *In Defense of Natural Law* in his discussion with National Review On-line (2001), forgoes the requirement for proper authority and modifies the list to include the protection of noncombatants.
- Proper Cause [*Jus ad bellum*]
- Reasonable Chance of Success [*Jus ad bellum*]
- Proportionality [*Jus in bello*]
- Peaceful Dispute Resolution Exhausted [*Jus ad bellum*]
- Protection of Noncombatants [*Jus in bello*]

Jimmy Carter, the 39th President of the United States and winner of the 2002 Nobel Peace Prize (2003), has still a different list. He would retain proper authority but merge the requirement for proper cause with the reasonable chance for success:

- Proper Authority [*Jus ad bellum*]
- Reasonable Chance for the subsequent peace to improve the situation [*Jus ad bellum*]
- Proportionality [*Jus ad bellum*]

- Peaceful Dispute Resolution Exhausted [*Jus ad bellum*]
- Protection of Noncombatants [*Jus in bello*] (1) The British Broadcasting Corporation states that there are **six** conditions required to assure a just war (BBC, 2003). They drop the "need to protect noncombatants" criterion and holds that the traditional Christian requirement for good intention must be retained. The six criteria held by the BBC are:
  - Proper Cause [*Jus ad bellum*]
  - Proper Authority [*Jus ad bellum*]
  - Proper Intention [*Jus ad bellum*]
  - Reasonable Chance of Success [*Jus ad bellum*]
  - Proportionality [*Jus in bello*]
  - Peaceful Dispute Resolution Exhausted [*Jus ad bellum*]
- (1) James Borland, past president of the Evangelical Theological Society, and Professor of New Testament and Theology at Liberty University in Lynchburg, Virginia, associated with Dr. Jerry Falwell, has stated that the priority of the just war doctrine is to protect the citizens within a threatened country (2001). His **seven** criteria are:
  - Proper Cause (which he defines as *real injury*) [*Jus ad bellum*]
  - Proper Authority [*Jus ad bellum*]
  - Right Intention [*Jus ad bellum*]
  - Reasonable Chance of Success [*Jus ad bellum*]
  - Proportionality [*Jus in bello*]
  - Peaceful Dispute Resolution Exhausted [*Jus ad bellum*]
  - Protection of Noncombatants (Just Means of Fighting) [*Jus in bello*]
- (1) Allen Isbell, lists **eight** requirements for a war to be just in his first chapter which addresses the subject of the justifiable war doctrine (1997).
  - Proper Cause [*Jus ad bellum*]
  - Property authority [*Jus ad bellum*]
  - Reasonable Chance of Success [*Jus ad bellum*]
  - Proportionality [*Jus in bello*]
  - Peaceful Dispute Resolution Exhausted [*Jus ad bellum*]
  - Since only one side of a war is justified, you must be on that side.
  - Legitimate Aim (objective)
  - Waged with a Proper Spirit

## B. Satisfaction of the Just War Criteria

Any careful observer of the public dialogue will soon discern that the participants are often discussing different issues in the satisfaction of the respective *just war* criteria. As evidenced by the discussion offered in the previous section, this is hardly surprising. But dispute resolution



in a democratic society requires that the positions of the participants be adequately expressed and defended. That being stated the existing situation suggests a few comments of clarification.

It is believed by those confident of democratic moral processes that people will somehow find the ethically relevant facts in the media and journalistic description of the domestic and international situation in a war decision. This is, to some degree, the same confidence standing behind the assumptions of individual responsibility upon which a democratic society is based and upon the system of justice that accompanies much of modern society through the jury system (Gruter, 1991). This is also the foundation of the natural law upon which Grotius placed his argument in founding international law. It is not that the mind has the ability to commune with all truths, but that it should have the potential ability to solve problems that are sufficiently similar to those of our ancestors, including the issues of political and military power, when given relevant information. This understanding is essential to a legal foundation established on the foundation of rationality within ethical philosophy and religion, however formal or phenomenological. To summarize, it is in this area of dialogue over the justice of war that the public becomes aware of the ethical implications of their own support for or rejection of the war and of responsible governance (Weigel, 2003). In democratic states, such as those existing in America, Japan, and Europe, the dialogue over acceptable definitions or measurements of each element helps clarify the ethical costs of each position taken by its citizens and form reasonable expectations concerning outcomes. What is often unstated and must be reemphasized, however, is that often conflicting authority in government, just as in business, severely paralyzes actions (Milgram, 1974) and does not necessarily optimize ethical choice. This can be a dangerous situation for participants of a Democratic government in determining national decisions of war and peace when the information is complex and time is of the essence. If this is true within a state it is also increasingly true between states within the United Nations.

### **B. Objectivity is not neutrality**

As historian Thomas Haskell has cautioned us, objectivity is not neutrality (1998). That historians may be able to with a large degree of objectivity discuss issues such as whether a slave society is more efficient than a democratic society does not mean that they are neutral on the issue of slavery. The same can be said for the actions and events of war covered by the media involving parties which have varying degrees of disagreement. At this point there is a significant issue of the ultimate effectiveness in democratic reasoning that must not be quickly passed over. Post-Modern ethical processes seems to have very little to

do with the conscious consideration of traditional sources of truth (historical, cultural, and religious) and is more existential, or intuitive, and related to the media presentation of facts and information.

There are at least two types of problems that the human mind must discern and account for in media bias. The first type is the sort of problem that Canadian scholar Marshall McLuhan described when he suggested with the birth of television that the media may "become the message" (1960, 1964). It is that the real time television news broadcasting of war events may become a new form of "reality television" only provided entertainment for the justification of commercial advertising and revenue return to corporations. Consistent with the confidence of Grotius one trusts that most rational, post-modern people understand important qualitative differences among television content and can make valid decisions based on ethical distinctions overlooking the desire of the media to perpetuate its own commercial value.

The second type of problem is the straightforward sort of presentation issue that one finds in determining who is reporting the facts with a greater degree of accuracy: Al Jazeera, the BBC, FoxNews, ABC, CNN, CNBC, ZDF, TF1, YLE, etc. There may be great objectivity in the images and content reported with Al Jazeera, TV5, or FoxNews but one will receive little neutrality with either network news programs. Again, ethics must be constructed in a post-modern sense by the observer from the raw materials of images, facts, and authority figures one reads, watches, or hears. Political and social ethics will be symbolized and formed from the result of this simultaneous process in a great many people (Walker Percy, 1956, 1957, 1975, 1991).

Despite all the extensive information about the Iraqi conflict, not all the war stories are immediately reported to the public (Goodman, 2003). For instance, some incidents fall outside of the normative bounds of news reporters and networks to formally report to the public, given the constrictions of ethical ideals held by the public. If the information is not disseminated to the public, there is perhaps no immediate effect on decision making. It is sort of like the old question of whether there is any sound produced by a falling tree if no one is around to hear the noise. But this information may ultimately be disseminated through informal channels (and perhaps even distorted). The manner and timeliness of communicating these stories and their meaning in context of established *just war* criteria as reported through ethical journalism may ultimately have great meaning for a democracy at the later time when these stories are offered into evidence, and is a qualitatively different process than simply reporting of the news as it occurs

(Koppel, 2003).

Modern Business, especially multi-national corporations, must take care to use images and commentary from a wide variety of sources so as to be able to effectively process enough information for sound decision-making. Too narrow a span of review or too sterile a concentration of images from a single national perspective, journalistic commentary, and moral argument may result in the difficulty or impossibility for post-modern businesses to successfully navigate the *warped plane of changing global politics* (Prigogine & Stengers, 1984).

### **B. Managing Unintended Consequences**

The lessons of chaos theory may be well learned from the case of Operation Freedom (Gleick, 1987). To a large degree this war in Iraq is a result of the failure to satisfactorily manage the prior unintended consequences emerging from actions taken many years ago in forming the nations of Iraq and Israel (Churchill, 2003). This is not to say that the original founders of these nations did not understand the risks and partially reach the political objectives of those stakeholders involved. But over time there were clearly those parties, such as the Kurds in Iraq and the Palestinians in Israel, whose subsequent actions were not anticipated and well managed. Equity toward these populations was not maintained in the process of government and as a result major national, regional, and ultimately international issues emerged. And establishing equity is the performance measure of all democratic governments (Deming, 1986).

Further, the assistance provided by the U.S. toward Saddam Hussein following the U.S. conflict with Iran had regional consequences that were not anticipated. The U.N also failed to properly manage the regime in Baghdad subsequent to the first Gulf War in 1991. Likely the current military action will have unintended consequences that must also be managed. There is an element of risk involved for all stakeholders to achieve a situation that addresses the just war criterion requiring improvement of the previous status quo. It will take positive management by all stakeholders involved.

Samuel Huntington has described the fault lines between civilizations and stated that a global society, given the different cultures and scarce resources of competing civilizations (such as Islamic and Western), may not be a realistic alternative (1996). But even Huntington has not anticipated the rift that has developed among NATO members since the fall of communism in the former U.S.S.R. The disintegration of relationships among powerful European Union states and the United States has been aptly described by Robert Kagan (2003). Many

Europeans have not read or considered the Iraqi case presented with its full impact, as Americans have weighed the alternatives since 9-11 (Pollack, 2002). Europeans have also not considered the new ethical basis at work within United States leadership Kaplan (2002). On the other hand, Americans have not understood the political and social capital that has already been sunk by such formerly militarized nations as Germany, France and other nations into creating not only a unified Europe but also one that will be able to resolve conflicts between nations without resorting to violence.

Europe, Asia, America, and Africa all have significant stakes in assuring that Islamic nations have opportunity for an improved economic and social well being. But these Islamic peoples must determine for themselves that the costs of apocalyptic endings to some asymmetrical actions in pursuit of some values are so high that no rational person wants to experience them. Hopefully, this can be done with a minimum of human cost because the ultimate stakes in human life are genuinely high and terrorism directed at any state is an unacceptable asymmetrical means towards truly catastrophic human outcomes (Novak, 2003).

Business quality scholar Edwards Deming (1986) linked the importance of equity as a measure of performance by government entities and the importance of assuring that the quality criteria set by government regulation be enforced. It seems probable that political actions taken by the United Nations must have the probability of enforcement in order for members to comply with directives. One must conclude that if the member states of the United Nations cannot find a more effective form of establishing equity between states than in the recent past there will again in the future be more violence between member states. The result will be a decline in overall world trade.

## **5. Summary**

War is a human tragedy, but at times there are conditions of injustice worse than war. The need to carefully reconsider the processes of democracy at work internally within nations and among the United Nations is essential to assure viability of these organizations. The *just war* doctrine has been an essential part of international law and it should not be abandoned as obsolete but merely augmented by better dialogue and a careful monitoring of the Iraqi restructuring as well as any future political conflicts between nations. Moral clarity in time of war requires an ethical understanding of the *location* of the just war tradition in our public discourse and in responsible governance (Elshtain; Weigel, 2003) by national and international organizations to assure that society does not fall victim to the potentially more extreme

unintended future consequences of either the realpolitick or the anti-war positions. If the world economy is to prosper in the near future there must be the assurance of secure trading relationships between nations.

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