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Evaluating America's Engagement in Iraq with Just-War Criteria

by
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President Bush is correct that the United States continues to bear major responsibility for the safety and security of Iraq. To relinquish that responsibility prematurely would be a mistake. After all, it is the American military that brought down the former Iraqi government, so the U.S. bears responsibility for governance and security there until a new government can adequately govern and protect the Iraqi people. For the U.S. to fail to fulfill the responsibility of occupying power would be an act of serious injustice.

What Iraq has had since January is a transitional governing body responsible to draft a new constitution to present to the people for a vote in October. If the constitution is approved, elections are supposed to be held in December for a permanent government. If the constitution is not approved, then another constitution-writing transitional government will need to be elected. Consequently, throughout this entire year and perhaps for much longer into the future Iraq has not had and will not have a nationally constituted government adequate to protect and govern itself. Regardless of our claim that we have returned sovereignty to Iraq and its temporary government, the fact is that there is not yet an Iraqi government that can exercise that sovereignty. The responsibility for Iraq's governance—especially police and military security—belongs, therefore, to the American-led coalition of governments and to whatever international body or broader coalition of governments the American-led coalition can muster.

Having said this much, however, we must ask about the nature of America's responsibility for Iraq. Why are we having such a difficult time fulfilling it? Why is it proving so difficult to turn over full governance to the Iraqis? Why are so many

Americans now disenchanted with the Iraq war, many even calling for the early withdrawal of our troops? if we are succeeding in Iraq, as the president continues to say we are; if the Iraqi people have been liberated; if the new Iraqi constitution is as good as the Bush administration says it is; and if our troops are killing enough terrorist insurgents to assure their demise—if all of this is true, then why should there be any questions and criticisms?

Almost all of the answers being offered to these questions, whether from supporters or from critics of the Bush administration, have something in common, in my judgment. The answers are pragmatic, utilitarian, and consequentialist in character. What do I mean by that? Judgments about the success or the failure of American policy focus on the administration's self-proclaimed goals, which are then measured month by month by the yard stick of pragmatic achievement. To the extent that the goals have not yet been achieved, the Bush administration emphasizes the worthiness of the goals and the importance of staying the course and continuing to use the means (the policies) it has chosen until it achieves its goals. The end, in other words, will justify the means. Critics, on the other hand, point to evidence of the president's failure to achieve his goals and they condemn either the goals (the end in view) or the means being used to try to achieve those goals.

The type of end-justifies-the-means argument of which I am speaking can be illustrated by comments from both sides. For example, Paul Wolfowitz, former deputy secretary of defense, made the following comments in an interview with Mark Bowden about President Bush's decision to go to war in Iraq (*The Atlantic*, July/August, 2005). "The use of force to liberate people is very different from the use of force to suppress or control them, or even to defeat them. . . . And of course you can't be sure, maybe ten years from now or five years from now, how it will look. We still don't know how it will turn out, so you can't possibly be sure you were right. I still think it was right. I'd advise all over again if I had to." On the critical side, by contrast, E.J. Dionne, Jr., quoting Sen. Chuck Hagel (R-Neb.), says that staying the course "would bog us down, it would further destabilize the Middle East, it would give Iran more influence" (*Washington Post*, 8/26/05). Continuing to fight in Iraq, writes Dionne, "looks increasingly antithetical to winning the war on terrorism. . . . Iraq is a mess, and staying the current course means a disaster abroad that could turn into political disaster at home."

The president's first major judgment of success came just weeks after the U.S. invasion when he appeared on an aircraft-carrier to announce victory: Saddam Hussein had been toppled and Iraq was now free. Mission accomplished. But critics judged that the U.S. had not succeeded because it had alienated so many other countries in the process, and the building of a new government to replace Hussein would not be so easy. In fact, more than two years after the downfall of Hussein, American troops are still fighting and dying in Iraq along with thousands of Iraqi civilians and police and

military forces. An Iraqi government has still not been securely installed. Moreover, when it became evident after the supposed liberation that there were no weapons of mass destruction in Iraq, another of the president's goals for war dropped away, so the legitimacy of war as a means toward that end was called into question.

At the next stage, after the Iraqi election of a transitional government last January, President Bush again declared American success: Iraq was now on its way to democracy and democracy would consequently spread through the Middle East. For more than a year the president has been emphasizing that democracy is really the long-term goal his administration has wanted to achieve by means of the war to bring down Hussein. Again, the critics have not been satisfied. With continuing military and civilian casualties day after day ever since the January election, critics declare that the Bush administration has not only failed to achieve its goals but may even be part of the problem, causing greater instability in the Middle East. Iraq could end in civil war or be divided into three or more parts. The constitution-drafting process did not end on time, a genuine consensus has not been built to support it, and divisions in Iraq have not been overcome. Moreover, the draft of the constitution that goes before voters this October does not represent the kind of democracy that most Americans thought the president was promising.

Zalmai Khalilzad, the American ambassador to Iraq, writes in glowing terms of Iraq's draft constitution (*Washington Post*, 9/4/05), but he recognizes that democratic, constitutional government in Iraq remains a not-yet-achieved goal. "Ethnic and sectarian factions rather than truly national forces are dominant," Khalilzad admits. "Iraq's leaders differ on fundamental goals and deeply distrust each other." Nevertheless, writes Khalilzad, "the process for drafting the constitution made progress on bridging the divide between them as they worked to develop a common road to the future." President Bush and Ambassador Khalilzad still believe the goal is right and can be achieved so they look for and highlight every sign of progress they see. Administration critics, on the other hand, have doubts and wonder why Americans should any longer be spilling blood and spending billions of American taxpayer dollars to do for the Iraqis what they need to do for themselves—if it can be done at all.

How can we judge, then, whether the United States was justified in going to war in Iraq? And how may we arrive at an understanding of what the U.S. should be doing now in view of the situation that now exists in Iraq? Means-to-end arguments depend on outcomes and consequences for their validity. If the end people want (or the president wants) is achieved, then the war will most likely be judged to have been legitimate as well as successful. If the goal is not achieved, as in Vietnam, then the Iraq war will probably be judged to have been illegitimate. When Saddam was toppled, the war appeared to be justified. If democracy is ultimately achieved in Iraq, then the war will appear to have been the right means. On the other hand, however, since weapons of mass destruction were not found, and if a stable democratic government does not materialize in Iraq, and if democracy does not spread through the Middle East, then the war may be judged to have been a mistake. In the meantime, as we wait to see what

happens, the president keeps insisting on the legitimacy of his goals and the means chosen to try to achieve them, while critics harp on the evidence that those goals are not being achieved and that the administration's chosen means are questionable or wrong.

The Criteria of Justifiable Warfare

What would the war and the current state-building process in Iraq look like if, in place of the pragmatic, end-justifies-the-means mode of reasoning, we were to use the mode of evaluation characteristic of the so-called just-war tradition? The latter, with roots in the early Christian era, starts with the assumption that war can be justified only rarely, as a last resort, when legitimate governments find that there is no other way to uphold justice and withstand injustice than to engage in warfare proportionate to the injustice that must be stopped. And since warfare itself can unleash both anticipated and unanticipated evils, it should be entered into and prosecuted with utmost reserve and only when there is a firm expectation that the conflict will end and stable governance will be secured. The argument here depends on a number of principles of justice that any resort to war must meet in order to be justified. War can never be justified by starting with goals that leaders want to achieve and then following with arguments that war is a necessary means of achieving those goals. Let's consider the situation today in the light of the just-war criteria.

Legitimate Authority

Was the war properly declared and initiated by legitimate authority? No, at least not unambiguously so. Members of the Bush administration began to make the case for war in Iraq soon after toppling the Taliban regime in Afghanistan. The administration argued that Saddam Hussein's rogue regime represented part of the threat that the world faced from terrorism. If this was true and if the U.S. or its allies faced imminent danger of attack from Iraq (or from terrorists that Iraq supported) that could have been stopped by no other means than warfare, then the U.S. might have been justified to declare war against Hussein. The U.S. government is legitimate and has the right of self-defense. But instead of launching a war quickly in response to imminent danger, the Bush administration decided to do something different. It appealed to the United Nations Security Council, of which the U.S. is a member, to initiate military enforcement of U.N. resolutions, which Iraq had been ignoring or violating for a long time. In making that move, the president appealed to an international authority, of which the U.S. is a part, to make a judgment about the legitimacy of war against Iraq. In other words, of its own accord, the Bush administration decided in 2002 that Iraq's threat to America was not sufficiently imminent to require that it take military action on its own. For reasons that apparently had to do with trying to win greater international and domestic moral support for its goals, the Bush administration followed a diplomatic procedure that, in essence, required an international authority—the U.N. Security Council—to make a decision about warfare. As soon as the U.S. made that move, it

discounted (at least temporarily) its independent authority to go to war for any reason other than defense of itself against imminent attack.

When the U.N. Security Council refused to approve international military action against Iraq, it thereby called into question the legitimacy of an immediate military intervention in Iraq. Keep in mind that this consequence was due entirely to the Bush administration's initiative. If America was truly in imminent danger from Iraq or the terrorists it supposedly supported, there was no need for the president to appeal to any authority outside the U.S. government to allow the American military to defend America. The fact that he did appeal to the U.N. Security Council, meant that the authority for military action by the U.S.-led coalition became questionable—ambiguous—right from the start. And that is one reason why the U.S. has not been able to rally sufficient international support for security and state-building in Iraq. In other words, the American inability to fulfill its current responsibility for security and defense in Iraq is due in part to unsuccessful diplomatic efforts that have been further weakened because of the way the United States went to war. According to retired General Wesley Clark, “Unfortunately, the administration didn’t see the need for a diplomatic track, and its scattershot diplomacy in the region—threats, grandiose pronouncements and truncated communications—has been ill-advised and counterproductive. The U.S. diplomatic failure has magnified the difficulties facing the political and military elements of strategy by contributing to the increasing infiltration of jihadists and the surprising resiliency of the insurgency” (*Washington Post*, 8/26/05).

Just Cause and Last Resort

But didn't the United States have a just cause for going to war regardless of what the U.N. Security Council decided? What might that cause have been? The most obvious cause would have been that Saddam Hussein was in a position to launch a devastating attack on Kuwait, Jordan, or Israel, or that it was about to launch nuclear or biological weapons against the U.S. But no evidence of such danger was produced at the time. The Bush administration did argue that Hussein intended to develop his nuclear weapons programs and might be ready to do real damage in a year or two. That, however, did not meet the “last resort” criterion.

Other causes might have included evidence gathered by intelligence agencies that Hussein was about to orchestrate the delivery of weapons of mass destruction to terrorist groups whose movements could not have been stopped by any other means than war. In other words, only by a sudden military attack to destroy Hussein would the U.S. be able to succeed in stopping a terrorist attack. Better to defeat terrorists abroad, the president and vice president have said repeatedly, than to face them here at home. But again, there was no evidence of such immediate danger or that a war to dislodge Saddam Hussein would assure the end of an Iraqi-connected terrorist threat. Americans had plenty of fears after 9/11, of course, but fears of terrorism do not amount to a just cause for warfare. Moreover, since President Bush took months to build up American forces and to allow time to argue his case before the U.N., it is

apparent that there was no immediate danger of attack. In addition, since the U.N. Security Council, with U.S. backing, had reintroduced weapons inspectors into Iraq and since the U.S. continued by means of military aircraft to enforce no-fly zones in the north and in the south, there was no military threat that required an invasion by the U.S.

All of this means that the U.S. invasion of Iraq was by no means an action of last resort, nor was it articulated in terms of an unambiguous just cause. Even at the time this was apparent. And today it is even clearer because of the discovery that there were no weapons of mass destruction in Iraq, and because the Bush administration had set its course toward war in Iraq long before any imminent danger or just cause was announced.

Finally, as the president continues to say even today, his overriding American aim has been to fight terrorism. In fact, the case President Bush tried to make at the time was that Hussein's rogue state was the kind that was helping terrorists and could in the future help them obtain and use weapons of mass destruction. However, if terrorism is what the U.S. needs to stop, then the question in 2002 which is even more urgent today is whether the U.S. military destruction of Iraq's government was the proper means and instrument to thwart terrorism. I raised this question soon after the president declared war on terrorism after 9/11 and detailed my argument in *With or Against the World? America's Role Among the Nations* (2005).¹ Today, there is plenty of evidence that the American war effort has actually inspired an increase in terrorist efforts, particularly in Iraq where terrorist groups were not operative prior to the invasion.

This may be one reason why Secretary of Defense Donald Rumsfeld and some other administration officials tried a few months ago to change their language about the war effort. Instead of the "global war on terrorism," they said they were now going to refer to the "global struggle against violent extremism" (*New Yorker*, 8/8&15/05). Gen. Richard B. Meyers, chairman of the Joint Chiefs of Staff, told the National Press Club on July 25 "that he had 'objected to the use of the term "war on terrorism" before, because if you call it a war, then you think of people in uniform as being the solution.' He said the threat instead should be defined as violent extremists, with the recognition that 'terror is the method they use.' . . . The solution is 'more diplomatic, more economic, more political than it is military,' he concluded" (*New York Times*, 7/26/05). That is quite a statement coming from the top American military official. But the attempt to change the administration's key slogans has apparently not gotten through to President Bush who continues to use the older language. The Pentagon's attempted linguistic shift, however, may go hand in hand with the shift in arguments to justify the American war in Iraq, a shift from arguing that the goal was to stop terrorism by military means to arguing that the goal is to bring democracy to Iraq. Late last June, according to news reports, "Rumsfeld acknowledged that there is no military solution to ending the insurgency [which uses terrorist methods] in Iraq and that the talks [the U.S. administration was having] with insurgents were part of a search for a political

solution to the war. 'I mean, foreign troops are not going to beat the insurgency,' he said. 'It's going to be the Iraqi people that are going to beat the insurgency and Iraqi security forces'" (*Washington Post*, 6/27/05). This may be an ex post facto argument that indirectly acknowledges that the military invasion of Iraq as part of the war against terrorism was a mistake.

Regardless of how one evaluates evidence of pragmatic success against terrorism, the criteria of "just cause" and "last resort" for warfare suggest that from the start the U.S. should have considered many other ways to try to stop terrorism before going to war in Iraq. There was no urgency about launching that war and it was not (and still is not) self-evident that terrorism can be defeated by military means. If the Bush administration's actions showed ambiguity about whether a "legitimate authority" initiated warfare against Iraq, the administration's actions as judged by the "just cause" and "last resort" criteria are even more questionable.

Right Intention

The just-war criterion that demands "right intention" on the part of a government going to war covers a lot of ground. This criterion demands that a government seek justice not revenge. The aim must be to right a wrong rather than to launch a self-aggrandizing quest to enhance its own power, wealth, or prestige. Although there is evidence that the Bush administration's actions make sense only if the president was concerned to secure America's (and other countries') access to oil, let's assume that the Bush administration intended only to right the wrong of Saddam Hussein's terrorist threat to his neighbors and the wrong of his terribly unjust treatment of his own people. Even making this assumption we are led to the conclusion that an American-led war was by no means necessary at the time and therefore that U.S. motives (intention) behind the war are questionable.

Not only were there other things the U.S. was doing to thwart Hussein's potential terrorist threats to outsiders, but Hussein's unjust dictatorship was not unlike the dictatorship of Kim Jong Il in North Korea, the horribly unjust government of Robert Mugabe in Zimbabwe, and the Sudanese government's support of genocide in its Darfur region. The point is not to suggest that Saddam Hussein was not bad enough to worry about, but that warfare was not justified by a right intention.

The fact that the Bush administration has continued to shift emphases about its ambitions in going to war in Iraq suggests that the arguments are ex post facto justifications for actions that did not have sufficient warrant at the start and that have not yet succeeded in achieving the ends that were sought. If the aim of the war was to bring down Saddam Hussein, President Bush should have made known his intention and acknowledged that such an aim is not justified by international law or just-war criteria but that he was going to do it anyway. If the administration's intention was to produce democracy in Iraq and the Middle East, he should have explained how he planned to do that and should have told the American people that the cost could be

billions and billions of dollars and tens of thousands of lives over perhaps one or two decades. To intend to achieve those goals by means of a military toppling of Saddam Hussein would have required a full and reasonable strategy for subsequent state-building and diplomacy (both pre- and post-war), a strategy that the administration never had.

We can only wonder, therefore, what the administration's true intentions were for going to war in Iraq, and we should not be surprised that many Americans now want the Bush administration to pull back because they don't see success and they hear shifting reasons from the administration about why staying the course is necessary. In fact, most recently the president has been stressing a negative, defensive intention for continuing with his policy: a premature "withdrawal of our troops in Iraq, or the broader Middle East," he told a crowd in Idaho in August, "would only embolden the terrorists and create a staging ground to launch more attacks against America and free nations" (*Washington Post*, 8/25/05). But one wonders why so many terrorists continue to be emboldened to attack U.S. forces in Iraq and to use that country as a staging ground to encourage terrorist attacks elsewhere if our military invasion of Iraq had as its goal the defeat of terrorism and the liberation of Iraq.

Proportionate Means

If warfare against Iraq was necessary and justified, then the U.S. was obligated on just-war grounds to use proportionate means to win the war and establish a stable peace. But it is clear now, more than two and a half years after the invasion, that the U.S. was unprepared at the beginning and is still unprepared to use means necessary to establish a stable outcome in Iraq. The easy part was destroying Saddam Hussein's regime. But that does not satisfy the criteria of justifiable warfare. War fighting, when justified, is an extension of governance, a means of overcoming injustice and establishing or restoring just governance. According to just-war criteria a government or coalition of governments has no justification for going to war if it has not counted the cost and assured itself and everyone involved that it can overcome unjust aggression and establish a stable outcome. The means of warfare, therefore, need to be proportionate to the kind of force being used by the enemy. But in this case all of the American military power thrown at Saddam Hussein and terrorist insurgents has not brought stability and security to Iraq.

Furthermore, depending on what happens in the years ahead in Iraq, the U.S.-led coalition forces now appear incapable of withstanding a civil war in that country if constitutional efforts to establish a new government fail. Some of the reasons for the U.S. failure to establish security and good governance in Iraq go back to the Bush administration's failure to meet the just-war criteria of "legitimate authority," "just cause," "last resort," and "right intention," as we've just argued. In other words, many other countries might have participated in the effort to restrain Hussein and help establish a more just order in Iraq if they had been convinced of the justice of the American cause or if the U.S. had not rushed to a military invasion. Nevertheless,

without sufficient international support beyond the United Kingdom the U.S. took on the responsibility of going to war. Thus, it was incumbent upon the president to convince the American people that more troops and police officers would be needed to secure the country, stop the infiltration of foreign terrorists, and put down the insurgent terrorists of Iraq. If the U.S. is using proportionate means to fight terrorism, why is it that month after month terrorists continue to kill hundreds of civilians and Iraqi officials not to speak of American military personnel, with no end in sight?

In August, 2005, more than two years after the U.S. toppled Saddam, Gen. Meyers acknowledged “documented near-term increases in the assassination of Iraqi government officials (52 in the three-month period ending June 27, 2005), as well as a recent uptick in insurgent attacks on senior diplomatic officials from regional neighbors of Iraq” (*Washington Post*, 8/7/05). Andrew Bacevich, writing last June at a time when it was reported that Rumsfeld was planning to nominate Army Lt. Gen. Ricardo Sanchez for a fourth star, said that while Sanchez was commander of U.S. and coalition ground forces in Iraq from June 2003 in Baghdad until he left Iraq a year later the terrorist insurgency grew from its infancy to raging out of control (*Washington Post*, 6/28/05). Sanchez’s task, said Bacevich, “was to provide security; his efforts produced chaos.” American military units, writes Jim Hoagland, “still lack the urban battlefield intelligence and tactics needed to stem terror attacks” (*Washington Post*, 8/21/05). The U.S., says Hoagland, “does not have available enough of the kind of troops it needs to deploy in Iraq in any event.” Hoagland quotes retired Gen. Barry McCaffrey who says the National Guard is already “in the stage of meltdown and within 24 months will be coming apart.”

The U.S. has not yet met the criterion of proportionate use of force to secure an end to hostilities in Iraq. Even with the hope of progress by means of the upcoming vote on an Iraqi constitution, Rumsfeld admitted that even if the constitution is approved, it will not ensure security. “Regrettably, completing the constitution is not likely to end all the violence in Iraq or solve all of the country’s problems,” he said (*Washington Post*, 8/25/05). So the United States will either have to continue to bear responsibility for the ongoing insecurity after Iraq gets a permanent government (if it gets one), or the U.S. will pull out, having failed to fulfill its just-war obligations.

Reasonable Expectation of Success

If success in warfare amounts to nothing more than one military force obliterating another one and toppling a foreign government, then the U.S. was hugely successful in Iraq in 2003. But if success is measured in the way that just-war criteria demand, then it means an end to warfare and the establishment of a stable peace that can withstand the injustice that was supposed to be stopped by going to war in the first place.

Did the Bush administration have a reasonable expectation of success when it decided to invade Iraq? It now appears that the president’s expectation was of an

assured victory against Hussein's military and an assured end to his government. Beyond that, there were hopes that the Iraqi people, once free from Hussein's dictatorship, would rise up in enthusiasm about their freedom and quickly build a democracy with U.S. encouragement. The American people would not even have to stop their shopping much less experience serious sacrifice for this cause. However, any such expectations were not grounded in a serious counting of the cost or in adequate knowledge of Iraq's history and circumstances. Granted, a country going to war cannot anticipate everything, but once it became clear that disorder, conflict, and insurgent terrorism would continue after the military had succeeded in toppling Hussein, the U.S. and its coalition allies were obligated to bring about the end demanded by justice.

Having not yet accomplished what was necessary from its side, however, and being unable to draw in sufficient support from other countries, the Bush administration has, in the last six months, put more and more pressure on Iraq's interim, constitution-drafting government to do what would appear to be impossible for it to do, namely, write, pass, and deploy a constitution that will bring all Iraqis together in a unified state and reconcile differences so that a stable national government can uphold a democratic order. The administration's aim now appears to be much more modest, namely, to keep our limited number of troops from as much danger as possible and to withdraw them as soon as it appears that we can say that the Iraqis are on their own. We are not adequately protecting Iraqi civilians and police right now. And an Iraqi military is developing slowly, in part because most of it is composed of local militia fighters more loyal to their Kurdish or Shiite communities and regions than to a national government. "All those forces silenced during Saddam Hussein's rule are using a period of transition, when Iraq is remaking itself, to express themselves or gain advantage," says Robert Malley, a former Clinton administration National Security Council staff member (*Washington Post*, 8/29/05). Edward Walker, former ambassador to Egypt and Israel, says that "militia wings of Iraq's political parties are 'looking out for their own future' and will continue to 'act in ways that strengthen them, politically and militarily'" (*Washington Post*, 8/29/05). Kurdish and Shiite groups see themselves winning "and now they're fighting to see who gets the biggest piece of the action," says Walker.

We can see, in other words, that part of the reason there appears to be strong majority support (nearly 80 percent of Iraqis) for the proposed constitution is that the Shiites (60 percent of the population) and the Kurds (20 percent) have essentially agreed to organize a very weak national government that will ratify the autonomy and preeminence of each of them in their own territories while making sure that proceeds from oil are divided proportionately among them. These two groups are essentially inviting the largely Sunni population in the middle of the country (20 percent of the population) to agree to this kind of national government. But that will mean that the Sunnis will have to accept permanent minority status, subject to a national Shiite majority, without having the kind of territorial and cultural identity that the Kurds have in the north. If the constitution passes and Sunni insurgents can be held at bay, then the Kurds and the Shiites might be able to secure both their own relative autonomy and

control of a national government just strong enough to satisfy the demands of their autonomous regions. If the constitution fails and/or the Sunni insurgency remains strong after its passage, the Kurds and Shiites can each be assured of their own autonomy (perhaps going their own ways) regardless of what happens to Iraq as a whole.

Whatever happens as a result of the October vote on the constitution, an early American withdrawal or a prolonged American occupation that does not replace itself with an adequately just and strong Iraqi government will amount to an unjust outcome of the American war in Iraq as measured by just-war criteria.

Noncombatant Immunity and Proportionate Use of Force in Combat

The evidence I have seen is not unambiguous about U.S. killing of noncombatants in Iraq. Certainly it is the general intention of U.S. forces not to target noncombatants. But if we look at the prolonged engagement that continues and ask about the number of noncombatants being killed compared to Iraqi and American military personnel being killed, it is clear that thousands of Iraqis are losing their lives. Some of these losses are due to the indiscriminate terrorist killings, to be sure. But the failure of U.S.-led forces to stop such terrorist killings of noncombatants reflects other failures outlined above.

It is also the case that the U.S. seems unable or unwilling to stop the build up of militias in the Kurdish and Shiite regions of Iraq, militias that are taking security and defense into their own hands. There is some evidence that those militias are taking captive or assassinating people of other tribes or nationalities, and some of that killing violates noncombatant immunity. None of this would be surprising in a country ruled by a Saddam Hussein or the Taliban. But this is a country for which the U.S. bears some responsibility for governance. If the U.S. cannot protect the innocent, then it has failed in its obligation to govern justly as a result of victory through warfare.

Finally, we need only raise the question about America's handling of prisoners in Guantanamo, Abu Ghraib, and other modes of confinement to suggest another dimension of possible disproportionate use of force as measured by just-war criteria. This subject requires extended discussion, which we will not pursue here.

America's Standing in the World

It is important to point out that the just-war criteria were developed as part of an argument to strengthen just governance. In other words, the more often that governments willfully go to war to achieve their own ambitions, the more they will be distrusted to represent anything more than their self-aggrandizing self-interest. Some would say it is even a mistake to think that international relations, especially warfare, can have anything to do with upholding or establishing justice. Yet without the means of reaching agreements among states based on some pre-stated principles of justice,

there can be no stability in international affairs. And that means less secure governance within states, which will always have to act with suspicion toward their neighbors. Most countries, however, have recognized that it is often in their own interest to comply with some mutually agreed upon principles that can serve every state's interest in stability, trade, diplomacy, and security.

One of the big questions, then, is whether the American war in Iraq, for all the reasons articulated above, has strengthened or weakened global stability and security. Do countries throughout the world now look with greater confidence or with less confidence to the U.S. as the leading representative of just governance both at home and internationally? If they do, then the U.S. has advanced the cause of justice to its own as well as to others' benefit. If they do not, then the U.S. now stands in a weaker position relative to other states and has diminished its potential for trustworthy leadership in the world. And if the latter is true, as I believe it is at this point in time, then the United States itself has been weakened as has the potential for advancing international agreement on the terms of justifiable warfare and many other dimensions of international justice. Thus, even if there is a relatively good outcome in Iraq, for which we can all hope and pray, that will not, by itself, prove the legitimacy of America's mode of engagement in Iraq since 2003 or since long before that, as judged by just-war criteria.

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Notes

¹James W. Skillen, *With or Against the World? America's Role Among the Nations* (Lanham, Md.: Rowman and Littlefield, 2005). My articles in the *Public Justice Report* on or related to this subject subsequent to 9/11 include the following: "September 11: A Clash of Civilizations?" (vol. 24, no. 4, 2001); "American Statecraft and the Response to Terrorism" (vol. 25, no. 1, 2002); "Realism is Not Enough" and "War Without End?" (vol. 25, no. 3, 2002); "Annan and Bush Agree" (vol. 25, no. 4, 2002); "Iraq, Terrorism, and the New American Security Strategy" (vol. 26, no. 1, 2003); "American Hegemony and International Order" (vol. 26, no. 2, 2003); "Foreign Policy and International Justice" (vol. 26, no. 4, 2003); "A Force for Freedom?" and "God With Us?" (vol. 27, no. 1, 2004); "It Could Never Happen Here: Abuse of Prisoners and the Rule of Law" (vol. 27, no. 3, 2004). See also, James W. Skillen, "Freedom-idealism and the

U.S. National Security Strategy," *The Brandywine Review of Faith and International Affairs*
(vol. 2, no. 2, 2004), 13-20.

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