

Kavka

"Was the [first] Gulf War a Just War?"

Just War Criteria and the First Gulf War

- Justice of War — Was there . . .
 - Competent Authority? (yes)
 - Just Cause? (yes)
 - Right Intention? (?)
 - Proportionality? (?)
- Justice in War — Was there . . .
 - Discrimination? (?)
 - Proportionality? (?)

Right Intention Problems

- What was the U.S. policy that was implemented or instantiated in going to war with Iraq?
 1. Must all, or just the majority, of the policies implemented be morally good in order to justify war?
 2. How specific must one be in detailing the implemented policies and intentions: general policy statements (e.g., “do the right thing” or “help friendly nations”) are likely to be morally good, but more specific statements (e.g., “protect oil supplies to the West by any means necessary”) may be harder to determine.
 - Which approach one chooses impacts the morality of the (collective) intention

How Does One Determine Collective Intentions?

- Examine the evidence:
 1. What’s the past behavior of the collective?
 2. What’s the decision-making procedure and what things were considered in the decision-making process?
 3. What policies influenced the decision-makers and decision-making procedures?
- Given 1 and 2, a “collectivist” determination will require that one examine the history and morality of U.S.’s international policies and practices

What Were the Intentions of the Leaders?

- Can one determine the individual motives at play in a collective?
 - There are many competing motives at play
 - How does one determine the intentions of a collective when there are several competing individual intentions at play?
 - Whose motives count and which of the motives count? Must all motives be moral?
- Conclusion: Given the difficulty of answering these questions, Kavka thinks that one cannot apply the Right Intention condition with any confidence

A Reasonable Approach to Determine Right Intention

- Two assumptions:
 - Look at the motives of the president and his top advisors
 - Look at the publicly stated motives (even though these may not be the true motives)
- JWT is intended to analyze justification for particular wars and not impose moral implications for past wars or actions
- U.S.'s past support for Iraq may lend support to the U.S.'s obligation to invade and protect Kuwait from a force which the U.S. enabled

New World Order Motive

- Is the “new world order” motive justification for war?
 - Kavka is concerned that if the U.S.'s intention was to secure economic and political goals in an oil-rich region, then the U.S. intentions will lead to an unjust war
 - But, if there is a more “justifiable” goal of a “new world order,” then perhaps what is intended in this new world order is justifiable
- **“New world order” motive:** principle of non-aggression of sovereign states against each other--“thou shalt not cross borders with armies” (22)
 - Respect for conventional (status quo) borders is the heart of the new world order

Proportionality—Intended Good Must Outweigh the Bad Caused by War

1. Problem: there are significant difficulties in determining the effects of war, its value, and the value of certain consequences
 - What matrix for measuring value should be used?
2. Problem: should the proportionality criterion apply to actual outcomes or to the outcomes anticipated in the planning stages?
 - What did those going to war “reasonably believe” about the outcomes when they went to war?
3. Problem: Measuring proportionality is not simply a case of observing actual effects. One must also ask how the world would have been like had the nation not gone to war.
 - Which counterfactual world is one to choose?

Last Resort

- War is the last resort—all peaceful alternatives must be exhausted
 - Kavka thinks the Last Resort criterion is a Proportionality condition--it is not likely that going to war will be proportionate if all peaceful alternatives have not been exhausted
 - Since Kavka views the Last Resort idea as part of the Proportionality criterion, a nation may justly enter a war without war being the last resort
- Is Last Resort a separate condition or simply another aspect of the Proportionality condition?
 - If it is a part of Proportionality, then the Gulf War may have been just.
 - If Last Resort is a separate criterion, then the Gulf War is not clearly just

Walking the Last Mile

- How much of a difference will "walking the last mile" for a peaceful resolution to an impending conflict really affect the probability of the war?
 - If the peaceful remedy will make a great difference, then it should be pursued
 - If the remedy will not make a great difference, then it becomes less clear whether "walking the last mile" is necessary to justify war

Justly Conducted War?

- Acts of war are just if innocents are not killed and the means are proportional to the ends
 - While there was a deliberate attempt to not bomb civilian targets, many civilians died as "collateral damage"
- There was a goal to carry-out prolonged bombing of military targets in order to reduce coalition casualties
 - But, in attempting to reduce coalition casualties, civilian casualties were higher than if reducing civilian casualties had been the goal

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 - Competent Authority? (yes)
 - Just Cause? (yes)
 - Right Intention? (maybe)
 - Proportionality? (maybe)
- Justice in War — Was there . . .
 - Discrimination? (yes)
 - Proportionality? (maybe)
- "The fact that, after careful scrutiny, it remains at least possible that the Gulf War was a just war (according to the just war theory criteria), leaves that conflict in pretty select company." (27)