

AUTHORIZING WAR
JUSTIFICATION, EXPLANATION and EVALUATION

by

Howard Adelman

DEDICATION

To all those elected representatives
who agonized over the decision
on whether or not
to authorize war

and

all those
who agonized over the decision
on whether or not
to support those
who decided to authorize war

List of Contents

1. On War
2. Nonrational Belief
3. Rational Action
4. The Case
5. Justification
6. Explanation
7. Evaluation
8. Conclusion

Chapter One

On War

The Focus

We are living through dramatic times. In 1989, the year of *annus mirabilis*, we began to anticipate the possible historical end of world conflict. One year later, on the second day of August of 1990, war broke out; Iraq invaded and annexed an independent country - Kuwait. The United States led a world response with what is normally considered an act of war, a virtual total embargo of both Iraqi exports and imports.

At the beginning of 1991 we watched Americans wrestle with their consciences and skills of prescience as they moved toward deciding whether or not to authorize the use military force, if necessary, by the President of the United States to drive Saddam Hussein out of Kuwait. That discussion focussed on debates in the House of Representatives and in the Senate of the United States of America on January 10th, 11th and 12th of 1990 as the American Congress debated alternative resolutions on whether or not to support the President in his desire to have military force available as an option in dealing with Iraq.

Though I have entitled my book Authorizing War, the real issue was not war per se, but the authorization to use military force. For placing an embargo on a country is an act of war. The United Nations decided on such an economic embargo on August 6th, 1990 after Iraq invaded and annexed Kuwait. Iraq immediately responded by taking hostages. Congress had not been asked, nor had it initiated steps, to authorize the placing of an embargo on Iraq, itself an act of war. However, in January of 1991, just as Congress prepared to determine for itself whether and when the United States should commit its military forces to battle, Bush invited the input of Congress on the issue. In the debate that followed, the term "war" was used to refer to the activities that would begin when the military forces were committed to battle and not to when the blockade began. Certainly, in common parlance, the commencement of war is usually thought of as the time at which either a declaration of war is made or when actual military hostilities break out. The beginning of military hostilities between the contending parties will be considered the issue at stake in the debate and which will be called the beginning of the war, even if, by definition, it is not.

The debate followed by one day the collapse of the diplomatic talks in Geneva between Secretary of State Baker

and Tariq Aziz, the Foreign Minister of Iraq. The debate on January 10th, 11th and 12th came immediately prior to the January 15, 1991 deadline that the Security Council had set for the *completion* of the withdrawal of the Iraqi military forces from Kuwait. Since the Security Council on November 29, 1990 had authorized the use of military force if Iraq did not withdraw, everyone knew that a decision of Congress in support of Bush meant that there was a high probability, if not certainty, of military conflict after January 15th.

Though there were different judgements on the degree of that probability following a Congressional decision in favour of war, presuming it was favourable, there was some hope that last minute diplomatic initiatives, such as that of Francois Mitterand, President of France, and of Jose De Cuellar, Secretary General of the United Nations, would induce Saddam Hussein to come to his senses and withdraw from Kuwait. There was even some hope that immediately after the January 15th deadline, Saddam Hussein would order his troops to return to Iraq once he had shown that he was not to be intimidated by an externally imposed deadline.

This book is not about the war that ensued, though, as we shall see, the events that occurred during and after the war and the events that may still follow after the termination of military hostilities, are and will be relevant to the explanations and evaluations of the decision of Congress to give President Bush the authorization to use military forces. This book is concerned with the justification, explanation and evaluation of that Congressional decision.

The Immediacy of Military Action and Political Debate

We witnessed the miraculous transformation of Eastern Europe on our television sets. We watched via CNN as *American* reporters from a hotel in Baghdad, Iraq, provided eye witness accounts of the aerial bombardment of the military and industrial facilities of Baghdad. Most outstanding of all, from the Hotel Rashid in Baghdad in the eighth hour of the continuous waves of aerial attacks (at 3:15 a.m. on Wednesday morning of the first day of the attack), Bernard Lewis, a citizen of the country that led the attack and a reporter for one of the major television networks of the U.S.A., CNN, talked directly to Benjamin Netanyahu, Deputy Foreign Minister of Israel, the sworn enemy of Iraq which Saddam Hussein and Tariq Aziz said they would attack if the American coalition attacked Iraq. Iraq did just that sixteen hours later. It sent seven scud missiles to bomb Tel Aviv, Haifa and other residential areas on the Mediterranean coast of Israel. On the third day, four more scud missiles were lobbed at Israel. On

the second sabbath of the war for both Jews and Muslims, on the ninth day of the war, just after sunset seven more scuds were aimed at Tel Aviv and Haifa and two at Riyadh. And they kept coming. And we witnessed it all on our television screens.¹

Never before had war, and the politics behind it, become so immediate for the citizens of the world. Further, our whole spatial sense of war was radically altered as the world watched the effects of bombs that the naked eye could never see. Within forty-eight hours of the commencement of the aerial war against Iraq by the American coalition, we could watch on television as the new "smart bombs" were guided to their targets to strike direct hits on an eight or nine storey office building referred to as an Iraqi air force command centre, a one story industrial building which was allegedly a munitions storage facility and as a bomb guided by a radar-evading F-117A Stealth fighter bomber went right through the front door of a missile warehouse. For the first time, war had become democratized as the essential battle being fought was on television. And it was not primarily the military one but the political war, the war for the sensibilities of the western public. Would the American public be able to stomach the casualties? Could Saddam Hussein last out long enough against the American coalition to become a hero to the Arab masses? Though Dalton Camp was undoubtedly exaggerating when he said, "The indisputable fact about this particular war is that almost everyone knows the same things about what is happening out there especially if they can watch the war on CNN"² there seemed to be universal agreement that satellite television had dramatically altered our perceptions.

What we saw was an *image* of war. It was high tech. It was clean. We saw buildings destroyed, and sometimes a few wounded and the odd corpse. However, on any evening on television we would see more dead corpses than we'd likely see in the whole progress of the war. We saw more dead corpses of birds soaked in black, gucky oil as the Iraqis pumped Kuwaiti oil into the Gulf. In spite of those images, though it was a war for the sensibilities of Americans and the Arab masses, it was also an oddly insensitive image of war as expert after expert gave his or her interpretation of one or other aspect of the war.

For the first time, the world watched as an electronic war unfolded. As if to signal and communicate this radical change in the military aspects of war, the economic indicators immediately followed the military and political news as oil and gold prices soared and then fell dramatically, and stock prices fell and then soared in Japan as the reports of the

Allied massive air attack and establishment of air superiority pored in. The world in which a Rothschild could benefit from prior news of the outcome of the Battle of Waterloo and allegedly spread a rumour of a British loss, thereby setting off a panic sell off followed by their own highly profitable buy-back, was over.³ Never has the world been able to witness with such immediacy the military process, even if we saw little of the consequences.

If the television war had the questionable effect of detaching thought from feeling as we watched the Nintendo drama of high-tech weapons on our television screens, televised politics brought us closer to the body politic that made the decisions for a state. Almost as immediate as the military war was the political process. The debate in Congress did not light up the sky over Baghdad like a Christmas tree, or like the Fourth of July celebrations of American Independence Day. It did not evoke such superlatives as 'awesome', 'beautiful' and 'outstanding' as two thousand ton bombs of lethal destruction rained down on the Iraqi capital. Nevertheless, the decision of Congress to authorize the use of war was more fascinating than the military battle. For the first time, we now had available to us television coverage of a key part of the process of decision making in the United States which could and did carry the world, led by that superpower, into a significant conflict.

The military process has the immediacy and excitement of the most sensational sports event that one has ever seen, even if all one saw were pictures of jets taking off and landing, of pilots being interviewed in unedited US film clips and listened to CNN reporters lying on the floor of a hotel room as they described the tracer bullets, triple A from Iraqi anti-aircraft batteries, the flak from the defenses and the thuds of the bombs falling as we watched a map of Iraq on the television screen. Some of the most interesting clips, though not the most informative perhaps, were the pilot interviews. The pilots described their own feelings and apprehension prior to the initial attack, the pump up of the adrenalin before they took off and the calm, professionalism and sense of self-confidence once the attack began. We also heard the thoughts of American pilot after pilot which fell into the same pattern. They did not want to fight, but since Saddam Hussein was unwilling to obey international law and give up Kuwait, they were determined and eager to get on with the job. They also stressed that their targets were carefully chosen to be strictly military. Their constant metaphor was the reference to football, so that one radio commentator, Peter Gzowski of CBC, claimed he became confused when he watched the Buffalo Bills in the playoff game on the third day of the war one week prior

to the Superbowl. The same language was being used to describe the game as was used to depict the progress of the battle.

"Quarterbacks are frequently said to have a 'gun' or even a 'howitzer' of an arm. Coaches are called 'generals'. The place where linemen meet is frequently called the 'trenches'. The gridiron is a 'battlefield'. Teams who move the ball well are said to 'march' it down the field. In case the comparison escapes us somehow, colour commentators like to observe often and with gusto: 'It's war out there.'"⁴

Television had been totally integrated into the propaganda battle that accompanies war. We received a message of the extreme effectiveness of the tactical air superiority and the complex coordination of a very wide based attack against very little initial effective resistance. The euphoria of Americans shot up almost immediately and support for the war increased dramatically as the overall air superiority of the allies was quickly established. But the euphoria became muted and replaced by gut-twisting anxiety and fear as it became evident this would not be a short, clean war.

However, when the war began, the nightmare of Vietnam was going to be purged. This was a football war, "played on an open playing field with distinct boundaries. This is a war with a clear and visible enemy and not shadowy figures in dark pyjamas who could be friend or foe. This is a war with unmistakable rules of engagement. This is a war with an unambiguous purpose and an international mandate. And most of all, this is a war in which the technology works. Finally a war with orderly, manageable, rational proportions. Finally, a war that resembles the game that resembles a war."⁵

But what if the war went into the underground bunkers? What if the war spread beyond the boundaries of Iraq and Kuwait? What if the Arab masses in Damascus and Cairo started to demonstrate against their governments for siding with the Americans and Westerners started looking suspiciously at everyone who looked like an Arab suspecting a terrorist? What if the opposition did not simply break a few rules and run offside by parading captured Western pilots, but began to use mustard and nerve gases? What if the goals of the war spread beyond getting Iraq out of Kuwait, beyond destroying the awesome military capability of a tyrant with ambitions, beyond even the removal of Hussein himself and even beyond the decapitation of the Baath party? What if the goals became murkier and murkier as a passing game of heroic proportions turned into a grinding slugfest? If the participants preferred

the football imagery, the spectators preferred Nintendo, the depersonalized image to protect them from the fear that an air war would turn into a muddy mess.

For the Arab populace, particularly for those in Iraq where the government exercised control over the media, and Saddam Hussein, a shrewd man of the world, enjoyed the adulation of the masses, the issue was one of survival and durability, not immediate victory. "Nabis, Tyrant of Sparta, successfully withstood the siege of all the armies of Greece and a Roman expeditionary force. He preserved his state and his authority over it. When danger threatened, he only had to put away very few suspicious characters, nothing like the number that would have been necessary if he had not had the people behind him."⁶ "A resourceful ruler should have no difficulty in putting heart into his subjects all through a seige *if he does not lack weapons and supplies*"⁷

Yet the war was not a classical battle of seige and resistance of the ancient world. Nor was it football or a Nintendo game. In Iraq, the bombs rained down on their heads day and night. In the West, the observers were not just spectators who could pick themselves up, leave and forget the game. They carried the war and its images everywhere they went. It was the prime topic of conversation in the coffee shops, in the dentist's office, in the subway. This was not a spectator's war. The public was involved. For this was primarily a political war, not a military one. The outcome was not in doubt, just the process, its costs in human lives and the unpredictable, unforeseen consequences. This was a war for the hearts and minds of public opinion, not simply the public opinion of Westerners who wanted and hoped for a clean, high-tech war and feared a dirty, drawn-out bruising one with widespread death and destruction, but it was a war for the hearts and minds of the Arab public who watched to see how long Saddam Hussein could hold out against the whole world and how much damage he could inflict, particularly on his sworn enemy, Israel. The way the public responded would effect both the course of the war and its outcome.

The issue for the West was whether they could sustain their commitment and tolerate the horrors of war. The issue for Iraq was whether the leader could outlast the seige and not be defeated. For if he was, "There will always be a dearth of loyalty on the edge of defeat. A ruler cannot judge what may happen then by his experience during the prosperous times when all jump to his commands, all promise their obedience, and all are ready to die for his cause as long as death looks remote."⁸

The electronic technological communications aspects of the war and the feedback from the polls in the democracies of the west matched the electronic wizardry of the battle itself which were based on cybernetics, on information feedback - Tomahawk cruise missiles using sophisticated electronic guidance systems to score precision hits, F-4G Wild Weasel air force jets with electronics that sensed radar and jammed the surface-to-air missiles controls and allowed them to be destroyed, the Lantirn system that allowed pilots to identify targets at night and guide its weapons to their targets, Patriot missiles that shot down nine scud missiles aimed at Riyyad and Bahrain on the third day of the war and went on to score almost perfect success rates. We had been thrust fully into the electronic age of feedback communications in both the military and political aspects.

The Basis of the Decision

The politics itself, as well as the political war, were conducted in front of the TV cameras. We watched as the political leaders of the country justified their decision before a world-wide audience. And it was no everyday decision. It was a decision about war, an action that would change the world constellation and possibly its direction. What was occurring not only occurred before our very eyes, but it was the most important decision of a generation.

If we do not seem to need reminding how critical war is to shaping history, as war and politics became instantaneous and complementary, a danger emerged that we would forget the long historical roots of our attitudes to war. The understanding of these historical roots is very different than the scientific study of war.

Military strategy, the science of war, is probably the oldest human science. The principles of the importance of surprise attack, military intelligence, technical superiority, military deployment, concentration of power, speed and mobility, knowledge of the terrain, coordination of a variety of types and sources of forces, military morale and discipline, and taking advantage of the state of the heavens, including the sun, the moon and the clouds, were discussed at least as long ago as the Egyptian analysis of the battle of Megiddo between the Pharaoh, Thutmose III, and the Palestinians under the King of Kadesh, in 1468, B.C.E. Though military science may be in the hands of the generals, the generals must be the servants of the state. To understand why, we need some acquaintance with our history and culture and what it has taught us about war.

I named my first born son Jeremy after Jeremiah, the prophet of peace, so I will use that as the excuse to begin the discussion of war with Jeremiah's dire warnings and threats. The quotation is appropriate, not simply because the reference is to Babylon and Iraq's historical legacy, but because it is important to hear the view of war from a prophetic perspective. For the prophetic perspective, however secularized, played a dominant part in the debate on whether or not to authorize the use of military force. A prophetic perspective is not to be confused with a predictive one, a voice which fortells the future⁹, which has more to do with divination and soothsaying, however scientific that has become. A pure prophetic voice is a moral voice, a voice insisting on the highest standards of behaviour in one's conduct. Jeremiah is the prophet who at aged five heard his calling to act as a vehicle for God's voice to utter dire warnings to both his countrymen and to the enemies of Israel.

spirit of a destroyer against Babylon, against the inhabitants of Chaldea;"

And will send to Babylon winnowers, and they shall winnow her, and they shall empty her land, when they come against her from every side on the day of trouble,

Let not the archer bend his bow, and let him not stand up in his coat of mail. Spare not her young men; utterly destroy all her host.

They shall fall down slain in the land of the Chaldeans, and wounded in her streets.

For Israel and Judah have not been forsaken by their God,

the Lord of Hosts; but the land of the Chaldeans is full of guilt against the Holy One of Israel."¹⁰

It is the moral voice, the prophetic voice, that is apocalyptic and envisions the spirit of the Desert Storm as a destroyer, as one that will come from every side, and which will lay waste the country with large numbers of casualties. "There'd be no war now if American interests hadn't demanded one...The Americans are in this to exterminate Saddam personally and to level his country."¹¹

The Prophet stands in dramatic contrast with the rabbinic or pharisaic tradition of rational textual analysis and its contemporary secular equivalent, in the rational debate over the authorization to use military force. Whatever the differences between the prophets and the pharisees, both the

prophetic and pharisaic voices were united in opposing the priests, the authoritarian leaders who kept the Torah from the people in support of oligarchical rule that claimed to have a monopoly on the access to truth.

Both the prophetic and pharisaic voices were in favour of what we now call a new world order, a new covenant that would arise out of the period of distress. However, the two groups had different views on how that new world order would arise. They also differed on the nature of that new world order. For the prophets, the new world order required a new kind of human being, because humans, and the social and political institutions they build, are fallible. God's law would be written in the human heart.¹² For Nehemiah, though called a prophet but more of a transitionary pragmatist, the new world order would come about by external institutional changes, by a Great Assembly of the people and by renewing the *existing* covenant.

Thus, in the Hebraic tradition, war was a source of radical transformation. For Hegel, a necessary condition for the creation of a peaceful order is war itself. "War is not to be regarded as an absolute evil and as purely an external accident, which itself therefore has some accidental cause, be it injustices, the passions of nations or the holders of power, etc. in short, something or other which ought not to be."¹³ "If states disagree and their particular wills cannot be harmonized, the matter can only be settled by war."¹⁴ War is sometimes an unfortunate necessity. War also serves a rational purpose *in history*. It shakes people out of their lethargy and their neglect of and indifference to the significance of some institutions.

In the case of the Gulf War, the debate was over the means necessary, its direct consequences and the nature of the new order that would result. In the prophetic tradition, the result would be perpetual peace. In the pharisaic tradition, the result would be peace and, hopefully, better institutions to guard against the evils which create the conditions for war. Institutions depend on the human commitment to maintain them. War would remain an immanent possibility.

For the Hebrews in the pharisaic tradition, God's revelation emerges in terms of law in history. Since there is no direct access to moral truth, the dialectic between law and morality was complicated. For Plato, it was more straightforward; law was in the service of moral principles. In that regard he shared a kinship with the prophetic tradition, though for him those principles were pure abstractions and not direct divine revelations in time.

For Plato, war was central to human life. It was the eternal battleground of the conflict between what is better and what is worse in the human self and was always waged for the sake of peace. The issue at stake was what kind of peace, one in which the worse subjugated the better or one in which the better part subjugates, *but does not extirpate*, the worse. In that vision, the leader is *reason*, or, more precisely, *rational will incarnate in law*. In spite of his (and Aristotle's) admiration for Sparta's great emphasis on the upbringing and training of children, war was not fought, as Sparta fought it, to express the spirit of courage. War was not to be celebrated as a virtuous exercise, but as a necessary one aimed at peace and the rule of reason rather than force. The state trains its sons and daughters for war, but not by forgetting that the war is intended to bring about peace; peace will not simply be a time to prepare for war.

In Sparta, "The kingship is like a sort of generalship with absolute powers, and is held for life."¹⁵ Statesmen, by contrast, are to follow the science of *politics*. Statesmanship "is concerned with the laws and with all that belongs to the life of the state."¹⁶ Just as the science of politics is not to be confused with military science, so it is also not to be confused with the science or art of law and the role of the judicial branch of government which is responsible for guarding the law itself for the citizens governed by that law by making impartial decisions on conflicting claims and rising above any particular interests. Between states, no such impartial body exists to render such judgements and no law exists to which all states are bound. That is why the role of the Statesman is not to be confused with that of the Judge, for the Statesman, at a time of conflict, has the onerous task *not* of making impartial judgements according to law, but of making a partial one in defence of both the interests of the state and the principles behind the laws of the state.

However, in the *name* of moral principle and the self interest of the state, politicians may embark on wars of conquest that are advertised as both moral and easy. However, those imperial politicians, blinded by their ambitions, are often unaware of the complications that will develop, the arduousness of the task and the effects on the local population quite aside from the moral corruption in their own state.¹⁷ So, although wars are a critical turning point in any state, a constant dilemma for a state governed by the rule of law rather than a faith in the intrinsic merits of force remains. Is the purpose of *this* war primarily to advance self interest for gain and profit, in modern terms, whether it is being fought to benefit the munitions manufacturers and the oil cartels, or is its purpose to *defend* interests of state and do battle with a fundamental

breach of the principles of international order? The decision to wage war in a state governed by the rule of law is always also about the soul of that state.

The decision to wage war is a moral decision, a decision about justice. But it is also a decision which is very telling about what the Greeks called the *phronesis* of the politicians, their perspicacity in expounding what was likely to result from the decision. War is a test of both moral vision and practical judgement. Would a war with Saddam Hussein be a reenactment of the high moral ground and supreme victory of the Second World War or of the moral corruption and disastrous humiliation of the Vietnam War?

Was the war a battle, a desert storm, against a tyrant, such as Nimrod, who conscripted his people to unite under a single authority to build one tower of strength in the world in opposition to a world of a plurality of nations and languages where the independence of other states was to be respected?¹⁸

Modern thinkers reversed the classical conceptions of the factors that went into decisions to engage in war, though not in their recognition of the importance of war. Instead of an absolute morality ruling over and shaping practical considerations, calculations of self interest were transmogrified into an objective morality. For Hobbes and Rousseau, war between nations was simply a reversion to a State of Nature, a conflict between entities simply governed by their own interests in self-preservation or expansion. "The estate of men in this natural liberty is the estate of war."¹⁹ So, "on the level of international relations each State enjoys natural liberty"²⁰ and, hence, is in a state of war one with the other.

That is why war, for them, was the most important enemy, the critical enemy. War compelled reason to seek peace "as far forth as there is hope to attain the same; and strengthen himself with all the help he can procure, for his own defense against those, from whom such peace cannot be obtained."²¹ When war in itself was the great enemy, it meant that war was an instrument of peace and implied, as an ideal, that force in the hands of a single power (the Security Council led by one enlightened superpower?) was necessary to enforce and preserve that peace. "The stronger nations will find it to their advantage to agree to a joint exercise of power - to maintain peace by collective action without sacrificing more of their own position than necessary. Thus an aristocratic sovereign will be set up, resembling the Security Council of the present United Nations."²²

Though Rousseau also held that international law backed up by

a coercive force was the only means to overcome the state of war between sovereign states, as envisioned by l'Abbe de Saint-Pierre, he thought it was a fantasy unlikely to be brought about, except perhaps through the use of sufficient force that men would shrink from using it.²³

One problem arose when the enemy - war - was demonized. The threat of dissension and conflict could be used to justify the imposition of order in spite of infringements on human rights. In foreign affairs, such a doctrine justifies the acceptance and toleration of tyranny in other states, but only so long as that tyranny does not threaten one's own state or of any state recognized as an independent state which one has the capacity and self-interest to defend. According to such a doctrine, the military crackdown in the Baltic states by the Soviet army will be tolerated. On the domestic front, if war breaks out, all sorts of abuses of rights are justified. The Jacobins cited Rousseau in justifying labelling those who fled France as traitors, thereby entitling the revolution to seek and destroy them.²⁴

This did not mean there were no moral principles or laws, from a Hobbesian or Rousseauian perspective, that did or could ultimately guide the conduct among states. Neither did it mean that the relations between states were simply matters of prudence.

Quite the reverse. "Hobbes claims to erect an objective morality from the ruins of subjective prudence."²⁵ But that objective morality in Law was simply the instrument of those in control of *coercive power*²⁶ within the state and the imposition of order by the strong among states.

In this view, war is not only the central social and political event in history, but the most important political act is the authorization to conduct war. The conduct of war entails obligations by the citizens. However strong those obligations, no subject can be required to engage in war unless the survival of the state depends upon it. War is to be entered into and any citizen is obligated to fight only if, without war, the destruction of one's society was at stake.

It is ironic that a pessimist such as Rousseau, with his gloomy picture of international relations, also provides the rationale for non-religious conscientious objectors who refused to serve in the American military in the Gulf even if they were members of the military reserves. For a Hobbesian and Rousseauian objective morality both limited the obligation and made it more absolute.

It was Kant who first provided a rational dress for the prophetic dream of "perpetual peace" to replace the age-old philosophic belief that war was inherent to the human condition. Peace would be based on a covenant, on agreements and institutions and not by changing the heart of humans. Kant, like Hobbes and Rousseau, held that the natural condition of man was antagonism and war. "The greatest evils which afflict civilised nations are brought about by war," but contrary to Hobbes and Rousseau, Kant held that that evil was caused "not so much by actual wars in the past or the present as by never ending and indeed continually increasing preparations for war."²⁷ Kant also held that nations as well as individuals were just as compelled to create governing institutions to leave that state of war of all against all. "The primary object of the law of nations...is to secure a firm and lasting peace throughout the world."²⁸ But there could be no dominant power to which all were subject as was a possibility in Hobbes. A cooperative rather than a compulsory system was required which preserves the sovereign status of every member and the right of every state unilaterally to resort to force.

In "Perpetual Peace", Kant sets down the terms of peace which are based on preserving the independence of sovereign states but eliminating the means by which they threaten one another and substituting confidence building measures to reinforce the peace.

Agreements, mutually agreed upon, rather than force, could emerge to govern the relations between states.

Thus, although war in which men kill one another was abhorrent to Kant, it was not unthinkable. In fact, it was the primary fear that would and could drive states into making agreements to limit the possibility of war. Wars, in fact, could also be just. One critical issue defining whether a war was just was whether it was entered into by an all powerful ruler (inherently unjust) or whether the people entered into war willingly through a decision of their representatives. The latter was a necessary though not a sufficient condition of a just war. But war was inherently a matter of practicality and not morality, for morality was rooted in good intentions, and states could sign peace agreements without any good will towards one another (as Iraq and Iran just did). In fact, states were incapable of being directed in their actions by good will.

Perpetual peace was a matter of both practical judgement, which required rulers to be as "wise as serpents", and right, which required humans to be as "harmless as doves". Kant was a master of irony; even the title of his famous essay on

"Perpetual Peace" can be read as ironic. Did he know, as Konrad Lorenz described it, that a dove will peck another dove to death if they are in the same cage? Was he aware of the Gnostic view of the serpent as a creature *wiser* than any other animal and the precondition of enticing humans out of the stagnation of Paradise into the progress of history?²⁹ Was Kant fundamentally opposing the doctrine rooted in Saint Augustine that man was born a sinner and was incapable of free will, a doctrine which advocated submission to the Emperor as the ruler of this world, and to God as the ruler of the other world? If Kant is read as ironic, then decisions about war and the creation of perpetual peace, though requiring both serpents and doves, depends ultimately on the 'wisdom' of the serpent.

Kant envisioned a number of prerequisite conditions for peace - the increasing costs of the technology and other necessities of war, which tended to bankrupt states as the costs escalated, a nucleus of republican states governed by the rule of law where the primary emphasis was not on power but on private commerce and the personal leisure that was its reward, a federation of these states opposed to war and with sufficient force to prevent outlaw states from rising up to threaten the peace. But the primary condition was the creation of a system of rights, the rights of individuals to be free from the oppression of their rulers, and the rights of states to be independent of any other state.

Whereas Kant established good will as the basis for morality, he warned against using good will as the basis for establishing peace between states. In spite of such warnings, major parts of the peace movement attempt to do just what Kant warned against, employ good will to enhance the possibility of peace between states. "At the moment of this writing, the Berlin crisis is carrying brinkmanship further than it has ever been carried before. It is not an insoluble crisis. With a little *good will* and a little readiness for mutual compromise, it could be easily settled. If it is not settled, the consequences will be utter disaster."³⁰ (my italics)

There is a much longer tradition of morality which regards war in moral terms, but instead of finding it repugnant, war is regarded as an instrument of law and not of politics, a means of enforcing obligations and punishing violations of law. War may be the only means of correcting an injustice defined as, "the unlawful seizure of that which belongs to another."³¹

In a contrasting view, there is no issue of morality at all. The lack of a basic unity among the nations of the world is basic. The theorists of strict real-politik argue that there

are no fundamental principles or all-encompassing community which unites nations. In that situation, "the just is nothing else than the advantage of the stronger."³² Prudence alone, not justice or morality, determines the decision to go to war and how to conduct it.

There is another prudential perspective which regards war as a instrument to advance state power. War is seen as a legitimate instrument of foreign policy, as both legitimate in and necessary to the conduct of foreign policy. The oft quoted definition, "War...is an act of violence intended to compel our opponent to fulfill our will,"³³ captures this difference. To say, "War is a mere continuation of policy by other means,"³⁴ conveys this positive instrumental view of war as a legitimate prudential enterprise. John Dewey, the American philosopher, held precisely such a view believing that the function of the state was to advance national interests, and the use of force was sometimes necessary to advance those interests.³⁵ In that case, morality might have to give way to prudential considerations. Though Thomas Jefferson would lament that man was the only species "which is eternally and systematically engaged in the destruction of its own species,"³⁶ it was a regrettable but necessary activity. "Foreign policy is almost exclusively concerned with war and the avoidance of war. It deals with force, the irrational and unexpected, and all too often is compelled to subordinate the principled to the necessary, for there is no limit to the ugly means whose use can be legitimized by a sufficiently unscrupulous and determined enemy...It compels us to harm those who do not deserve to be harmed, men whose only 'fault' is membership in a political community that momentarily happens to oppose ours."³⁷

If the moral find war either inherently repugnant or, alternatively, legitimate as an instrument to enforce the law, if the prudential find it awful but sometimes necessary, or, alternatively, legitimate if not always the instrument of choice, there are those who glorify war, revel in the use of force and believe deeply that 'might is right'. There is no morality to international conflict. Nor is there much prudence. You do what you can get away with. Saddam Hussein obviously believed this dictum, totally rejecting many conventions of war as he used pilots as propaganda instruments on Iraqi television and claimed that captured pilots had been transferred to targets to serve as human shields. Saddam Hussein introduced "ecological terrorism" into the military equation. But prudence was not highly regarded by Saddam Hussein either. War was gamble and a high risk game.

Though the philosophers tried to work out how morality and

prudence related to one another, the "pure" positions described above can be designated as follows:

	(+ve)		
	Perpetual Peace (There ain't gonna be war no more.)		
M o r a l	War as Morally	!	War as an Instrument
	Repugnant	!	of Law
		!	
		!	
J u d g e m e n t i a l	War as an Evil	!	War as an instrument
	Necessity	!	of Politics
		!	
		!	
	Peace as the Time to Prepare for War (Might is Right)		
	(-ve)		

There are moral compunctions not to use war or to use it, and morally pure postures which rule out the use of war altogether. There are prudential reasons to be wary of using war as an instrument of foreign policy and those who see war as a legitimate instrument in the foreign office arsenal. For some, morality is regarded as the rules imposed by the stronger party. Might is right.

The majority of American politicians in Washington engaged in the debate in Congress indicated that they belonged to none of the camps above. They believe that war is decided by a combination of prudential and moral considerations. But then which has primacy, security and prudence or morality and justice?

If some thinkers believe that both prudence and justice are critical in a decision to authorize war, the requirements of prudence may be advocated overtly as overruling those of morality and justice. Where the survival and independence of a political community is at stake, "In (such) extreme situations there may be conflicts between what the self-preservation of society requires and the requirements of commutative and distributive justice. In such situations, and only in such situations, it can justly be said that public safety is the highest law. A decent society will not go to war except for a just cause. But what it will do during a war will depend to a certain extent on the enemy - possibly an absolutely unscrupulous and savage enemy - forces it to do."³⁸

Others will hold that morality must take precedence over prudential considerations. Jimmy Carter as President of the United States, "would use the legacy of power with restraint and only as an instrument in the service of principle."³⁹ Though Jimmy Carter had a Secretary of State, Cyrus Vance, who was wary of using war from a sceptical rather than a moral perspective, because he regarded it as generally imprudent because, "a resort to force usually altered the situation and the nation's goals in unintended and unfortunate ways,"⁴⁰ Jimmy Carter had a foreign policy adviser, Zbigniew Brzezinski who believed "power was the goal and morality was an instrument to be used when appropriate."⁴¹

Whether primacy was to be given to morality or to prudence, or whether war was to be regarded exclusively in terms of morals or of force, all these outlooks took the perspective that humans *decided* whether or not to go to war. The decision to go to war was a voluntary act. The above thinkers differed primarily in their fundamental value commitments that went into the calculation to go to war. This was clearly the conviction of virtually all the Congressmen

who debated whether or not to authorize the President to use military force. We will begin with this perspective.

. The importance of television to the conduct of war can be noted by looking at the Iraq-Iran war which lasted over eight years and produced over a million casualties, but we were hardly aware of it. An estimated 1,000 ballistic missiles, that is, unmanned, self-propelled vehicles descending to their target on a ballistic trajectory affected by gravitational and atmospheric forces, capable of carrying nuclear, biological and chemical as well as conventional explosive warheads, were fired, but we barely noticed. Iraq has invested an estimated \$3 billion in missile development and production and possesses in addition to hundreds of Scud-B missiles with a range of 300 km, upgraded Scud-Es, the al-Hussein with a range of 650 km. and the al-Abbas with a range of 900 km. In December of 1989 successfully launched a three stage 48 ton rocket which would provide Iraq with the capability of developing missiles with a capability of delivering warheads thousands of kilometers away. Iraq also successfully tested a chemical warhead on a ballistic missile in 1989. (cf. Marie-Françoise Sjardins, "Ballistic Missile Proliferation", Ottawa: Background Paper 3, September, 1990, Canadian Institute for International Peace and Security, Ron Karp, "Ballistic Missile Proliferation", SIPRI Yearbook 1990, Work on Arms and Disarmament, Oxford; Oxford University Press, 1990, pp. 382-390 and "Ballistic Missile Proliferation: Survey of Emerging Missile Forces", Congressional Research Service, Report for Congress, No. 88-642 F, Washington: Library of Congress, Feb., 1989, pp. 38-42.)

. Dalton Camp, The Toronto Star, January 20, 1991, B3.

. Grant McCracken, "Fighting A War With A Metaphor", The Globe and Mail, January 24, 1991, A18.

. op cit.

. Niccolo Machiavelli, The Prince, tr. by Peter Rodd, London: The Bodley Head, 1954, p. 63.

. Ibid, p. 66.

. Ibid, p. 64.

. "Jeremiah has nothing to say about the future of the temple, so he says nothing about the future of the priesthood....The difference between Jeremiah and his contemporary, Ezekiel, is the difference between pure prophecy, bound together with the historical hour and God's direct speaking in it, and prophecy becoming problematic, which peeps into a future which, so to speak, is already at hand and so describes it. The pure prophet is not imaginative or, more precisely, he has no other imagination than the full grasping of the present actual and potential. His God is the God of truth which, as far as it is open to mortal man, enters really into time, interwoven with human deeds and misdeeds. That is, it can never be depicted beforehand. 'For there is no divination of the future, nor soothsaying in Israel.'" Martin Buber, The Prophetic Faith, p. 175.

.. Jeremiah, 51: 1-5, Revised Standard Version, Catholic Edition.

.. Gerald Caplan, The Toronto Star, Sunday, January 20, 1991, B3.

Jeremy went on in the Jeremiah manner to express his irritability, frustration, anxiety and depression as he awaited "a death watch for mass murder."

.. "Behold, the days come, saith the Lord, that I shall make a new covenant with the house of Israel, and with the house of Judah...this *shall be* the covenant that I will make with the house of Israel; After those days, saith the Lord, I will put my law in their inward parts, and write it in their hearts." Jeremiah, 31: 31 - 33.

.. T.M. Knox, translator, Hegel's Philosophy of Right, Oxford: Clarendon Press, 1941.

.. Ibid, 334.

.. Aristotle, Politics, Book III, 1285a3.

.. Plato, The Statesman, 305e.

.. cf. Thucydides, The Peloponnesian Wars, Book VI, the discussion of the Athenians to invade Sicily. This very text was cited by one of the Congressmen opposed to giving Bush the authority to use military force.

.. cf. Josephus, Antiquities of the Jews, Ch. 14, 3 who describes the wisdom of the Jews that overthrew the tower of Babylon and the issues at stake. The term "Babel", which has a derogatory connotation to those who believe in a unitary world under a single law and rule, Josephus claims refers to Babylon, the place where the first attempt was made to create a tower of strength and a united world. For those who believe in a world of diversity united by law and institutions and not a common faith, language or rule, the term "Babel" should be seen in a favourable light.

.. Thomas Hobbes, Body, Man and Citizen, Part IV, Citizens and the Law, Section 4.

.. Jean-Jacques Rousseau, "L'Etat du guerre", Collected Works, vol. 3, p. 610.

.. Thomas Hobbes, Body, Man and Citizen, Sect. IV:14.

.. ibid, p. 211. This prophetic statement was written in 1668.

.. Jean-Jacques Rousseau, "Jugement sur le projet de paix perpetuelle", Collected Works, vol. 3, p. 600.

.. Carol Blum, Rousseau and the Republic of Virtue: The Language of Politics in the French Revolution, 1986, Ithaca, N.Y.: Cornell University Press, p. 216.

.. David Gauthier, The Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes, Oxford: Oxford University Press, 1969, p. 90. When the American coalition began their air attack on Iraq and convert Operation Desert Shield from a defensive to an aggressive action, the name was changed, not to Operation Desert Sword, but to Operation Desert Storm, as if recalling biblical references other than Hobbes' "sword of justice" rooted solely in a morality based on the defence of self-interest.

.. Thomas Hobbes, De Corpore, The English Works, ed. Sir William Molesworth, Vol. I, p. 74.

.. Immanuel Kant, Conjectural Beginnings of the Human Race, 1786.

.. Susan Meld Shell, The Rights of Reason: A study of Kant's philosophy and politics, Toronto: University of Toronto Press, 1980, p. 173.

.. cf. Testimony of Truth. It is quoted in Elaine Pagel's Adam, Eve, and the Serpent, New York: Random House, 1988. p. 69.

.. Bertrand Russell, Preface to the first issue, Our Generation Against Nuclear War, Vol. 1, No. 1, Fall, 1961.

.. Hugo Grotius, Prolegomena to the Law of War and Peace, New York: Library of Little Arts, 1957.

.. Plato, The Republic, I:338c.

- .. Carl von Clausewitz, On War, ed. Anatol Rapoport, Ch. 1:2, Harmondsworth
guin, 1968, p. 101.
- .. Ibid, 1:24, p. 119.
- .. John Dewey, "The Motivation of Hobbes's Political Philosophy", Studies
e History of Ideas, I (1867), 88-115 as cited by Diggins (1984), p. 161.
- .. cf. Daniel Boorstin, The Lost World of Thomas Jefferson, Boston: Beacon
ess, 1948, p. 174.
- .. William A. Galston, Kant and the Problem of History, Chicago: University
icago Press, 1975, pp. 55-56.
- .. Leo Strauss, Natural Rights and History, Chicago: University of Chicago
ess, 1953, p. 160.
- .. Gaddis Smith, Morality, Reason & Power: American Diplomacy in the Carter
ars, New York: Hill and Wang, 1986, p. 33.
- .. bid, p. 41.
- .. bid, p. 37.