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America's 'Just Wars' in the 21st Century: Implications of Just War Theory on the Middle East

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America's 'Just Wars' in the 21st Century:
Implications of Just War Theory on the Middle East

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Introduction

“We must begin by acknowledging the hard truth: we will not eradicate violent conflicts in our lifetimes... There will be times when nations—acting individually or in concert—will find the use of force not only necessary but morally justified.”

–Barack H. Obama, Nobel Peace Prize Lecture (2009)¹

Centuries ago, Western superpowers that dominated the international playing field justified their imperialist actions with concepts like the White Man’s Burden and Manifest Destiny. Today, regional hegemons like the United States growing their empires using more subtle language. As former president of the United States Barack Obama stated in his Nobel Peace Prize lecture in 2009, “at the dawn of history, [war’s] morality was not questioned; it was simply a fact, like drought or disease.” In contrast, today’s leaders and policy-makers discuss war in clearly defined moral terms. Specifically, many nations including like the United States use a moral theory about war called “just war theory” to justify employing their armed forces abroad. In recent years, we see this theory applied in the Middle East especially.

Because it is not likely that we will see war’s end in our lifetime or afterwards, it is important to continue the discussion on the morality of states’ and world leaders’ actions. As James M. Dubik accurately states, “War, in several forms, will remain a condition of our contemporary strategic environment for the foreseeable future.”² If we are to at least maintain some level of peace and to limit the level of suffering around the globe, it is critical that world

¹ “The Nobel Peace Prize 2009,” *Nobelprize*. 10 Dec. 2009, https://www.nobelprize.org/nobel_prizes/peace/laureates/2009/obama-lecture_en.html.

²² James M. Dubik, *Just War Reconsidered: Strategy, Ethics, and Theory* (Lexington: University Press of Kentucky, 2016), 1.

powers like the United States do not abuse moral theories about war to meet their own aims and to make reckless decisions that affect civilians in the Middle East, and elsewhere.

Just war theory justifies war by characterizing a state's intentions with moral terms. As a person who is conscious of the disastrous consequences that civil wars and ensuing humanitarian interventions have on civilian populations, I am critical of policy decisions that may support intervening in another country's affairs. One can imagine, then, my unsettlement as I learned more about the dominance and support for this moral theory. Like others that find themselves new to the just war tradition, I asked: how can the interference in a sovereign nations' affairs and the killing of innocent civilians ever be morally abetted? After further research into the complex moral theory, one discovers that it justifies war only under certain circumstances. Ultimately, I came to realize the relevance and pragmatism of the theory's six major principles.

While the moral theory is not a perfect one it continues to be utilized as the United States' preferred moral framework. In this paper, I examine the United States' current and past foreign policy actions and presence in the Middle East. I argue that the United States should continue upholding the principles of just war theory as it is the better theory, in nature, relative to pacifism and realism, but its leaders should focus more on the theory's Last Resort Principle to further limit instances of warfare. Time and again American leaders and policymakers inappropriately use just war principles as a cover to meet their own political or economic objectives, most notably, regime change, at the expense of civilian livelihood abroad. The United States' application of this theory to justify its actions in the Middle East has proven disastrous when we examine the number of civilian casualties and quantity of resources spent, ultimately resulting in ineffective and adverse outcomes, both in the short-term and in the long-term.

First, I examine how just war theory is present in U.S. leaders' and policymakers' rhetoric and actions, citing specific examples from past and current administrations. I look at Afghanistan as a specific example to highlight the United States' misuse of just war doctrine which lead to destructive consequences and a current stalemate in the country. I then look at America's current involvement in Syria and how just war language is already being used by politicians to justify a potential intervention in the state. Last, I assess the United States' involvement in Yemen to argue that U.S. does not intervene in the Middle East for strictly humanitarian purposes, but instead to pursue their own interests.

I hope to provide a close assessment of United States' current presence in the Middle East by examining its involvement in the past few decades. Like many others studying the theory's history and its contemporary application, I am critical of just war theory. However, upon analyzing alternative theories about war, if utilized appropriately, it is the most reasonable theory that should lead to less civilian casualties. Still, it is important to question the behaviors of world superpowers like the United States as their foreign policy actions deeply affect politics around the world in the long-run.

Method

In this paper, I examine the U.S. government's use of just war theory to justify its past and current involvement in the Middle East. I utilize works that are critical to the just war doctrine, specifically, Michael Walzer's *Just and Unjust Wars*. I frequently reference Walzer's work as it serves as the best tool in understanding contemporary just war theory. I also look at other significant contemporary works on the theory, like Brian Orend's *The Morality of War*, which provides a clear history and commentary on the theory while analyzing Walzer's work.

Because the argument I make focuses on America's current involvement in the Middle East, many of the events and wars I cite are ongoing. There are new reports being published each day. This paper references very recent news articles from media outlets like the New York Times, CNN, and the Huffington Post, to name a few. Some published as recent as September 2017 are utilized as I attempted to bring in as updated news on the subjects as possible.

I focus on Afghanistan specifically because it marks the start of the United States' "War on Terror" and the beginning of a growing fear of extremist terrorists abroad. This is significant because the War on Terror is prevalent today still and remains a big fear in the minds of those in the West. The initial reasons for entering the war in Afghanistan seemed necessary and just, but now, entering its sixteenth year it is becoming increasingly clear that the war fought on Afghan soil is an unjust one according to just war theory's six principles as outlined by Walzer. The waste in American resources and the death of civilian and combatant lives highlights the dangers in utilizing just war language by world leaders and politicians.

I then turn to events in Syria today. Just war language was used by Obama and its lasting effects is already being felt under President Trump. As a counter point to the argument that the United States fights just wars of humanitarian intervention, I introduce Yemen to show that the U.S. is not wholly committed to fighting just wars or upholding R2P; rather, it is concerned with more selfish motives that focus on advancing the nation's own interests and aims.

I choose to look at these three countries—Afghanistan, Syria, and Yemen—as separate cases that represent the consequences of American foreign policy on the Middle East. While these three countries certainly do not encompass the scope of American involvement in the Middle East, just war language is used extensively to justify U.S. presence. This along with the

fact that America is still very involved with the affairs of these countries today is why I have chosen to focus on them in this paper.

What is Just War Theory?

Just war theory is the doctrine that states that war is only sometimes morally justified. It is often discussed in comparison to competing approaches to the understanding of the ethics of war: pacifism and realism. Pacifism states that it is never morally correct to go to war, while realism argues that morality is irrelevant when judging a state's motives for going to war and the conduct of its soldiers in warfare.

Just war theory is a dualistic theory composed of two crucial parts: *jus ad bellum* and *jus in bello*. Walzer distinguishes the former part as “adjectival”—a war can be just or unjust—and the latter as “adverbial”—a war can be fought justly or unjustly.³ This paper will discuss both parts, but will focus primarily on *jus ad bello*: a state's reasons for going to war rather than the tactics its military and soldiers use during the war. *Jus ad bello* requires six commitments or conditions before engaging in warfare. Brian Orend neatly summarizes Walzer's six major rules of just war, which are important to understand for the purposes of this paper, in *The Morality of War*:

1. *Just cause*: International law as endorsed by the United Nation's Security Council states that “inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations.”⁴
2. *Right intention*: A state must have the right subjective intention for war to be moral.⁵

³ Michael Walzer, *Just and Unjust Wars* (New York: Basic Book, 1977), 21.

⁴ United Nations, *Charter of the United Nations*, 24 October 1945, Article 51, Chapter VII. <http://www.un.org/en/sections/un-charter/chapter-vii/>.

⁵ Brian Orend, *The Morality of War* (Ontario: Broadview Press, 2006), 46.

3. *Public declaration of war by a proper authority*: War must be declared publicly to inform the target that they “now face war and its substantial hazards.”⁶
4. *Last Resort*: States must try diplomacy before turning to war, as outlined in the UN Charter.
5. *Probability of Success*: to “bar lethal violence which is known in advance to be futile.”⁷
6. *Proportionality*: “...a state considering a just war must weigh the expected universal benefits of doing so against the expected universal costs.”⁸

This paper focuses heavily on the Last Resort principle as it relates to the idea of diplomatic criticism. Through the different cases presented—Afghanistan, Syria, and Yemen—it becomes clear that American leaders do not acknowledge this principle as they should when considering the use of their armed force. While each principle is critical in determining whether a war can be morally justified, I argue that a strong emphasis on state diplomacy using diplomatic criticism should be implemented before a state decides to intervene in the affairs of another.

History of Just War Theory

Nearly every discussion, critique, or article explaining just war theory’s history begins its timeline with the writings of Christian theologians like Saint Augustine and ends with those of contemporary thinkers like Michael Walzer. It is important to provide a brief background of the doctrine’s history to better understand its main tenets. An examination of its history will also reveal to us a historical pattern involving dominant powers’ exploitation of the moral theory to push their own agendas, a pattern that is still prevalent today.

⁶ Ibid., 50.

⁷ Ibid., 58.

⁸ Ibid., 59.

Brian Orend provides a concise yet detailed “sweeping history of just war theory” in the first chapter of *The Morality of War*.⁹ While many scholars and historians cite Saint Augustine and other Christian thinkers as the founders of the theory, he states the beginning of the theory to be in the 4th century B.C. with the coining of “just war” by Aristotle.¹⁰ Later in history, just war doctrine is associated with Christianity as Christian thinkers attempted to justify the prevalence of holy wars. Saint Augustine focused heavily on “right intention” and in doing so, “[blurred] the line between *just* wars and *holy* wars”.¹¹

An important contribution to the evolution of just war theory is the idea that only a proper authority may declare war. This idea was supported by ancient Greek philosopher and politician Cicero, who believed the state to be an authority of “goodness” and that just wars can only be waged by states.¹² A declaration of war by any other actor would not be considered “proper”.

Thomas Aquinas (1225-1274) also focused on the proper authority in declaring war—only political authorities could declare war but should consult with the Church; later, Francisco de Vitoria of Spain (1492-1546) argued that non-Christian communities may also declare war.¹³ Even more than Francisco de Vitoria, Hugo Grotius (1538-1645) argued for the secularization of the theory and rejected holy wars altogether; thus, Grotius paved the way for modern just war theory.¹⁴

Grotius’ contribution led to the eventual codification of just war theory into law in the 19th century. *Jus in bello* rules were codified in the “Lieber’s Code” following the American

⁹ Ibid., 9.

¹⁰ Ibid., 10.

¹¹ Ibid., 12.

¹² Temes, Peter, *The Just War: An American Reflection on the Morality of War in Our Time* (Ivan R. Dee, 2004), 57.

¹³ Orend, 16.

¹⁴ Ibid., 17.

Civil War and later in the 1999 Hague Conventions. In the 20th century, just war theory became popular again immediately following World War II, evident in the 1954 UN Charter which focused on just war theory's *jus ad bellum* aspect. Even more literature on the theory was produced in the aftermath of the Vietnam War, with many people condemning the unjust behavior of U.S. soldiers.¹⁵

We now have a basic understanding of the theory's history. Beginning with Aristotle, just war theory took centuries to craft, used for a time to further Christian religious tradition and later to reject the Christian holy wars. Just war theory proved never to be a neutral theory as it was used in the past to further a powerful state's own agenda, like the justification of Christian holy wars. While modern just war theory is primarily secular in nature as it is used to defend human rights rather than religion, it is still utilized to advance influential countries' own interests—like the United States' pro-war agenda to implement policies of regime change in foreign countries—and that becomes the focus of this paper.

Literature Review

Although several significant articles on the doctrine flourished in the 1970s, Walzer's work remains the single most influential piece. In Brian Orend's words, Walzer's "breakthrough work... has been to current just theory what Grotius' *The Law of War and Peace* was to prior centuries."¹⁶ In this paper, I will use Michael Walzer's discussion of the theory and his own definition of specific terms in *Just and Unjust Wars* as the accepted contemporary definition of just war theory. For this reason, his books, claims, and definitions are referenced throughout the paper.

¹⁵ Ibid., 20-24.

¹⁶ Ibid., 24.

In *Just and Unjust Wars*, Walzer provides historical examples to illustrate what a just war and an unjust war look like, utilizing World War II and the Vietnam War as primary examples to guide his argument—he paints America’s entrance into World War II as justified while the actions of American soldiers in Vietnam were unjust.¹⁷ Rather than setting his argument against a religious backdrop to support the doctrine as past just war theorists and philosophers have done, Walzer focuses on humanitarian rights, making his work influential in the aftermath of the Vietnam War.¹⁸

It is important to explore alternative theories to just war theory as well as dominant criticisms of the theory. Therefore, this section examines pacifist and realist theory and I discuss the combination of diplomatic theory and just war theory together to bring about the best results. Pacifist and realist theory can be thought of on the opposite ends of the same spectrum in judging the morality of war.

Pacifism

Just war theory is often compared to other approaches to judging the ethics of war, one of which is pacifism. The just war doctrine states that war is only sometimes permissible under certain circumstances while pacifism states that war is never morally permissible.

While pacifism on the surface would be the ideal method in thinking about war (no war means no casualties, no civilian deaths; thus, less suffering) its efficacy is highly unlikely considering the circumstances that exist in our world. Although one or a few international actors may attempt to follow pacifist theory, it is unlikely that all other actors in the international community will follow suit. We cannot assume this from every world power especially when

¹⁷ Walzer, *Just and Unjust Wars*, 100.

¹⁸ *Ibid.*

irrational leaders exist. In fact, by stating that war is never permissible, pacifists are irrational; they do not consider the actions of state actors in rational terms. Because of this, many critics of pacifism believe certain types of pacifists allow war to continue. Contemporary critics of anti-war activists like Lauryn Oates claim pacifists are “abettors of war” because they allow “psychopath” regimes like that of Bashar al-Assad’s in Syria to continue committing acts of violence against its own civilians.¹⁹ In a way, pacifists allow crime-committing regimes to perpetuate the violence in their refusal to respond to them.

In 2016, a Vatican conference called on Pope Francis to reject the Catholic church’s traditional teachings on just war theory. Although the Archbishop John Baptist Odama of Uganda is correct in stating that “any war is destruction,” he and other members of the Vatican conference are misguided in calling for a “new framework that is consistent with the Gospel of nonviolence” because it ignores the real threats of today.²⁰ While Jesus’s nonviolent teachings are attractive and its utopian ends are preferred to what occurs daily across the globe, it is unrealistic to expect states to adhere to them today. The massive and real threats of terrorism and the actions of non-rational state leaders make it impossible to remain “non-violent” when a state has the means of responding to these violent threats. In addition, many of these threats are perpetuated by nonbelievers; thus, Christian teachings and the faith in God is irrelevant. Non-violence will not be able to end or even limit the suffering caused by war.

¹⁹ Lauryn Oates, “Let’s Get Clear on What Pacifism Really Means,” *Huffington Post*, 5 March 2017, http://www.huffingtonpost.ca/lauryn-oates/pacifism-meaning-peace_b_16416640.html.

²⁰ Joshua McElwee, “Landmark Vatican conference rejects just war theory, asks for encyclical on nonviolence,” *National Catholic Reporter*, 14 April 2016. <https://www.ncronline.org/news/vatican/landmark-vatican-conference-rejects-just-war-theory-asks-encyclical-nonviolence>.

Pacifism's impracticality and inherent irrationality make it the least helpful in thinking about the ethics of war. In the face of contemporary violence that takes the form of humanitarian crises, terrorism, and actions of non-rational state actors, idleness will only lead to more suffering. Although just war theory is not flawless, its goal is to limit the destructiveness of war while pacifism refuses to even take part in the process of limiting this suffering. States have the means through self-defense and interventions, if carried out properly, to save civilian lives, whether it be their own or a foreign country's.

Realism

Realism is another approach often referenced when talking about war and it would fall on the opposite end of the spectrum relative to pacifism. Realism states that morality does not have a place when talking about war or the behavior of states. For realists, the Latin saying "*inter arma silent leges*" describes war: in time of war, the law is silent.²¹

Realism contends that morality has no place in war. When talking about war, there is a denial of the "meaningfulness of moral argument."²² Talking about morality reaches no goals or ends; thus, it must be irrelevant during wartime and any argument for or against it would be simply a waste of time and effort. This approach to thinking about war is dangerous because it allows militaries and individual soldiers to commit atrocities without impunity. For many just war thinkers like Walzer, this aspect to realism is a big red flag.

Realism's assumptions regarding how the international political system is arranged is relevant in the field of just war theory; however, what follows from these assumptions are not accurate in contemporary war. In an anarchic system where there is no one authoritative state,

²¹ Walzer, *Just and Unjust Wars*, 3.

²² *Ibid.*, 10.

each state behaves rationally, meaning it makes decisions which are most advantageous for its own country. States will do anything to protect and advance their own national interests even if it means engaging in disastrous wars; morality is missing from the discussion.

However, the world as it today is much more complex than realism illustrates and moral commitments are in fact relevant in wartime. The concept of humanitarian rights is now clearly codified, defined, and backed by international law. Because of this, it is necessary to think about morality during war and when we try to justify interventions, even if states prefer not to do so.

In contemporary times, it is extremely rare for a state to disregard morality completely. While national interests may be the priority for states, moral commitments are still acknowledged. In criticizing realist theory, Orend assesses the similarities between morality and strategy to argue that states act upon the basis of both national interests and moral commitments. He argues that “both discourses are devoted to evaluating the same course of action—the deployment of armed force in foreign affairs—and to enabling guiding rules.”²³ Both discourses appeal to the public for support of their actions and states are free to act in alternative ways. Because of the worldwide pressure on states to make the morally correct choices that align with international and humanitarian law, moral commitments not only exist but are important in the minds of state leaders and militaries when they make decisions. The developed and modern perspective of human rights that is dominant today make morality central in any states’ political plans. Thus, realism cannot be the best theory in discussions on war.

Diplomatic Criticism

Diplomatic criticism is another approach to thinking about war. This approach emphasizes the fourth requirement of just war theory: the last resort. While I argue that just war

²³ Orend, *Morality of War*, 227.

theory is the best way to minimize war's catastrophic consequences, a stricter focus and utilization of diplomatic criticism will help further limit these consequences. James Pattison outlines the concept of diplomatic criticism, providing a starting point in the discussion on the normative considerations that it raises. Pattison's definition of the approach should be implemented in current and future discussions on just war theory and the Last Resort principle.

Pattison's interpretation of the Last Resort principle heavily emphasizes finding other alternatives before resorting to war. He introduces his own account called the 'Presumptive Last Resort': "war should (generally) be the last feasible option; and the comparatively best non-violent, feasible option(s) should be tried first."²⁴ Following this definition, there is a presumption rather than a prohibition against resorting to war first, and there is a favor in finding other solutions instead. In Pattison's interpretation, Presumptive Last Resort is not narrowly instrumentalist, and it emphasizes that doing harm as opposed to allowing harm should be avoided.

Although many see the approach as a tactic to avoid making significant decisions, Pattison argues that diplomatic criticism is preferable to other means of addressing mass atrocities and external aggression, like war and economic sanctions.²⁵ Still, Pattison is pragmatic in his view because he understands the inevitability of war. Even if states are in the middle of war, he argues, diplomatic criticism should be utilized because it provides a clear and public justification for the war. Without diplomatic criticism's ability to direct international attention at

²⁴ Ibid., 951.

²⁵ James Pattison, "The ethics of diplomatic criticism: The Responsibility to Protect, Just War Theory and Presumptive Last Resort." *The European Journal for International Relations*, vol.2, no. 4 (2015), 936.

states' behaviors, more crimes may go unnoticed and more countries may involve themselves in unjust wars.

Additionally, Pattison argues that when states are criticized—“named and shamed”—challenges are posed to their international standing and the result is a loss in legitimacy. This loss in legitimacy will push states to alter their behavior and lead to policy changes.²⁶ In this way, a shift in focus towards the Last Resort principle through diplomatic criticism rather than other just war principles—like just cause or probability of success, which are difficult to measure in hypothetical scenarios—will see change in the behavior of dangerous states before engaging in war. Pattison's definition of diplomatic criticism will truly limit the use of armed forces, helping just war theory's cause. His amendment of the Last Resort principle should be considered by political scientists and just war theorists and will be an important starting point in the discourse on diplomacy in the future.

Just war theory is the most appealing theory when thinking about war. As much as we would like for pacifist theory to be the dominant mode in thinking about the morality of war, it is inherently irrational. While Orend argues that every moral theory is simply a way in trying to keep our hands “clean” in the face of war's atrocities, pacifist theory seems to fall most in line with this imagery. Conscious of terrorism, sectarianism, civil war, and genocide occurring either on the other side of the world from them or within their own countries, they opt out of making any tangible difference or change. Unlike diplomatic criticism which does call for states to act in a way that is different from war and sanctions, pacifists remain truly inactive, and their inaction allows for more atrocities and tragedies to occur.

Supreme Emergencies

²⁶ Ibid., 938.

Although I argue that just war theory is preferable to alternative theories about war like pacifism and realism, the theory is still flawed for its utilitarian aspects, mainly, the case for supreme emergencies. The existence of this case allows influential leaders to make unjust, unlawful, and dystopian military decisions without impunity.

As arguably the most influential contemporary work on just war theory, Walzer's *Just and Unjust Wars* has elicited much criticism since its publication, which he addresses years later in *Arguing About War*.²⁷ Much of the criticism focuses on the concept of supreme emergencies which appears in his "Dilemmas of War" chapter in *Just and Unjust War*. In a supreme emergency case, a country is justified in targeting and attacking enemy civilians. Walzer defines supreme emergencies by two criteria: the imminence of the danger as well as its nature, and "neither one by itself is sufficient"; thus, both must be applied for an event to be considered a supreme emergency.²⁸ The concept of supreme emergencies is the biggest point of contention in Walzer's *Just and Unjust Wars* among scholars. For Michael Neu, supreme emergencies are unlike "any other situation in the moral world, for they make it impossible for a moral agent not to commit a severe moral crime"; thus, for him, any "justified military act in war which foreseeably causes innocent people to die is a supreme emergency act".²⁹ Brian Orend calls it the "most controversial, and consequential, amendment to just war theory ever proposed."³⁰ He points out the paradoxical nature of Walzer's supreme emergency, and places Walzer as the one

²⁷ Michael Walzer, *Arguing About War* (New Haven: Yale University Press, 2004).

²⁸ Walzer, *Just and Unjust Wars*, 252.

²⁹ Neu, Michael. "The supreme emergency of war: a critique of Walzer." *SAGE Journals*. 1 Feb. 2014, 4.

³⁰ Orend, *The Morality of War*, 141.

who is “fundamentally responsible for” the exemption of supreme emergencies to exist within just war theory.³¹

Walzer uses World War II to illustrate the case, emphasizing the evil of Nazi Germany as Great Britain’s justification in bombing civilian areas in Germany. In Walzer’s example, the Nazis were the supreme emergency because they became “an ultimate threat to everything decent in our lives, an ideology and a practice of domination so murderous, so degrading even to those who might survive, that the consequences of its final victory were literally beyond calculation, immeasurably awful.”³² Thus, the threat of the Nazis winning the war was enough justification for the British to target civilians in Germany.

Walzer’s attempt in justifying the atomic bombs in Hiroshima and Nagasaki has also led many to criticize his definition of supreme emergency. He states that during WWII, the “war aims of the American government required either an invasion of the main islands, with enormous losses of American and Japanese soldiers and of Japanese civilians trapped in war zones, or the use of the atomic bomb.”³³ In this case, the United States had no choice but to eradicate millions of people with the atomic bomb. Walzer’s attempts in weighing the different actions in a utilitarian method becomes ethically and morally problematic. In both examples, the targeting of German and Japanese civilians was so horrendous that it inspired the fourth Geneva convention of 1949, which outlawed deliberate attack on civilians. To the international community, America’s and the U.K.’s actions during the second World War were morally unjustifiable.

While defending the exemption of supreme emergencies, Walzer states: “Perhaps it is only a matter of arithmetic: individuals cannot kill other individuals to save themselves, but to

³¹ Orend, *Morality of War*, 140.

³² Walzer, *Just and Unjust Wars*, 253.

³³ Walzer, *Just and Unjust Wars*, 266.

save a nation we can violate the rights of a determinate but smaller number of people.”³⁴ The idea that states are permitted to attack enemy civilian populations if the number is “smaller” is utilitarian because it weighs the consequences of actions rather than the actions themselves. Even just one civilian death, intentional or not, should be unacceptable. Considering Walzer’s quotation above, supreme emergency cases allow “collateral damage” and the incidental killing of civilians to be swept under the rug. Focusing less on the utilitarian aspect of just war theory will make civilian lives matter more to states. By spending more time, for instance, on emphasizing the last resort principle and less time on the proportionality principle, we can avoid civilian deaths. It is this consequentialist and utilitarian aspect of just war theory that renders the death of one civilian insignificant. While the other just war principles are also crucial to the theory, more time spent on the Last Resort will emphasize the magnitude of each civilian death and will hopefully decrease instances of collateral damage.

The exception of the supreme emergency case is dangerous because it enables powerful states to make utilitarian decisions that would not be considered ethically moral if examined from outside of the utilitarian philosophy. This is evident in the 2011 killing of Abdulrahman aw-Alwaki in Yemen under the order of former President Barack Obama as a part of a targeted killing operation.

The aftermath of 9/11 saw a massive push for counterterrorism policies during the Bush administration, leading many to view the country as being in a state of supreme emergency, placing the terrorists as the priority threat to the country’s security. This counterterrorism focus resulted in the creation of a kill-list ten years later. A front-page story in the *New York Times* published in 2012 covered the story extensively, highlighting the questionable nature of Obama’s

³⁴ Ibid., 255.

counterterrorism strategies and his overall moral principles.³⁵ Obama oversaw approving every name on the kill list, giving him the “final moral calculation.”³⁶ A target on that list was Anwar al-Awlaki, a Yemeni-American born in America and suspected of later joining al-Qaeda in Yemen, and his son Abdulrahman aw-Alwaki.

Obama called the decision to kill Anwar an “easy one.”³⁷ Under the supreme emergency case, the killing of Aw-Alwaki’s father is justified because it involved the killing of our enemies’—al-Qaeda’s—civilians. However, Obama stretched the exemption to include not only minor not given a trial, but also an American citizen. A utilitarian would argue that Obama’s actions are justified because it removed the possibility of a dangerous terrorist as a threat to America’s security. It is possible that Abdulrahman could have ended up like his father, an influential and “dangerous” cleric with suspected al-Qaeda affiliations. A just war theorist would agree with the utilitarian, saying that the supreme emergency case justifies this because al-Qaeda has been a major threat to America’s security since before the war in Afghanistan.

If we are to look at the situation in terms of legality rather than “arithmetic” and utilitarianism, Obama’s actions would be deemed unconstitutional and many have acknowledged them as grounds for impeachment. Thus, we can see how accepting Walzer’s definition of a supreme emergency and his example of Great Britain’s actions during World War II sets a dangerous precedent for today’s world leaders.

This case highlights the utilitarian aspect of just war theory and exemplifies how disastrously the supreme emergency exemption can be interpreted. The utilitarian aspect of just

³⁵ Jo Becker and Scott Shane, “Secret ‘Kill List’ Proves a Test of Obama’s Principles and Will,” *The New York Times*. 29 May 2012, http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html?_r=1&pagewanted=all.

³⁶ Ibid.

³⁷ Ibid.

war theory must be acknowledged and studied by political leaders, policymakers, and military leaders. In this case, it allowed a president to place an American minor on a kill list and murder him without due process in a country that America is not at war with. Obama's inappropriate use of the supreme emergency case coupled with a lack of international criticism of the event led to unjustifiable actions.

Although the targeted killing was a covert mission, diplomatic criticism of this event should have been emphasized once information and evidence was made available. Widespread diplomatic criticism should have been evoked and the U.S. government should have been held accountable for its actions and punished accordingly. Additionally, the killing of minor Abdulrahman aw-Awlaki without trial could have potentially been avoided if there was an international shift to diplomatic criticism at the start of America's counterterrorism policies during the Bush administration. If events like the invasions of Afghanistan and Iraq were more heavily criticized from the start, rather than having been supported by major allies like Britain, Germany, and Canada, perhaps our massive war on terror could have been more narrowly focused, resulting in less bloody wars.

Humanitarian Interventions and R2P

Humanitarian interventions remain a contentious topic because of the moral dilemma it poses: "Does the duty to respect state sovereignty trump the responsibility of the international community to take action when the people of a nation are at risk?"³⁸ When a foreign state contemplates engaging in a humanitarian intervention, it must decide whether responding to the crisis that civilians in a state face is more important than respecting that state's autonomy. Just

³⁸ Michael Gross, *Moral Dilemmas of Modern War: Torture, Assassination, and Blackmail in an Age of Asymmetric Conflict*. (New York: Cambridge University Press, 2010), 205-206.

war theorists agree that this dilemma should always be acknowledged and the decision to enter another state military should never be made in haste.

Another issue arising with humanitarian interventions is the deliberate policy of regime change enacted by foreign powers. Humanitarian interventions conflict with state sovereignty because regime change means the replacement of the current government with another through military force. Walzer notes in the preface of *Just and Unjust Wars* that “the primary aim of the [humanitarian] intervention is to stop the killing; regime change follows from that purpose.”³⁹ As we will discuss in the cases of Afghanistan and Yemen, it is evident that regime change falls higher on the United States’ list of priorities than the objective to end civilian suffering.

The Responsibility to Protect doctrine (R2P) states that “State sovereignty carried with it the obligation of the State to protect its own people, and that if the State was unwilling or unable to do so, the responsibility shifted to the international community to use diplomatic, humanitarian and other means to protect them” in accordance with Chapters VII and VIII of the UN Charter. Kofi Annan addresses and challenges the dilemma that arises out of humanitarian interventions in his 2000 Millennium Report when he asks, “if humanitarian intervention is, indeed, an unacceptable assault on state sovereignty, how should we respond... to gross and systematic violation of human rights that offend ever precept of our common humanity?” In 2005, member states of the United Nations endorsed the concept at the 2005 high-level UN World Summit meeting in response to past atrocities like those in Rwanda, Kosovo, and Srebrenica.⁴⁰

³⁹ Walzer, *Just and Unjust Wars*, x.

⁴⁰ “Responsibility to Protect.” *United Nations Office on Genocide Prevention and the Responsibility to Protect*, <http://www.un.org/en/genocideprevention/about-responsibility-to-protect.html>.

The United States plays an important role when it comes to R2P. In its statement at the 2012 Human Rights Council 20th Session, the U.S. delegation reiterated its commitment to “three pillars” of the Responsibility to Protect:

The essential responsibility of States to protect their own citizens, [its] shared responsibility to take appropriate steps to assist States in exercising that solemn duty, and [its] preparedness to take timely and decisive action where national authorities manifestly failed to do so.⁴¹

Business Insider ranked the U.S. first in its “strongest militaries” list in 2016, which cited its massive defense budget, number of active frontline personnel, tanks, total aircraft, and submarines relative to other nations.⁴² For many, the United States’ military prowess make it responsible in engaging in the affairs of other states when the state’s own regime cannot or when that state is responsible for the human rights abuses.

R2P is important in our discussion on the U.S.’s application of just war theory in the Middle East when we assess the country’s irregular use of the principle to justify cross-border interference in other states’ affairs. The U.S. seems only to remember the Responsibility to Protect principle in certain cases. Although R2P was not implicitly invoked until the Libyan civil war in 2011, it was applied in the case of Afghanistan and now more leaders are calling on America’s and the rest of the West’s responsibility to take military action in Syria. R2P is a crucial principle in addressing the Taliban’s crimes in Afghanistan and Bashar al-Assad’s regime

⁴¹ “The U.S. strongly supports the concept of Responsibility to Protect (R2P).” *Mission of the United States, Geneva, Switzerland*. <https://geneva.usmission.gov/2012/06/19/the-u-s-strong-supporter-of-the-concept-of-responsibility-to-protect-r2p/>.

⁴² Jeremy Bender, “RANKED: The world’s 20 strongest militaries,” *Business Insider*. 21 Apr. 2016, <http://www.businessinsider.com/these-are-the-worlds-20-strongest-militaries-ranked-2016-4/#no-20-canada-1>.

in Syria. Despite the United States' statements regarding its commitment to R2P, little advocacy for the principle is seen surrounding the current humanitarian crises in Yemen, forcing one to wonder about the U.S.'s true motives in the Middle East.

Just War Theory and the U.S.

Just war theory is important in both international law as well as within the United States. In international law, it is present under United Nation charters and in the United States, it is present in the rhetoric of political leaders and in military spaces.

While there is no one authoritative state to police the actions of other state actors throughout the international community, the United Nations has become the institution that has assumed somewhat of an authority role to check state actions. Article 51 of the UN Charter, which states that an armed attack against any member state of the UN allows for self-defense or other-defense, indicates that the United Nations also adopts just war theory within its moral framework.⁴³ Article 51 of the UN Charter makes an act of self-defense or other-defense lawful and just, fitting into the category of *jus ad bellum* (the right to go to war). Through the U.S.'s membership and active participation in the UN, the U.S. automatically adopts this part of just war theory when it comes to state aggression and self-defense. A famous application of this article occurred in World War II, when the United States entered the war and joined the Allies side of the war after Germany committed an act of aggression against Poland.⁴⁴

Since the events of World War II, the application of just war theory is present in the foreign policy decisions of the United States. Many cite the Weinberger Doctrine of 1984, which later influenced the Powell Doctrine, as a prominent example of a framework that justified the

⁴³ "Chapter VII." *United Nations*, <http://www.un.org/en/sections/un-charter/chapter-vii/index.html>.

⁴⁴ Orend, *The Morality of War*, 33.

use of armed force by the U.S.⁴⁵ The Weinberger Doctrine, like just war theory's six principles, aims to limit the use of armed forces. In a 1984 speech to the National Press Club, Secretary of Defense Caspar Weinberger argues that both "undue reserve" and employing armed forces "as a regular and customary part of diplomatic efforts" are neither solutions in responding to international events.⁴⁶ Instead, he outlines six tests that should be applied when considering the use of combat forces abroad.

Many of the Weinberger Doctrine's tests mirror just war theory's own principles: the test to employ forces overseas only if it is "deemed vital to our national interest or that of our allies" matches just war's "right intention" principle; the "clear intention of winning" test with the probability of success; having "clearly defined political and military objectives" matches the right intention principle; and, most importantly the sixth and final test which states that "the commitment of the U.S. forces to combat should be a last resort" takes from just war theory's concept of last resort.⁴⁷ Just war theory influenced Weinberger's invention of these six major tests intended to limit the destructiveness of war.

Post 9/11, just war thinking's *jus in bello* aspect has greatly influenced professional U.S. military education and training. Under the Geneva treaty obligations, the Law of Armed Conflict (LOAC) regulates war by protecting civilians, prisoners of war, the wounded, the sick, and shipwrecked.⁴⁸ Thus, LOAC considers justice in war—*jus in bello*—rather than focusing on the right in going to war—*jus ad bellum*. Martin L. Cook notes that this doctrine is incorporated in

⁴⁵ James Turner Johnson, "The Right to Use Armed Force," *Just War: Authority, Tradition, and Practice*, 21.

⁴⁶ "The Uses of Military Power," *PBS*, 28 Nov. 1984, <https://www.pbs.org/wgbh/pages/frontline/shows/military/force/weinberger.html>.

⁴⁷ *Ibid.*

⁴⁸ Rod Power, "Law of Armed Conflict (LOAC)," *The Balance*, 27 Oct. 2016, <https://www.thebalance.com/law-of-armed-conflict-loac-3332966>.

military education and training at every level, from recommissioning military education programs like ROTC in which students are often required to take philosophy courses, to traditional combat environments, to military officers ensuring that the actions of their unit are within the bounds of LOAC.⁴⁹

Neta C. Crawford examines the U.S. military's understanding of the discrimination and proportionality principles of just war theory. She cites how the U.S. military reflects both the *jus in bello* and *jus ad bello* guidelines of just war theory. US military field manuals and legal documents refer to the Geneva conventions as a source of military law in America. When making decisions about the use of force, the U.S. military uses both the framework of international law as well as analysis regarding potential "collateral damage", meaning the incidental killing of civilians during a strike.⁵⁰ The U.S. "Standing Rules of Engagement" (SROE) also reflect just war notions. These rules of engagement outline general rules for the use of force. SROE discusses military necessity as the license for permission of use of force as self-defense, and the *jus ad bellum* criteria of proportionality is important and required for self-defense in the January 2000 SROE. Here, proportionality can act as a limit on the use of force, even as the use of force is used to override certain limits.⁵¹

We can now see how just war theory has influenced both the decisions of U.S. policymakers and leaders as well as professional military training that dictates the actions of individual soldiers on the ground. U.S. leaders stress *jus ad bellum* requirements when justifying

⁴⁹ Martin L. Cook, "Just War and Military Education and Training," *Just War: Authority, Tradition, and Practice* (Washington, D.C.: Georgetown University Press), 252.

⁵⁰ Neta C. Crawford, *Bugsplat: US Standing Rules of Engagement, International Humanitarian Law, Military Necessity, Noncombatant Immunity*, *Just War: Authority, Tradition, and Practice* (Washington, D.C.: Georgetown University Press), 233.

⁵¹ *Ibid.*, 236.

their reasons for entering a war while the military uses *jus in bello* requirements laid out by the United Nations.

Afghanistan

Afghanistan will serve as a past example showcasing the heavy use of just war language by American leaders and politicians to justify intervention and continued action in the Middle East. The Bush administration did much to frame its decisions using just war terms and rhetoric, and we see a similar method utilized under both the Obama and Trump administrations. This section discusses the short and long-term effects of just war language used during the Bush administration.

The start of the ongoing war in Afghanistan officially began when the United States invaded in 2001 after the Taliban refused to give up Osama bin Laden. After the 9/11 attacks, the target and enemy became clear to the West: al-Qaeda and the Taliban regime that supported it. American leaders and Congressmen capitalized on the use of just war rhetoric to drum up support for counterterrorism and counterinsurgency agendas to invade the country and topple the Taliban regime, allowing the U.S. to install a democratic government more favorable to its own interests, which is a strategy it later implemented in other regions of the Middle East.

In her article titled “Just War Theory and the U.S. Counterterror War,” Neta C. Crawford assesses how the Bush administration framed its rhetoric in *jus ad bellum* terms regarding Afghanistan.⁵² She argues that the administration stressed the right to self-defense and the Last Resort—two critical just war principles. She cites Secretary of Defense Donald Rumsfeld as defending America’s foreign policy by claiming its actions to be in self-defense: “....the only

⁵² Neta C. Crawford, “Just War Theory and the U.S. Counterterror War,” *Perspectives on Politics*, vol. 1, no. 1. *JSTOR* (2003), 233.

way to deal with the terrorist network is to take the battle to them. That is in fact what we're doing. That is in effect self-defense of a preemptive nature."⁵³ The events of 9/11 showed the world that war has changed and showed America that it must prepare for this change, most notably by pursuing its war on terror. Crawford asks whether America's response to this change through an agenda promoting counterterrorism is just.⁵⁴ Like many political scientists, Crawford is critical of the U.S. government's reliance on just war rhetoric to start wars in Afghanistan as well as in Iraq, but she ultimately favors the theory over others as it remains a "useful method of inquiry into the problems of contemporary war."⁵⁵

The counterterrorism objective enabled the Bush administration to invade Afghanistan and pursue a policy of regime change that continues to guide American foreign policy in the Middle East. During the Bush administration, the counterterrorism objective was also coupled with intentions of humanitarian action as justification for invading the country. This became a central component of Laura Bush's agenda, first-lady at the time, to promote women's rights in Afghanistan at a time where women lacked basic rights under the Taliban's rule.⁵⁶

Many view the war in Afghanistan as a failure. The military's hastiness in entering the war, the duration of the conflict—it is the longest war fought in America's history—the amount of resources wasted and the number of combatant and non-combatant lives lost, and the Afghan government's current instability alongside growing Taliban presence prove that the last resort, proportionality, and probability of success criteria of just war theory have not been met, making the invasion of Afghanistan sixteen years ago unjust. According to veteran and special advisor to

⁵³ *Ibid.*, 19.

⁵⁴ *Ibid.*, 13.

⁵⁵ *Ibid.*, 12.

⁵⁶ James Gerstenzang and Lisa Getter, "Laura Bush Addresses State of Afghan Women," *Los Angeles Times*, 18 Nov. 2001, <http://articles.latimes.com/2001/nov/18/news/mn-5602>.

commanding generals in Iraq and Afghanistan James M. Dubik, this hastiness resulted in “insufficient intellectual, strategic, organizational, and logistic preparation.” In 2006, Bush realized the negative impact of his just war language as he acknowledges his policy’s failure in Afghanistan when he writes that “the multilateral approach to rebuilding... was failing” and that NATO’s contribution resulted in “little coordination between countries, and no one devoted enough resources to the effort”; he admits that America was “not prepared for nation building.”⁵⁷ Still today we see that Obama and Trump attempt to justify America’s entrance into the region and the presence of its troops in the country today.

Obama promised the American people he would deescalate the number of troops on the ground in Afghanistan, and this promise proved difficult to keep during his time in office. When speaking to the annual Veterans of Foreign Wars conference in 2009, Obama’s speech reflected just war language: “This is not a war of choice. This is a war of necessity. Those who attacked America on 9/11 are plotting to do so again. If left unchecked, the Taliban insurgency will mean an even larger safe haven from which al-Qaeda would plot to kill more Americans.”⁵⁸ Again, we see the president of the U.S. attempt to justify the unjust war in Afghanistan by pitting the Taliban as the external enemy and playing on the fear that 9/11 instilled in the American people sixteen years ago. While the threat may be real, the president emphasizes the necessity of his actions and of having troops stay in Afghanistan. He highlights the dangerous possibility—that the terrorists are “plotting to do so again”—as an attempt to gain support for his decisions in Afghanistan. In speeches like this, the former president attempts to appeal to the American public’s interests, or fears, as a means of gaining support for his foreign policy decisions.

⁵⁷ Dubik, *Just War Reconsidered*, 40.

⁵⁸ Maeve Reston, “Obama tells veterans Afghanistan is a ‘war of necessity,’” *Los Angeles Times*. 18 Aug. 2009, <http://articles.latimes.com/2009/aug/18/nation/na-obama-vfw18>.

Although viewed as an overall embarrassing war for the world power, the U.S. continues its presence in the country. While Trump was vocal about his opposition to America's involvement in Afghanistan during his presidential campaign, in August of 2017 he revealed America's plan to increase the number of troops there by several thousand in addition to the approximately 8,400 troops already stationed.⁵⁹ So, if the war is unjust and proves to be unsuccessful, why is the U.S. military still there?

While America's justification in the past involved humanitarian reasons, today its troops remain in Afghanistan because they are, essentially, stuck. Plans to transform Afghanistan into a democracy that better suits America's liking has installed a new government that the country must watch over and it must fulfill its commitment to the counterterrorism objective it made to both its own citizens and the citizens of Afghanistan long ago. If the United States left now while the Afghan government and forces are still weak, there is a fear that terrorist groups will return to power. Although the United States may have had the right intention by just war theory's standards (the right intention principle states that a state must have the right subjective intention for war to be moral) in entering Afghanistan in 2001—to remove the Taliban from power and weaken al-Qaeda bases—the war it fought and continues to fight today cannot be called just. Leaders were wrong in 2001 for emphasizing counterinsurgency and counterterrorism attacks as it hastened the start of the war, allowing U.S. leaders and policymakers to neglect the last resort principle of just war theory. It is also what keeps U.S. forces trapped in the country today, as it attempts to keep the promise of counterterrorism it made long ago.

Syria

⁵⁹ Jeremy Herb, "Five key pieces of Trump's Afghanistan plan," *CNN*, 22 Aug. 2017, <http://www.cnn.com/2017/08/21/politics/trump-afghan-plan-five-things/index.html>.

An ongoing and destructive civil war beginning in 2011 has taken its toll on the civilian population of Syria; a complex situation involving multiple layers of actors has led to a devastating humanitarian crisis and one of history's worst refugee crises. As a result, many leaders are calling for a humanitarian intervention in the country. We can see already in Trump's presidency a dominance of just war language taking form to support stronger U.S. presence in the Middle East, thus continuing the foreign policies favoring intervention under both Obama and Bush. Considering Walzer's description of humanitarian interventions—"the primary aim of the intervention is to stop the killing; regime change follows from that purpose"—the American desire to oust Assad from power appears to be stronger than the desire to end the suffering of the Syrian people.⁶⁰

During former president Barack Obama's term in office, just war language was often used to describe the U.S.'s military objectives and plans. In his 2014 commencement address at West Point, well into the Syrian civil war, Obama discusses U.S. foreign policy:

"The United States will use military force, unilaterally if necessary... when our people are threatened; when our livelihoods are at stake; when the security of our allies is in danger... In these circumstances, we still need to ask tough questions about whether our actions are proportional and effective and just."⁶¹

Here, Obama reflects the *jus ad bello* guidelines of proportionality, probability of success (which he calls "[effectiveness]"), and just cause when considering military action.

⁶⁰ Walzer, *Just and Unjust Wars*, x.

⁶¹ Christina Emba, "Just War Theory: A primer," *The Washington Post*, 30 Nov. 2015, https://www.washingtonpost.com/news/in-theory/wp/2015/11/30/just-war-theory-a-primer/?utm_term=.0bd84dcd176d.

In describing the standard view of humanitarian interventions, one that places the source of inhumanity as an external figure such as a tyrant, Walzer rightly asks, “But what if the trouble is internal... not quite a ‘war of all against all’ but a widely dispersed, disorganized and murderous war of some against some... We are extraordinarily dependent on the victim/victimizer, good guys/bad guys model.”⁶² This question arises in Syria’s case today, as current President Bashar al-Assad still has considerable support at home, making the standard model of humanitarian intervention difficult to define and much more controversial if imposed there.⁶³

Although criticized for not doing enough during the early years of the Syrian civil war, Obama did much to escalate the conflict. In 2014, he ordered airstrikes against ISIS strongholds in the country, using warplanes and Tomahawk cruise missiles.⁶⁴ The presence of the U.S. military in Syria’s airspace is a violation of Syria’s sovereignty, reflecting one side of the humanitarian intervention dilemma, as mentioned earlier. However, an even more detrimental strategy involved Obama’s covert program designed to fund and arm anti-Assad rebel groups in the country—a program that cost the U.S. over \$1 billion. This program was deemed unsuccessful by many and even called a “failure” by Obama himself.⁶⁵ Part of its ineffectiveness lies in the fact that some weapons landed in the hands of al-Qaeda-affiliated al-Nusra Front

⁶² Walzer, *Arguing About War*, 70-71.

⁶³ Zoe Hu, “Why Bashar al-Assad is still in power,” Al Jazeera, 4 Oct. 2016, <http://www.aljazeera.com/news/2016/09/syria-bashar-al-assad-power-160904081138141.html>.

⁶⁴ Craig Whitlock, “U.S. begins airstrikes against Islamic State in Syria,” *Washington Post*, 23 Sept. 2014, https://www.washingtonpost.com/world/national-security/us-begins-airstrikes-against-islamic-state-in-syria/2014/09/22/8b677e26-42b3-11e4-b437-1a7368204804_story.html?utm_term=.d50e0b808263.

⁶⁵ Tara McKelvey, “Arming Syrian rebels: Where the US went wrong,” *BBC News*, 10 Oct. 2015, <http://www.bbc.com/news/magazine-33997408>.

fighters, as some rebels were associated with the group.⁶⁶ These rebels only further contributed to civilian suffering in Syria as some were reported to have been involved with a military offensive that killed about 190 civilians and captured over 200 hostages in 2013.⁶⁷ Can we then appropriately say that the U.S.'s primary aim in Syria is to "stop the killing" rather than aggressively pursue a policy of regime change? Obama's decisions to fund rebel groups reveal his primary objective in attacking the Syrian government forces rather than saving and protecting innocent civilian lives.

Furthermore, with Pattison's amendment of the last resort principle in mind, it becomes increasingly clear that the Trump Administration is not prioritizing the last resort principle and is pushing for more U.S. military presence in Syria with a goal of regime change in mind. Although Trump ended Obama's covert program, he continues an intense air campaign against ISIS as well as a "train-and-equip" program focusing on Kurdish rebels. While the Syrian regime has committed legitimate crimes against its civilians in the past, attacks from earlier this year have been disproportionately emphasized. Just two days after the reported sarin attacks on Khan Sheikhoun on April 4, 2017, Trump launched 59 Tomahawk missiles at a Syrian air base. Trump's missile launch was done before the Organisation for the Prohibition of Chemical Weapons released its report on the attack (which did not put concrete blame on the Assad regime at the time)⁶⁸ and before the U.N. commission released its report on September 6, which became

⁶⁶ Mark Mazzetti, Adam Goldman, and Michael S. Schmidt, "Behind the Sudden Death of a \$1 Billion Secret C.I.A. War in Syria," *New York Times*, 2 Aug. 2017, <https://www.nytimes.com/2017/08/02/world/middleeast/cia-syria-rebel-arm-train-trump.html>.

⁶⁷ "Syria rebels executed civilians, says Human Rights Watch," *BBC News*, 11 Oct. 2013, <http://www.bbc.com/news/world-middle-east-24486627>.

⁶⁸ Ole Solvang, "The Forgotten Chemical Attacks in Syria," *Human Rights Watch*, 5 July 2017, <https://www.hrw.org/news/2017/07/05/forgotten-chemical-attacks-syria>.

the first authoritative statement that pinned responsibility on the Syrian government.⁶⁹ Although this may have proved to the rest of the world the might of President Trump and the American military, it killed nine civilians in the process.⁷⁰ Trump's hastiness in firing missiles into Syria demonstrate his eagerness to begin an intervention in Syria, his disregard for just war theory's Last Resort principle, and, like Obama before him, the American priority of regime change over respecting civilian lives.

This is where the line between fulfilling the R2P principle and promoting regime change to satisfy America's own political interests abroad becomes blurred. There is no denying that there is a humanitarian crisis and complex emergency in Syria. Bashar al-Assad is considered a war criminal for his human rights abuses by criminal investigators and by leaders all over the world.⁷¹ However, immediately framing newly uncovered or newly reported events to evoke sympathy and anger from those in the West in an effort to support regime change ideas, ultimately pushing a pro-war agenda in the region, will not end the suffering of the Syrian people either in the short or long-run. By pursuing this regime change policy, the U.S. will likely see results that mirror those of Afghanistan and also Iraq: a defeated and unstable country creating a vacuum for extremist forces to move into and gain power over the vulnerable communities still there.

⁶⁹ Nick Cumming-Bruce, "U.N. Panel Faults Syria's Military for Chemical Attack," *The New York Times*, 6 Sept. 2017, <https://www.nytimes.com/2017/09/06/world/middleeast/syria-chemical-weapons.html>.

⁷⁰ James Carden, "The Chemical-Weapons Attack in Syria: Is There a Place for Skepticism?" *The Nation*, 19 April 2017, <https://www.thenation.com/article/the-chemical-weapons-attack-in-syria-is-there-a-place-for-skepticism/>.

⁷¹ Jim Michaels, "Why Syrian President Assad is considered a war criminal," *USA Today*, 6 Apr. 2017, <https://www.usatoday.com/story/news/world/2017/04/06/syria-president-bashar-assad-war-criminal/100116828/>.

American leaders must learn from the adverse consequences that arose after the invasion of Afghanistan. American leaders and policymakers must be hesitant in assuming just war language to frame the Syrian civil war, and must be careful in deciding their military strategies in the region if they do not want to be trapped in a stalemate in the country in sixteen years as they find themselves in Afghanistan today.

Yemen

Yemen also faces a disastrous humanitarian crisis stemming from a civil war, one that, for a long time, has been overlooked by Western media. Like Syria, there are multiple layers involving multiple actors contributing to Yemen's conflict, all of whom do much to exacerbate humanitarian issues ravaging the country. However, in Yemen's case, we do not see a major media coverage or calls for a humanitarian intervention by politicians as we do in Syria. This can be attributed to the war's conflicting United States' interests in the country.

The civil war in Yemen began in March 2015 when President Abradabbuh Mansur Hadi fled the Yemeni capital of Sanaa after Houthi rebels gained more control in the country since they took over the capital 2014. This prompted Saudi Arabia to involve itself in Yemen's affairs by leading an airstrike coalition of ten countries, including members of the Gulf Cooperation Council (GCC) targeting Houthi bases in Sanaa. Additionally, in March 2015, ISIS began carrying out its first significant attacks in Yemen which greatly escalated the conflict. Thus, Yemeni civilians are trapped in the middle of an armed conflict occurring both on the ground and in the air. As a result, an estimated 17.8 million are food insecure and 16 million lack access to safe water and sanitation, with approximately 1.8 million children acutely malnourished. This,

plus a massive and unprecedented cholera outbreak, has ruined the livelihoods of Yemeni civilians of all ages, putting the country in despair.⁷²

In Yemen's case, it is reported that all parties to the conflict have committed grave violations of human rights and international humanitarian law, including the U.S.-backed Saudi airstrike coalition.⁷³ Amnesty International reports that 34 airstrikes across six different governorates led by Saudi Arabia have violated the laws of war (*jus in bello*). These attacks deliberately targeted civilians and institutions like hospitals, mosques, and schools, which can be a war crime.⁷⁴ Thus, Saudi Arabia and its allies are committing human rights crimes against civilians in Yemen with Yemeni people suffering tremendously as a result. So why are there no calls for humanitarian intervention and for the upholding of the Responsibility to Protect in this case? Why is just war language not being used to promote American intervention to save the Yemeni people?

If the United States were truly committed to upholding the Responsibility to Protect and humanitarian action as it claims it were doing so in Afghanistan and now in Syria, and if it genuinely engaged in humanitarian interventions for the primary intention of ending human rights abuses and saving civilian lives, then the question arises in the case of Yemen: with citizens trapped in the middle of a dangerous conflict with nowhere to go and lacking the proper medical resources and food to survive, why is the United States, whose politicians and journalists are normally very loud about its humanitarian and democratic principles, standing idly by? The answer to this is that the U.S. is involved, though not with respect to upholding the

⁷² "Yemen," *United Nations Office for the Coordination of Humanitarian Affairs*. 4 Dec. 2017, <http://www.unocha.org/yemen>.

⁷³ "Yemen: The Forgotten War," *Amnesty International*, <https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>.

⁷⁴ *Ibid.*

Responsibility to Protect. Instead, America is involved through its support for Saudi Arabia's coalition to fight al-Qaeda in the area. It openly sells weapons to Saudi Arabia to help its fight against al-Qaeda in Yemen. However, it has become increasingly clear that the Saudi-led coalition has only contributed to the destruction in Yemen and has not been effective in defeating al-Qaeda. American leaders have been so vocal and quick to use just war language to support intervention in Afghanistan, Iraq, and Syria, yet the same can hardly be said in the case of Yemen.

Few American politicians are pushing for U.S. action in Yemen to end civilian suffering. Senator Chris Murphy and Senator Rand Paul have been vocal about their opposition to the United States' role in Yemen. In September 2017, Senator Rand Paul took the Senate floor to argue that U.S. participation in the war is a violation of the country's Constitution because it was never authorized by Congress. The Senator also compares the events to Libya and Syria, arguing that the fight against the Houthis could lead to the possibility of al-Qaeda filling the vacuum.⁷⁵ In this way, American involvement by aiding Saudi Arabia, or by a direct American intervention, will not end or even relieve the suffering of the Yemeni people because of the likelihood of al-Qaeda's influence afterward.

While activists laud these senators for their actions, this is only the beginning of diplomatic criticism as an approach to this issue. Saudi Arabia and its allies, including the United States, must be "named and blamed", in the words of Pattison; they must become aware of their actions and held accountable for their consequences. The more its allies and other leaders

⁷⁵ Robert Naiman, "Rand Paul: Unconstitutional Saudi War in Yemen Is Not in Our Interest," *Huffington Post*. 18 Sept. 2017, https://www.huffingtonpost.com/entry/rand-paul-unconstitutional-saudi-war-in-yemen-is-not_us_59c037f8e4b0f96732cbc872.

criticize its actions, the more damage its legitimacy and reputation will face. This will hopefully push the country to alter its behavior.

Lack of media coverage and overall discussion on the humanitarian crises in Yemen relative to Afghanistan and Syria reveal the actual motive behind what influences U.S. action in the Middle East. In Afghanistan and Syria, the regime in power was not favorable to American interests, so the policy to follow was regime change under the guise of humanitarian action. American leaders cannot argue that it stands for humanitarian rights of the people in the Middle East when many of them ignore the immense suffering of Yemeni civilians.

Conclusion

If appropriately implemented and followed, just war theory allows leaders to limit the destructiveness of war. However, as this paper has shown, the improper use of this theory has led to America's involvement in complex wars, some of which it cannot find its way out of, and all of which greatly exacerbate humanitarian issues in the Middle East.

While the theory's practicality makes it preferable to other moral theories about war like pacifism and realism, it is not flawless and so it is important to remain critical of the ways in which leaders use the theory to justify their actions abroad. Specifically, Michael Walzer's definition of the supreme emergency case is highlighted as just war theory's greatest flaw and drawback. In recent years, the focus on just war theory's utilitarianism is evident in Obama's escalation of counterterrorism policies. Specifically, his creation of a "kill list" allowed him to authorize the killing of American-Yemeni minor Abdulrahman al-Awlaki without trial. This portion to the moral theory is extremely flawed as it accomplishes the opposite of what just war theory is intended to: it removes the limits of war and allows a leader like the American

president to make executive decisions, like attacking enemy civilians, if it means protecting his own.

A focus on diplomatic criticism, outlined by James Pattison, should be made instead. Diplomatic criticism uses the last resort principle of just war theory to argue that we must spend more time in criticizing the unlawful actions of states before intervening. This retrains the potential for states to hastily enter wars unjustly, as was the case with the American intervention in Afghanistan in 2011.

In the case of Afghanistan, America began a war with what looked like the right intention—to protect its citizens from another terrorist attack. However, the Bush administration's method of invading the country with haste led to strategic failures and disorganization, resulting in an unstable new government and the Taliban regaining control of land, demonstrating their disregard for other important just war principles. The exploitation of just war language allowed the Bush administration to convince the public that the threat of the terrorists was immediate and urgent. However, it was clear the U.S. failed in checking off other criteria of the just war doctrine.

In Syria, Obama appeared to have considered the last resort principle. While he seemed hesitant in involving U.S. troops directly with the Syrian civil war in 2014, the former president had inserted himself in Syria's affairs by covertly arming and training rebel groups in Syria since 2013. This strategy was unsuccessful as many rebels held ties with terrorist organizations that deliberately attacked civilian areas.

While Walzer's description of humanitarian action states that humanitarian action comes first and regime change follows, Yemen's case demonstrates that this is not entirely accurate. The case in Yemen serves as a counterpoint to the argument that the United States is committing

to upholding the Responsibility to Protect and that it only engages in humanitarian interventions for the sole purpose of saving civilian lives, rather than to fulfill its own political or military aims.

Just war theory is the most relevant and practical theory we have in thinking about the morality of war, but American leaders must do better in portraying the information and evidence available to the public and must be careful in immediately framing situations into just war language. More attention must be given to James Pattison's diplomatic criticism as an approach to dealing with states, as its focus on the Last Resort further limits instances of war. It is important to name and blame the states responsible for the suffering that their cause before their actions lead to long-term consequences, like unstable governments and a larger al-Qaeda influence, for these regions and for the rest of the world. Grave humanitarian crises must be addressed, but there are other ways in accomplishing this than through the firing of more bullets, drones, and missiles into the Middle East.

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