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The Ethics of Preemptive Warfare

Brenden Brower-Freeman

Johnson County Community College, brenden.71@gmail.com

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The Ethics of Preemptive Warfare

Abstract

With issues such as the Syrian Civil War taking a central role in current political discussion, it is important to understand fully what is occurring in the ethical conversations surrounding it. There are three philosophies that represent the ethics of war. These philosophical schools are referred to as Realism, Pacifism and Just War Theory. Because both Pacifism and Realism fail to adequately frame ethics in times of conflict, Just War Theory should be used to determine whether preemptive wars are ever ethical. This means that only by following the strict framework of Just War Theory, is it possible to properly map the answer to the issue of whether preemptive war is ever ethically justifiable. This paper argues that because of the ways in which preemptive warfare violates Just War Theory, it can never be ethically justified.

Faculty mentor: Dawn Gale

With issues such as the Syrian Civil War taking a central role in current political discussion, it is important to understand fully what is occurring in the conversations surrounding them. As some people call for an attack on Syria to prevent the use of weapons of mass destruction or the nation being used as an Al Qaeda base to attack the United States, others call for an overthrow of the current regime because its actions to date have been unethical. What exactly does this mean? When analyzing warfare, how can one frame ethics in such a way as to capture the nuance that goes into warfare? This becomes even more relevant when assessing the potential threats posed by North Korea and Iran. Whether it is regarding the use of a computer virus to attack an Iranian nuclear centrifuge or a missile to level a regime facility in Syria, the issue at hand remains the same; whether preemptive warfare is ever ethically justifiable.

Nations like Iran, Syria and North Korea could all pose very real and imminent threats, and it is important to understand the proper way to approach that problem, just like any other. Should there be room in ethics for the preemptive strike? The answer is no.

There are three philosophies that represent the ethics of war. These schools are Realism, Pacifism and Just War Theory. There could be other names for methods of approaching and viewing war and peace, but they will always fall into one of the three previously mentioned traditional philosophies based on the ethical criteria and principles of each. These approaches are evidently dominant in this regard.

First, it is important to understand what makes each idea distinct and different from the other. Pacifism¹ is unique in positing that no use of force is ever ethically justified. In Pacifism, the thoughts and notions of what is or is not ethical is applied broadly to relationships between nation-states. In this school of thought, it would not make sense to try to determine whether a war is just. This is because the result of every attempt to make a determination would yield the

¹ (Zalta)

same result; that war is not just and therefore not ever ethically justifiable. By contrast, Just War Theory² is on occasion favorable toward war and conflict. For Pacifism, war is always and continually wrong. War can never be a solution and there is always a better way to resolve the problem that is generating the conflict rather than fighting.

Juxtaposed to Pacifism, Realism³ says that there is no correct way to apply moral concepts to conflict. Justice is never applicable to things like international relations and foreign policy because those structures function in a way that is fundamentally devoid of any means to properly calculate ethics through a lens of probability. The only things that can be measured in international politics are power, efficiency and national security. More importantly, Realism⁴ says that these are the key motivators of nation-states during periods of conflict. Thus, morals as a rationale for decision making processes are entirely ignorant and overly hopeful thinking. Realism can also be called international Darwinism; the world of international politics are cut-throat where only the strong and adaptable survive. Interests such as security, soft power, diplomatic relations, influence over other nations, and economic growth always are paramount.

A balance can be found in Just War Theory. The central and pivotal point of Just War Theory is that sometimes a nation-state is morally justified in going to war against another nation-state as long as the action meets several criteria. This theory can also be applied to individuals and groups of people. War can be, but is obviously not always, ethically justifiable. Just War Theory is apolitical and has nothing to do with national priority or advancement. The Allied use of force in World War II is usually used as an example of what is considered a just war.

² (Zalta)

³ (Morgenthau)

⁴ (Morseley)

Throughout history, neither Pacifism nor Realism has adequately framed the ethical issues surrounding warfare. In regards to Pacifism, very few societies have ever existed that were strictly Pacifist. The few that have existed have been ravaged and destroyed by aggressors. The most horrendous example of this is found in the story of the Moriori people of the Chatham Islands.⁵

The Moriori were Polynesian, meaning that they were from the region of the Pacific Ocean that lies south of Hawaii and east of Australia. The Chathams are very close to New Zealand and are a cold and resource poor area of Polynesia. On these islands, inhabitants developed their own unique Moriori culture, adapting to the very difficult local conditions. They were once thought to be from some of the more well established Polynesian cultures, but genetic research has since proven that the Moriori were decedents of a group of people who inhabited New Zealand. These people are the Māori. Science places the pattern of migration of the people who became the Moriori at a date before 1400 AD.

The irony of the way history unfolded after the settlement of the Chathams is tragic. The Māori people are extremely warlike and cannibalistic, so when they initially emigrated from New Zealand to the Chatham Islands, there was an immense amount of conflict for land. This initial period of land grabbing and feuds proved to be unsustainable, as the climate of the Chatham Islands was not suitable for the crops or agriculture of the Māori. This combined with the deadly warfare reduced the settlers to near extinction. It was at this time that the distinct Moriori culture was born from the ashes of the Māori settlers.

This new culture was predicated on peace and sustainability. Isolated from mainland New Zealand, Moriori were forced to limit population growth by selectively castrating male children to limit growth while instituting a very unique law of peace to limit the death of able bodied

⁵ (Diamond)

adult males. This was called Nunuku's Law, named for the king Nunuku-whenua. The law came about after Nunuku-whenua witnessed bloody conflict wearing down the population and encouraging cannibalistic practices that had negative health effects on such a small population. He proclaimed "From now and forever, never again let there be war as this day has seen!" This law was accompanied by Nunuku's Curse: "May your bowels rot the day you disobey".⁶ This proclamation established a Pacifist tradition that would last up until the eventual genocide of the Moriori people by their lost relatives; the Māori.

This genocide unfolded when several Māori living at Port Nicolson in New Zealand, who had been meeting for several months in order to decide on a place to invade as a part of a ritual rite of walking new ground, decided to attack the Chathams. The realist practice of walking new ground was used in order to ensure that the Māori people would always have resources available to counter their population growth. The decision to invade the Chathams was made because the islands were so close that the Māori invaders had details of the Moriori pacifist practices due to traveling Māori who had traded with the Moriori and returned to New Zealand.

In 1835, the Māori invaded the Chathams. On November 19th, five hundred Māori hijacked a British ship and set sail. Armed with guns and having loaded the ship with seed and livestock, the Māori intended to colonize the islands for themselves. "The invaders killed a 12-year-old girl and hung her flesh on posts"⁷. The Māori killed hundreds, eating some of them alive and roasting others. The few survivors were enslaved.

After the initial landing of the Māori, a council of Moriori elders met to discuss a response. Despite having seen the Māori killing, eating and torturing their people, and disregarding the push by some of the younger men that Nunuku's law should no longer apply,

⁶ (Diamond)

⁷ (Diamond)

the council decided that "the law of Nunuku was not a strategy for survival, to be varied as conditions changed; it was a moral imperative." A Moriori survivor recalled: "[The Māori] commenced to kill us like sheep.... [We] were terrified, fled to the bush, concealed ourselves in holes underground, and in any place to escape our enemies. It was of no avail; we were discovered and killed - men, women and children indiscriminately."⁸ A Māori conqueror explained, "We took possession... in accordance with our customs and we caught all the people. Not one escaped....."⁹ In addition, Māori ritual killings eliminated another ten percent of the population. The Māori outlawed the Moriori language being used by the surviving slaves under the threat of torture and death. They finally destroyed all of the Moriori sacred sites in humiliating and, yet again, blood thirsty ways.

As a last act of extermination, the Māori forbade the Moriori to marry or have sex with other Moriori. Only 101 Moriori out of a population of about 2,000 were left alive by 1862. Sadly, the last Moriori of unmixed ancestry, Tommy Solomon, died in 1933. This story illustrates a central problem with Pacifism; that any nation-state that chooses to practice it in absolute fashion, resisting even self-defense, inevitably will be attacked by another nation-state and will be subject to whatever the invaders wish to do. There is simply no resistance to even the most immoral acts, which means that by practicing non-violence as a policy, there is no check against the violence of others. Using the Moriori as an example, their population of two thousand did not fight against the invading five hundred and as an outcome, nearly all two thousand Moriori, as well as every descendent that they may have had, was wiped from existence. Should they have resisted, the total loss of life may have been significantly less.

⁸ (Diamond)

⁹ (Diamond)

The problems of Realism, are just as glaring.¹⁰ Because realism is a school of thought that tries to model, explain, and prescribe international political relations, it assumes that power is the precise and primary end of every political action. This view applies specifically to the way nation-states interact. This means that nation-states are the primary actors that maximize their own individual power positions. This essentially means that ethically, might is right. The idea is quite storied with a long and violent history. Being referenced as far back as the Peloponnesian War in ancient Greece, Machiavelli wrote what was basically a guidebook for Realism in *The Prince*. Others such as Thomas Hobbes, Jean-Jacques Rousseau and Spinoza, followed in advancing the Realist line of thinking. In the late 1800's Realism was restyled as Social Darwinism.¹¹ Proponents of Social Darwinism posited that social and therefore political growth were a process in which only the strongest would survive. This of course meant that a large, powerful and battle-hardened military was exactly what every nation-state needed.

In political realism, interests are maintained through the use of the accumulated power that a nation-state has. It characterizes the world as competing power bases of nation-states, regardless of their status as a large great power or a subsidiary client nation. Descriptive political realism generally argues that the international community is best described as being anarchic due to the lack of an all-powerful or omnipresent world government with total influence over all the nation-states in the order. Even the United Nations only has as much enforcement capability as its members allow it to have. This means that even though there is a common code of rules, it is only marginal in its effect on the international order.

These beliefs manifested in the late 1800's in the colonial policies of many European powers. The darkest version was in the newly minted nation-state of Germany. Greater support

¹⁰ (Morgenthau)

¹¹ (Morgenthau)

for aggressive expansion in Germany emerged from the application of theories of Social Darwinism to foreign policy. Specifically, because Germany did not have access to the resources and economic markets that overseas colonies gave to the other great powers of Europe, German politicians began looking to Germany's smaller and weaker neighbors as places to expand into. As the historian William Carr expresses it, "Natural selection applied to relations between states as much as to animal kingdoms: the struggle for markets and raw materials as well as the urge to expand overseas were interpreted as outward signs of a deep uneasy struggle "red in tooth and claw" where the right of the strongest was law."¹² Having its national imperative, Germany was set to expand. By the end of the First World War, Germany was primed to take realism and its socially Darwinist concepts entirely to heart in the creation of the third Reich.¹³

Ultimately, Realism is amoral. Any and all means should be used to pursue national interests. It relies on there to be no ethics in times of conflict other than the ethic of self-interest. This means that, like Pacifism, Realism fails to frame ethical issues in times of conflict and war. The difference is that where Pacifism makes no action in conflict ethical, Realism makes anything and everything in times of conflict ethical.

Because both Pacifism and Realism fail to best frame ethics in times of conflict, Just War Theory should be used to determine whether preemptive wars are ever ethical. Just War Theory manages to avoid the problems presented by both Pacifism and Realism because it allows a nation-state to defend itself and others through the use of force as long as the action meets very specific criteria. This means that an all-out genocide of a nation-state's people is prevented while its ability to wage wars of aggression is also eliminated.

¹² (Diamond)

¹³ (Diamond)

This is fitting, as many of Just War Theory's rules are now represented by modern international laws regarding armed conflict. Examples like The United Nations Charter, The Hague and Geneva Conventions are prominent in international politics. Just war theory can be separated into three main sections.¹⁴ These parts are, first, *jus ad bellum*, which means right to war. This deals with the judgment of whether resorting to war in the first place is ethical. Second is *jus in bello*, which means rights in war. This section deals with the justice of how a war in progress is fought. Finally, there is *jus post bellum*, meaning rights after war. This last portion deals with the justifications and righteousness of peace agreements, treaties and truces.

When discussing preemptive warfare, it is appropriate to focus on the concept of *jus ad bellum*. The central concepts of *jus ad bellum* are designed for use by the governing bodies of nation-states. This is because the leaders of nation-states are the ones who generally have the final say regarding the entrance into hostilities. In due form, these are the people that are morally responsible for the ultimate ethical value of any war. This is why leaders are generally the ones who are put on trial for war crimes whereas individual soldiers are able to use their following of orders as a defense. This is best shown in the way that the Nuremberg trials were prosecuted after the Second World War. The leaders of aggressing nation-states that launched wars deemed to be unjust were the ones who were ultimately held responsible for what were considered war crimes. It is important to note that while in some cases, similar actions were taken by leaders in the allied nations who won the war, but because the war was just, those leaders were not held accountable. In those situations, individuals who had committed unjust acts while on the side of a just war were generally dealt with according to the principles of *jus in bello*.

The question still remains as to what makes a war just. That issue is dealt with in the specific rules of *jus ad bellum*. In Just war theory, there are six criteria that must be met for a

¹⁴ (Zalta)

resort to war to be just. The first is a just cause to war. This is the foundational rule for the rest of the theory, as everything that follows is predicated on having an ethical reason to fight.

A nation-state is limited in the reasons it has to choose from to wage a war with a just cause. Historically, the most cited cause for war that can be considered just is the cause of defense. This is an area in which Just War Theory is able to overcome the issues presented in Pacifism. The ability to defend is crucial to any entity's continued existence, and any ethical system which precludes its own practitioner's existence is ultimately a flawed system.

The types of defense that are said to exist include, but are not necessarily limited to four main areas. The first area is self-defense from external attack. This includes things like border security, static defense and enforcement of no fly zones over an entity's own territory. The next is the defense of others from external attack, including actions like deploying troops to an allied nation-state under attack or rescuing hostages. The third is the protection of innocents' crimes against humanity committed by hostile, repressive and/or violent regimes. In recent history, there have been many attempts to justify war based on this idea. Examples include the NATO war in Bosnia and the airstrikes that were used in Libya against the Gaddafi regime. Fourth and also very commonly cited, is self-defense after the fact; punishment for an attack or offense that has not been addressed or fixed. This was the justification for the U.S. raid into Pakistan that killed Osama Bin Laden.

In Just War Theory, both nation-states and the individuals who make up those political entities are recognized. The rights of the two are different but they do interact on many different levels. Nation-states have the rights of political sovereignty and territorial integrity. When an opponent aggresses against either one of those, a state has a legitimate and just cause for war

based on defense. It is important to note that aggression must always involve armed force being used by one entity against another in order for these rights to be violated.

History provides very clear examples of clear violation of one nation-state's rights by another including when Germany invaded Poland in 1939, starting the Second World War.

¹⁵Saddam Hussein's Iraqi invasion of Kuwait in 1990 is another very clear example. In both cases, the aggressor violated both of the main rights of the defender by firstly, invading their territory with armed forces, and secondly, by replacing the defending government with a new one that allowed the aggressor to essentially rule the defending nation-state.

Under Just War Theory, when the attacker violates the rights of the defender, the attacker gives up their own governmental rights. This is because once they commit to an attack, they make wars against them just under several notions of defense.

Addressing the rights of individuals is in all actuality, the real purpose of Just War Theory. The only reason that nation-states have rights is because they are, at least in theory, representatives of the people that make them up. This is based on the theory of social contract and the rights of man, meaning that firstly, all individual people have basic human rights. These rights include the right to life, the right to peaceful existence, the right to liberty and the right to sustenance. Secondly, the government rules by consent of the governed. In Just War Theory, if a state does not represent its people or if it fails to maintain the peoples consent, it is no longer legitimate. In these cases, only legitimate governments have the rights discussed previously. In addition, that nation-state does not even have the right to go to war.

When discussing preemptive warfare however, it is important to recognize the idea of preemptive self-defense. Is it possible to be justified in going to war if aggression is seemingly inevitable? The answer, at least in this school of thought, is no. In fact, a nation-state must be

¹⁵ (Diamond)

aggressed against before taking any action. This means that until a nation-state's territory is invaded or its sovereignty has been attacked, it is not justified in acting.

The second criteria is that of right intention. A nation-state must only fight the war to achieve its previously established just cause. Solely having justification in its cause is not sufficient to give a nation-state the right to go to war. The intent at the heart of the drive to war must also be ethical. Additional motives like securing resources, land, power or economic objectives are not ethical. This also means that irrational reasoning like racial prejudice, religious motives and revenge are considered unethical. Jihads, crusades, the North Korean sinking of a South Korean warship, the Iraqi attacks against the Kurds and the Russian attack on Georgia are all considered unjustified under this principle. The only just intention that is permissible is to pursue the initial ethical cause for the resort to war to its completion. If alternative motives arise then the whole endeavor becomes ethically bankrupt.

The third criteria is to have the proper authority and a public declaration of a state of hostilities. A war pursued by a nation-state is only ethical if the choice to go to war was made by the proper legal authorities within that nation-state in a way that follows all proper procedures. The process must be made public so that both the citizens of all involved nation-states are notified of impending risk. The fourth criteria is that war must be a last resort. The only conditions under which a state may resort to war is if that nation-state has taken every possible action that could be considered a peaceful alternative to violence when attempting to resolve the conflict at hand. Things like diplomacy, economic sanctions and de-escalation are all first resort options that should be used in every instance before resorting to armed conflict. A nation-state must always make sure that war, which has such a massive potential for being incredibly destructive and is always a serious matter, is only declared when all other options have been expended.

The fifth criteria is that there must be a probability of success in achieving the just cause to war. Nation-states cannot ethically resort to hostilities and war if they are unable to predict a likelihood of success. More than that, if the action that would be undertaken does not have a chance to make a significant impact on the likelihood of fully achieving the war goal to completion, it is not ethical to even attempt. The reasoning behind this is to prevent the mass use of force in futility. There is no point in risking the sacrifice of a large number of people in pursuit of a lost cause.

Finally, the sixth criteria is proportionality of good. A nation-state is required to weigh the net good that would likely result from a war to the net bad that would likely come of it before declaring it. Casualties and economic consequences that could impact people's quality of life are especially important when weighing the likely outcomes of a war. The only time that a war is ethically permissible is when the net good of war is expected to outweigh the net bad of inaction. This decision calculus must include the impact to not only the nation-state wishing to declare war but also to the potential enemy.

According to Just War Theory, in order for a war to be ethical, all six of these criteria must be fulfilled. Just War Theory is very strict on this account, and very few wars are ethical when it is properly and honestly applied. Because of this fact, it is impossible for preemptive war to be ethical. At the very least, every instance of preemptive war violates the fifth and sixth criteria. In the fifth criteria, Just War Theory requires that every declaration of war must be an absolute last resort, while preemptive warfare is by definition, not a last resort as other options are always possible until the first shots are fired. By the same token, all preemptive warfare is a combined worse option in terms of the number of casualties and damage to quality of life, than

inaction. There are three examples that illustrate these points fairly well. The first is the U.S. invasion of Iraq in 2003.

When the United States invaded Iraq in 2003, it claimed that it was doing so in defense against Iraqi attempts to acquire weapons of mass destruction.¹⁶ In addition, the U.S. said that Iraq was in part responsible for the attacks on the World Trade Center and the Pentagon.¹⁷ The attacks came after years of failed negotiations and bad relations but yet still had only a minority of U.N. support for an armed intervention. Moreover, even if Iraq was developing weapons of mass destruction, they did not pose an imminent threat to the United States due to its massive military supremacy in all key factors. Many nations such as France and Russia called for a wait and see approach while standing firmly against any invasion effort.

The problem with the initial push for the Iraq war is that it quite obviously violated the fifth criteria. There were continuing diplomatic avenues that could have been pursued such as U.N. sanctions and similar processes to those used in dealing with both North Korea and Iran. In addition, other nation-states that had been proliferation risks such as Libya and South Africa had been dealt with peacefully through international pressure. All of this points to the U.S. led invasion as being anything but a last resort.

With regard to the war itself, the Iraq War consisted of two main phases. The first was the actual invasion of Iraq starting on March 20th 2003 that consisted primarily of a group of coalition nations led by the United States fighting against the forces of the Saddam regime of Iraq. It was followed by a longer phase of conflict, during which an insurgency emerged to

¹⁶ (Trainor)

¹⁷ (Trainor)

oppose the coalition forces. This phase lasted until the U.S. completed withdrawing its military personnel in the December of 2011.¹⁸

189,000¹⁹ people were killed in violence in the Iraq war, including 134,000²⁰ civilians, according to the findings of the Costs of War Project. In addition, the project looked at the economic impacts of the Iraq war. They found that, despite the elimination of the repressive Baath regime of Saddam, the conflict led to sectarian violence and civil war which in turn caused widespread displacement of Iraqi civilians. The Iraqi Red Crescent estimates the total displacement was 2.3 million people just from within Iraq by 2008. In addition, an estimated 2 million Iraqis left the country.²¹ As a result of the combined violence of both phases, poverty skyrocketed as the economy collapsed. This led many Iraqi women to turn to prostitution as a means to support themselves and their families. This compounded the problem of crime as Iraq began attracting sex tourists on a previously unheard of scale for the Middle East.²²

The Iraqi insurgency saw a boost in the aftermath of the 2011 withdrawal. Local terror campaigns erupted as aggressive warfare between several factions throughout Iraq. Sectarian violence has continued throughout 2013 with at least 150²³ people dying each month as a result of militant operations. The combined net total human impact is, on balance, far worse than what inaction would have led to. Even if Saddam had acquired nuclear weapons, they would have been crude and very short range. This is due to the technical limitations of the Iraqi military at the time, as well as the available uranium quality. This means that had the regime hypothetically chosen to use a weapon of mass destruction, it would have been significantly less lethal than the

¹⁸ (University)

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process of invasion and occupation. That added to the fact that no weapons were found makes the idea that there was a net bad that was outweighed by the invasion a dubious proposition at best. The problematic aspect of this ethically is that it violates the sixth criteria of jus ad bellum. It is apparent that the net good of the war did not outweigh the bad.

The second example that illustrates the ethical problems of preemptive war is the Japanese attack on Pearl Harbor in 1941.²⁴

The attack on Pearl Harbor was intended to neutralize the U.S. Pacific Fleet in preparation for Japan's attack on Malaya and the Dutch East Indies. Japan is situated on a chain of very resource poor islands and it was attempting to expand its empire in the Pacific in order to gain access to natural resources like oil and rubber. War between the United States and Japan had been seen as highly likely for years and both nations were very aware of the acute competition for hegemony in the very rich areas of the South Pacific. Tensions began to intensify during Japan's 1931 invasion of Manchuria through Korea. In the following decade, Japan expanded into China. This led to an all-out war between those countries in mid-1937.

By 1940, Japan had invaded French Indochina to gain control of supplies reaching China through several key shipping lanes. In response, the United States stopped sending aircraft parts, machine tools, and aviation gasoline to Japan. In addition, the United States moved its Pacific Fleet to Hawaii from its former home in San Diego followed by a massive military buildup in the Philippines, which was at the time a U.S. possession. This was all in hope of dissuading Japanese aggression in the Far East against the European colonies in the area. Instead, Japan became convinced that an attack on those colonies would draw the U.S. into the war. This meant that for the Japanese to defend their interests, they felt that they would need a preventive strike to cripple the United States' offensive capabilities. This would also require an invasion of the Philippines.

²⁴ (Diamond)

On August 17th of 1941, President Roosevelt warned Japan that the U.S. was prepared to intervene against Japan if it attacked any more neighboring countries. Japan and the U.S. then engaged in negotiations throughout 1941 in order to try to improve relations. It was during these negotiations that Japan made an offer to withdraw from most of occupied China and Indochina. Their list of demands were mostly economic in that they wanted access to oil and some control over parts of China. The U.S. rejected the proposal and countered with demands for a full withdrawal from China and promises of peace with other Pacific powers. These negotiations would continue as a back and forth for the remainder of the year until the attack, which would come while the two nations still were engaged in formal diplomatic relations.²⁵

The attack had multiple objectives. Its primary goal was to destroy key American naval assets at Pearl Harbor. Destroying the United States Battleship and Carrier fleets would prevent the U.S. from hindering the Japanese annexation of the Dutch East Indies and Malaya. This was clearly a preemptive war that violated the fifth criteria. This is evident in that when diplomatic relations are still being conducted actively on a day to day basis, any attack is clearly not a last resort. If it were, it would have had to have been in response to something such as the United States cutting off supplies such as food to the people of Japan. In that case, Japan would have been well within their rights to gain access to food through war in order to guarantee their people's right to sustenance. Absent a first action of the U.S. that violated one of Japan's rights, there is no way to consider the Japanese preemptive war just as a last resort.

With regards to the sixth criteria, Japan believed that by attacking early and hard they could win the war before it really started. The general belief among the Japanese high command was that by taking out the United States biggest and most prestigious ships, the U.S. would not want to fight and would allow Japan free reign in the west Pacific. Failing that, they believed that

²⁵ (Diamond)

at worst, the United States would take so long to recover, that the Japanese would have time to consolidate their new holdings, dig in and take advantage of their new resources to strengthen their battle-fleet. Had either of these scenarios played out as the Japanese planned, they would not have violated the sixth criteria outright. The problem, however, is that war is inherently unpredictable. In war, predictability is a weakness that an enemy can exploit. Because of this, wars never seem to go just the way everyone planned. That is the case here. Because of the Japanese attack, the United States entered the war which ultimately led to its balancing of power and its escalation. This ended with the use of two atomic weapons against the Japanese. The War turned out to be the single most lethal event in the history of humanity²⁶. The net good is that what this attack achieved was very minimal as compared to the very large net bad that it generated. It is impossible to know what difference, if any, the United States' entry into the war had on the ultimate casualty count at the end of the war, but it is certain that had the Japanese not acted, the net bad in the Pacific theater would have stayed closer to the net good.

The final example is a highly touted preemptive war that was waged in 1967 by Israel against a large coalition of other Middle Eastern Countries. The Six-Day War²⁷ was fought from June 5th to June 10th against Syria, Egypt and Jordan. The war started with a surprise Israeli attack against Egyptian airstrips in order to cripple the Egyptian air force's ability to respond, thereby giving Israel total control of the skies. This would allow them to bomb enemy targets at will, making it very hard for the enemy army to take advantage of their superior numbers.

The war was preceded by a long stretch of high tensions between Israel and its neighbors. Much of the ambivalence had to do with Palestinian guerrilla movements within Israel and their

²⁶ (Diamond)

²⁷ (Israeli)

rallying of anti-Israel sentiment across the Muslim world.²⁸ This led to political clashes between Israel and its neighbors in the years leading up to the conflict and culminated with the extremist government of Syria saying that it would drive Israel into the sea. Mixed with the ambition of the Egyptian dictator and the religious zeal of the Jordanian king, Israel felt very threatened. That said, most of the world was aligned with Israel through the U.N. In addition, the U.S. and the U.K. were steadily providing material support to Israel despite the conflicts occurring in East Asia at the time, such as the Vietnam War.

Again, the issue arises in this war and its ethics regarding its adherence to the fifth criteria. Because of its favor in the U.N. and its close relationships with many western nations, it would seem that even if diplomacy had totally failed, Israel could have applied economic or political pressure to stave off attack. Syria, Jordan and Egypt were all very reliant economically on the west and would not risk those important ties should it have come to a confrontation.²⁹ In addition, the presence of U.N. peacekeepers in the Sinai Peninsula at the time show that a full assault by Israel's enemies would have not had much chance at success. Realistically, there was no absolute necessity for the Israeli attack and it was therefore unethical.

Moreover, the outcome of the war set the stage for the dangerous political environment of the Middle East today. When Israel won the war and expanded its territory, it created a significant crisis in international relations. It also added hundreds of thousands of people who hated it to the interior of its borders.³⁰ While the war was fairly destructive for being so short, it was also seen as an embarrassment to the Arab nations that had fought and had lost. Egypt especially felt this, as it had lost fifteen thousand troops over the course of six days. This would

²⁸ (Israeli)

²⁹ (Diamond)

³⁰ (Diamond)

set the stage for many more wars, Israel's eventual nuclearization and its regional cold war with Iran.

Due to these factors, the six day war also violates the sixth criteria. The destabilization of the region and all of the problems politically that were produced by this war far exceed any potential damage that could have occurred should the Arab nations have attacked Israel. Again, the net good did not outweigh the net bad that was generated by this act of preemptive war.

Having seen these three examples, it is clear that across multiple different scenarios, ranging from defense of others to territorial expansion to preventative self-defense, the best way to frame the ethics of war, Just War Theory, dictates that no form of preemptive war is ever ethically justifiable. This is due to the inevitable reality that a preemptive war will always breach the fifth and sixth criteria of Just War Theory. Examples such as the war in Iraq, the Japanese attack on Pearl Harbor and the Six Day War all prove that attacking first is never a last resort as required in the fifth criteria. In addition, taking action and going to war preemptively will always be, on balance, worse than maintaining peace through inaction. The short term consequences of examples like the Iraq war's displacement of millions and the Japanese attack's drawing the United States into World War Two, show that conflict carries a steep price. Moreover, the long term consequences of things like America's nuclearization to end the war with Japan, the current turmoil in the Middle East stemming from the Six Day War's foundation of violence and the United States' occupation of Iraq will continue to cost lives and create chaos for years to come.

It is likewise clear, that attempting to frame the ethics of warfare in another way will always fail. Pacifism is unable to guarantee its own existence while Realism precludes ethics from mattering at all. This means that only by following the strict framework of Just War Theory, is it possible to properly map the answer to the issue of whether preemptive war is ever

ethically justifiable. This allows the conclusion to be drawn that preemptive war is never ethically justifiable.

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