

# Justice and the Gulf War

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This article is concerned with the Gulf War in relation to the theory of just and unjust wars. The morality of the war was of course strongly contested, and it seems valuable now that its violence (although not its consequences in suffering) lie in the past to reflect on the justifications that were and might be made for it within the major philosophical discourse developed in this domain. I rely heavily in this discussion on the work of Michael Walzer – both his major book, *Just and Unjust Wars* (first published in 1977) and his new preface to it which discusses the Gulf War itself.

Michael Walzer in *Just and Unjust Wars* outlined what he called a 'legalist paradigm' within which the justice or injustice of war might be determined. The main presuppositions of this paradigm are as follows:

1. There exists an international society of independent states.
2. This international society has a law that establishes the rights of its members – above all, the rights of territorial integrity and political sovereignty.
3. Any use of force or imminent threat of force by one state against the territorial integrity of another constitutes aggression and is a criminal act.
4. Aggression justifies two kinds of violent response: a war of self-defence by the victim and a war of law-enforcement by the victim and any other member of international society.
5. Nothing but aggression can justify war.
6. Once the aggressor state has been militarily repulsed, it can also be punished.

There are additional clauses added by Walzer, in regard to extreme atrocity and mistreatment, to justify intervention on grounds other than to repel aggression. But, whilst atrocities by the Iraqi invaders of Kuwait were frequently invoked as justifications of intervention, they were not its main consideration, and discussion will therefore be focused on the presumed rights of states.

## **The Gulf War and just wars: Walzer's view of the Gulf War**

In his chapter for a new edition of *Just and Unjust Wars*, Walzer has given a qualified defence of the Gulf War in terms of this 'legalist' paradigm. The Gulf War is found defensible within this framework because

- (a) Iraq did invade Kuwait in August 1990, against the wishes of both its citizens and, almost certainly, its population.

- (b) Though use of massive force by coalition seemed like a separate act of war, in fact it could be more correctly described as a delayed response to the August invasion by Iraq. Walzer makes the relevant point that if the invasion had been effectively resisted by Kuwaiti forces, and the alliance had been in a position to come to the aid of a defensive action still being fought, its defensive or restitutive intent would have been more transparent, but not significantly different in kind. To argue otherwise would imply that invasions of territory are justified if they meet with overwhelming military success, hardly an appealing proposition.

- (c) The declared aims of the coalition attack *were* to 'liberate' Kuwait, and to damage Iraq's military capacity such as to prevent further such attacks.

- (d) The coalition did *not* go on to overthrow Saddam Hussein's regime, or to occupy Iraq, except somewhat reluctantly (it seemed) to provide some guarantees of safety for the Kurds after their unsuccessful uprising and their mass flight from reprisals into the mountains in the north of the country.

## **The legalist paradigm as legitimating framework**

Many have been surprised by these apparent limits to the war aims of the coalition, and by the fact that, despite the fierce rhetorical denunciations of Saddam Hussein and his regime as brutal, fascistic, guilty of war crimes, etc., the armed forces did not proceed to occupy Baghdad and overthrow the regime. Some have even felt that this restraint undermined rather than strengthened the justice, such as it was, of the war, given the consequences (to the Kurds in particular) that have followed from the war's actual end. This outcome seemed to indicate a considerable cynicism by the victorious coalition, which had on the one hand denounced Saddam's regime for its immorality and brutality, but then preferred keeping it in power over the other options that seemed available to it.

Some writers, such as Peter Gowan (in a provocative and interesting article in *New Left Review*),<sup>1</sup> have criticised the legalistic justifications given for Western and United Nations action against Iraq (in Gowan's case the intervention by sanctions and blockade as well as direct military force). The argument has been that these justifications have been hypocritical, masking quite different motivations of imperial and military interest, and are in any case invalid, since a liberal moral framework which defends the rights of existing states legitimises, in this case at least, an unjust configuration of state boundaries and jurisdictions which is mainly a product and aspect of imperialist power.

One needs to distinguish between the moral defensibility or

otherwise of such justifications by reference to the legalist paradigm, and their practical effectivity in the situation. One might, that is, dissent from these justifications, yet acknowledge that they were significant to the participants in the coalition, and to the overwhelming UN majority which demanded the withdrawal of Iraqi forces from Kuwait. It seems to me that the 'legalist paradigm' of 'just war' was in fact important as a basis for agreements and legitimations in this war, and cannot merely be brushed aside as a tissue of pretences.

The following propositions seem to be consistent with this view.

- (a) Iraq would not have been attacked had it not invaded Kuwait.
- (b) Iraq would not have been attacked had it withdrawn or declared a clear intention to withdraw before the ultimatum in January 1990 had expired.

There is a dispute about what offers were made by Iraq and refused by the coalition at the last moment. Some have argued that the Iraqis in fact offered to withdraw, and that a negotiated solution ending in withdrawal (following the Soviet initiative, for example) was available had the Allies wished it. This seems, however, to have been a negotiation in which neither side was willing to make the concessions necessary for agreement, in part perhaps because of radically divergent conceptions of what both the immediate and the longer-term outcomes of military action might be. One side wanted unconditional withdrawal and retraction of territorial claims over Kuwait, the other side some occluded and prolonged process of negotiation leaving Iraq for the time being in possession of Kuwait. But the central point is that Iraq had occupied the territory of another sovereign state, and had refused demands to end its occupation.

- (c) The coalition (and UN support for its major aims) was established on the basis of the 'legalist' paradigm. It was consistent with this paradigm that the aims of intervention were restricted to the restoration of the *status ante quo*, and did not extend to the occupation of Iraq or the overthrow of its government. The United States and its coalition partners took care to operate within the terms of their original agreement, whatever other reasons they may have had for their actions.

### Legitimisations, reasons and causes

It is of course one thing to note that decisions leading to the Gulf War were consistent with the 'legalistic paradigm' governing the territorial rights of states and their just defence, and another to assess the importance of this frame of reference in what took place. A telling distinction can be made between the 'rules' that legitimated these actions, and the causes and underlying reasons for them.

It is obvious, for example, that the explanation of this military action is not simply that it was consistent with this paradigm, or entailed by it as a punishment is held by some to be entailed by a crime. Other counter-factual conditions seem to be at least as relevant to the causation of this military intervention as the legal justifications given for it. If a number of these other conditions had not been met, it seems unlikely that juridical and normative considerations themselves would have sufficed to place the mainly-American military force in the Saudi Arabian desert and set it into immensely destructive action. If Kuwait had not been an oil-rich state; if Iraq had not been perceived as a military and political threat to both Western, conservative Arab, and Israeli interests in the Middle East; if there were not the prospect of political gains to be won in domestic politics, in



particular in the United States;<sup>2</sup> if there were not a power vacuum which gave the United States the opportunity to demonstrate their unrivalled power following the collapse of the Soviet system in Eastern Europe and, shortly afterwards, the Soviet Union itself – all these considerations were potent ones in the decisions which led to the prosecution of the war.

The feebleness of juridical considerations alone in influencing action by major powers can be demonstrated by contrast with other international situations where similar norms of territorial integrity and national rights are pertinent, but where great power interests fail to reinforce or indeed undermine normative claims. The most notorious comparable instance is the fate of the West Bank, illegally occupied by Israel over many years, but attracting no effective counter-action by the international community or the United Nations. Not even action short of military ultimatum – such as economic sanctions or an arms embargo on Israel, which a debt-burdened nation such as Israel would find it hard to resist – was undertaken. This analogy is complicated by the origins of the occupation of the West Bank in a previous war, but

to no great extent. The injustice of the occupation is widely recognised, and is also the subject of United Nations resolutions – which, in this case, however, lack any form of enforcement. Another parallel example of this inconsistency in the application of criteria of international law is the military occupation and oppression of East Timor by Indonesia.

If these are examples of hypothetical 'just wars' that nevertheless do not take place, for reasons of political interest, there are on the other hand many cases of invasions or occupations that have been effected without such legal justifications, where it has suited major powers to undertake them. The invasions of Grenada and Panama and covert military action by the United States against the Nicaraguan Government are well-known instances.

The doctrine of the Just War can thus be shown by these contrasts to have functioned in the Gulf crisis as a licence or legitimating device, giving support to an intervention whose motives and causes were far from being merely the fact of a major infringement of international law. International law here was deployed as a threshold or boundary-condition which, once violated by the Iraqi invasion, legitimised whatever level of violence was deemed necessary by the coalition to secure its objectives. One sees similar kinds of 'moral thresholds' operating in civil law enforcement, when police feel themselves justified in deploying exceptional levels of force where a serious infringement by an offender is deemed to have removed the normal restraints in the use of violence (e.g. in a seige, or against hostage-takers, or once violence has been used against them).

The relevance of 'just war' considerations was felt by many to be largely undermined by their opportunistic application in a case such as the Gulf War, when they are largely ignored in other instances where they are equally apposite. If the criteria of 'just war' had weight, they needed to be applied in a universalist way, and where they were not, they could be given little weight. One version of this argument was made by Saddam Hussein, in his attempt to link in negotiation the occupation of Kuwait with the occupation of the West Bank. Whilst this is properly a telling analogy, and has especial force for Arab peoples, it was perceived by many as merely cynical when proposed as a basis of negotiation by Iraq. But, whilst Saddam Hussein's case won little support in the West, there were many who were almost as disenchanted by the arguments of their own governments, whom they perceived as using legal justifications for a war whose dominant motives were of another, more self-serving, kind.

### Popular legitimations

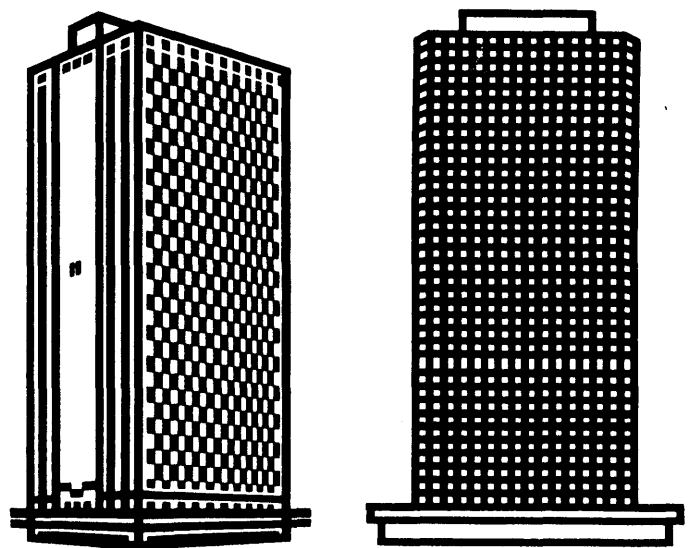
Peter Gowan makes much in his *New Left Review* article of other kinds of justifications which were mobilised during the Gulf War, such as the criminalisation of Saddam Hussein not merely for the invasion of Kuwait, but on grounds of the repressive and brutal character of his regime, specific atrocities perpetrated in Kuwait, etc. There is no doubt that substantial efforts were made to mobilise popular feeling and support for the war in these terms. It seems also that this propaganda to some degree persuaded its own authors, notably President Bush, into adopting the state of mind of the self-righteous crusader against evil. But a significant distinction can be made between, on the one hand, the strategies of propaganda and mass mobilisation pursued during the build-up to the war and during the war itself (including the use of television, the perverse fascination exercised by high-technology destructiveness, etc.), and, on the other hand, the arguments' grounds and reasons which were principally effective in the political and diplomatic arena. These continued to be shaped more by the legalist paradigm of inter-state relations and their appropriate conduct than by extraneous concerns over

'human rights' abuses within or outside Iraq. It was only after the war had ended that, in the operation launched to give some protection and aid to the Kurdish refugees, the agenda of 'human rights' had much specific effect, independently of the dominant agenda of defence of the rights of sovereign states, notably Kuwait. This was not, as we can see, very effective, and was constrained precisely by the fact that the Kurds are not accorded the rights of a nation with its own claim to territory. At this point Iraq became again the beneficiary of the respect and recognition given to legitimate states, regardless of the sufferings inflicted on part of its population. Whatever the human rights rhetoric opportunistically deployed by the Allies during the crisis, their substantive interest in these issues was small. Whether Iraq was or was not a neo-fascist state, or was relatively progressive in at least certain respects, as Peter Gowan has argued, was of little relevance to the actual course of the crisis and the motivations of nearly all of its participants. What concerned the alliance during the crisis was not its domestic character, but the military power, and its potential as a regional power.

### The proportionality of means and ends

A very important consideration within the framework of Just War theory is that of proportionality. The norms of Just War theory prescribe that violence or sanctions used to repel aggression or other wrong be the minimum necessary to achieve the intended effect; that civilians and bystanders be protected from harm as far as possible; and that peaceful outcomes be sought first and wherever possible. This for many provides the crux of the issue of support for or opposition to the war, both at the time and considered retrospectively. The question in these terms is, were the means used to end Iraqi occupation of Kuwait appropriate or necessary to achieve what many agreed was a justified end? The scale of death, injury and suffering caused by the war, and continuing long after its conclusion, make this a very serious question indeed.

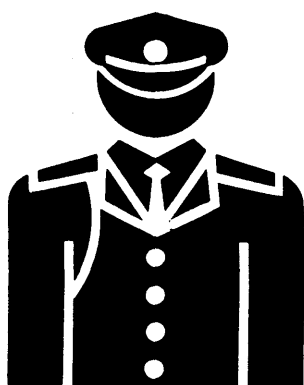
Of course it is true that there were six months of economic and political sanctions, and attempted negotiations, between August 1989 when the invasion took place, and January 1990. Some writers who are no supporters of American foreign policy in normal circumstances, for example Fred Halliday, argued that this attempt to achieve Iraqi withdrawal by measures short of war had been pursued for as long as could reasonably be expected. Its failure, it was argued, had demonstrated that no course of action short of war would achieve ending the occupa-



tion of Kuwait. Others, including the majority of American Democrats in Congress and many on the political left and centre in Europe, argued that sanctions might well have been effective eventually, and that the consequences of war, for both Iraq and Kuwait, would be so dire as to justify persevering with measures short of war for considerably longer.

One inconsistency in the position of advocates of the ultimatum and war was obvious and damaging to their position. This was that when sanctions were introduced by the United Nations it was always inconceivable that they could be effective in less than a twelve or even twenty-four month period. If it had been appropriate to invoke sanctions in the first place, as the initial response to the occupation of Kuwait, then it must be correct to continue with them for a much longer period, since this was implicit and necessary to their original purpose.

In practice, it seems that the earlier 'sanctions' policy had been overthrown, against the opposition of significant figures such as James Baker within the US Administration as well as many outside it, in November 1989. A decision after the congressional elections in the US to greatly increase the commit-



ment of armed forces to the Gulf made offensive military action both feasible and almost certainly intended. The ultimatum to Iraq to withdraw by January or face military action followed from this.<sup>3</sup> It is possible to see this as a change of policy, or as the enactment of a policy outcome envisaged from the start, with sanctions intended merely as a preparatory process to get the more reluctant members of the coalition to agree to action. The intensity and self-doubt about this development in the United States, with only a narrow majority of 52-48 supporting the key vote in the Senate, suggests that a significant change of course *had* occurred, reflecting the victory of one tendency (always committed to war) over another inside the Administration.

Some of those who were committed to sanctions, but who opposed offensive military action, thought that the outcome of sanctions, if they succeeded, would be different from the outcome of war. They envisaged that they would lead to negotiations which would involve Israel and its occupation of Arab territories, would leave Iraq as a significant power, would strengthen the UN and diplomatic means of resolving problems, and would establish a more pluralist, multi-national mode of international relations (including the EC and USSR), rather than simply imposing an American military hegemony. The argument for the relative restraint of arms, oil and economic sanctions was a political as well as a humanitarian one, concerned to achieve some rebalancing of political forces in the Middle East and some greater attention to legitimate Arab claims. On this view, it might have been possible to end the unjust occupation of Kuwait, which was a serious infringement of international law, and in doing so strengthen the legal and diplomatic basis for resolving such disputes and negotiating some compromise be-

tween conflicting interests. Of course, since this line of action was not pursued, it is difficult to say whether any of these hopes were capable of realisation.

Powerful humanitarian arguments are separate from this consequentialist political case for avoiding military action, except of a defensive or counteractive kind, should that prove necessary. These arguments were amply justified by the large-scale suffering which was brought about by the war: to Kuwaitis, Kuwait residents expelled from the country, Iraqi soldiers and civilians, and most notably to Kurds. If the freeing of Kuwait could have been accomplished without this huge scale of catastrophe, it seems hard to argue that this would not have been preferable, and that some delay and even risk might not justifiably have been tolerated in order to secure this less evil outcome. What is clear from this history, and from numerous other precedents (e.g. the supplying and funding by many members of the coalition of the earlier Iraq-Iran war) is that states in the pursuit of their interests are entirely cynical and unconcerned about human loss, unless strong pressures are brought to bear on them to behave otherwise. In the pursuit of their interests in external affairs, nation-states seem to function with a peculiar immunity and indifference to ethical and human considerations, as though these matters are simply irrelevant to policy.

A real difficulty in the case against the coalition's military action is the great uncertainty that any less violent alternative could have achieved Iraq's withdrawal from Kuwait. Supporters of the war argue, from the fact that Saddam Hussein's regime has survived military disaster, that it would easily have survived sanctions (which, in any case, still largely remain in force). But the issues are complicated. War imposes solidarity on peoples and their governments, and licenses terror to maintain subjection. It is possible that sanctions and ostracism would have led much more effectively than war to an erosion of support for the regime, and to much greater difficulty for it in maintaining its control through demands for unity against the external threat. In war, political processes become suspended, and what was needed to achieve change was a substantial political evolution inside Iraq.

One must also confront the possibility that sanctions would *not* have been effective, over a two- or three-year period, and that the occupation and annexation of Kuwait would have continued. Would that outcome have been worse than what in fact has happened? Does the possibility of this failure of 'intermediate' measures justify the early recourse to extreme violence that took place? Political decisions depend on what is known and conjectured at the time they are made. It seems that the uncertainties of a prolonged campaign of sanctions and ostracism should have been borne, and any subsequent decisions made only in the light of later knowledge of events. If one holds in any case that a negotiated outcome would have been preferable, and would have provided a better model for future international relations, and takes into account the suffering that might have been avoided, this caution and restraint in the use of force during 1990 would seem to have been warranted.

### Rejections of the legalist paradigm

A different line of argument, advanced for example by Peter Gowan, rejected the legalist paradigm of just and unjust wars altogether. It argued that the paradigm considers only the interests of states and their rulers, and not the interests of peoples and

subjects. Judgements should be concerned with larger issues of oppression, exploitation, and inequality, rather than with the perpetuation of arrangements which at best simply protect states – however arbitrary their boundaries, unjust their origins or inequitable their function. On grounds of historical justice, and by criteria of the progressiveness or otherwise of the regimes and social forces concerned, the entire Western and conservative Arab attempt to repel the invaders of Kuwait, whether by sanctions, boycott or violence, was opposed by some critics (and of course by large numbers of peoples, though few governments) in the Arab world.

The argument from state legality is also found wanting from the opposite quarter: by supporters of the Gulf War who regret that it was terminated before Baghdad was occupied and the Ba'athist regime of Saddam Hussein was overthrown. (This position is referred to with some sympathy by Theodore Draper in the *NYRB* articles already cited). Why should the rights of states take such precedence in these matters that intervention in the case of territorial aggression must be limited to restoring the status quo and removing the power to instigate further aggres-

sion? Why should *other* benefits to citizens – democratic values, or the wider interests of progress – not be taken into account in deciding what interventions are justified? Even if there should properly be a 'threshold' or boundary of immunity which protects states from outside intervention so long as their actions remain lawful, why should they not be legitimately subject to a broader spectrum of interventions once they transgress this boundary? In an analogous way, individual citizens remain immune from judicial interference whilst they avoid breaking the law, but once found guilty, states find it justifiable to subject them to various forms of correction and improvement. Since the ethics of international relations, following Kant's *Perpetual Peace*, are based on an analogy between states and individuals, the parallel is relevant.

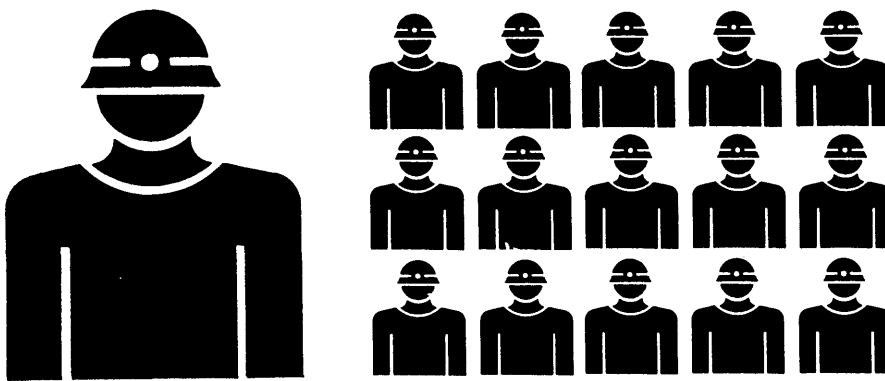
When judgement short of decisions to make war are made of the behaviour and legitimacy of states, we do and should take such broader consequential considerations of welfare, self-determination and progress into account. We may justifiably support liberation movements within colonial states, or the demand for universal and equal political rights in a nation such as South Africa. We may support claims for national independence by subordinated nationalities (Palestinians, Baltic states, Scots). We may demand more equitable economic relations between states (debt crisis, terms of trade, international aid). We may support inclusion of poorer states within federations from which they would benefit (expansion of EC). We will often find ourselves opposing governments within our own state on many such issues. The range of positions taken by citizens on the relations between their state and others properly extend far beyond concerns for territorial integrity and the protection of legitimate states. For citizens in general, there is no good reason for giving the rights of states such an absolute precedence over all other considerations.

Such arguments do not depend on taking any particular view of the Iraqi regime *per se*, on whether one sees it as ultimately 'progressive' (a kind of deformed socialism) within the dismal field of Middle Eastern feudalism and American imperialism, or rather as a military fascist response to the region's problems.

### Are the rights of states as such justified?

However, it is difficult to decide how far such broader considerations should simply overrule and nullify any idea of the legitimate rights of states as such. Is there anything to be said for normative claims which aim to regulate the relations of sovereign states, without regard to their political and social complexity so long as their behaviour stops short of major atrocities?

We may be granted that the 'legalist paradigm' in fact chiefly defends the rights of the states, and thus, in the first instance, their ruling elites. Whatever benefit they may bring to subjects, we can see states' rights as a mutual insurance treaty by rulers (like the agreements of diplomats on immunity and protection which follow from them). The question is, do citizens and subjects get anything out of this? Can the rulers of states be said to give any benefit to their subjects or citizens, which might justify the aura of sanctity or of exclusive property over their domain, which Just War theory gives them?



In regard to these broader principles, decisions made at the end of the Second World War, to replace the fascist and Nazi regimes of the Axis powers with democratic constitutions, provide a relevant parallel. Whilst in the case of Nazi Germany this could be justified by considerations of mass atrocity and genocide, in the case of other nations it is less obvious. The motivation, in any case, whatever its formal justification, was a political one, the victorious powers seeking to impose their own preferred form of political and economic organisation (different of course in the West and East of Europe) on the conquered or liberated territories.

One can reasonably argue that such considerations can properly be brought into play once interventions have been triggered by infringements of international law, even though these should not be their primary object. Considerations of minimising suffering are particularly relevant in such a situation. The strongest

argument for having prosecuted the war to the stage of effecting a political change in Iraq lies not only in the subsequent fate of the Kurds, but also of the Iraqi population who remain victims of tyranny and of the continuing sanctions against the Ba'athist regime. The decision not to overthrow the regime, legitimised by Just War theory, seems to have been as overdetermined by ulterior considerations as the original decision to use military force. What might have been unavoidably placed on the agenda by the overthrow of Saddam Hussein was the issue of democracy in the region (and in Kuwait itself). At all events, the intervention which did take place seems to have brought almost the worst of all possible worlds – massive suffering in Iraq, devastation in Kuwait, absence of political change for the better anywhere in the region, and a military triumph without any responsibility having to be taken for its consequences. (The one significant exception to the pattern of conservative restoration appears to be a firmer US position towards Israel, reflected in the still-continuing talks with the Palestinians.)



Another way of putting this is to ask whether the monopoly of violence within a territory (Weber's definition of a state, more or less) gives benefit to the subjects of the state, as well as to the ruling class or elite which in practice exercises it? How large a benefit is peace, or the absence of war, compared with other benefits?

### **The advantages of peace, or the absence of war**

The answer to this question is that this benefit is very large indeed; in fact it is the main benefit that states bring to their subjects and citizens. This was Thomas Hobbes's justification for the existence of states, which stand between individuals and unrestrained violence.

Just War theory presupposes that interference by external force to change the boundaries of states, or their internal regimes, will normally be harmful rather than beneficial to citizens, and should normally therefore be opposed. This normative framework gives a large implicit priority to the value of peace itself, over all other values. However, the costs of war and insecurity are such that this priority seems to me to be most often justified. This is to accept the legitimacy of the claim made on behalf of rulers: that when they establish a monopoly of force over a territory they achieve some good, some return to the citizens for their subjection, even though they also plainly secure their own interests as rulers and may well be chiefly motivated by this sectional interest of their own.

Interference with such rulers where they are unjust, according to this argument, should normally take less drastic forms than the pursuit of war against them. Political agitation, economic pressure, even indirect support for insurgency, are less drastic forms than armed invasion, since these do not threaten the unlimited destruction of war and the breakdown of physical security.

An important consideration in this argument is that, when states *do* go to war with one another, their own reasons for so doing are unlikely to be much concerned with social betterment in their own or other states. States, of their nature, are power-seeking entities, and those who rule them are selected, as a rule, for their preoccupation with and effectiveness at manipulating power. Wars, that is, are made by Ministries of War and Foreign Offices, not by aid agencies, churches, social movements or even political parties, even though such groups are liable to be heavily involved with political matters in many countries. Hanna Segal has argued that this preoccupation with power and territorial interest signifies the distinctively 'paranoid-schizoid' nature of political and military organisation, which selects for and reinforces these qualities in its actors, in contrast with the more 'depressive' orientation of some other sectors of social life.<sup>4</sup>

So we should be cautious about inviting states to take action against other states in pursuit of 'human rights' of one kind or

another. They are more likely to take advantage of such convenient legitimations in pursuit of their own aims of state-building than to be in reality motivated by them. The indifference of the 'democratic' side of the Second World War to considerations of human well-being (Holocaust, terror bombing, nuclear weapons, partition of Europe) is evidence of this. Even though, in idealised conditions, a case can be made for interventions, on all sorts of reasonable political and ethical grounds, in the internal affairs of states, the reality is that such interventions will most often be corrupted by the interests of the states involved in them, and suborned to their own state-aggrandising interests. And it is usually states and their apparatuses, rather than citizens and citizens' movements, that have the largest part in such interventions, especially if they extend to armed force.

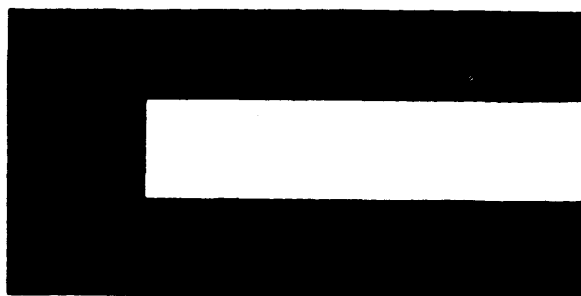
### **Liberal, socialist and states-rights paradigms**

So, whilst in principle the goals prescribed will be very different within liberal human-rights paradigms, socialist world-views, and state-dominated perspectives, it is not necessarily the case that such differences would lead either liberals or socialists to support wars against states in furtherance of their political ends or values. Measures short of war – economic sanctions, support for mass resistance, political contact and agitation – will usually involve lower human costs, and be less likely to be compromised by the interests of states themselves, than military action. Even support for guerrilla struggle (often favoured by radicals of the Left and Right because it avoids some of the problems of external military intervention) has turned out in the recent past to inflict large and long-lasting damage, and to set even victorious social movements in a militarist and authoritarian mode which itself has lasting ill-effects. Atrocity (for example, in the case of Kampuchea/Cambodia) is a different and extreme case, correctly singled out as an exception.

### **Consistent opposition to war**

The principal reason, therefore, for giving some moral weight to the 'legalist paradigm' of inter-state relations is that it does serve to regulate and prevent the great evil of war, and to some degree to protect peace between nations or sovereign entities as a major benefit to men and women. It is the main point and value of the existence of sovereign states that, when they function effectively, they serve at least this purpose. To this extent, respecting the integrity of state boundaries normally protects the interests of their citizens. If one effect of their existence is to protect the peace and security of their citizens, rulers are not merely parasitic or oppressive.

This underlying view of the unacceptable human costs of war was an important background consideration for many opponents of the Gulf War, amply vindicated it seems to me by the



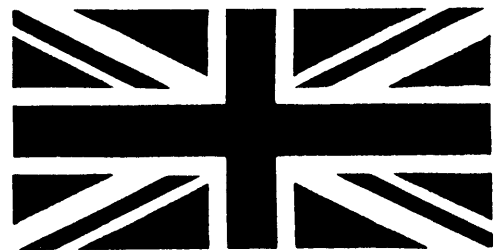
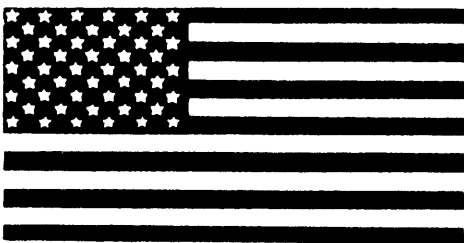
consequences we have seen. Among many evils in this region, the invasion of Kuwait and the counter-invasion of Iraq, were among the worst. This view of the dire consequences of war as such were grounds for preferring a more long-drawn-out and uncertain programme of sanctions against Iraq to the war that took place – though this is not to argue that war itself might not in any circumstances be the lesser evil. Whereas there is no difference, in terms of legality, between successful resistance to invasion and a later intervention to expel the invaders, there may be significant differences in terms of the damage and suffering caused. That is grounds for not regarding 'Desert Storm' as merely an extension and intensification of the original weak Kuwaiti resistance.

Thus, for those reflecting on the morality and justifiability of the Gulf War, some consideration of the benefits of peace, and the costs of war itself, must be fundamental. It is because states and their customary internal monopoly of violence do of their essence provide a modicum of security to their citizens that the normative system designed to defend them – Just War theory – justifies a measure of respect and attention. Individuals are protected by norms which regulate the relations of the states to which they belong, just as they are by the originary liberal version of this morality: the doctrine of individual rights to life and liberty at least. I hope I have made it clear, however, that

taking the arguments for just war seriously need not lead to a defence of the Gulf War. 'Just' in one specific sense it was, but morally justified, in the broader context, of its motivations and consequences, it was not.

#### Notes

- 1 Peter Gowan, 'The Gulf War, Iraq and Western Liberalism', *New Left Review*, 187, November-December 1991.
- 2 Though, in the event, John Major declined to take political advantage of the Gulf War victory by calling an early election.
- 3 A most useful review of the development of the crisis is given by Theodore Draper in a two-part article, 'The Gulf War Reconsidered', *New York Review of Books*, Vol. XXXIX, 1-2, 16 January 1992, and 'The True History of the Gulf War', *ibid.*, 3, 30 January 1992.
- 4 The concepts of the paranoid-schizoid and depressive positions are central to the psychoanalytic writings of Melanie Klein. Hanna Segal is a prominent Kleinian training analyst, and a leading member of the group Psychoanalysts Against Nuclear War. W. R. Bion in his *Experiences in Groups* (London: Routledge/Tavistock, 1961) discusses the characteristic psychic structures of polar kinds of social organisation, such as church and army.



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