

The Oil Factor & the Justice of the Second Gulf War

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Many opponents of American participation in the Second Persian Gulf War (i.e., the liberation of Kuwait) advance a moral objection against American action that runs something as follows:

- (1) The United States intervened when Kuwait suffered from Iraqi aggression, but it did not similarly intervene to prevent aggression by China against Tibet, Indonesia against East Timor or, most recently, by Yugoslavia against Bosnia.
- (2) These cases are like the Kuwait case in being cases of aggression, and differ significantly only in that Kuwait has oil, while Tibet, East Timor, and Bosnia do not.
- (3) The best explanation of this difference is that real reason for American participation must be securing an oil supply, and not prevention of aggression.
- (4) Therefore, the real reason for American participation must be securing an oil supply, and not prevention of aggression.
- (5) If the real reason for American participation is that, then American participation in the war fails the Just-War criterion of Right Intention.

(6) Therefore (skipping some obvious steps), our participation was morally wrong.¹

Supporters of the war might reject this argument by distinguishing Kuwait's 30-year history of international recognition as a nation-state from the rather different histories of Tibet, East Timor, and Bosnia. They might also point out that the argument, if sound, tells only against the way we participated in the war (i.e., with the motive imputed) not against participation *per se*. (On their account, the correct response would have been to participate with the right intentions, and perhaps to intervene in some of the other cases as well.) There is something to be said for each of these lines of rebuttal, but I believe that the argument is weak in another way, one whose exploration will deepen our understanding of the application of the just-war theory to interventions in foreign wars.

Did the United States Government fail the criterion of right intention in the Second Gulf War (hereafter, GWII)? There are three ways in which a nation could fail to meet this criterion. First, any belligerent who did not believe that there was a just cause to fight the war in question would *ipso facto* fail the criterion. Second, any nation for which an injustice, even though recognized, played no significant role in the nation's decision to go

¹ Versions of this argument can be found, for example, in the "Statement on the Morality of the War in the Persian Gulf by American Catholic Theologians and Professors of Religious Studies;" Robert F. Drinan, "Persian Gulf War Fails to Qualify as Just," *The National Catholic Reporter* Feb. 8, 1991, page 2; American Episcopal Church Presiding Bishop Edmond Browning, quoted in *The National Catholic Reporter* Jan. 25, 1991, page 5; and "Pax Christi USA Declaration on the Persian Gulf" published in *The National Catholic Reporter* Jan. 11, 1991, page 15.

to war would fail the criterion. Third, a nation going to war in response to a recognized injustice would violate the criterion if the injustice played only this role in its decision—that it thought the fact that an injustice had occurred was crucial to the nation's prospect of success. A just cause might be so needed if the war cannot be successfully prosecuted without domestic or international support. In the kind of failure I have in mind, the nation would go to war without the just cause if it thought it could get away with it. It thinks that it could succeed in the war in question only because there is a just cause that will gain the war effort sufficient support among others. I interpret the objection I am examining as a complaint that American participation in WWII failed the criterion of Right Intention in the third of those three ways. Did it?

In order to answer that question, we must realize that there are three possible policies that a nation might adopt with respect to intervention in foreign wars. First, it might refuse to intervene in any. Second, it might intervene in all. Third, it might intervene in some but not in others. What would the just-war theory say about each of these three options (assuming, of course, that intervention, when it occurred, was on the right side)?

First, what about universal non-intervention? The just-war theory can be read strictly as a set of prohibitions and permissions:

- (1) It is not always wrong in principle to go to war.
- (2) Only under certain conditions would it be justified to go to war, namely when (a) a legitimate authority has declared the war,
(b) there is a just cause for waging it (i.e., there has been a wrong committed, war is the last resort in righting it,

and doing so would not be disproportionate), and
(c) the intention in waging the war is really the righting
of the wrong.

- (3) Only certain actions would be justified even in a justified war, namely those (a) approved by the legitimate authority,
(b) discriminate, proportionate, and militarily necessary,
and
(c) rightly intended.

So read, it does not require a nation even to defend itself, much less to come to the aid of other nations. But many just-war theorists also believe:

- (4) There are cases in which it is obligatory to go to war.

The new Catholic catechism, for example, states:

Legitimate defense can be not only a right but even a grave duty for those who are responsible for the lives of others or for the common good of the family or of the community.²

² "La légitime défense peut être non seulement un droit, mais un devoir grave pour celui qui est responsable de la vie d'autrui, du bien commun de la famille ou de la cité." *Catéchisme de l'Église Catholique* (1992), p. 463. See also Pope Pius XII, Christmas Message of 1948: "Among [the] goods [of humanity] some are of such importance for society, that it is perfectly lawful to defend them against unjust aggression. Their defense is even an obligation for the nations as a whole, who have a duty not to abandon a nation that is attacked".

Many defenders of (4), including Pope Pius XII, include in this obligation not only the quasi-contractual duty of government officials to protect their own citizens, but the natural duty of everyone to come to the aid of the victims of aggression. On this view, to use military force to rescue the victims of aggression, when force, but not other means, would succeed, would be a failure to fulfill our moral duties to our neighbor. This view seems right to me, but I am not going to defend it here, since to do so would distract from the central thesis of the paper.

The other extreme position, that a nation is morally blameworthy if it does not come to the aid of *all* the victims of aggression, sounds better in principle—how could one stand by, &c.?—but is practically too demanding. Every nation should do its share in resisting aggression. If some nations are not doing their share, perhaps others should feel responsible for taking up some of the slack, but it is too much to demand that any particular nation take upon itself the task of resisting *all* acts of aggression. Resistance takes lives, treasure, and diplomatic capital. Each nation that has made a significant contribution to this effort has done enough to escape blame, even if there is more to be done. The analogy is to the question of how much we each should contribute to relieving the needs of the poor. We each should do something significant, but no one is obliged to keep giving until all needs are met or until his own resources are exhausted. (There is not really a question of which will come first.)

If both of those policies must be rejected—the one as irresponsible, the other as impractical (if not impossible)—then nations not only may but must be selective in their interventions, helping some victims of aggression and leaving others to the care of other potential interveners, or worse, to the mercy of the aggressors. Adoption of this policy forces the question—

on the basis of what must or may a nation choose the beneficiaries of its aid? What considerations can play a role in their deliberations? Let us consider some possibilities.

One consideration that surely should come into play is whether a nation has treaty commitments to come to the defense of another nation. The United States in fact has such commitments with a number of nations (e.g., Japan, Australia, and the members of NATO). If that is not a sufficient reason to help, then we have already made promises that it would be morally wrong to keep. We had no such treaty with Kuwait. Is such a treaty necessary? I cannot imagine why anyone would think that this is the case. Why should it be permissible for a nation to promise in advance to come to another's aid, but impermissible to help them without having promised in advance to do so? Why would an agreement in the middle of the emergency (say, to come to the rescue if the problem did not go away immediately) be any different from an antecedent promise? And how is any rescue which actually occurs different from such a promise in the middle of the emergency?

Even if a case for the necessity of an antecedent promise could be made out, one would still have to confront the question of whether one could make such defense treaties with any nation and for any reason, or only with some and only for some reasons. Could one, e.g., promise to rescue those whose resources one wanted to buy, while refusing to make a similar promise to those in whose resources one had no interest?

If, as I suggested above, absence of antecedent treaty commitments does not make military intervention into foreign wars morally impermissible, on what basis can we decide when to intervene and when not to? Two kinds of criteria can be distinguished. Objective criteria would

be those which would be the same for any would-be intervener. Subjective would be those which would vary from one would-be intervener to another. The particulars cited in the paragraphs below should make this distinction clearer.

The most obvious candidate for objective criterion would be the seriousness of the wrong involved. Although all aggression is wrong, some is clearly more harmful to its victims than others. For example, Yugoslavia's aggression against Bosnia (turning over large quantities of military materiel to Serbian secessionists inside Bosnia) is a threat to Bosnian Muslims regardless of anything the latter might do. Other cases of aggression, e. g., Argentina's against the Falklands, would have undermined the self-determination and possibly the prosperity of the Falklanders, but there was never any reason to believe that those who lived there would have been expelled or otherwise personally endangered. Could the appropriate rule for interventions be that one should intervene only in the most serious cases? Or at least that one should assure that there are no cases in which one did not intervene that are more serious than any of those in which one did intervene?

Such a rule has an air of plausibility. Why, after all, should a nation escape blame for not intervening in one case, when it has already shown its willingness to intervene in a previous, less serious, case? Or, having failed to intervene in a previous, more serious case, can one now claim that it is urgent, necessary, or permissible to intervene in a less serious one?

The defenders of this rule must first provide an account of how seriousness rankings are to be made. Gross differences can be distinguished, but in closer cases what weight is to be paid to harm to victims, danger as a precedent, plausibility of historical claims, &c.? And

to what extent can considerations like proportionality and prospect of success be brought into play? Serious cases (like the Soviet invasion of Hungary in 1956) may also be cases in which success is unlikely or in which it could be achieved only at disproportionate cost. Less serious cases might sometimes be much easier to remedy.

The initial plausibility of this criterion collapses on closer inspection. Even apart from the question of whether seriousness rankings are possible, this rule is not a practically plausible principle of action. After all, the crises in which intervention is contemplated do not generally occur simultaneously. Nor do we have in advance any list of crises in the offing. All a nation has at the time of the proposed intervention are the facts about *that* crisis (and previous ones). A nation's resources, and the international situation, may differ from one crisis to another in ways that make intervention in the less serious crisis possible (politically, diplomatically, economically, or militarily) and intervention in a more serious one not. Good judgment requires that a nation keep a reserve of resources. Therefore, it would be permissible of a nation to refrain from intervening in a small crisis on the grounds that doing so would make it impossible for that nation to intervene in more serious crises of the kind that it expects to occur over the short term. But it seems less plausible to maintain that a nation *must* refrain from helping someone now merely on the grounds that others *might* later need help more urgently (even when intervention now might make intervention elsewhere later impossible).

Surely, objective criteria must play a role in our calculations, but the above considerations suggest that no simple rule tying the permissibility of intervention to a threshold of seriousness will do.

That leaves us with the question of whether subjective considerations can play any role in the decision to intervene. There are a number of such considerations that might in fact play a role. Cultural affiliation often plays such a role, as it did between the United States and Britain (in 1940 against Germany, and in 1982 against Argentina, though not in 1956 in Suez). So do political-economic similarities (which play an important role in US-Japanese relations), historical ties (e.g., those between the US and Liberia, which might have led us to play a more active role in the 1992 civil war there than we in fact played), the presence of a common enemy (e.g., US-Soviet relations in WWII), geopolitical considerations (e.g., US-Saudi relations and the US-Caribbean restoration of democracy in Grenada), and economic interest (e.g., US-Kuwaiti relations). Frequently, more than one of these considerations come into play. Are these considerations of sentiment and interest permissible considerations in the decision to intervene?

I would like to argue that each is a permissible consideration. With respect to sentimental considerations, the argument is fairly simple. The conclusion follows readily from a nation's right to have friends, its right to base such friendship on cultural, religious, or ideological similarity, and the implications of friendship.

The right (even of nations) to have friendships should not be controversial. No nation can cultivate equally close relationships with all foreign nations. Cultivation of close friendly relationships requires time and effort. If a nation tried to treat all other nations equally on this score, its relations with all would be superficial.

Neither is it unreasonable to base such relationships on the kind of similarities mentioned above. Indeed there sometimes even seems to be

something odd about the failure to do so. Many citizens of India, I think with some reason, note the oddity of the fact that the US gets along better with Communist China and intermittently democratic Pakistan than with the world's largest democracy. In a pluralist and immigrant nation like the United States, the principle of affinity as a basis for friendship will present some complications of implementation. Is the US a Christian nation that should feel a special affinity for East Timor? Or would the introduction of such considerations violate the spirit of the First Amendment? Surely care is required here. Preference for European over African nations on the basis of cultural affinity might be *per se* innocuous but looks very different given America's historical mistreatment of its own Black population. Against that background, going too far in the direction of preference for Europeans could well serve to alienate further a sizeable segment of our population (e.g., by suggesting that they are somehow less fully American than those of European descent).

If it is permissible to have friends, surely it is permissible to serve their needs before (and more than) one serves the needs of others. What is it to be a friend, if it is not to make just such distinctions?

The same argument can be applied to the consideration of interest. A government surely has the right to use just means to pursue its interests. Indeed, absent a popular mandate for restraint, it has a duty to do so. If any war is justified, resistance to aggression is. Why should it be permissible to resist an unjust and violent assault on one's territorial integrity but not an unjust and violent assault on one's economic well-being or against the necessary components of one's safety? Direct aggression against a nation's trading partners (e.g., Iraq's invasion of Kuwait for the US) exemplifies the first of those types of indirect aggression. Aggression against

strategically situated neighbors (e.g., Germany's attack on Belgium in 1914 for Britain) exemplifies the second. Proportionality considerations are relevant here, to be sure. Waging war for minor objectives is disproportionate and therefore unjust. But these objectives are not always minor.

Those who make the oil objection fail to grasp two important points about intention and its role in evaluating wars. The first is that one can intend more than one thing at the same time. As St. Thomas argues:

This is evident from the fact that a man prefers one thing to another because it is the better of the two. Now one of the reasons for which one thing is better than another is that it is available for more purposes: wherefore one thing can be chosen in preference to another, because of the greater number of purposes for which it is available: so that evidently a man can intend several things at the same time.³

In purchasing a piece of candy during a fund-raising drive, one can intend both to acquire the candy and help the sponsoring charity. (If all one intended was to aid the charity, one would do better to make a donation.) Similarly, in fighting a war one can intend both that aggression be rolled back and that the pattern of trade (for example) be restored to the *status quo ante*.

The second is that the criterion of right intention only requires the presence of certain intentions; it does not require the absence of all others. The intention that must be present is that justice be served. If there is no

³ S. T., 1a2æ, 18.3c.

such intention on the part of a belligerent, then that belligerent is doing wrong.⁴ Since there may be other intentions present, those too will play a role in the moral evaluation of the action. (For St. Thomas, an action is good only if it is good in all respects.) With respect to each, it must be asked whether such an intention is in accordance with, or contrary to, reason.

Some possible co-occurrent intentions would be wrong. St. Augustine, in a passage cited by St. Thomas, lists the following: "the passion for inflicting harm, the cruel thirst for vengeance, an unpacific and relentless spirit, the fever of revolt, the lust of power...."⁵ *Why* would these be wrong? Because the act intended is not due to the one on whom it is to be inflicted *as that person is conceived by the agent*. The passion for inflicting harm, for example, focusses on the one harmed as a sentient being (one capable of feeling harm) alone, and the infliction of harm on such a one is undue. The thirst for vengeance is the desire to harm someone who has done something that the agent does not like and a similar objection applies.

But not all co-occurrent intentions would make a war unjust. There is nothing wrong, for example, with attempting to restore past patterns of trade or with restoring to their rightful owners goods which one hopes later to buy from those rightful owners. These are not invalidating

⁴ Again, that does not mean that he should desist from the external act—he might be doing the right thing for the wrong reason. An analogous case would be a vindictive driver who keeps within the speed limit just to ensure that his passenger is late for an appointment. He should drive within the speed limit, but not for that reason.

⁵ *Contra Faustum*, 22.74.

intentions. But isn't there something wrong with going to war (i.e., killing people) to do so? That depends on whom one is killing. If those to be killed are not guilty of any (even objective) wrong, then it is wrong to kill them for any reason. And it is wrong to kill solely to secure some economic advantage if that means that one doesn't care whether one's victim deserves to die. But the added fact that a nation knows that it will benefit from the restoration of the *status quo ante*, even the added fact that it intends to so benefit, neither diminishes an already present legitimate intention to see that justice is done nor adds anything morally impermissible. Consider this analogy: It is (ordinarily) wrong to kill people in order to make a living. But, as long as capital punishment and war are permissible, it is not wrong to be a professional soldier or a hangman. Nor is it wrong to choose those occupations because they provide a good salary or good retirement benefits.

To conclude, the oil objection to the justice of American actions in the Gulf is a consistency argument—Can US intervention in the Gulf and non-intervention elsewhere be seen as the consistent implementation of a morally acceptable foreign policy? The charge that it cannot must be grounded in one of two beliefs: (1) that if the US does not rescue all of the victims of aggression, then it would be wrong of it to rescue any of them, or (2) that US selection of cases for intervention is based on morally impermissible distinctions. I have tried to show that each of these beliefs is false. Kuwaiti oil surely was *a* factor in America's decision to rescue Kuwait, but that does not make the war wrongly intended. It does not make it unjust.