# The Construction and Deconstruction of a Just War

## War on Terror Revisited

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## Abstract

International and domestic audiences have to be convinced of the justness of a cause and the importance of defending core values from imminent threats before they approve of the violent means of war. The narrative structure of the War on Terror discourse attests to the careful and deliberate processes of securitization and rhetorical justification of war in order to make war acceptable to sceptical audiences. The inherent subjectivity of the abstract notions such as threat, danger, justness, intention or last resort allows for a range of interpretations. The one most favourable to the cause of the War on Terror was chosen and perpetuated through the dominant discourse. Other voices were overpowered and silenced, other truths dismissed as fabrications. All discourse is fabricated and there is no single truth about the world. The first step to escape the control of the 'sovereign voice of truth' is to become aware of the social construction of reality. The lesson of questioning the dominant narratives by confronting them with alternative narratives is especially pertinent to ethno-political studies oriented towards asymmetric conflicts. In the case of the War on Terror there is a vast range of particular American interests that challenge the construction of a defensive and humanitarian war. These interests suggest that the War on Terror is an imperialistic and interventionist endeavour that serves to further practical American interests. To bring attention to other narratives, other explanations and other aspects of the 'truth' is not irrelevant, especially in view of the scope of the War on Terror implied in the phrase the Axis of Evil. Publics should be even more sceptical the next time they hear of destructive weapons in possession of an evil regime that takes from its people and gives to the terrorists.

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## 1.    Introduction

The terrorist attacks on 11 September 2001 have spun consequences far beyond those presumably intended by the minds that had planned the hijackings. Terrorists probably did foresee and even plan the numerous civilian casualties. After all terrorism by most definitions is the use of indiscriminate violence that is supposed to have coercive effect on governments and draw attention to political, social, religious or other grievances (Whittaker, 2003: 3-4). What could not have been foreseen was the American response which was not counterterrorism but a declaration of war on an elusive concept of terror.

Walzer compares war with arson (1992: 31) for 'wars are not self-starting' and just like fires they have the propensity to escape control of those who wage them. To wage war against an abstract concept, against an unknown enemy that defies all attempts at a definition magnifies the danger of war lashing out uncontrollably: '[T]he war against terrorists of global reach is a global enterprise of uncertain duration' and 'America will hold to account nations that are compromised by terror, including those who harbor terrorists – because the allies of terror are the enemies of civilization' (Bush in: NSS, 2002).

Was the importance of the 9/11 attacks magnified to conceal other reasons the United States may have had to impose their military presence in the Middle East? Should other reasons than avenging the infringement on United States' sovereign territory exist, reasonable doubt could be applied to the legitimacy of the War on Terror. The deconstruction of the War on Terror as a just war could thus lessen the potential for furthering particular interests that are not compatible with the interests of the wider international society.

Deconstruction and questioning of the established paradigms can be connected to the post-modern use of textual analysis to explore and contest the manner in which terrorism is constructed through discourse. By applying a post-modernist method of textual analysis to the dominant strategic terrorist/anti-terrorist discourse, this paper attempts to reveal the simplicity of terrorist portrayal which serves to de-legitimize the political struggle behind the acts of violence and to justify a violent response (Fortin, 1989: 189).  Analyzed primary

sources consist of speeches of the key members of the Bush administration[1] pertaining to the War on Terror.

## 2.    Construction of a Just War

Bull (1995: 178) provides a definition of war as 'organized violence carried out by political units against each other'. War, for an individual state, is an instrument of policy, means to some desired end. In the international system it functions as a determinant of the shape of the system. In international society war has a dual aspect. It is a manifestation of disorder while remaining a means to enforce international law, preserve the balance of power or bring about just change. At the same time war has to be limited by common rules and institutions. There are restrictions on the right to wage war, on the way war is conducted, on its geographical spread and on the reasons or causes that constitute a legitimate resort to war (Bull, 1995: 180-3). Somewhere between the militarist understanding of unlimited conduct of total war and pacifist rejection of war as an intrinsic moral evil which cannot possibly promote moral and pacific ends (Coates, 1997: 65, 87) lies the just war tradition.

### 2.1  Just War Tradition

Just war tradition developed on the basis of the principles of *jus ad bellum* and *jus in bello* which determine justified recourse to war and put restraints on the waging of war (Johnson, 1991: 5). Both *jus ad bellum* and *jus in bello* are equally important (Coates, 1997: 98) and a balance has to be established between 'considerations of whether to use force and of how to use it' (Johnson, 1984: 31).

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[1] US President George W. Bush, Vice President Dick Cheney, Secretary of Defence Donald Rumsfeld, Chairman of the Joint Chiefs of Staff Hugh Shelton, Secretary of State Colin Powell, Deputy Secretary of Defence Paul Wolfowitz, also British Prime Minister Tony Blair. Similarities in rhetoric regarding Iraq and Iran will be established by examining the 2006 speeches of government officials: President Bush, Secretary of State Condoleezza Rice, John R. Bolton, representative of the US to the UN and Nicholas Burns, Under Secretary for political affairs. Positions in office listed here were held by these officials in the discussed time periods (2001-2003, 2006).

### 2.1.1  Jus ad Bellum

The *jus ad bellum* principle pertains to the restriction of military force and accentuates the integrity of sovereign states and the right to protect this integrity (Johnson, 1991: 20-1). *Jus ad bellum* in its moral terms incorporates concepts such as legitimate authority, just cause, right intention, proportionality related to the recourse to war and the use of force as the last resort. In international law, however, the concept has become reduced to issues of self-defense (Johnson, 1984: 3).

### 2.1.2  Jus in Bello

A justified war is not necessarily a just war (Holmes, 1992: 223) and *jus ad bellum* has to be coupled with *jus in bello* for a war to be just. The principle of *jus in bello* is concerned with the proportionality in the conduct of war and non-combatant immunity (Coates, 1997: 208, 234). According to Ramsey (2002: 430-1) proportionality and discrimination work only in relation to each other since proportionality implies that sometimes the ends justify the means and discrimination draws attention to the means no ends can justify. Proposed action should thus be assessed in terms of discrimination, in order to determine the actions which are permissible, and then choose from morally tolerable actions according to the proportion between their good and evil consequences.

## 2.2  Construction of the Just War on Terror

### 2.2.1  Securitization

According to Buzan, Wæver and de Wilde (1998: 21-33) when an issue is presented as an existential threat to the referent object which is usually the state, it becomes an absolute priority. An invocation of security follows that justifies the use of extraordinary measures and legitimizes the use of force. It is irrelevant whether a real existential threat exists; it is enough for an issue to be presented as a threat through the specific rhetorical structure of establishing existential threats, point of no return and necessity. When this securitizing move by the governing elites is accepted by the public, the securitization is complete (1998:

21-33). However, for securitization to work an existential threat in the form of global terrorism had to be constructed, grave enough to exclude all options other than war.

*Establishing the Threat – De-legitimization of Terrorism*

Lazar and Lazar (2004: 223-42) approach the problem of de-legitimization of terrorism from a postmodernist perspective by revealing the socially constructed character of the dominant discourse. They describe the establishing of the US-defined moral order versus the 'other' or 'threat' through a process of 'out-casting'[2] that includes micro-strategies such as enemy-construction, criminalization, orientalization and (e)vilification.

Enemy Construction

The logic of binarism applied to values leads to the expulsion of the enemy from the established moral order (Lazar and Lazar, 2004: 227-9 ) by demonizing the terrorists and contrasting them with virtuous Americans and allies (Jackson, 2005: 59).  Vice President Cheney thus remarked that Osama Bin Laden is 'filled with hate for the United States and everything we stand for […] *freedom and democracy*' (16/9/2001).[3] Other American virtues and values were also emphasized: '*spirit of sacrifice* and *patriotism* and *defiance*', 'American *courage*', '*concern for others*' (Bush, 15/9/2001). Americans were described as a '*strong nation* [...] a *resilient nation*' (Powell, 12/9/2001a). All these American and indeed the civilized world's virtues and values were presented as threatened by terrorists in these same speeches: '[t]his is what our enemies hate and have attacked (Bush, 15/9/2001), because they are 'the *enemies of freedom*' and Al Qaeda would rather impose 'its *radical beliefs* on people everywhere' (Bush, 20/9/2001). Terrorists have '*abandoned every value* except the *will to power*' (Bush, 20/9/2001) and they '*do not believe in democracy*' but do 'believe that with the *destruction of buildings*, with the *murder of people*, they can somehow achieve a political purpose' (Powell, 11/9/2001).

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[2] Out-casting is a macro-strategy, a process which systematically marks individuals and/or groups and designates them as outcasts. It is based on the dichotomization and mutual antagonism of in-groups ('us') and out-groups ('them') (Lazar and Lazar, 2004: 227).
[3] Emphases added.

The ultimate dehumanization of the enemy is achieved through preying and hunting metaphors that allude to the connection between terrorists and animals:

> This enemy *hides in shadows*, and has no regard for human life. This is an enemy who *preys* on innocent and unsuspecting people, then *runs for cover*. But it *won't be able to run for cover forever*. This is an enemy that *tries to hide*. But *it won't be able to hide forever*. This is an enemy that thinks its *harbors are safe*. But they *won't be safe forever* (Bush, 12/9/2001).

Enemy construction is an appeal to identity and the reasons for the attacks are presented to stem from this 'evil' identity and nature of the attackers and not from concrete political grievances (Jackson, 2005: 54, 59). The purpose of terrorism is not described as political. It is 'to *terrorize* [...] *to alter behavior*. It is to *force people* who believe in freedom to be less free' (Rumsfeld, 12/9/2001a). 'It's a war not just against the United States. It's *a war against civilization*. It's a war *against all nations that believe in democracy*' (Powell, 12/9/2001b).

> Americans are asking: *why do they hate us*? They hate what we see right here in this chamber – a *democratically elected government*. [...] They hate *our freedoms* – our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other. [...] These terrorists kill not merely to end lives, but to disrupt and end a way of life (Bush, 20/9/2001).

From such a presentation it logically follows that America was attacked for its virtues rather than for the faults of its foreign policy (Jackson, 2005: 54). Political components of terrorism are completely omitted.

Criminalization

Political actions of the enemy are criminalized. Political nature of violence is denied and violence itself is stressed (Lazar and Lazar, 2004: 230-3). Criminalization is best conveyed by describing the terrorist attacks as 'acts of *mass murder*' (Bush, 11/9/2001a), and terrorists as '*murderers*' with '*murderous ideologies*' who are '*sacrificing human life* to serve their radical visions (Bush, 20/9/2001). They are often directly described as '*criminals*' (Wolfowitz, 13/9/2001).

Criminalization is emphasized with the frequent mention of the victims and their suffering. Terrorists have '*killed and maimed many innocent* and decent citizens of our country' (Shelton, 11/9/2001). The victimization is stressed by the mention of '*children whose worlds have been shattered*' (Bush, 11/9/2001a) and by playing on people's emotions with empathy-inducing 'human interest stories' such as the following:

> Every day a retired fire-fighter returns to Ground Zero, to feel closer to his two sons who died there. At a memorial in New York, a little boy left his football with a note for his lost father: Dear Daddy, please take this to heaven. I don't want to play football until I can play with you again someday (Bush, 29/1/2002).

Construction of victims is a very powerful act of discourse creation that helps establish America's status as the primary victim that is entitled, even morally obliged, to defend itself; any American counter-violence is thus not an act of revenge but of justice and any excessive violence by the 'victim' can be forgiven because they are entitled to be angry (Jackson, 2005: 34-7).

Orientalization

Orientalization builds on persistent cultural stereotypes about non-Western 'others'. In connection to Arabs and Muslims the propagated stereotypes are bellicosity, moral degeneracy, irrationality and duplicitousness (Lazar and Lazar, 2004: 234). These stereotypes are reflected in statements describing the 'terrorists' and the manner in which they plan attacks: the terrorists '*hide* in countries around the world' and '*plot evil and destruction*' (Bush, 20/9/2001). They are '*fanatics*' executing acts of '*barbaric* terrorism' (Shelton, 11/9/2001). There are also stereotypes about the entire Middle East region that is made seem out of control: 'Any time you're dealing with that part of the world in the Middle East, the potential for *instability* always exists' and that is why the terrorist organizations such as Al-Qaeda choose 'to locate in that part of the world because it is an area of instability, because there are *places that nobody really controls*' (Cheney, 16/9/2001).

(E)Vilification

This is a particular and powerful type of vilification based on the dichotomy between 'good' and 'evil' which invokes a moral duty to destroy the 'evil' enemy; religion and religious references are evoked in the discourse to emphasize the distinction (Lazar and Lazar, 2004: 236-7). Examples of the construction of an epic battle between good and evil can be seen in the majority of speeches. President Bush was explicit: 'The freedom-loving nations of the world stand by our side. This will be a *monumental struggle of good versus evil*. But good will prevail' (12/9/2001). Vice President Cheney (16/9/2001) called for nations 'to step up and be counted' because they had a decision to make – 'are they going to stand with the United States and believe in *freedom and democracy and civilization*, or are they going to stand with the *terrorists and the barbarians*'.[4]

*Constructing the Point of No Return – Supreme Emergency*

'To characterize certain acts as threats is to characterize them in a moral way, and in a way that makes military response morally comprehensible' (Walzer, 1992: 79). After terrorism was constructed as an existential threat[5] not only to the American but Western society in general, the proper response to this threat had to be constructed. Danger was emphasized and a situation of extreme crisis – the supreme emergency – was thoroughly described. The notion of supreme emergency can be found in international law and signifies a situation where the existence of the state is threatened and the state is allowed to take any measures to assure its survival. Supreme emergency is thus closely connected with pre-emptive war[6] and other extraordinary measures (Jackson, 2005: 98-9).

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[4] The contrast between 'barbaric' terrorists and 'civilized' Americans and supporting nations is a powerful meta-narrative that contains a historical narrative about the noble struggle to civilize the non-Western world and bring modernity to the colonies. At the same time it also provides clear identity delineation between 'us' (civilized) and 'them' (barbaric) (Jackson, 2005: 50).

[5] Terrorism is presented as a major threat to US national security although its occurrence is minimal (Campbell, 1998: 2) especially in comparison to other threats, such as 'ordinary' crime. From 1994 to 2003 the United States Department of State database registered a total of 32 international terrorist attacks in the 39 Western States and former socialist economies of Europe. These resulted in 3,299 deaths. The 0.3 percent mortality rate connected to these attacks was 208 times less than that attributed to other homicide (Wilson and Thomson, 2005: 375).

[6] Pre-emptive war allows a state to deploy its forces in self-defence prior to the attack from the other side (Art, 1993a: 4). Particularities of pre-emptive strikes will be dealt with in connection to Operation Iraqi Freedom in the next sub-section.

Danger and the necessity for action were emphasized on many occasions: 'Tonight we are a country awakened to *danger* and *called to defend freedom*'; 'there are *thousands of these terrorists* in more than 60 countries'; the only way to defeat terrorism is 'to *stop it*, *eliminate it*, and *destroy it where it grows*'; civilized world understands the necessity for action because 'if this terror goes unpunished, *their own cities, their own citizens may be next*. Terror, unanswered, can not only bring down buildings, it can *threaten the stability of legitimate governments*' (Bush, 20/9/2001); 'a terrorist can *attack at any time at any place using any technique*' (Rumsfeld, 11/9/2001); 'we will *do whatever is necessary* to deal with this' (Powell, 12/9/2001b); 'we will *do whatever is necessary to protect America and Americans*' (Bush, 11/9/2001b); '[w]e are operating on a *heightened security alert* [...] we must remain keenly aware of the *threats to our country*. Those in authority should take appropriate *precautions to protect* our citizens' (Bush, 12/9/2001).

The securitization in the case of 9/11 was peculiarly explicit in that the war rhetoric was used already in the speech-acts, designating the point of no return. President Bush signaled the forthcoming designation of terrorist attacks as acts of war already in his first address to the nation on the day of the attacks: 'America and our friends and *allies* join with all those who want peace and security in the world, and we stand together to win *the war against terrorism*'. He also implied the scope of the future operations of bringing perpetrators to justice by saying: 'we will make no distinction between the terrorists who committed these acts and *those who harbor them*' (11/9/2001a). Nine days later he was even more explicit: 'On September 11th *enemies of freedom committed an act of war* against our country' (Bush, 20/9/2001). Secretary of State Powell stated: 'the American people had a clear understanding that *this is a war*'. He presented the decisions of the government as simply following the demands of the people: '[a]nd *we've got to respond as if it is a war* (Powell, 12/9/2001b).

## 2.2.2 Justifying War

Taking just war doctrine that is characterizing Western attitudes to war into consideration, a just war has to be constructed as a war of self-defense, a war in face of an imminent attack

or a war in aid of a victim of someone else's attack; it has to be a last resort and committed by a right authority, with right intent and in a manner proportional to the threat (Flint and Falah, 2004: 1384). 'To characterize certain acts as threats is to characterize them in a moral way and in a way that makes a military response morally comprehensible' (Walzer, 1992: 79). This is achieved through securitization, described in the previous sub-section.

Operation Enduring Freedom was an immediate reaction to the September 11 attacks, therefore it was easier to establish the right for a punitive[7] strike on the principles of just causes of the just war tradition, namely the avenging of a wrong previously committed, responding to a violation of a natural law, the punishment of wrongdoers, the defense of the polity and the people within it and the prevention of further injustice (Bellamy, 2005: 283). 'You can be sure that America will deal with this tragedy in a way that *brings those responsible to justice*' (Powell, 11/9/2001).

The attack on the Taliban regime in Afghanistan could thus conditionally be seen as a legitimate use of force although some doubts could be raised about Al-Qaeda not claiming the responsibility for the attacks (Whittaker, 2004: 71) and Osama Bin Laden explicitly denied it himself in an interview for the Pakistani newspaper Ummat and added that 'Islam strictly forbids causing harm to innocent women, children and other people. Such a practice is forbidden even in the course of a battle' (Fisk, 2001). However, the War on Terror was never meant to stop with the destruction of the Taliban regime and terrorist camps in Afghanistan: '[o]ur *war on terror begins with Al Qaeda*, but it does not end there. It will not end until *every terrorist group of global reach has been found, stopped and defeated*' (Bush, 20/9/2001). This statement and an abundance of similar statements only days after 9/11 were ominous but proved to be true. Operation Iraqi Freedom was launched in March 2003 and proved to be even more questionable in terms of just cause, proportionality and the rules of conduct in war which gave Booth and Shaw (in: Bellamy, 2005: 280) further proof that just war tradition can be exploited as a mere rhetorical device to give war moral legitimacy.

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[7] Punitive actions are designed to inflict pain and cost and make the opponent pay a price for his behaviour although their compatibility with the just war tradition could be questioned on account of their propensity to stimulate further hostile action and because they demand clear evidence of who was responsible for the offending action (Haass, 1995: 7-8).

*Construction of Just Cause*

Historically just cause entailed intervention on behalf of the innocent, punishment of evildoers, self-defense and 'holy' wars.[8] Walzer (1992) points out that international law in the twentieth century recovered the notion of just cause in war but it was treated in a reductionist manner by only accepting defense as a legitimate cause for war in an attempt to outlaw aggressive wars. Pre-emptive strikes thus entail a considerable amount of ambiguity. Sufficient threat has to be established for a legitimate first strike and it has to entail a manifest intent to injure, a degree of active preparation and a general situation in which doing anything but fighting greatly magnifies the risk (Walzer, 1992: 78-81). All these conditions were met with no more than a few words.

> States like these,[9] and their terrorist allies, constitute an axis of evil, *arming to threaten the peace of the world*. By seeking *weapons of mass destruction*, these regimes pose a *grave and growing danger*. They could provide these *arms to terrorists*, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, *the price of indifference would be catastrophic* (Bush, 29/1/2002).

The grounds for the 'just war' on Iraq were prepared well in advance by including Iraq among the regimes that sponsor terror, by greatly emphasizing the fact that the Iraqi regime was definitely and beyond question in possession of *biological, chemical and nuclear weapons*,[10] by establishing the Al-Qaeda-Iraq connection[11] and, in final stages, Hussein's failure to disarm according to the UN resolution 1441. Explanation for inspections not proving the existence of these weapons was regime's determinacy '*to deceive, to hide, to keep from the inspectors*' (Powell, 5/2/2003).

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[8] Justification of wars on behalf of religion is no longer acceptable; however, there is a contemporary secular counterpart to 'holy' wars in a form of ideological wars such as wars of national liberation, people's wars and supreme emergency wars (Johnson 1984, 19).

[9] North Korea, Iran, Iraq (Bush 29/1/2002).

[10] List of weapons mentioned in analyzed speeches: anthrax, botchulinum toxin, mustard gas, sarin gas, VX nerve gas, munitions capable of delivering chemical agents, mobile biological weapons labs, advanced nuclear weapons development program and uranium enrichment activities. Most elaborate listing of weapons and weapons capabilities in Powell (5/2/2003).

[11] 'Iraq today harbours a deadly terrorist network headed by Abu Musab al-Zarqawi an associate and collaborator of Osama bin Laden and his Al-Qaeda lieutenants' (Powell, 5/2/2003).

Necessity for action was greatly magnified:

> Some have said we must not act until the *threat is imminent. Since when have terrorists and tyrants announced their intentions*, politely putting us on notice before they strike? If this *threat* is permitted to fully and suddenly emerge, all actions, all words, and all recriminations would come too late (Bush, 28/1/2003).

'I would never as British Prime Minister send British troops to war unless I thought it was *necessary*. But there is a *direct threat* to British national security in the trade in chemical, biological and nuclear weapons' (Blair, 13/1/2003). '*The price of doing nothing exceeds the price of taking action*' (Bush, 6/3/2003). Right before the beginning of the war Bush (17/3/2003) stated: '[w]e are now acting because the *risks of inaction would be far greater*'. Self-defense rhetoric, mainly connected to September 11, was used continually: '[T]his enemy poses a *mortal threat* to the American people – as the whole world learned on *September 11th, 2001*' (Wolfowitz, 11/3/2003). 'As we fight *this war, we will remember where it began – here, in our own country* (Bush, 28/1/2003).

*Construction of Proportionality*

Just cause is never enough to resort to war until proportionality is established between military/political objectives and their price and between the evil of war and preventing a greater evil; such balancing of good and evil is open to great uncertainty (Ramsey, 2002: 195). There are certain guidelines to moral judgment of proportionality: justness of the cause has to be re-examined to establish sufficient importance that warrants the use of force; the good to be achieved with war has to outweigh the evils of war in respect to all belligerents, neutrals and international community as a whole (Coates, 1997: 168, 182). Construction of proportionality can be best observed in statements contrasting the realities of action and inaction:

> If we fail to act in the face of danger, the people of Iraq will *continue to live in brutal submission*. The regime will have *new power to bully and dominate and conquer its neighbors*, condemning the Middle East to *more years of bloodshed and fear*. The regime will remain unstable – the region will remain *unstable*, with *little hope of freedom*, and *isolated from the progress* of our times. [...] If we meet our responsibilities, if we overcome this danger, we can arrive at a very different

future. The people of Iraq can *shake off their captivity*. They can one day join a *democratic* Afghanistan and a democratic Palestine, *inspiring reforms* throughout the Muslim world (Bush, 12/9/2002).

Similar examples of proportionality occurred more often when war was closer and can be observed in speeches by Bush on 16 March 2003 and 17 March 2003.

*Construction of Right Intention*

Right intention was traditionally a key element of *jus ad bellum*. Established already by Augustine it implied that only just rulers with correct intention can wage just wars and that warriors may fight only for justice and not out of hatred, vengeance or some other wrong intention (Lammers, 1990: 59, 73). Emphasis on peace and justice can be observed in statements such as 'we have a great opportunity during this time of war to lead the world toward the *values that will bring lasting peace*'; 'we seek a *just and peaceful world* beyond the war on terror' (Bush, 29/1/2002); 'a *war of liberation*, a *war to secure peace and freedom* not only for ourselves, but for the Iraqi people' (Wolfowitz, 11/3/2003); '[w]e *exercise power without conquest*, and we *sacrifice for the liberty of strangers*' (Bush, 28/1/2003).

General public opinion polling shows that besides the fight for justice and the defense of the vital interests the public is inclined to act militarily also when force can provide humanitarian assistance (Kohut and Toth, 1995: 153). Such convergence of national interest and international morality seemed to work already when America mobilized for the Gulf War (Bacevich, 1995: 183) and humanitarian rhetoric was used once again to justify the War on Terror. This is why the '*suffering of Iraqi people'*, '*the primary victims of Saddam*', was often mentioned: 'the *thousands of children that die needlessly* every year, the *people locked up in prisons or executed* simply for showing disagreement with the regime' followed by the forthcoming American assistance: '*we will do everything we can to minimize the suffering of the Iraqi people*' (Bush, 16/3/2003). In the final ultimatum before the beginning of the war, Bush (17/3/2003) directly addressed the Iraqi people: 'We will tear down the

apparatus of terror and we will *help you to build a new Iraq* that is prosperous and free. [...] *The day of your liberation is near*'.

*Construction of Right Authority*

Legitimate authority is not to be taken for granted solely on the grounds of state sovereignty but on the grounds of the membership in the international community. It must work in the interest of the common good (Coates, 1997: 126-7). President Bush (12/9/2003) appealed to shared values of the international community when he addressed United Nations: 'We must stand up for our security and for *the permanent rights and hopes of mankind*'. Wolfowitz (11/3/2003): 'We do not want to see the *credibility of the UN* go the way of the League of Nations which failed to act to stop the slide into World War II'. Blair (13/1/2003) appealed to the international order that rests on the credibility of the UN: 'we must disarm Iraq of weapons of mass destruction, we must *uphold the authority of the United Nations*'. Only days before the war started Bush (17/3/2003) made certain that disarming Iraq equaled common good: 'The *security of the world* requires disarming Saddam Hussein now. As we enforce the *just demands of the world*, we will also honor the deepest commitments of our country'. Destroying 'evil' regimes and spreading democracy is supposed to be in the best interest of the international community especially since peace can be achieved through democratization. Regime change in Iraq was thus often invoked: 'if we go to war, there will be *a regime change*' and 'I am convinced that a *liberated Iraq will be important for that troubled part of the world*' (Bush, 6/3/2003).

*Construction of Last Resort*

The criterion of last resort is closely related to just cause, constituted as self-defense. Dilemmas present in the discussions on the nature of aggression also need to be addressed in relation to last resort. '[A]ny first use of force to settle a dispute could never be the last resort' (Lammers, 1990: 61). Other ways include diplomacy,[12] economics, cultural and

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[12] Moral diplomacy is required which is less self-righteous and more self-critical in acknowledging the inconsistencies of Western foreign policies; a point in case is the ambivalence of arming and support of Iraq against Iran in the Iraq-Iran war while tolerating the Israeli occupation of Gaza and the West Bank (Coates, 1997: 201).

intellectual exchange which all constitute means short of force to preserve the stability of the international environment (Johnson, 1984: 24). Nations should always seek peaceful solutions for disputes and thus perpetuate a world order where resort to force is made less likely (Lammers, 1990: 61).

In the case of Iraq President Bush appealed to the UN Security Council on 12 September 2002, listing the Security Council resolutions[13] ignored by Hussein since 1991. He proceeded to transplant the responsibility for potential conflict on Iraq in a series of demands each beginning with a repetitious '*If the Iraqi regime wishes peace*' to further emphasize whose responsibility the absence of peace would be (Bush, 12/9/2002). On 8 November, the Security Council unanimously adopted Resolution 1441, recognizing Iraq's non-compliance with previous resolutions and demanding verifiable disarmament of Iraq by reinstating weapons inspectors of The United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and International Atomic Energy Agency (IAEA) to the country (United Nations Security Council, 8/11/2002). According to the demands Iraq supplied the Council with a 12,000 page dossier disclosing Iraq's weapons program on 7 December (Guardian Unlimited, 2006). By 18 December Powell (18/12/2002) already scrutinized the document. Considering the grammar, Powell (18/12/2002) had apparently dismissed the declaration before the end of the ongoing official analysis to be completed by Blix and El Baradei by 27 January. The next day he reinserted the belief that the declaration '*fails to meet the resolution's requirements*' (Powell, 19/12/2002). Non-compliance to the Resolution 1441 was a reoccurring theme in the subsequent constructions of last resort (Bush, 28/1/2003; Blair, 13/1/2003; Powell, 5/2/2003; Bush, 16/3/2003). It was coupled with emphasizing the duration of failed diplomatic attempts to reason with Iraq[14]: 'this issue has been before the Security Council – the issue of disarmament of Iraq – for *12 long years*. [...] [T]his is the *last phase of diplomacy*' (Bush 6/3/2003). Use of force as the last resort was emphasized in the ultimatum prior to war: '[s]hould Saddam Hussein choose confrontation,

[13] Security Council Resolutions 686, 687, 688, 1373 (Bush 12/9/2002).
[14] Similar focus on the twelve years of diplomacy in: Bush, 28/1/2002, 9/2/2003, 16/3/2003; Rumsfeld, 14/2/2003.

the American people can know that *every measure has been taken to avoid war*, and every measure will be taken to win it' (Bush, 17/3/2003).

*Construction of Just Conduct*

Discrimination in the conduct of war means 'the moral immunity of non-combatants from direct attack'.[15] Military action should never directly target non-combatants or structures of civil society. Distinction between deliberate direct targeting and inadvertent unintentional deaths of non-combatants in the course of attacking military objectives is also the distinction between murder and killing in war (Ramsey, 2002: 146, 428-9). 'If war is forced upon us, we will fight in a just cause and *by just means – sparing, in every way we can, the innocent*' (Bush, 28/1/2003). Military actions in Afghanistan were used as examples in the construction of the just conduct for the war in Iraq:

> Not only did we make every *effort to avoid civilian deaths*, we worked hard to *save civilian lives*. Coalition aircrews dropped more than 2.4 million *humanitarian daily rations* to Afghan villages, reinforcing the message that we were coming not as a force of occupation but as a force of liberation (Rumsfeld, 14/2/2003).

On the day of the attack on Iraq, Bush assured to protect non-combatant lives even though 'Saddam Hussein has placed *Iraqi troops and equipment in civilian areas*' (Bush, 19/3/2003).

Proportionality, the other criterion of just conduct, requires responsible limits on forceful means in order to protect values that would otherwise be violated (Johnson, 1984: 25-6). 'The harm must not be disproportionate to the good' (Lammers, 1990: 57). '[T]he careful use of *precision-guided weapons helped ensure that there were fewer civilian casualties* in this war [Afghanistan] than perhaps in any war in modern history' (Rumsfeld, 14/2/2003).

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[15] Non-combatants are defined as classes of people engaged in occupations they would perform regardless of war taking place, including those that lend same services to combatants both in war and peace; subject to attack are those who are attacking and those who are supplying them with means for such attacks (Phillips, 1990: 187).

## 3.    Deconstruction of Just War

### 3.1  Merits of Postmodernism – Subjectivity of Truth Acknowledged

According to George and Campbell (1990: 286) American foreign policy encompasses a series of political practices that locate danger and threats in the external realm, usually in Third World States that have become synonymous with poverty, irrationality and instability because all the fears of the West have been projected onto them through discourse. These practices constructed a clear boundary between the domestic and the international while at the same time reaffirming the homogenous American identity (George and Campbell, 1990: 286). Logocentric discourse[16] based on binary oppositions that permeated US administration's speeches prior to the war can explain the workings of contrasting sovereignty and anarchy.

The cohesiveness and unity of American, or even broader Western moral community is established by the discourse that 'fails to acknowledge the variety of dissident voices' that could challenge 'the given, axiomatic and taken-for-granted 'realities' of prevailing disciplinary discourses (George and Campbell, 1990: 269). Just war tradition for example has a race-specific character and reflects the Euro-American Caucasians' ideas – Western, residually Christian polities dominate the discourse concerning global hegemony thus creating an agenda that does not reflect Muslim interests (Lawrence, 1991: 142-5). The cultural background of the terrorists involved in the attacks of 9/11 should be taken into account. Their actions should not be examined solely from the point of the Western just war tradition although the Muslim countries have joined the United Nations and the Muslim world 'recognized the authority of public international law' that recognizes the legitimacy of war only in self-defense. [17] Also according to the Qur'an, believers are to fight only in self-defense (Donner, 1991: 47) but the problem of the self-defense argument is the same as in just war tradition – it allows a subjective interpretation.

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[16] A 'sovereign source of truth and meaning' gives identity to a term by positioning it against its opposite term thus creating hierarchy, where one is privileged and above all questioning, while the other is inferior and seen as something negative, a 'complication', a 'disruption' (Ashley, 1989: 261).

[17] Two useful books including articles on Islamic just war thought are Cross, Crescent, and Sword (1990) and Just War and Jihad (1991) both edited by John Kelsay and James Turner Johnson.

**3.2 Deconstruction of the Just War on Terror**

The deconstruction process will focus on the role of binary oppositions in establishing the identity of a safe sovereign state in opposition to the violent anarchic international realm. More tangible components of the anarchy beyond US borders such as the rogue Iraq in possession of the weapons of mass destruction (WMD) will be discredited on the basis of the inconclusive evidence and the undermining of the diplomatic solution. Ahistorical, one-sided and culturally specific justifications for the war such as the quest for peace and justice that were presented as the sole purpose for war will be contested by employing a historical analysis of alternative American interests in the Middle East. Finally *jus in bello* will be questioned in a general critical view on the conduct of war.

3.2.1  Deconstruction of Just Cause and Last Resort

*The Terrorist 'Other'*

US foreign policy has for a long time located existential threats in the external realm in order to re-establish US sovereignty and identity (Campbell in George and Campbell, 1990: 286). After the Cold War, all through the nineties, there was no significant 'other' for the US to identify against and reaffirm their sovereignty[18]. The situation finally changed on 11 September 2001. The Soviet Union and Communism were substituted with global (Islamic) terrorism as the main threat to both American security and American values (Huntington, 1997: 35).

The term 'terrorism' is used and over-used in political discourse of the day although the decades-long efforts of numerous scholars, lawyers, politicians and other experts to forge a definition have fallen short of a solution. The term 'terrorism' has become too value-laden and too over-used for the definition to be able to overcome the pejorative meaning it had acquired. The 'terrorist' label is thus 'applied to one's enemies and opponents [...]' (Hoffman, 1998: 31) since '[t]errorism is what the bad guys do' (Jenkins, 2003: 17).

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[18] Cold War with the presence of a common communist foe fostered a common identity between the American people and their government; lack of an outside enemy brought about a lack of cohesion in the country that resulted in nationalist fanatics bombing federal buildings and the strengthening of militia movement (Huntington, 1997: 31).

The dominant power imposes, legitimizes and subsequently legalizes the terminology that is best suited for a particular situation and which guides its interpretation (Derrida, 2003: 105). Simply 'calling actions terrorism may dictate a military, not political, response and justify exceptional measures' (Crenshaw, 1995: 11). The delegitimization through discourse thus begins already by the act of naming. '[I]n contemporary armed conflict, "names" do matter and are seen to "hurt"' (Bhatia, 2005: 6).

Roland Barthes' textual analysis investigates the consequence of discursive applications of certain attributes to individuals, institutions and actions regardless of the actual essence they posses (Fortin, 1989: 190-2). In War on Terror it is not important whether Iraq is actually a rogue state in possession of WMD prepared to sell them to terrorist networks. The importance lies in what the US government, other allied governments and subsequently the media say about Iraq and what people end up believing is true. Iraqi identity is socially constructed since the hegemonic discourse has the power to construct political reality (Fortin, 1989: 190-2). It is transmitted through mass media to mass audiences, which are thus persuaded to accept the securitizing move of the government and approve the launch of a war for peace and a terrorist-free world. Especially powerful tool of such manipulation is posing terrorism inappropriately high on the public agenda.[19]

Causes for terrorism are regularly omitted even though it is a result of a political situation where 'all options have been denied in a long train of abuses and usurpations by the power of the center' (Bell, 1998: 8). It is often believed to be the strategy of the last resort when people are denied the opportunity of peaceful protest or when peaceful means are consistently ignored (Crenshaw Hutchinson, 2006a: 80; Wilkinson, 1974: 24). This can be illustrated with the example of the most 'irrational' of terrorists, Osama Bin Laden (2006). In his *Declaration of War against the Americans Occupying the Land of the Two Holy Places* he listed appalling state of social, political and economic affairs in Saudi Arabia as presented in the 'Memorandum of Advice' report to the king. He also mentioned other persistent peaceful attempts to influence the corrupt pro-American government in Saudi Arabia:

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[19] There is a discrepancy between the number of terrorist attacks and their perseverance in the most prominent places of the news agenda; the danger of terrorist attacks is thus disproportionately magnified (Hewitt, 1992: 196-203; Matsaganis and Payne, 2005: 379-2).

letters, poems, reports, petitions by people from all social groups. But the regime refused to listen (Bin Laden, 2006: 274-6).

Nationalism, secularism and general modernization reminiscent of Western colonial domination,[20] although propagated by some regional leaders, were perceived by the people as connected to the underdevelopment and instability in the region (Sonn, 1990: 132). In his Declaration Bin Laden (2006) objects to the prolonged presence of the American occupational force in Saudi Arabia. He perceives a great injustice that affects society, industry and agriculture and mentions oppression, suffering, inequality, humiliation, poverty and economic deterioration. He recognizes the wasted potential of natural resources and urges his followers not to damage the oil wells during the course of armed struggle (Bin Laden, 2006: 271-94).

When governments in power name instances of political violence 'terrorism' they de-legitimize it by omitting the political component.[21] Terrorists' motivations and objectives are the result of 'political, socio-economic and cultural conditions that nurture and sustain terror' (Wilkinson, 1974: 22). These motivations are comprehensible only 'in terms of political conflicts in specific historical time periods' (Crenshaw, 1995: 24). When context is omitted 'public attention is [...] kept on the violence rather than the politics of political violence' (Karim, 2002: 104).

Besides violence and the political nature of terrorism a prominent characteristic acknowledged by most definitions is that terrorism operates on the psychological effectiveness of terror, which is extreme fear or anxiety (Schmid and Jongman in: Hoffman, 1998: 40). While fear is a rational appreciation of a real danger, anxiety is an irrational response to a 'vaguely perceived unfamiliar menace' (Crenshaw, 2006a: 75). Construction of fear is a strategy of social control for most states and officials deliberately 'tap into existing

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[20] American policy in the Middle East has been historically one of control and containment ever since, according to Kissinger, the United States assumed historical responsibility for preserving the balance of power that was once in British hands (in Coates, 1997: 273). Middle Eastern countries were parts of British and French empires, during which time the resentment of imperialist exploitation and religious differences were already causes of dispute (Whittaker, 2004: 16).

[21] Authors like Hoffman (1998), Crenshaw (1995), Laqueur (1999), Jenkins (2003), to name but a few, widely agree that terrorism is inherently political and not just random acts of violence.

cultural anxieties' surrounding the terrorist tactics[22] in order to achieve political ends (Jackson, 2005: 114). The terrorist 'threat meter' introduced by the US government after 9/11 reminds Americans every day that 'fear and terror and death' are just around the corner (Matsaganis and Payne, 2005: 389). At the same time the government usually propagates the portrayal of mad, irrational and evil murderers and denies them any kind of legitimacy. Such terrorist portrayal frightens people into accepting the government's securitization of the issue. 'People go to war not only out of rational calculation but also because of how they see, perceive, picture, imagine and speak of each other' (Der Derian, 2005: 32).

*Weapons of Mass Destruction and the Fall of Diplomacy*

One of the cornerstones of the construction of the 'just' War on Terror was insistence that Iraq had WMD and was prepared to use them especially if Saddam Hussein joined forces with Al-Qaeda. This reasoning culminated in Powell's speech (5/2/2003) before the UN Security Council with a detailed presentation of Iraq's weapons capabilities and terrorist connections. Iraq's response at the same Council meeting was the following:

> 'What was mentioned in Mr. Powell's statement on weapons of mass destruction is *utterly unrelated to the truth*, the presentation was composed of *unverifiable voice recordings, untruthful allegation, unnamed and unknown sources, imaginative diagrams and presumptions* (Aldouri 5/2/2003)'.

Equally vehement were the speeches[23] claiming that Iraq was defying the UN, its resolutions and its inspectors and yet Iraqi Minister of Foreign Affairs stated:

> We hereby inform you that we *will deal with resolution 1441*, despite its bad contents, if it is to be implemented according to the premeditated evil of the parties of ill-intent; the important thing is *trying to spare our people from harm*. [...] we are *prepared to receive the inspectors*, so they can carry out their duties, and make sure Iraq had not developed weapons of mass destruction, during their absence since 1998 (Ahmed, 13/11/2002).

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[22] 'I know many citizens have fears tonight, and I ask you to be calm and resolute, even in the face of a continuing threat. [...] it is natural to wonder if America's future is one of fear. Some speak of an age of terror. I know there are struggles ahead and dangers to face' (Bush, 20/9/2001).
[23] Examples provided in sub-section Construction of Last Resort.

Inspections in Iraq resumed on 27 November 2002 and on 14 February, eleven weeks into the inspections, the chief weapons inspector Blix (14/2/2003) reported to UN that Iraq cooperated with the inspectors, offered prompt access to all sites and assistance to UNMOVIC. He also reported that no WMD were found to date (Blix, 14/2/2003). Days before the beginning of the war he declared that inspection work was moving along, no WMD had been found and that successful verification process could take months and more inspectors (Blix, 7/3/2003). IAEA Director General, El Baradei (7/3/2003), reported to the Council: '[a]fter three months of intrusive inspections, we have to date *found no evidence or plausible indication of the revival of a nuclear program in Iraq*'.

The US and its allies however insisted that Iraq had WMD, was asked to disarm and failed to do so. Disregarding reports by Blix and El Baradei and the European proposal for gradual Iraqi disarmament,[24] they decided to pose an ultimatum to Hussein on the grounds that '*[i]ntelligence gathered* by this and other governments leaves *no doubt* that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised' (Bush, 17/3/2003). After repeatedly undermining UN credibility by evoking the inability of the UN to enforce its resolutions[25] and thus illustrating the fall of diplomacy, war was presented as the only choice to avert an imminent threat of devastating weapons.

The legitimacy of war in Iraq was significantly compromised when public speculation began to surface about the authenticity and relevancy of the evidence regarding WMD in Iraq. The Carnegie Endowment for International Peace analyzed the pre-war evidence, the report 'WMD in Iraq: Evidence and Implications' revealed a distortion of intelligence reports and discredited the claims of an Iraq – Al Qaeda connection (Cirincione, Mathews and Perkovich, 2004). Ultimately the US search for weapons in Iraq confirmed 'what most observers had known for over a year and what UN inspections indicated before the war: Iraq did not have any significant amount of chemical, biological or nuclear weapons or long-range missiles' (Cirincione, 13/1/2005).

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[24] Joint declaration presented by the foreign ministers of Russia, Germany and France on the 5th March. Text available at: http://www.un.int.
[25] The following and similar allusions to UN ineffectiveness were made in numerous other analyzed speeches: 'Are Security Council resolutions to be honoured and enforced, or cast aside without consequence? Will the United Nations serve the purpose of its founding, or will it be irrelevant?' (Bush, 12/9/2002).

The CIA Duelfer report[26] (Duelfer, 2004) also came to the somewhat unwilling conclusion that Hussein was not an actual threat, he did not posses WMD and that the UN sanctions actually worked. A major justification for a just cause for war in Iraq was dismantled by such reports.

### 3.2.2 Deconstruction of Right Intention, Right Authority and Proportionality

*Other American Interests and the Instrumentality of Force*

Wendt argues that there should be more emphasis placed on the underlying processes of social construction (1992: 393-5). The interests of the United States must be contrasted with the assumption that the War on Terror was pursued as a defensive war against terrorist aggression. 'First, we need to know the motives behind an act in order to judge its purpose; but the problem is that motives cannot be readily inferred from actions because several motives can be served by the same action' (Art, 1993a: 8-9). In the period shortly after the Cold War ended there was no apparent geo-political danger for the United States, and the menace of global terrorism was not yet in the forefront. A clearer picture of American interests that would merit the use of force was thus available.

After the end of the Cold War and in the relatively calm period of the nineties there were many speculations about the situations that could trigger the use of force by the US. The post-Cold War world faced US foreign policy makers with difficult decisions and questions. One of the more significant proved to be whether and how to use military force to further US goals (Haass, 1995: 1), for no one starts a war without being clear 'in his mind what he intends to achieve by that war and how he intends to conduct it' (Clausewitz, 1976: 579).

By the use and threat of force against the 'Axis of Evil' states, the US seems to be implicitly addressing alliance obligations to Israel and South Korea[27] and re-establishing the credibility of its threats which became more believable after the US engaged in a war with Iraq over the issue of WMD. American overseas deterrence depends on the commitment process of

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[26] Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's WMD.
[27] The US has supported Israel's security with economic and military aid for over twenty-five years and is committed to doing so in the future; similar is the commitment to South Korea (Art, 1993b: 508).

surrendering and destroying options that would make retreat easy (Schelling, 1966: 35-6, 44, 55, 124). The pre-emptive strike on Iraq probably intended to improve the eroded US credibility[28] and a belief among many political leaders that America lacks resolve and can be driven away if the adversary persists and a few American soldiers are killed (George, 1999).[29] 'The state must often go to extremes because moderation and conciliation are apt to be taken for weakness' (Jervis, 1976: 59).

The tougher stance was also supposed to signify that America will no longer tolerate non-cooperative behavior regarding the non-proliferation regime. Although former US ambassador to the Republic of Korea Bosworth (19/1/2006) hinted at the discrepancy between the treatment of North Korea on one side and Iraq and Iran on the other by pointing out that North Korea's nuclear program is considered an acute threat to American interest in world peace and yet it has never been addressed with such a sense of urgency as Iraq and Iran. One of the differences being that North Korea actually has WMD and is a proclaimed nuclear state since 2005 (Snyder, Cossa and Glosserman, 2005: A-10). Recent Iranian interest in nuclear energy could be a consequence of post-Iraq war reasoning that nuclear weapons could protect them from an American attack and inevitable regime change just as they did North Korea.[30]

The US has two clear interests in the Middle East. The protection of Israel (Mearsheimer and Walt, 2006) and the preservation of secure access to Persian Gulf oil, which demands US presence in the region to prevent any potential regional powers from controlling access to oil that would provide bargaining and blackmail leverage. Control over Persian Gulf oil, the world's most economically vital raw material, is power[31] (Art, 1993b: 507). According to Bull (1995: 189) resource scarcity may add a function to war that was designated as obsolete

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[28] Examples in Huntington (1997: 42-3).

[29] 'I have studied Vietnam and Beirut. I know that all I need to do to send you home is to kill some Americans' Mohamed Farah Aidid, leader of a key Somali faction (in: George, 1999).

[30] This line of deduction is based on the objections to Iranian peaceful nuclear energy endeavours that seem to be widely doubted by the international community: '[t]he Security Council notes with serious concern the many IAEA reports and resolutions related to Iran's nuclear programme, reported to it by the IAEA Director General, including the February IAEA Board resolution' (Security Council Presidential Statement 29/3/2006).

[31] Sustained global oil shortage is nearing. A steep decline in global hydrocarbon production is expected around 2010. 'Should Middle-East suppliers decide to substantially curtail supply the shortfall cannot be replaced by conventional oil from other sources' (Bentley, 2002: 189).

because the military conquest of foreign territory seemed to no longer bring economic gain or serve to promote ideologies. Preservation of access to raw materials can lead to a revival of interest in the use of force to control and exploit resources of foreign territories (Bull, 1995: 189). Copeland (1996: 40) seems to have made the correct assumption in 1996 when he predicted future conflicts with Iraq and Iran conditioned by the American and European dependence on Middle East's oil exports[32] and poor expectations of future trade.

The US is too dependent on Saudi Arabia which may considerably influence US economy and consequentially its foreign policies. The only country that could compensate for the loss of Saudi oil is Iraq. This seems to be the leading reason for recent war (Klare, 2003: 133, 135). The Saudi conundrum also appears to be one of the causes for Bin Laden's indignation with the US. During the Gulf War, America stationed troops in Saudi Arabia to minimize the threat to Saudi oil. US military presence remained[33] after the threat was long gone, which is one of Bin Laden's main grievances[34] (Klare, 2005: 50-5) apart from US support of Israel and general aggressive interventions against Muslims (Crenshaw, 2006b: 58). '[A]n abiding interest in oil will keep the West engaged in the Middle East' (Buzan, 1991: 443). Gulf oil must remain under American control[35] for the US to remain the superpower and no hostile state can reach a position that would threaten American access to oil and influence global economy by controlling the Gulf (Klare, 2003: 132-3).

This panoply of interests still has to be adapted to the requirements for the legitimate use of force. Tangible national interests have to be presented in abstract terms of national security and the protection of universal values to merit the use of force instead of a solution by diplomatic or economic means. Utilitarian arguments for war are too ordinary (Walzer, 1992: 79) and do not have a sufficient mobilizing effect on the public. Myers (1996: 123)

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[32] The US depends on imported oil as it imports more than half of its petroleum needs. Its allies (Western Europe and Japan) are importing from 60 percent of almost all of the required oil. Internal instabilities of Persian Gulf states pose constant danger of cutting off oil production which would be destabilizing for most of the developed world. (David 1995, 43-4). Oil prices, conditioned by OPEC cutbacks, have enormous effect on dependent US economy and can cause great losses when they increase (Greene, Jones and Leiby, 1997: 60-6).

[33] Operation Southern Watch (Klare, 2005: 53).

[34] 'The latest and the greatest of these aggressions [...] is the occupation of the land of the two Holy Places [...] by the armies of American Crusaders and their allies' (Bin Laden, 1996: 272).

[35] Established in 1980 by the 'Carter Doctrine' that proclaimed Persian Gulf as a US vital interest to be protected by any means necessary, including military force (Klare, 2003: 133).

illustrates this by pointing out the example of the Gulf War: as long as Secretary of State James Baker tried to justify it on the grounds of oil and jobs, there was little public support but as soon as President Bush senior began using phrases like 'moral and just', the public responded in favor of war.

*The International Common Good*

Since the end of Cold War, the US has been the world's only superpower (Maynes, 1995: 19). It possesses the means to promote values beneficial to US interests. '[A] country disposing of greater power than others do cannot long be expected to behave with decency and moderation' warned Francoise Fénélon at the turn of the sixteenth century (in Waltz, 1993: 461). The US may think itself acting for the sake of peace, justice and well-being in the world but these terms are defined according to US preferences regardless of the interests of others (Waltz, 1993: 462).

It is surprising how often international morality is combined with national interest (Bacevich, 1995: 183). After the search for WMD grew exceedingly difficult to use as justification for the War on Terror, the focus of the American government rhetoric shifted to humanitarian intervention and they fully exploited its sovereignty-limiting potential (Farer, 2005: 211), thus seriously compromising the moral authority of potential necessary humanitarian interventions (Archibugi, 2005: 224). American national interests presented above are the key to understanding why humanitarian issues are always so quickly, determinately and almost unilaterally addressed in the Middle East while human rights abuses in Africa, Asia, Central and Latin America are mostly not interfered in, since these do not threaten any core US interests (Art, 1993b: 509).

The fear of regime changes among the 'Axis of Evil' states is not unfounded. Promoting democracy in the world by overthrowing existing regimes is one of the American foreign policy objectives.[36] One of the justifications for the Iraqi war was bringing democracy to the

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[36] The twentieth century was marked by many attempts, mostly backed by US military intervention and occupation, to bring democracy where there had previously been authoritarian regimes. There are at least a dozen cases of inducing political democratization through military occupation by the US (Kurth, 2005: 306-7).

country and consequentially the Middle East (Kurth, 2005: 305). However, love for democracy does not primarily drive the US since it maintains close relationships with dictatorships in Azerbaijan, Kazakhstan, Uzbekistan, Kuwait and Saudi Arabia that agreed to do its bidding (Klare, 2003: 132). Art (1993b: 481, 503) warned against spreading democracy by forceful means because of its potential to 'become a blank check for unbridled military interventionism' and interference in the internal affairs of others, especially since it can so easily be justified by calling upon the value-laden representative democracy and the system of liberties that have an extraordinary appeal and power in the world today.[37]

Unilateral endeavors[38] have consequences, but they are reduced when 'proper' actions and rhetoric are used – the issue of Iraqi WMD was taken to the UN Security Council although once there, diplomacy was presented as faulty and the UN as incompetent. On the basis of the 'supreme emergency' and 'humanitarian' rhetoric Bush managed to form a 'coalition of the willing' by emphasizing common values and the quest for peace. Besides the issue of an unjustified war, such unilateralism, no matter how carefully disguised, also erodes the values of the international community because it undermines the commitment to the international institutions (Brooks and Wohlforth, 2005: 509).

Probably the most severe consequence of addressing terrorism so vehemently is 'giving regimes countering insurgency carte blanche' (Russell, 2005: 113). Most recent example of an unrestrained fight against terrorism with full approval of the US was the Israeli attack on Lebanon in response to the Hezbollah kidnapping of the two Israeli soldiers on 12 July 2006. Three weeks into the Lebanese crisis Bush repeatedly blamed Hezbollah for casualties on both sides: '[m]illions of *Lebanese civilians* have been caught in the crossfire of military operations *because of the unprovoked attack and kidnappings by Hezbollah*' (Bush, 7/8/2006). The Israeli role in the death toll was completely omitted from the discourse,

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[37] Democratic peace theory ('democracies rarely fight each other') has gained credibility and prominence in the debates on the causes of war and peace, but in practical terms it seems to provide justification for the belief that spreading democracy abroad will enhance American national security and promote world peace (Rosato, 2003: 585). More on democratic peace theory in Owen (1994; 87-125).

[38] Dangers of open unilateralism for the US are manifold and include forming a coalition to check the US power, reduced efficiency gains through lost opportunities for institutionalized cooperation and eroded legitimacy of the US-led international order (Brooks and Wohlforth, 2005: 510).

despite of the telling numbers: Human Rights Watch reported on 10 August that since the beginning of the conflict *Israel* has 'carried out more than *5,000 air strikes* over Lebanon, and fired artillery shells into southern Lebanon, *killing over 600 Lebanese civilians*, and *wounding thousands*' while *Hezbollah* 'has fired over *2,500 rockets into Israel*, *killing 36 Israeli civilians*, and *wounding hundreds more*' (10/8/2006). Kenneth Roth, executive director of Human Rights Watch, commented that 'the pattern of attacks shows the Israeli military's disturbing disregard for the lives of Lebanese civilians' (3/8/2006). Regardless of such reports Israeli actions were not reproached since they were all seen as a part of 'a long struggle against an ideology that is real and profound. It is Islamo-fascism' (Bush, 7/8/2006). Anti-terrorist coalition organized by the US is an inviting proposal to states like Israel and Russia that both have an interest in presenting their adversaries 'not only as terrorists – which they in fact are to a certain extent – but *only* as terrorists' (Derrida, 2003: 110) who must be opposed with the severest of means. The monopoly over violence and terror remains in the hands of the states (Derrida, 2003: 102-3).

The United States government achieved a persuasive construction of the War on Terror in a way that the arguments in its favor seemed to serve the greater 'good' instead of particular American interests, especially since counter-violence can be seen as unjustified and counterproductive because it gives rise to escalation and starts a 'spiral of violence' that deepens the conflict and makes peace a more distant possibility (Coates, 1997: 87) by creating 'one hundred Bin Ladens' (Mubarak in Whittaker, 2004: 73) and a new round of anti-American violence (Klare, 2003: 131). In 2005, three and a half years into the War on Terror began, Al-Qaeda remained more active than before, 20,000 civilian lives have been lost, anti-American sentiment grew stronger and a new generation of paramilitaries prospered in an increasing number of countries (Rogers, 2005: 340). It could hardly be said that the 'good' of this war outweighs the 'evil'.

### 3.2.3   Just Conduct of the War on Terror?

Shaw (2002: 344) argues that the war on terrorism is an example of a new Western way of war, a risk-transfer war, which does not adequately solve the problem of *jus in bello* violations.

> 'The asymmetry between the concentrated destructive power of the electronically controlled clusters of elegant versatile missiles in the air and the archaic ferocity of the swarms of bearded warriors outfitted with Kalashnikovs on the ground remains a morally obscene sight' (Habermas, 2003: 28).

The proportionality criterion restrains the use of force to the amount necessary to achieve a military objective without losing view of the cost of human lives (Coates, 1997: 208-27). The US and its allies used so called 'daisy cutters', enormous bombs of 'mass destruction' and did not confirm whether they really used depleted uranium weapons, the use of which would be indiscriminate and disproportionate (Bellamy, 2005: 290-1). Italian television RAI News 24 released a documentary 'Fallujah: The Hidden Massacre' on the US use of napalm-like white phosphorus bombs in Fallujah in November 2004 (Ranucci and Torrealta, 2004). US attacking Iraq with chemical weapons without international scrutiny is the ultimate display of the power of the selective hegemonic discourse.

For every US soldier killed there were a thousand civilian casualties, which signals disproportionality (Conetta in: Shaw, 2002: 355) and relates to the question of non-combatant immunity. Bellamy (2005: 289) argues that the US and its allies did not do all in their power to prevent civilian casualties; instead more emphasis was placed on the protection of US combatants, pushing 'collateral damage' numbers beyond acceptable limits.

Non-combatant immunity also pertains to the prisoners of war who are harmless in their situation (Coates, 1997: 235). A flagrant violation of this principle was the torture of war prisoners in Abu Ghraib prison. It could be argued that such conduct is a consequence of the ideological strength of the war for freedom, democracy and peace which fabricates militarism and obliterates moral restraints (Coates, 1997: 42-58).

## 4.    Conclusion

The twenty-first century has witnessed a renaissance of warfare; pacifist sentiments that prevailed in Western democracies during the last century have been reversed, leading to the re-legitimation of war (Shaw, 2002: 343). With its origins in the perceptions of the Second World War as 'good' (Shaw, 2002: 344), the contemporary view of war is also marked with the need to establish the justness of the cause and uphold other just war criteria. There is little doubt that 'just wars' of today are often, though not necessarily, fought for reasons that have little to do with protecting universal values although these 'other' reasons are rarely, if ever, expressed anymore. The causes for war can be constructed in a manner that corresponds to the principles of the just war precisely because most international conflicts can be portrayed from a moral point of view by emphasizing the protection of values, while the more utilitarian aspects of conflicts are generally hidden from the public eye. Considering the careful process of construction, the mobilizing potential of 'security' rhetoric and the legitimizing effect of 'just war' rhetoric, it can be deduced that the construction of the War on Terror as just and justified was a willful attempt to conceal illegitimate incursions into sovereign territories of other states.

War on Terror, paradoxically, was constructed and justified by calling on the defense of territorial sovereignty against the threats emanating from the anarchic international realm. Instead of 'solving problems and dangers in the name of a domestic population' modern statecraft is 'inscribing dangers' (Ashley, 1989: 302). What is secured in the end is only the identity of the state, while the insecurity of the society within borders ranges from green to red, dependent on the Homeland Security's Threat Advisory System.

In the context of the War on Terror the US and allies insisted that Iraq had WMD, which constituted imminent threat, they criticized the oppressive Iraqi regime and claimed the right to humanitarian intervention and finally they linked Iraq with Al-Qaeda to justify the cause for the War on Terror (Bellamy, 2005: 277). The United States started the War on Terror to rid the world of terrorism, to reintroduce peace to the international community, to free the Afghan and Iraqi people of the oppressive regimes and enforce basic human rights where there have previously been none.

Many doubts have been raised about the genuineness of the Bush administration's motives and many authors have implied or explicitly stated that 9/11 attacks were not the real reason for the War on Terror: Calabrese (2005: 154-5) believes that the War on Terror is undercover imperialism, Flint and Falah (2004: 1384-5) raise the issue of the Middle Eastern oil supplies that probably had a decisive impact on the decision of the world's hegemonic power to exercise its extraterritoriality. These are the alternative points of view which are often silenced by rampant patriotism and especially by the difficulty to gain scientific prominence that would raise them above the 'conspiracy theory' status.

By focusing on the mechanisms of construction of a just war and by providing historically, philosophically and theoretically substantiated alternative narratives a number of explanations become available for the waging of the War on Terror. Not all reasons are as altruistic as the US would like them to appear. The 9/11 attacks provided America with a situation most suitable for securitization. But those terrorist attacks could have been interpreted in a number of ways, put forth to the public in a multitude of narratives that would have constituted an entirely different understanding of events and encourage a different response (Jackson, 2005: 40). The power of dominant discourse made sure that the chosen narrative appeared not as an interpretation but as fact. The chosen narrative, however, was a hyperbole, an overreaction. The chosen narrative was that of War. The subsequent response was 'naturally' War.

Rhetoric becomes important in a construction of war and serves to divert attention from the more objectionable reasons for the use of force by overemphasizing the acceptable ones. Truth and power, after all, are inextricably linked (Foucault 1984, 51-75). Just war rhetoric combined with humanitarian intervention rhetoric may serve as justification for more pre-emptive strikes in other sovereign states' territories. The War on Terror example is aiming to help predict future developments in the Middle East and the potential of another clash between the United States' pursuit of war and the UN's diplomatic endeavors concerning the ongoing situation in Iran. And herein rests the importance of questioning the very beginnings of the War on Terror in terms of its legitimacy, to examine its 'justness' and

possibly prevent the next operation using 'freedom' rhetoric to conceal neo-imperialistic or other endeavors.

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