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Wars against Civilians are Unjust Wars

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Wars against Civilians are Unjust Wars

Abstract

For those of us old enough to recall the anti-war testimony of Vietnam vets during the early 1970s, reading the chilling report by Hedges and Al-Arian on the attitudes of Iraq war vets is shocking, and yet not surprising. It is shocking because of the eyewitness confirmation of cruelty and lethal brutality on a regular basis in the interactions between the coalition army of occupation and Iraqi civilian society. Sadly, it is not shocking because of the nature of the violent resistance to occupation being encountered by American forces in Iraq, giving rise to a Vietnam-style mentality of counterinsurgency in which "victory" is pursued by treating the whole of Iraqi society as potentially, if not actually, hostile.

Keywords

Human rights, Iraq, United States, Vietnam, Civilian casualties, War

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Wars against Civilians are Unjust Wars

by Richard A. Falk

For those of us old enough to recall the [anti-war testimony of Vietnam vets](#) during the early 1970s, reading the chilling report by Hedges and Al-Arian on the attitudes of Iraq war vets is shocking, and yet not surprising. It is shocking because of the eyewitness confirmation of cruelty and lethal brutality on a regular basis in the interactions between the coalition army of occupation and Iraqi civilian society. Sadly, it is not shocking because of the nature of the violent resistance to occupation being encountered by American forces in Iraq, giving rise to a Vietnam-style mentality of counterinsurgency in which “victory” is pursued by treating the whole of Iraqi society as potentially, if not actually, hostile.

As with Vietnam, there are many contradictions present. In Vietnam while soldiers summed up the war by the oft-quoted assertion, “[w]e had to destroy the village to save it,” official thinking came to believe in the latter stages of the struggle that the war would be won or lost in the “hearts and minds” of civilian society in South Vietnam. Of course, a low-technology adversary makes its own strategic use of this muddle. It blends in many of its militants with sympathetic elements of the society. It sensibly refuses on almost all occasions to meet the occupying high-technology adversary in open battle, and it too struggles for the hearts and minds of the people. And here is its huge advantage in most counterinsurgency situations: the people whose allegiance is at stake share an ethnic and cultural identity with the insurgent side, which can more easily claim the mantle of nationalist legitimacy. This was certainly true in Vietnam where the American presence was widely seen as “colonialist,” the successor to France, previously defeated in a long war of independence, and in more complex ways, it is also true in Iraq.

What the Hedges/Al-Arian study shows vividly is that occupying soldiers on the ground are confronted with situations in which the humane treatment of Iraqi civilians runs counter to their personal fears and resentments, but also seems inconsistent with a climate of opinion established by their commanders. Combat operations are conducted against supposedly hostile forces in urban settings where battlefield tactics are of little use. Soldiers are wounded and killed during their terms of duty, but the militants engaged in the violence of resistance are generally invisible. Moving against civilians suspected of being militants was based on thin, often misleading evidence, leading to fury and anger generating many atrocities as expressions of frustration or sheer revenge.

In my view, the most powerful conclusion of this study of Iraqi vets’ combat experience was their sense that “most of the Iraqi civilians were assumed to be hostile” which made “it difficult for soldiers to sympathize with their victims- at least until they returned home and had a chance to reflect.” A quote attributed to one soldier is emblematic of the consensus among the soldiers, “Well, we’re trying to help you and you just turn around and try to kill us.” Hedges and Al-Arian correctly conclude that this kind of attitude “led many troops to declare open war on all Iraqis.” As such, the basic tactics were indiscriminate, and civilian casualties were not “collateral damage,” but the core result of the military effort and, as such, unlawful and unjust.

This dynamic was encouraged, at least passively, by the words and deeds of American military and political leaders. The abuse of Iraqi civilians derives from the same climate of leadership that

produced the scandals associated with torture at Abu Ghraib, and other prison facilities. There was little training that emphasized the importance of guidelines embodied in international humanitarian law, or more simply, in the ethics of human interaction. This should not be understood as just a moral lapse. There is an intellectual gap that exposes the central flaw of the whole Iraq War. Instead of the illusionary slogan of [“mission accomplished,”](#) a more accurate rendering would be “mission impossible.” Iraq was an artificial state created after World War I as a matter of colonial whim, an expression of Anglo-French oil diplomacy. Its coherence depended on coercion, and thus the twin aims of liberating Iraq from Saddam Hussein’s dictatorial rule and establishing a constitutional democracy sympathetic to Washington were internally contradictory. A unified Iraq depended on an authoritarian state, and continues to do so; the most that the United States could hope for by way of “victory” at this stage would be either the reestablishment of a coercive government under either Sunni or Shi’ia dominance or the acceptance of a dismembering of Iraq either by the de facto partition of the country and its substantial retribalization—that is, working out deals with local tribal leaders as has been the reported [“success”](#) of the surge strategy in al-Anbar Province.

The main points I would stress are the following:

—counterinsurgency warfare against a mobilized hostile opposition necessarily results in the civilian population identifying, at least in part, with the resistance effort; in turn, this leads the occupying soldiers, being unable to tell reliably who is hostile, to regard the civilian society as a whole as dangerous. Such attitudes are further inflamed by racist images based on differences of language, religion, dress, which in the case of Iraq are further accentuated by post-9/11 Islamophobia;

—this dynamic produces a vicious circle in which the civilian population becomes more and more alienated by the tactics and attitudes of the occupiers, and the occupiers become more and more disillusioned about their supposed mission of democratization and liberalization. Each attitude feeds off the other, and the military and civilian leadership of the occupying forces is generally reluctant to face the problem because it will seem defeatist and demoralizing to do so, and tries to hide its failures by claims of progress;

—the central conclusion is that this kind of warfare based on foreign intervention in violation of international law cannot achieve its *political* goals by acceptable means even if it enjoys total *military* supremacy and dominates *battlefield* phases of the conflict.

Richard Falk is Albert G. Milbank Professor Emeritus of International Law at Princeton University and Visiting Distinguished Professor in Global and International Studies at the University of California, Santa Barbara. His most recent book, [The Great Terror War \(2003\)](#), considers the American response to September 11, including its relationship to the patriotic duties of American Citizens. In 2001 he served on a three person Human Rights Inquiry Commission for the Palestine Territories that was appointed by the United Nations, and previously, on the Independent International Commission on Kosovo. He is the author or coauthor of numerous books, including [Human Rights Horizons](#); [On Humane Governance](#);

Toward a New Global Politics; Explorations at the Edge of Time; Revolutionaries and Functionaries; The Promise of World Order; Human Rights and State Sovereignty; A Study of Future Worlds; and This Endangered Planet. Falk also acted as counsel to Ethiopia and Liberia in the Southwest Africa Case before the International Court of Justice.