



ASSUMPTIONS OF WAR


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“An analysis of the foundations of moral and economic justifications for war; the economic trends and assumptions that force rational states to continue to resort to force; and the application of the 2003 U.S. invasion of Iraq to these criteria, with the likelihood of a war with Iran also to be examined.”

“Most historians and political scientists who study war agree that while a few wars may have been unwanted by the leaders who brought them about--World War I is an example--many were simply wanted. The leaders involved viewed war as a costly but worthwhile gamble.”¹ In this paper I will seek to explain how war is justified morally, legally, and economically. I will analyze the potential for a war with Iran on the basis of these findings as well as on the basis of incorporating *ex post facto* learnings from a similar war in Iraq.

At the time of this writing, a second U.S. aircraft carrier has arrived off the coast of Iran² in a dramatic show of force designed to force the nation of Iran to reconsider its nuclear ambitions and seeming diplomatic apathy. In neighboring Iraq, over 150,000 U.S. troops and at least 140,000 more private-citizens contracted by the Pentagon are currently fighting a war that General Richard Myers has referred to as a “totally different kind of conflict,” that requires “all the instruments of national power.”³ Over 3,000 American troops and 800 contractors have been killed,⁴ with an estimated 650,000 Iraqi civilian deaths since the 2003 U.S.-led invasion.⁵ Will American policymakers pursue a course similar to that in Iraq in dealing with Iran’s nuclear infatuation?

War is a costly, risky business. So why is it, then, that “rational” states continue to “prefer the gamble of war” to “negotiated settlements?”⁶ Perhaps, policymakers, in seeking to increase social welfare to their constituents, disagree about which policies will maximize gains and which policies will minimize losses; perhaps policymakers not only have different views of what ‘bad’ and ‘good’ are, but also different views of what is more important: the end itself, or the means to an end. Or, perhaps a lack of a market for  resulting in a negative externality of imperfect information between opponents⁷ combined with politicians seeking to maximize political gain⁸ creates an international system skewed towards generating aggressive outcomes. This paper will show that it is a

¹ Fearon p. 383

² MoveOn.org p.1

³ Crawford p. 5

⁴ “Nearly 800 Contractors Killed in Iraq.” MSNBC.com

⁵ Burnham p. 13

⁶ Fearon p. 380

⁷ Fearon p. 384

⁸ Hess p. 289

combination of differing postures towards war and their interpretations of Just War theory; imperfect information; political aspirations; discounting behavior; differing rationality and preferences for war across individuals; and a tradition of ethnocentricity (stemming from anthropocentricity) that leads to overly-optimistic cost-forecasting and a collective-bargaining market increasingly producing aggressive outcomes.



To begin to understand the differing views that may lead to varying assumptions of the potential costs and benefits of war, a survey of the prevailing “postures” toward war must be undertaken.⁹ These traditional postures of the Just War theorem have been identified to include Divine Command Theorists, Pacifists, Natural Law Theorists, Rights Theorists, Realists, and Utilitarians. Once the differing postures toward war have been established, their economic and Just War theory interpretations will be analyzed (along with a description of classical Just War theory).

Divine Command Theory rests on the fundamental religious belief of ‘mandate from above,’ incorporating assumptions that: A) God exists; B) “God commands and forbids specific acts; C) An act is right (or permissible) if and only if God commands it;” and D) “Humans can sometimes ascertain what is that God commands or forbids.”¹⁰ Divine intervention in the Old Testament often fuelled “[t]he belief that war is an instrument of divine power and that individuals, groups, or nations apply decisions about violence to coerce or destroy those opposing divine will”--what we may know today as a ‘holy war’ or ‘crusade.’¹¹ Some scholars have attributed American conceptions of Manifest Destiny, the belief that the United States’ providence is to expand and conquer, justified under mandate by God, to Divine Command and separated it wholly from the realm of natural law.¹² President George W. Bush admits having received instructions from God by way of revelation to invade Iraq in the spring of 2003.¹³

Pacifists, in turn, subscribe to “[t]he belief that all war is intrinsically evil and can never be justified.”¹⁴

While religious fundamentalism and manifest destiny may have some play in the U.S. justification for preventative and pre-emptive war in the Middle East,¹⁵ the two postures are not widely thought to influence modern U.S. policy, particularly since Pacifism refuses to justify war on any terms, yet wars perennially occur, and many (particularly defensive) wars (i.e. the Allies in WWII) are almost universally accepted as having been just.

⁹ Wester p. 20

¹⁰ Pierce p. 4

¹¹ Wester p. 21

¹² “Manifest Destiny:” Wikipedia.org.

¹³ Woodward, p. 317

¹⁴ Wester p. 21

¹⁵ *National Security Strategy* approaches Manifest Destiny ideals according to Nussbaum and Pfaff; some U.S. religious leaders openly support a holy war or crusade against the Muslim world (Media Matters).

As consequentialists, Realists believe “that war is essentially a matter of power, self-interest, and necessity, largely making moral analysis irrelevant.”¹⁶ The Bush Administration seemed to adopt a Realist theory of war in 2002 with the drafting of the *National Security Strategy*. The document asserted the United States’ individual right to act pre-emptively in the interest of countering potential threats to the nation, rather than immediate threats as had been the tradition in pre-emptive actions. “The Bush Administration made pre-emption the reason for armed conflict... [T]he principal reason for war stated by the Bush Administration to the nation and the world was the possible use of weapons of mass destruction (WMD). Disarming Iraq was the desired end, and regime change in Iraq was the only possible way to achieve that end. Pre-emptive military action was required, and thus justified, to prevent possible use of WMD” and the spread of Al Qaeda in the Middle East. Both reasons were later found to be false. Al Qaeda was not active in Iraq and Iraq did not possess WMD.¹⁷ Had Iraq indeed possessed WMD, then differing postures under Just War theory may have justified the war based on moral conclusions different than those put forth today. Similarly, there is the fact that the U.S. holds a vast WMD arsenal. Conversely, does this morally justify every other country in the world who perceives we may use these weapons against them to attack us?

Because realists care about the end, and not the means to the end, the fact that the reasons given for the pre-emptive strike were later proven false did not demoralize the justification or authority of the war in the Administration’s eyes. Rights theorists, natural law theorists, Just War theorists, and other processists would have a significant moral quandary with this lack of a reasonable “means to an end,” with some critics claiming that the invasion did not meet the Just War theory’s requirements of a pre-emptive war, and that it instead was a preventative war (not considered legitimate action in our later discussion of Just War theory).

As pure consequentialists, the process involved in reaching an individual goal cannot delegitimize a moral outcome in the eyes of Realists. Thus, the Realist Administration added toppling Saddam Hussein’s regime as an *ex post facto* justification for the invasion after promises of Iraqi WMD and Al Qaeda operations were found to be AWOL.

Rights theorists, processists divining interpersonal conventions from the natural law, believe in asserting any action that one has a right to assert, regardless of the outcome. Honoring rights is moral, while violating the rights of others is immoral.¹⁸ Before rights theory can be implemented, a society of individuals capable of establishing moral standing must be determined. Often this includes natural persons of good standing; rarely does it include animals. Once moral standing has been asserted for a group or individual, that entity’s rights may not be tampered with, and infringing upon them, even with the best of intentions, is an unjust act. Rights theorists may fret about the barring of a right to trial for opponents labeled enemy combatants by the Bush Administration. Is classifying a foreign individual as an Enemy Combatant rather than a POW a way of removing that person from society?

¹⁶ Wester p.21

¹⁷ Wester p. 25

¹⁸ Morey 1 p.9-10

Natural law theorists believe that natural behavior should be carried out, in that all natural acts are inherently 'good,' while unnatural acts should be avoided, being inherently 'bad.'¹⁹ Natural law theorists believe that the furthering of moral action is only possible through naturally rational and intrinsic behavior.²⁰ As processists, an immoral means to a moral end does not justify the end result.

Utilitarianism is possibly the most applicable policy ethos to war: it seeks any policy that will increase total net utility. Utilitarianism defines a "good" policy as one which has more benefits than costs; the comparison of benefits to costs can be applied to an individual or averaged across society as measured by utility. One way to measure social "utility" is by summing up the policy's potential gainers' willingness to pay for the policy and comparing it to the sum of the policy's potential losers' willingness to pay to stop the policy from being implemented.²¹ How would utilitarianism be used to evaluate a potential war? It depends.

Let's make some assumptions. Because of its simple cost-benefit structure, let's assume that the utilitarian studying the potential war is also an economist. As an economist and a utilitarian, the policy analyst is interested solely in maximizing the utility of society at the completion of policy implementation (termination of war). Because we are attributing utility, we must delegate who we will consider to be a member of society with moral standing capable of receiving utility and making rational, preference-based decisions. Whether or not to include Iranians in the utility-receiving society is a very difficult question. Just wars, like the justice system, exist at the margin to deter future infractions. In justice economics, the pleasure an axe-murderer receives from each 'slice' is included in total social utility, even though he is an opponent of society (because pleasure is relative and assuming that the society in consideration consists of all--and only--humans).²² Following the likes of Utilitarians Bentham and Posner, who states that all criminal pleasure must be incorporated into social welfare,²³ it would then seem that we must include the costs and benefits of a war with Iran to Iranians in the calculus. Unfortunately for economists, not only does measuring your opponent's pleasure create a moral dilemma, but modeling two opposing sides simultaneously leads down the road of game theory, well beyond the scope of this paper.

Thus, there is an inherent bias in utilitarianism: its relationship to the classic Economic assumption of Anthropocentricity, and the narrowing down of Anthropocentricity to Ethnocentricity in a time of war for purposes of simplicity and--possibly--moral confusion; simplicity in calculus, and perhaps, for the benefit of a war-hawkish policy-maker, simplicity for sales purposes.²⁴ Iran has approx. 70 million people; the U.S. has approx. 300 million people, and the U.S. military carries nearly the same ratio versus the

¹⁹ Morey 1 p. 5

²⁰ Pierce p. 17

²¹ Morey p. 11-13

²² Posner p. 49; 57-58

²³ Posner p. 57

²⁴ The Onion, p. 1

Iranian military.²⁵ This results in a high probability of U.S. success (depending on the complexity of the mission; i.e. will there be regime change, reconstruction, etc.). A high probability of U.S. success with only U.S. citizens' costs and benefits figuring into the calculus reveals two biases: A) Iran would likely suffer higher casualties, the highest form of cost;²⁶ and B) The immense costs suffered by the Iranian people would not subtract from the massive benefits the U.S. would receive in terms of security, oil revenues, etc. For example, suppose that each Iranian values his/her life at its exact opportunity cost? This would be equivalent to per capita GDP. If Iraq is used as a model, we can expect a similar war in Iran (simplified to have similar characteristics to the war in Iraq, particularly time) to result in a similar amount of civilian fatalities: approx. 650,000 deaths.²⁷ The per capita GDP of Iran is \$8,900.²⁸ That is a loss in utility of \$5.8 billion. If American-based cost-benefit-analyses of a war with Iran included Iranians as members of society, the present value of going to war would be nearly \$6 billion less than it would if Iranians were not considered citizens in the analysis! That number could turn public opinion in favor of the war against it. Thus, we have exposed the first biased assumption: Ethnocentricity and its affect on costs. Ethnocentricity is not just apparent in cost, but also in perception: a recent report notes that Americans "woefully underestimate the number of Iraqi civilians who have been killed" but "...are keenly aware of how many U.S. forces have lost their lives in Iraq." Note that many processists--and perhaps the truly religious--may find issue with this sort of cost analysis. It is likely policymakers would find no trouble with it at all.

Some potential benefits of a war with Iran could include: a decrease in fear of nuclear attack/increase in sense of security, increase in economic activity (through military "debt-financing"), increased oil security, and lower oil prices. Potential costs may include military expenditure (unique to the mission; grows with regime change, reconstruction, etc.), American casualties, depreciation of the dollar abroad and inflation at home, rises in interest rates tax hikes, falling consumer and investor confidence, and decreasing confidence in the government. Costs can range as far as long-term generational health decay,²⁹ political instability, or even irreparable damage to the natural environment.³⁰

The largest possible benefit to Americans of a new war would likely be an increased sense of security (real or imagined). Though difficult to estimate, this large number would likely shudder underneath the hulk of the various costs: The U.S. military alone has spent over \$370 billion in Iraq since 2003 (that's over \$1,000 per U.S. citizen!).³¹ The costs of war are immense, and the costs of war with Iran will be larger than in Iraq, where the population and military are a mere fraction of the size of their Iranian equivalents.

²⁵ CIA World Factbook: Iran

²⁶ Nordhaus p. 10

²⁷ Burnham p. 13

²⁸ CIA World Factbook: Iran

²⁹ Ugalde, *et al*

³⁰ Fisher

³¹ National Priorities Project: Cost of War

Winston Churchill once said “The only thing we have to fear is fear itself.” He was right, but he would have been even more on-the-mark if he had said “fear and discounting.” Individuals discount the future (much like they discount the lives of foreigners). People naturally place “a lower value on a future gain than on the same gain or loss occurring now.” Aggregated across society, “if people’s preferences count,” utilitarianism dictates that “those preferences must be integrated into social policy formulation.”³² Why do people discount? They’re uncertain about the future; they don’t expect to live far into the future, and the fear of losing current assets is much greater than the expectation of gaining future assets. Thus, people really do “*carpe diem*” (as in *today*).

But what does discounting have to do with war? And fear? Consider global warming, which has now been confirmed to exist with 95% certainty.³³ We may not feel serious effects until 50, or even 100 years from now. But consider for a moment the discount rate ‘s’ of 4%, a nominal guess at what the average across society may actually be. A gain or loss 50 years from now discounted at 4% annually would be valued today--and in today’s policies--at only 14% of its actual value. Suppose the cost to deal with global warming 50 years from now is \$1 billion; at the 4% discount rate, society would only be willing to invest \$140 million today. Yet in just over three years, Americans have paid (either through taxes or future taxes--discounted to future generations) more than double that amount to go to war to stop a perceived threat in Iraq. Hence the ruthless combination of the “tyranny of discounting”³⁴ and the exponential effect an eminent threat (real or perceived) or some semblance of fear can have. (I personally think this is why Hollywood has made 78 asteroid-hitting-the-earth movies and 1 global warming movie: discounting and fear). This converse shows how much society fears a loss of the status quo, such as current levels of security—and how far it is willing to go to protect the status quo. Thus, billions are spent eliminating a small, but imminent threat, versus the general disinterest shown towards a less-imminent, but exponentially more disastrous threat such as global warming. Thus society foregoes large, immediate costs to ensure a larger-valued present level of security; the benefits are experienced immediately, and it is unlikely society is acting (going to war) for the benefit of future generations.³⁵

But it is more than just discounting that causes us to continue to go to war: there is a lack of access to information necessary for rational decision-making; individuals and policymakers with abnormal preferences for war; and a tendency to grossly underestimate the costs of war and grossly overestimate the benefits.

With the high costs of war, “rational states should have incentives to locate negotiated settlements that all would prefer to the gamble of war.”³⁶ This often does not happen, however, due to a lack of information. One of the most common explanations for war occurs when two states each estimate that the expected benefits of fighting outweigh the expected costs. In addition to overly-optimistic arithmetic, there exist “essentially two

³² Pearce p. 121

³³ IPCC p. 17

³⁴ Pearce p. 123

³⁵ Hess p. 841-842

³⁶ Fearon p. 379

mechanisms... [that] explain why rationally led states are sometimes unable to locate or agree on such a bargain: (1) the combination of private information about resolve or capability and incentives to misrepresent these, and (2) states' inability, in specific circumstances, to commit to uphold a deal [i.e. treaty obligations creating alternative decisions]."³⁷

In addition to constraints on information, not all individuals have similar preferences for war. In fact, policymakers have been proven to use war making powers in order to gain political power; Hess and Orphanides even claim that "when the president cannot seek re-election or the economy is not in a recession, the probability of war initiation in a year is about 30 percent. By contrast, the probability significantly increases to over 60 percent when both the economy is doing poorly *and* the president are up for re-election."³⁸ Why do presidents start avoidable wars? To show a pre-election skill-set not on display during a faltering economy. George W. Bush's wars in Afghanistan and Iraq followed a first term that saw a significantly lagging economy and all-time lows in the approval ratings.

The converse finding shows, however, that incumbents serving second terms never start avoidable wars; rather, only unavoidable wars occur during a president's second term.³⁹ Hence, if there is to be a war with Iran, on this pretext it would likely not be a preventative or pre-emptive war, but rather an unavoidable or defensive war.

Like policy-makers who stand to gain from exercising their war-powers, other individuals may have pro-war preferences, such as egomaniacal leaders. In fact, "wars are disproportionately fought by those--like Saddam Hussein-- who cannot count, refuse to count, count badly, or belittle costs. Sometimes, as with Lyndon Johnson, leaders pursue war because they get foolishly sucked into a psychology where honor and credibility are valued above the lives of combatants and the livelihoods of citizens."⁴⁰ Individuals with ties to companies like Halliburton, Bechtel, and Blackwater Security stand to make billions of dollars off a potential new war. Already in Iraq, "[T]he U.S. has outsourced so many war and reconstruction duties that there are almost as many contractors--120,000-- as the 135,000 U.S. troops in the war zone."⁴¹

As a movement towards war becomes justified economically, policymakers must begin to address the legality of the action. In this interest, Just War theory evolved from the natural law being asserted in a time of war with utilitarian trade-offs. Right actions could be associated with the greater good; though undesirable, war is viewed as being "just," given satisfactory conditions."⁴² While it assumes that morality does have a home in international politics, it does also assert that war is an inevitable feature of society. In this interest it seeks to identify right and wrong justifications for resorting to war, as well as

³⁷ Fearon p. 409

³⁸ Hess p. 829

³⁹ Hess p. 832sh

⁴⁰ Nordhaus p. 39

⁴¹ MSNBC contractors p. 1

⁴² Wikipedia Just War p. 1

what actions may justifiably be undertaken in a time of war.⁴³ The Just War theory is composed of two parts:

Jus in Bello: What behavior in a time of war is morally justified?

Jus ad bellum: When resorting to war is morally justified.⁴⁴

For a war to be just, “modern just war theorists first ask whether the cause is just.” Wars of aggression are never just and wars of self-defense are the only “unambiguously legitimate justification for the use of force.”⁴⁵ There are six universal criteria for the *jus ad bellum*, or just cause of war:⁴⁶

1. Legitimate Authority: Only internationally-recognized states, through their assigned authority, may declare war or use deadly force.
2. Public Declaration: National heads of state must announce intentions to pursue war and provide conditions for resolving the conflict alternatively.
3. Just Intent: A just cause in going to war is to return a society to the status quo *ante bellum*; the righting of a wrong. Just cause is also found in protection of the innocent, recovery of that which has been wrongfully seized, self-defense against wrongful-attack, and punishment of evil for the sake of deterrent.
4. Proportionality: Harm caused by use of force must be outweighed by good to be achieved.
5. Last Resort: Force is “justified only as a sad necessity” after all other methods of resolving a conflict via alternative means have failed.
6. Reasonable Hope of Success: Only conflict with a probable expectation of success and restoration to status quo may be considered just; a futile cause is unjust.

In the 2003 invasion of Iraq, did the U.S. meet all six just cause criteria? It depends.

In accordance with the 2002 *Security Strategy*, the Bush Administration pursued what it claimed to be a “pre-emptive” war with Iraq. This is where scholars begin to question the legality of the U.S. invasion, asserting that what the U.S. claimed to be a pre-emptive war was in actuality a preventative war. The former is legal under just war tradition; the latter is not.⁴⁷ A pre-emptive strike is a “tactical activity, intended to have a strategic effect;” these strikes may take place in the theatre of war or may exist as “discrete acts... [I]n comparison, a pre-emptive war is associated with one aspect of the just cause standard of going to war (*jus ad bellum*). If attack is imminent, with a clear and present danger, a nation is right to defend itself.” A good example of the latter situation would be Egypt’s 1967 placement of tanks along Israel’s border; Israel had the right to launch a self-defensive attack. Essentially, “the act of proceeding to war before actual attack is moral when the threat is real and so near at hand that launching war could be considered self-defense.”⁴⁸

⁴³ Crawford p. 6

⁴⁴ Crawford p. 7

⁴⁵ Crawford p. 7

⁴⁶ Wester p. 28

⁴⁷ Wester p.26-27

⁴⁸ Wester p. 27

“In contrast, a preventative war is started well before the imminent threat or humanitarian crisis, when the balance of forces is the primary consideration... Preventative war... is built on a sheer calculation of advantage... [b]y launching a war now, a later conflict-- more costly in human life, national resources, or even lost victory--is avoided. The justification for such a war must withstand the critique of a just intent standard.”⁴⁹

Did the U.S. 2003 “Pre-Emptive” Invasion of Iraq meet the just intent standard? Some scholars argue that Iraq was already engaged in war with the U.S. at the time of invasion by way of a previous decade of firing at ‘coalition aircraft;’ routinely ignoring UN no-fly zones; and breaking UN agreements and resolutions. “The [U.S.] and its allies [were] already at war with the Iraqis; one cannot ‘pre-empt’ or ‘preventatively attack’ a regime whose forces one is already attacking on a regular basis,” one article declares.⁵⁰ The issue with this stance is the Realist Bush Administrations public justification for war: Disarming Iraq of WMD. Arguments that the real reason was to rid Iraq of a ‘tyrannical regime’ suffer from being *ex post facto*. Thus, it stands that there likely *was* an invasion of Iraq.

Did the U.S. invasion possess legitimate authority? Though President Bush is the “legitimate national leader,” he entered the war in a unilateral fashion. One scholar argues, “From the most to the least credible authority for taking military action against a nation-state or national leader, the continuum would be: (1) unanimous international commitment, (2) a United Nations decision, (3) a UN Security Council decision, (4) other regional or international alliance (i.e. NATO), (5) an ad hoc coalition, (6) unilateral action. Viewing these frameworks as being from most to least legitimate and compelling, the US-led coalition is in the range of 5 to 6.”⁵¹

Scholars also contend that the U.S. invasion failed to justify intent. “The intended end--a disarmed Iraq [expected of holding WMD]--met with international support. However, many nations preferred the way of sanctions and inspections, not war and regime change.” The U.S. claims of ‘imminent danger or attack’ from Iraq did not meet Just War tradition standards stating that “for a just, pre-emptive attack in the framework of Just War,” there must be: (1) “Knowledge that the threat is in place; that nuclear, biological, or chemical weapons are armed and ready to be used;” and (2) “Knowledge that the weapons are aimed at the nation proposing pre-emption in self-defense.”⁵²

That neither requirement was sufficiently met before the U.S. invasion exhibits the paradigm shift made evident in the 2002 *Security Strategy*: a movement away from the self-defense tradition and toward “disarming and restructuring a nation using pre-emptive or preventative war... driven by an ideal future vision, not defense or return to the status quo;” an ethic that “asserts an idealist, universal, God-given liberty as the bedrock for decision-making” similar to the Manifest Destiny theory mentioned earlier in the paper. In regards to proportionality, proponents of the war in Iraq claim that “the risks

⁴⁹ Wester p. 27

⁵⁰ Wester p. 22

⁵¹ Wester p. 29

⁵² Wester p. 30

associated with WMD” outweigh the costs of the use of force in Iraq--both to the U.S. and to Iraqis. Critics contend that because (1) Iraq had never attacked or threatened the U.S.; (2) Regime change is not necessary for regime disarmament; and (3) The ratio of dead Iraqi civilians to dead American troops is 216:1, the U.S. grossly exceeded proportionality criteria.⁵³

Finally, it is argued that the U.S. rushed UN inspections in Iraq that may have averted a war-situation and that while there was a high-probability of success for U.S. troops, victory does not ensure a probable return to the status quo of a pre-war Iraq--with Saddam or without.⁵⁴

Regardless of its justification for entering the war, is the U.S. force in Iraq subscribing to the criteria of just behavior within the war, the *jus in Bello*? Again, this depends. Upon a brief survey of the three self-explanatory criteria necessary for waging just warfare: 1) Discrimination; 2) Proportionality; and 3) Minimum Force, many scholars find the U.S. guilty of violating at least one or more of the principles, particularly given the increasingly difficult task of discriminating between combatants and innocent non-combatants in the hybrid, guerrilla-style of war taking place in Iraq (some argue this may excuse the U.S. from meeting this criterion).⁵⁵ However, a quick glance at the balance of casualties: over 600,000 dead Iraqi civilians since the 2003 invasion⁵⁶ compared with 3,100 American troop fatalities casts a very dark shadow over the criteria of discrimination and proportionality (particularly considering that Iraq did not inflict suffering on the U.S. prior to the invasion). Senator John McCain once claimed that the U.S. should not overly-concern itself with civilian casualties in Afghanistan, commenting that “Issues such as Ramadan or civilian casualties, however regrettable and however tragic...have to be secondary to the primary goal of eliminating the enemy.”⁵⁷ In this example, an American policy maker does not bother with proportionality or discrimination, but rather with the singular, individualist, classically Realist attainment of a goal: victory at any cost.

Some scholars argue that the lack of proper *jus ad bellum* can pre-determine an insufficient *jus in Bello*. “The legality of a state’s resort to force has a subtle impact on the perception by that state of the means that can legitimately be used to achieve its goal.” Thus *jus ad bellum* may prescribe the (lack of) *jus in Bello*.⁵⁸ It has further been argued that “the rules regulating the conduct of armed hostilities may be affected by the legal status of the resort to force;” particularly considering that one state must have “already resorted to unlawful aggression.”⁵⁹

One scholar sums up the relationship between the just cause of war and the just behavior within war in an inverse fashion, citing that while *jus ad bellum* and *jus in bello* are often

⁵³ Wester p. 32

⁵⁴ Wester p. 33

⁵⁵ Crawford p. 17-18

⁵⁶ Burnham p. 13

⁵⁷ Crawford p. 12

⁵⁸ Gardam p. 393

⁵⁹ Gardam p. 410

related, they are also “distinct” and unequal, with the priority resting upon *jus ad bellum*: “If a given resort to force has not been morally justified, then even the most strictly delimited uses are, according to just war tradition, unjust.”⁶⁰ It thus becomes apparent that “where there is no *jus ad bellum*, there is likely no incentive for the *jus in Bello*.⁶¹

With the creation of the United Nations following the great World Wars, it would seem the international community had set out to create a marketplace where information might be freely exchanged so that a more efficient amount of war may occur, with more negotiations and less resorting to arms. Unfortunately, incidences of war have grown, as have justifications for resorting to force. Economic tendencies toward ethnocentricity and an assumed linear rationality have biased both causes and costs. The UN has proved to be an inefficient caretaker of Just War theory, whose criteria are becoming increasingly stretched.

As Iran threatens the West and the U.S. postures, the U.S. finds little relative benefit to gain in Iran aside of slightly decreased uncertainties surrounding nuclear security and increased access to oil, and the economic security it may provide. The costs would be enormous, with most U.S. forces mired in an un-winnable situation in Iraq, a country neighboring Iran with only a fraction of its population and military. The individuals who normally stand to gain from avoidable wars have been marginalized, with hawkish policymakers and militaristic industrialists busy in Iraq and a lame duck president in a historically-defined role as only entering into defensive wars. Thus, following Just War theory and its legal doctrine put forth by the UN and the Geneva Convention; economic theory and costs; and political motivation, we find the costs of a war with Iran would likely greatly exceed the costs, to both policymakers and citizens (with traditionally rational preferences for war or biased/irrational). History tells us that if there is to be a war with Iran, they must strike first.

⁶⁰ Johnson p. 1

⁶¹ Johnson p. 79

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