Chapter 12

The 2003 U.S. Invasion of Iraq: Militarism in the Service of Geopolitics

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Edward Said once declared American power to be "one of the main problems (in the Middle East)"; and to address this problem he recommended using "one's mind historically and rationally for the purpose of reflective understanding." Many scholars have done something like this with regard to the US invasion of Iraq in 2003, and some say it fails several criteria of just war theory. But while they reflect on that continuing political violence, the invaders are already disseminating reasons for doing more of the same in other countries, again without reference to their real geopolitical objectives. This illustrates how politically ineffective just war theory is in practice because we routinely direct it to yesterday's war rather than to wars being prepared for with enemy-making rhetoric. There are obstacles to addressing the latter, but it can be done. It could have been done with regard to the 2003 invasion of Iraq, even as its perpetrators were insisting that it was all and only about self-defense against WMDs and/or humanitarian intervention. These reasons were debated in the public arena; but they were incidental to the underlying reasons, one of which grew out of an energy policy that relies too readily on military solutions.

America's energy policy has come to embody a conviction that the country's needs can only be met by means of economic and military preeminence. A key corollary of this policy is that corporate entities with ties to the oil industry are not to be challenged in any meaningful way. So rather than rein in our profligate oil consumption it tolerates marginally adequate refinery capacity and under funds development of alternate sources of energy. As a result, once touted plans to develop synthetic fuels and to recover oil from shale have degenerated into a fraud on taxpayers. Similarly, US auto manufacturers, whose profits depend on truck-based guzzlers, now have the lowest fleet average mpg in decades. As global demand for product accelerates, US leaders have increasingly come to rely on their military might, if necessary, to take control of oil-producing countries like Iraq that are less than fully attuned to America's petroleum priorities. In

other words, the U.S. has opted to meet its energy needs by maintaining a geopolitical empire even, when necessary, by force of arms.

Like its predecessors, the George W. Bush administration (the Bush administration hereafter) sees no realistic alternative to this long established policy. Even if they do, they are far too busy accommodating their corporate contributors to worry about the long term economic and environmental consequences of this strategy.[1] Thus at this writing they have posted over a hundred thousand troops and 14,000 oil infrastructure security guards in Iraq, plus some thirty warships and a number of Coast Guard cutters protecting oil tankers in and around the Persian Gulf. The cost of this public service to the oil industry adds to federal expenditures an average of US$4-5 per barrel of oil.

To have openly associated the US takeover of Iraq with geopolitics would have been politically unwise. So the Bush administration associated it instead, in religious-sounding terms, with an open-ended war on terrorism. One result: a disconnect between their purported objectives for invading and occupying Iraq and the geopolitical objectives set forth in the documentary record. The result of this misleading oratory was to gain substantial support for a war that failed the just war test.

In the interest of reflective understanding, then, I propose first to identify covert reasons for invading Iraq and then consider ways to expose such hypocrisy in the future. On a factual level, I will note that the failure of US (and UK) political leaders to state truthfully their reasons for attacking Iraq severely hindered timely assessment of their reasons and intentions, which are key *jus ad bellum* conditions.[2] This points to a flaw in just war theory, namely, that it is rarely applied to realtime decision-making. If it is to have an *ante bellum* role to play, its proponents must be able to achieve reflective understanding expeditiously. But this is now easier to achieve thanks to such new technologies as the Internet. What needs to be examined, though, are not just factual claims but asserted principles as well. This in turn might be done better if we could develop a pragmatic extension of John Rawls's principle-oriented approach which he called reflective equilibrium. Rawls himself, I will show, remained too reliant on leaders to guide us in this task, but other philosophers do offer examples of how to proceed.

Why Iraq was Invaded According to Bush Administration Spin and the US Media

Governments often use strategic deception to achieve their ends,[3] with results largely a factor not of ideology but of available resources. This is now very much the case in the United States, where about the only relevant issue still debatable is whether military[4] or corporate[5] interests are the principal protagonists. It is, then, only by looking behind this context of information dominance that one can discover the real reasons for the US takeover of Iraq in 2003. These originate in

policies that date back decades and took focused form during the 1990s in studies and reports prepared for top government officials and their confidantes. President Bush secretly endorsed the recommended military intervention early in his administration; then as it became operational, he claimed noble and even imperative motives for doing so. US media passed the government's misinformation on as truth until the invasion phase of the "mission" was over. Then they occasionally dealt with the oil factor as foreign and Internet media had been doing for months. Business publications in particular addressed such geopolitical considerations, but never so as to question the war's legitimacy. I will review this media bias briefly, then focus on the internal record and some explanations that extra-governmental analysts have put forward.

Throughout the six-month mobilization for the US/UK invasion of Iraq – first labeled Operation Iraqi Liberation, or OIL, then cosmetized as Operation Iraqi Freedom – the popular press took regime change and/or non-proliferation as the obvious purposes. But many countries, including some permanent members of the UN Security Council, believed that whatever danger Iraq posed could be countered without going to war. And humanitarian organizations decried the allies' lack of planning for Iraqi civilian needs. So the Security Council rebuffed US and UK demands that it authorize their invasion, opting instead for extending UN-sponsored searches for weapons of mass destruction in Iraq. The allies simply fell back on an earlier resolution (1441) to legitimize their deploying a quarter of a million troops (mostly American) and their weapons of war. Many anti-war protesters assumed this mobilization was oil-oriented, but Bush administration top personnel denied this, even though many of them have career and investment connections to the oil industry. Few U.S. legislators asserted otherwise; many U.K. members of Parliament did. U.K. prime minister Tony Blair, who himself has close ties to the British petroleum industry, dismissed the oil nexus as a "conspiracy theory," but Parliament and people came to doubt his explanations.

The rhetorical build-up began with President Bush's first State of the Union address, intensified during the period of diplomatic bullying and military relocations, became strident in his second State of the Union address, and culminated in the allegedly preventive invasion. In January 2002, he identified an "axis of evil" consisting of three countries – Iran, Iraq, and North Korea – each of which has oil reserves and purportedly some program to develop weapons of mass destruction (WMDs). The strategy: talk WMDs. The first target: Iraq. In January 2003, Bush declared that he would soon punish the Iraqi government for its recalcitrance. Neither "oil" nor any synonym for "oil" appeared in either address – nor in an hour-long PBS Frontline review of the pre-invasion international debate.[6] Yet there surely was an underlying geopolitical strategy at work. And to argue this point, I will now review the framework within which US media covered relevant events before and during the still only partial "regime change" in Iraq.

Media in the United States assumed from the outset that the self-defense and/or

humanitarian reasons circumscribed US reasons for invading Iraq. Meanwhile, they reported some warring over oil elsewhere. The New York Times told about U.S. oil-related interventions in Aceh, East Timor, and Colombia, and in the Persian Gulf (to interdict oil shipments out of Iraq). It noted US and others' interest in the substantial oil and especially natural gas reserves in Russia and in the Caspian Sea region. But few noted the petroleum-oriented reason to invade Afghanistan, even though Unocal wanted to build an oil pipeline there, Bush's special envoy to Afghanistan, Zalmay Khalilzad, was a former Unocal aide, and wars are sometimes fought to secure natural resources such as oil.[7] In any event, at a certain moment the Bush administration's rhetoric shifted from Afghan terrorists to Iraqi weapons. Some saw this shift as a major distraction from the war on terrorism. But Iraq had been the administration's target of choice at least as of 11 September 2001. Its post-Afghanistan placement was for reasons of politics and military logistics.[8]

Over the pre-invasion months, the US media did not completely ignore the advantages of controlling Mideast oil. Indeed, the terms 'oil' and 'Iraq' were occasionally linked with reference to U.S. interests. One commentator even went so far as to say that "Iraq's 'ability to generate oil' [quoting a White House spokesman] is always somewhere on the table, even if not in so many words." And a defender of U.S. imperialism declared Iraq, which "has so much of the world's proven oil reserves," to be "the empire's center of gravity." Once the invasion began, the movement of men and machines dominated the news. Nonetheless, the quick securing of oil fields was reported with zeal. Even the takeover of two oil platforms in the Persian Gulf was labeled "a bloodless victory in the battle for Iraq's vast oil empire." Then a series of articles in The New York Times described technical and political obstacles to reactivating Iraq's oil industry.

Less emotive accounts explained the economic role of Iraqi oil. The US Department of Energy provided interested parties with an "Iraq Energy Chronology: 1980-2002." And business publications told how Western oil companies would benefit from a U.S. takeover of Iraq. The Economist analyzed post-hostilities contracts to develop Iraq's oil reserves and how they might be legally implemented. The Wall Street Journal, among others, reported on secret meetings at which U.S. government bureaucrats and oil executives worked out "production-sharing deals" with expatriate Iraqis, industry assessments of production potential in Iraq, and military strategies for defending vulnerable sources of oil.

Once the occupation was in place, the popular press devoted some attention to Iraqi oil, e.g., regarding reactivation obstacles and secret contracts awarded to companies with close ties to the Bush administration. Time Magazine told readers that the U.S. government often "meddled" in oil-rich countries and discounted Secretary of Defense Rumsfeld's not-about-oil protestations because the U.S. military prioritized protection of Iraq's oil facilities and Rumsfeld had to know from a "little-noted energy study" (discussed below) that "(t)he amount of oil that

Iraq brings to market" is a matter of great geopolitical importance. Consistent with this point of view, the Bush administration sought to facilitate favored US companies' control of Iraqi oil by awarding them lucrative contracts and military protection and issuing Executive Order 13303, whereby President Bush declares these companies exempt from liability for any production- or distribution-related happening and thus in effect above the rule of law.

These stratagems to control Iraqi oil have been undermined by concerted guerilla attacks on petroleum infrastructure and coalition-serving foreign personnel. Oil production as a result has barely reached pre-invasion levels, no doubt a factor in soaring petroleum prices; and some otherwise interested drillers (e.g., British Petroleum) have postponed indefinitely their plans to develop Iraqi fields. In a word, pre-war worst-case scenarios are being realized. These setbacks for the invaders do not negate their motives going in, though, and may well become a convenient rationale for their prolonging the occupation.

Geopolitical Factors That Could Have Inspired the US to Invade Iraq

Official pronouncements and their media dispersal tend to preclude rather than assist one's quest for reflective understanding. In particular, as the above indicates, the American media seldom questioned the reasons the Bush administration gave for invading Iraq. I will do that in the next section, and will conclude that control of Iraqi oil was a high priority reason. Before introducing documentary evidence, though, I will first address two primarily theoretical counter-arguments: one, that imperialist objectives were behind the decision to occupy Iraq, above and beyond any interest in controlling its oil; the other, that, however desirable in principle, oil simply cannot be controlled. After addressing these counter-arguments, I will briefly put Iraqi oil in its historical context.

Efforts to discount the oil-oriented argument included two imperialism accounts, one supportive, the other not. The supportive version avers that the only adequate response to terrorist threats is global domination and that the U.S. as the world's only superpower is obliged to take on this responsibility.[9] The non-supportive imperialism account labels the takeover of Iraq an exercise in neo-colonialism. The neo-colonial thesis is well articulated by the Research Unit for Political Economy (2003), based in India. Their thesis is that the "coalition" forces, especially the U.S., wish to dominate the world not only militarily but politically and economically as well. This objective, they argue, arises out of a number of changed circumstances: the demise of the Soviet Union, which leaves no major enemy to justify heavy defense expenditures; the maturity of developed countries' economies, which reduces the possibility of significant growth; the unreliability of governments in countries where needed natural resources are located; and the threat to dollar-based global transactions if the euro were to become a dominant world currency. For all these reasons, the U.S. is establishing permanent military bases all over the world to facilitate controlling peoples and resources when and as

needed. Controlling the world's supply of oil is certainly germane to a quest for global hegemony, and so accordingly is control of Iraq's immense oil reserves; but no less desirable for this purpose is controlling the people of the region whose anti-American attitudes threaten US dominance there.

The non-feasibility argument has taken two forms, one based on military, the other on economic considerations. The *military non-feasibility* of an unbounded war on terrorism has been well articulated by a US Army researcher.[10] *Economic non-feasibility* involves discrediting oil-control assertions on the grounds that oil cannot really be controlled given that the oil industry operates in an open market that runs on supply and demand. This argument proceeds as follows. As demand increases, supply is provided; as supply increases, demand declines. Depending on which factor is predominant, the price of oil will rise or fall. It matters little who produces the world's oil; for, any barrel of oil sold on the open market will bring no more or less than the going price. But this price is affected by the imbalance, if any, between supply and demand. Consumers want more supply and producers want to limit supply and/or stimulate greater demand. Members of the Organization of Petroleum Exporting Countries (OPEC), in particular, sought (until recently) to cap their total output to sustain an economically advantageous price range of $22-28 a barrel. This understood, it is not in OPEC (or, for that matter, non-OPEC) oil producers' interest to have much Iraqi oil on the world market. So in the short run they benefitted from the U.N. sanctions imposed on Iraq's oil and defended by the U.S. and the U.K. after the Gulf War. Inversely, no major consumer would benefit from a war that disrupted Iraq's oil production over an extended period of time. From a global perspective, in any event, a government that wants to assure access to a certain quantity of oil can buy it wherever it is being sold and have it delivered to a designated destination. There is, then, no reason to go to war over oil.

So goes the supply-and-demand argument that neoconservatives combined with their insistence that the sole reasons for invading Iraq were anti-terrorism and non-proliferation. It is fatally flawed, however, in that it disregards financial and geopolitical reality. Consumers want their oil supplied consistently and at an affordable price, and investors (*a fortiori*, speculators) care how much oil a provider controls because that affects its ability to influence price. And to accommodate their interests, specialists continually seek more reliable estimates of proven reserves, the quantity and quality of such reserves, and which entities control them. How, then, could a government responsible for an oil-dependent economy not factor world oil prices into its global strategy? It may proclaim its commitment to "market forces."[11] But such platitudes do not satisfy a country's demand for reasonably priced oil. This is especially the case for the United States, which is the world's largest consumer of petroleum products, much of which comes from the Middle East.

On a global level, OPEC countries (mostly in the Middle East) produce 35-50 percent of the world's oil exports. The United States consumes over twenty-five

percent of the world's oil and forty-five percent of its gasoline. It imports fifty-five percent of the oil it consumes, a third of which comes from the Middle East. It runs a massive current accounts deficit largely because of its *dependence on imported oil; and because most of the world's oil is sold in dollars, when the value of the dollar declines against other currencies, the price* of oil rises. *Price, however, is not the only problem facing the United States.* Saudi Arabia, for years the U.S.'s principal supplier, will probably not be able to meet the U.S.'s growing demand for oil; so if its demand continues unabated, it will have to secure other sources. So too will other countries, notably rapidly modernizing China. In view of such considerations, one analyst says "(t)he hand on the spigot that regulates production (and therefore price) must be controlled by the United States."[12] Iraq, then, with reserves second only to Saudi Arabia, is an increasingly important source of Mideast oil, how much so depending on what new high-technology explorations find there. These explorations, of course, follow upon the U.S.'s "shock and awe"application of its military strength.

Note also, in this regard, that military strength is now heavily motorized, so itself requires reliable access to oil. As Norman D. Livergood points out, the U.S. and the U.K., among others, have long based their foreign policies and their military strategies on gaining access to oil.[13] To this end they have orchestrated coups, e.g., in Iran, provided arms to warring factions, e.g., in Vietnam, and have intervened militarily, e.g., in Kosovo, Afghanistan, and Iraq, and may do so elsewhere, e.g., in Syria and Iran. The goal? To achieve "full-spectrum dominance" of the world's oil supply, by building and protecting pipelines and developing recovery systems wherever there are reserves available to exploit. All this Livergood attributes to "U.S.-British Imperialism," now operating under the political (dis)guise of their governments' war on terrorism.

Livergood's account of Big Oil's quest to control available resources is credible, though too narrowly focused on British and U.S. oil companies. For, oil, along with other natural resources, is now considered the solution to all sorts of problems because so many industries as well as national economies depend on its availability at a market sustainable price. For decades now, however, most of the world's oil has been located outside these consumer countries' boundaries. So suppliers must go where it is, namely, in or offshore from developing countries. Given these geopolitical concerns, all the wiles of diplomacy from cajoling to military invasion are utilized to assure access to oil.

These geopolitical concerns first surfaced during World War I. The German military was never able to secure an adequate supply of oil, whereas the French and British were supplied by the US. When the war ended, France and Britain divided responsibility for potentially oil-rich Arab lands they took over from the Ottoman Empire, with the British turning Mesopotamia into a protectorate which they renamed Iraq. Later, both Germany and Japan lost World War II largely because neither managed to gain access to a regular supply of fuel for its land, sea,

and aerial military vehicles.[14] Since World War II government policy makers have had to consider not only military needs for oil but the disparate effects that oil prices have on home heating costs, transportation and tourism and, inversely, on marginal producers, greenhouse gases, and state tax revenues. As for Iraq's oil, if a lot of it is sold, then (other things being equal) the market price will come down. But neither American nor British oil companies would like this to happen, because that would affect the marketability of their own more expensive product. This oil-glut scenario is less worrisome, though, so long as world consumption continues to increase and the supply from Iraq and other places now being developed remains below capacity.

In short, non-empirical economists tend to view the oil market as a self-regulating system. But in the real world competing interests have social, political, and economic reasons to stabilize both the price and the supply of oil. This is especially true of supply at a time of international hostilities. So controlling the world's oil supply is unquestionably a desideratum of political leaders, especially those with expansionary aspirations. This was the case before, during, and after the invasion of Iraq. To show this I will consider first some policy statements made by or to prior US administrations, then some Bush administration policy statements.

Reasons for Invading Iraq According to US Policy Declarations

The geopolitics of oil provides a framework within which one can begin to reflectively understand why the government of a country like the United States, with its large consumer demand for oil, might well seek to control the supply of oil. It does not follow from this, however, that any US administration did in fact adopt a strategy to bring this about. In particular, such generic information does not constitute evidence that the Bush administration had such a strategy and that this strategy called for conquering Iraq. This requires specific, detailed information that I will now introduce.

Pre-Bush Administration Mideast Geopolitics

Control of oil has long been a key component of US and UK policy towards the Middle East. After World War I, US and especially UK petroleum companies sought such control, and their governments assisted them in this objective. During the decades following World War II, the U.K. and increasingly the U.S. resorted to both hard and soft approaches to controlling Mideast oil.[15] Presidents Roosevelt and Truman bolstered oil company interests in Saudi Arabia. For decades Iran has been the site of successive coups (one instigated by the CIA) to determine who will control its oil. When Egypt nationalized the Suez Canal in 1956, French and British forces aided by Israel intervened militarily to reopen it to oil tankers; then to minimize cold war ramifications, Eisenhower negotiated arrangements with oil-

producing countries. In 1972, Iraq nationalized its reserves, three-fourths of which had been controlled by British and US companies. A year later, Egypt and Syria invaded Israel causing it heavy losses of personnel and material. The Nixon Administration replaced Israel's material losses, OPEC responded with an oil embargo. In response, US loans and grants to Israel rose from half a million to over three billion dollars a year, and the pro-Israel lobby became ever more powerful and influential. For, it would henceforth be a key objective of US Mideast policy "to maintain the unfettered supply of oil at reasonable prices."[16]

Under President Carter, the Department of Defense developed a contingency plan that recommended developing a military infrastructure in the Middle East so that US forces could respond rapidly to protect oil reserves in that area.[17] Carter then announced in his last State of the Union address that any "attempt by an outside force to gain control of the Persian Gulf region" would be met by "any means necessary, including military force."[18] Over the next decade this so-called Carter Doctrine inspired a strategy to prevent either side in the Iran-Iraq War from gaining preeminence in the region. So the Reagan Administration supplied arms to Iraq while some of its key operatives – including former Bechtel Corporation CEO George Schultz, Dick Cheney, and Donald Rumsfeld – urged Saddam Hussein to let Bechtel use Export Import Bank funds to build an oil pipeline from Kirkuk to Aqaba. Hussein supported this project until the US broke its silence about his use of poison gas against the Kurds.[19] He thereafter ignored US and UK oil companies; then in 1991 to recoup war-incurred debts he invaded Kuwait. Declaring in an only recently declassified directive[20] that "(a)ccess to Persian Gulf oil and the security of key friendly states in the area are vital to U.S. national security," President George H. W. Bush cited "long-standing policy" in ordering the use of military force to oust the Iraqis from Kuwait; and this objective the Operation Desert Storm coalition quickly accomplished.

For the rest of the decade, including eight years under President Clinton, the U.S. and the U.K. routinely bombed and insisted on sanctions against Iraq. Meanwhile, US Middle East policy was heavily scrutinized by both private-sector and government strategists. Their focus was on what it would take militarily to keep the U.S. preeminent in the post-Cold War world and incidentally protect defense spending against any "peace dividend." Already in the 1990s the US military was spending between $50 and $60 billion a year to defend Middle East oil supplies.[21] Then in early 2001 this strategic planning came together in a resource assessment document that envisioned greatly increased need for oil from Iraq and other countries[22] and an action-oriented document in which the Bush administration was advised to take over Iraq. From among the many preparatory documents that are becoming available, I here consider just two late 1990s analyses of US energy policy, first one by a think tank, then one by a Defense Department strategy unit, each of which contends that the U.S. should intervene militarily to control Iraq's oil.

On 23 March 1998, Anthony H. Cordesman told the US Senate Armed Services Committee that the U.S. needed to take a military approach to

controlling the oil resources in Iraq and Iran. This Senior Fellow and Co-Director of the Middle East Studies Program of Washington-based Center for Strategic and International Studies set forth a regrettably prophetic agenda.[23] Problems he identified include: the US's failure to contain either Saddam Hussein or the "regional ambitions and opportunism" of France, Russia, and China; Iraq's UN authorization to increase its oil exports from $2 billion to over $5 billion every six months; the counterproductive results of CIA "destabilization" efforts in Iraq; and the unreliability of any ally other than the U.K. for military support if needed. His proposed solutions are multi-layered. Militarily, the U.S. should "demonstrate the effectiveness of (its) unilateral conventional military options ... maintain an unannounced theater nuclear threat against proliferation," recognize that no comprehensive WMD inspection and verification is possible "short of full-scale occupation." Diplomatically, the U.S. should "gradually assert its own vital strategic interests in terms of declared 'doctrines' rather than relying on UN, Coalition, or Western consensus." In rethinking its regional oil policies, the U.S. should seek "how best to minimize Iraqi influence and control over the regional oil market, ensure surplus production and distribution capacity, and counterbalance any Iraqi favoritism towards French and Russian firms in dealing with petroleum development, production, and distribution." This revised policy, Cordesman added, should support "the maximum regional role for US industry." Relying neither on Iran nor on Iraq for oil, the U.S. needs them to be "important energy suppliers."

Later the same year Cordesman backed up his Senate committee testimony with an extensive set of charts and graphs that show, in particular, (1) that Asia, especially China and India, will account for most growth in energy consumption including oil and gas, (2) that most of this will be exported from the Middle East, and (3) that Iraq's oil production will need to increase from 2.2 million barrels per day in 1990 to 7.8 mbd in 2020. He is especially insistent that the rogue states of Iran, Iraq, and Libya "come fully on-line [in oil production] to avoid over-dependence on Saudi Arabia and possible price rises."[24]

One year later, Department of Defense strategists issued Strategic Assessment 1999 (NDU 1999), its fifth annual reflection on security problems, one of which is identified as maintaining access to the world's oil. Four chapters offer a global overview of problems ahead, seven home in on different regions, five on unstable nations, and four on weaponry needs for such a "turbulent world." In Chapter Three on "Energy and Resources: Ample or Scarce?" US reliance on Persian Gulf oil is deemed minimal for the foreseeable future but this finding is weakened by economists' argument that "(a)ny shortfall from the Gulf would affect all oil consumers equally." Ideally, the major importers from the region would defend it, but these include China and India, with whom the U.S. "is not likely to share decisionmaking."[25] This region, moreover, is "infected by political instability and anti-Western attitudes."[26] So "U.S. forces may intervene in future crises and wars in the Persian Gulf. Energy dynamics will dictate that U.S. forces play a major role in

Persian Gulf security."[27] Chapter Seven, in turn, concludes that "a middle-of-the-road course is most likely" in the Greater Middle East. But if Israeli-Palestinian relations should deteriorate (as they have) and the US military presence in the region is challenged. U.S. policies seeking access to oil at reasonable prices and promoting nonproliferation would be severely tested. An unstable oil market could have several outcomes. It could include angry oil producers, like Iran and Iraq, using force to punish those who might have expanded output, like Kuwait, Saudi Arabia, and the United Arab Emirates. It could also include instability within states dependent on oil revenues and unable to pay debts or subsidies to their citizens; this encompasses all the oil-producing states.[28]

Such, then, were the strategic precedents and proposals regarding Middle East oil that were available to the George W. Bush administration.

Bush Administration Mideast Geopolitics

These precedents and proposals became Bush administration policy, in approximately the following way. Soon after the inauguration there were secret meetings of the National Energy Policy Development Group, a task force established by President Bush on January 29, 2001, which studied Iraqi oilfields and issued a report five months later. U.S. Vice-President Cheney, himself a former oil executive, chaired these meetings; and, assert Judicial Watch and others in a lawsuit, various private-sector individuals, e.g., the then CEO of Enron, regularly attended. If so, the task force's records can be subpoenaed; but the DC appellate court held that the scope of discovery needed to be set first, and the U.S. Supreme Court, on appeal, told the district court to do that. Meanwhile, a task force set up by Vice-President Cheney and working under the joint sponsorship of Rice University's James Baker III Institute and the Council on Foreign Affairs completed a 130-page document entitled Strategic Energy Policy Challenges for the 21st Century. Already available in April 2001 but given a September 2001 publication date, it addresses such energy-related topics as conservation, diplomacy, and alternative sources of energy. Especially noteworthy, however, is its inclusion of military force as a way to stabilize the availability of Iraq's oil resources.

To reach this action item the task force first notes that "political factors" (Arab countries' dismay at the United States' pro-Israel stance) could "block the development of new oil fields in the Middle East," and this would have serious ramifications for a country like the U.S. that chooses not to conserve energy. Indeed, it continues, Iraq has already become an on-and-off "swing producer" to manipulate the market, and Saudi Arabia's "willing(ness) to provide replacement supplies" is unreliable. In order, then, to "eventually ease Iraqi oilfield (investment) restrictions"[29] the task force says:

> The United States should conduct an immediate policy review toward Iraq, including military, energy, economic, and political/diplomatic assessments ... (For,) Iraqi reserves represent a major asset that can quickly add capacity to world oil markets and inject a more competitive tenor to oil trade.[30]

In plain English, this is a call for self-interested control of Iraqi oil which includes a call to arms; and it was so understood by the first readers who became aware of its existence. The military option is not preeminent in this document, but it is the one the Bush administration chose to implement; and companies with an interest in its succeeding (already well represented on the task force) began to plan accordingly. Conveniently, an Independent Working Group cosponsored by the Baker Institute and the Council on Foreign Relations issued a 29-page report in December 2002, setting out "guiding principles for U.S. post-conflict policy in Iraq."[31] As its title suggests, this report assumes there will be military conflict. Its "guiding principles" for post-conflict governance in Iraq take up one-third of the document. Two-thirds is about managing production of Iraqi oil and, to a lesser extent, natural gas reserves. But the working group warns against "U.S. statements and behavior" that would indicate an interest in stealing or controlling Iraqi oil[32] and thus provoke "guerilla attacks against U.S. military personnel guarding oil installations."[33]

Thus guided behind the scenes, the Bush administration's political rhetoric cited only its manufactured jus ad bellum reasons for invading Iraq; and these reasons few American citizens seriously questioned. After "coalition" troops had occupied Iraq, a 1,400-member special forces Iraq Survey Group undertook a search for weapons of mass destruction. Survey group head David Kay reported in October 2003 that they had found none; and the administration began shifting its rhetoric from the WMD pseudo-motive to that of regime change. In January 2004, they reassigned 400 technical experts as Kay resigned and he and others began publicly discussing the import of his group's failure to find WMDs. In the meantime, as noted, President Bush had signed secret decrees that assured to US and UK oil companies unlimited, open-ended control of every barrel of Iraqi oil. This objective was in turn just one part of a plan to privatize all of Iraq's capital assets in order to establish a libertarian utopia.[34] Before foreign investors could be lured to Iraq, however, these privatizations had to be legitimized under international law, and this required authorization by an Iraqi government with internationally recognized sovereignty. To this end, the U.S. set up a coalition-friendly interim council which it replaced in June 2004 with a selected group of regional representatives whose principal task was to arrange for national elections to be held early in 2005. This agenda has been severely hampered, however, by the repeated attacks on coalition-affiliated persons and property, the interim leaders' desire to honor pre-invasion oil contracts with French and Russian companies, and the Shiite majority's insistence that government officials be elected. Behind the scenes, revenue from oil production has been diverted to U.S.-selected projects mostly carried out by US companies with no transparent accounting in place.

Neither U.S. presidential candidate mentioned any of this, perhaps because no less important than controlling the oil is not to appear interested in that oil.

Reflective Understanding and War: A Pragmatic Approach to Reflective Equilibrium

Would it have been possible to apply just war theory in real time to assess whether there were adequate reasons for invading Iraq? This invasion was mounted to achieve a complex set of converging objectives – military, geopolitical, and economic, among others – which were set forth in advance in strategic policy documents. These, however, were not articulated in public discourse. Bush administration spokespersons called this intervention a humanitarian rescue of victims variously identified as US citizens, the Iraqi people, and/or the world at large. Ignoring past US complicity with Saddam Hussein as his weapons provider and longtime advocate, they stressed his villainy as justification for warring against him (and "collaterally," of course, against Iraqi civilians). And they mentioned Iraqi oil only to deny its relevance. But what if (as argued above) Iraqi oil was their target, documentary evidence shows this, and (largely contrary to fact) knowledgeable critics said so openly, often, and before the fact? Under these circumstances, the Bush administration might have contended that gaining control of oil (however cosmetically phrased) suffices for justly warring. No matter, though, because the media remained fixated on the administration's announced objectives.

Such, then, is the challenge that faced anyone who wanted to assess such a war in a timely, rather than retrospective, way. To address this problem, as already suggested, one would need reflective understanding. But how does one achieve this? Not by staying within the parameters of Rawls's approach to reflective equilibrium, which he did not extend to foreign policy. But we might try to open this quest for a coherent set of moral principles to include Edward Said's critique of real-world facts (aimed at reflective understanding).

Many academic philosophers, as will be discussed, would frown on this proposed move; but, I believe, just war theorists should endorse it. Why? Because the gap between ideational critique of moral principles and real-world critique of war-making justifications needs to be bridged if just war theory is to be more than merely an historical tool. But doing so is hampered by an epistemological gap between truth-sensitive and goal-oriented uses of language. For, by way of illustration, ancillary to the geopolitical case that was made in behalf of taking over Iraq in 2003 was a dualistic approach both to foreign policy and to communication that has been traced to the philosophical outlook of Leo Strauss. This outlook invites philosophical critique, not merely as a set of ideas but as facts on the ground.

Late Twentieth Century Philosophers on Political Affairs

A number of neoconservatives associated directly and indirectly with the Bush administration apparently found in Leo Strauss's ideas a justification both for imperialist policies and for concealment of their true motives from the general public. If true as various analysts claim, this represents an approach to justifying state use of military power that was rarely supported by American philosophers in the latter half of the twentieth century. So a philosophical antidote seems required, but it cannot be neatly derived from others' efforts at that time. John Rawls can serve as a starting point, however, and the early twenty-first century work of Jonathan Glover takes us much farther. So I will put Strauss and Rawls in their cultural context, then contrast their respective approaches, and finally go beyond their ideational world to the real world as studied by Glover and others.

Rawls acknowledges that even well-ordered peoples might go to war for realpolitik reasons, yet subscribes to the peace thesis that politically wise statesmen together with an expansion of commerce and trade will build a better world in which such misbehavior no longer occurs. But political wisdom may not be the driving force behind a government's decisions. For, as Rawls learned from World War II, people in power might be motivated by an invidious political philosophy with dangerous implications for the world. And this may still occur wherever power is relatively unlimited. Certain Bush administration ideologues in particular seem to have found reasons for international over-reaching in the views of German-Jewish emigre Leo Strauss, according to whom the Nazi takeover of the Weimar Republic showed how easily a democracy can be turned into a demagoguery. A classicist professionally, Strauss understood Plato's Republic to be a warning about how democracy would turn Athens into an unlivable, anti-elitist dystopia.[35] To appreciate this atypical interpretation, one must look beneath the superficial to the esoteric meaning. For, as Plato advised, the truth is for the few; for the masses, a noble lie will do. Strauss transmitted this modus operandi to his students some of whom later established the neoconservative Project for the New American Century,[36] some associates of which became key proponents of the Bush administration's policy towards Iraq. On their view, evildoers are everywhere, so good – preferably religious – politicians need to use deception in their dealings with friends and enemies alike and, moreover, replace the cautious social science approach that characterized US intelligence gathering with a results-oriented political philosophy. The neoconservatives' agenda has been called into question since the takeover of Iraq. Their elitist-cum-imperialist philosophical view remains very useful, though, to members of the Bush Administration, including the president.[37] And their approach to global affairs is based in part on a political philosophy which extends to areas of policy well beyond where John Rawls thought philosophy could go; so it must be challenged on a philosophical level.[38] To this end I will first describe a mid-twentieth century debate among philosophers about critiquing public affairs, then locate Rawls in that debate, then move beyond.

An apolitical stance dominated post-World War II philosophical attitudes in the United States. When the Nazis came to power in Germany before that war, many scholars fled, some to the United States. Two political philosophers who came here, Hannah Arendt and Leo Strauss, were both dissatisfied with existing forms of democracy – Arendt because they lack collaborative deliberation, Strauss because they risk giving way to mobocracy. But a number of philosopher emigres from Vienna, known as logical positivists, saw no basis in theory for addressing political issues, and many U.S. philosophers at mid-century and beyond adopted this stance.[39]

The Vietnam war intensified the split between non-concerned and concerned philosophers, as they are called. The former, denying that one could arrive at a position on public affairs from philosophical reasoning, reduced doing so to a matter of personal preference. Sidney Hook considered philosophers ill-prepared to speak intelligently about political matters.[40] Herbert Marcuse, however, speaking as American Philosophical Association Pacific Division President in 1969, urged philosophers to abandon their "puritan neutralism" and critique "the language, the behavior, the conditions of the existing society" to "counteract the massive ideological indoctrination practiced by the advanced repressive societies of today."[41] Some scholars did this, especially with regard to the causes of war[42] and just war theory.[43] Their work was primarily retrospective, however, whereas what is needed is guidance regarding real-time decisions.

Rawls moved in this direction in his intra-societal theory, first fully developed in his *A Theory of Justice*.[44] But when he turned to global affairs in his *The Law of Peoples*[45] he held on to his intra-state priorities, organizing his thoughts around a problematic classification of peoples according to how well they govern themselves internally and behave themselves externally. Preeminent in his world are "liberal" peoples, in comparison with whom others are evaluated and, if need be, disciplined. Ideally, he argues, liberal peoples will not bully any well-ordered peoples, liberal or only decent. To be deemed decent, he says, a people must honor group rights; but it should be tolerated even if, other things being equal, it is not committed to individual human rights. Both liberal and decent peoples may go to war but only in self-defense; and, for that matter so may any people, even in a dictatorship, if they honor human rights and are not aggressors.[46] At this point, however, equal access to a jus ad bellum ends. For, only a well-ordered society, and a fortiori a liberal society, is entitled, and at times obligated, to intervene even militarily if another society falls too far short of the ideal by becoming a serious threat to peace in the world (an outlaw society) or by facing debilitating circumstances beyond its control (a burdened society). The standards he endorses, then, for dealing with "non-ideal" situations in our imperfect world are about what an "advanced" nation-state would come up with and put into practice, especially if its military prowess far surpasses that of others even combined. Rawls acknowledges that such might could too facilely declare itself right. But he

does not subject his value-laden classification of peoples to serious critique. This lacuna in his work can be overcome, however, if one pushes the boundaries of reflective equilibrium farther than he did. I propose doing just that.

Reflective equilibrium, says Rawls, is achieved by means of a back-and-forth process of fine-tuning principles selected in the fact-oblivious original position in light of one's considered convictions[47] and testing the latter against the principles.[48] Eschewing an ideal reflective equilibrium, Rawls settles for examining the tradition of moral philosophy plus any other views that come to mind.[49] This probably doesn't include judgments about facts; yet Rawls does say that to "understand our sense of justice" we must "know in some systematic way covering a wide range of cases what these principles are."[50]

Rawls's reflective equilibrium has had a mixed reception. Generally speaking, it stands or falls depending on one's view of coherence, that is, consistency among principles or beliefs. Among philosophers, foundationalists fault Rawls's willingness to settle for coherence because, they insist, one ought not endorse norms without having first established them meta-ethically.[51] Some logic-oriented philosophers have, however, sought to systematize the search for coherence.[52] Philosophers attuned to social mores tend to oppose Rawls's approach, but for opposite reasons – either because they believe it unlikely to uproot people's deeply held biases[53] or, inversely, because they fear it would do just that, thereby threatening the traditions and myths that underpin the status quo.[54] Some non-philosophical specialists, by contrast, are using reflective equilibrium to address concrete problems, applying it, e.g., to environmental impact analyses[55] and political affairs.[56] Rawls himself envisions the search for reflective equilibrium as a work in progress ever open to further revision.[57] But in LP, as noted, he does not use this device to elaborate rules for international behavior. Instead he posits rules, envisions their eventual acceptance by all, and in the interim subjects the non-compliant to the discipline of "liberal" nation-states. This amounts to wishful thinking, the mirror image of which is a Hobbesian wolf in civilized sheep's clothing.

The principal weakness in Rawls's approach to global affairs is his reliance on an imperfect institution, the liberal society, to act as interim policing agent until a hoped for realistic utopia has come into being. In Rawlsian terminology, this amounts to confusing the expectations set forth in ideal theory with the realities dealt with in nonideal theory. He does this, however, with full awareness of a liberal society's potential for mischief. Already in TJ, for example, he reasoned that an individual soldier may refuse to carry out orders "if he reasonably and conscientiously believes that the principles applying to the conduct of war are plainly violated."[58] Years later in LP, though contending that neither liberal nor decent peoples go to war against one another[59] he devotes several pages to their jus ad bellum towards others. In particular, they may go to war but "only when they sincerely and reasonably believe that their safety and security are seriously endangered by the expansionist policies of outlaw states."[60] In effect reinstating his

earlier view of conscientious objection, he adds that "a liberal society cannot justly require its citizens to fight in order to gain economic wealth or to acquire natural resources, much less to win power and empire."[61] It is not clear, however, if such dissent applies to societies that are not liberal. For, in LP (as already sketched in TJ 58) he puts not individual persons but representatives of peoples behind a veil of ignorance. They adopt rules acceptable to both liberal and typically non-democratic decent peoples. Not all peoples will be compliant, though, so there needs to be global policing of "non-well-ordered peoples"[62] and some limited assistance to "burdened societies."[63] The rules Rawls sets forth in ideal theory are standard fare in international law; but he offers little guidance to those called upon to enforce them in non-ideal theory. In particular, he does not address the pros and cons of humanitarian intervention. He insists that burdened peoples can rise beyond their harsh conditions and ought not depend indefinitely on help from beyond their borders; and he rejects economic exploitation as grounds for going to war. But he provides no reliable basis for precluding global exploitation that is deceptively characterized as noble assistance. This discomforting outcome is due in part to Rawls's not having applied reflective equilibrium questioning to global norms.

Rawls apparently believes that once peoples, or nations, become rule-compliant, the world will consist of satisfied societies. For, "a group of satisfied peoples" will no longer look to religion, territory, or political expansion as operative motives for going to war. He does cite some horrendous counter-indications, but seems to think they are non-recurring hence not fatal to attaining a Kantian end state. The Holocaust will not recur, he says – but it has, e.g., in Cambodia, in Rwanda, and in the former Yugoslavia. Economic needs, he says, can be met through negotiation and trade.[64] But to believe this, he admits, one must assume "the larger nations with the wealthier economies will not attempt to monopolize the market, or to conspire to form a cartel, or to act as an oligopoly."[65] Both European countries and the United States, though, have done just that.[66] Yet Rawls believes democratic peoples will in time "engage in war only as allies in self-defense against outlaw states."[67] And when they do, they will act only to maintain global peace. Meanwhile, in the here and now, they might go to war "to gain economic wealth or to acquire natural resources," or even "to win power and empire." If one does, it is not honoring the Law of Peoples, and becomes an outlaw state.[68] Yes, he continues in a footnote, "so-called liberal states sometimes do this, but that only shows they may act wrongly."

These crucial admissions invite treating non-compliant incidents as merely extra-theoretical aberrations but in fact they generate a conundrum. Rawls relies on liberal democracies to bring outlaw states into compliance with the Law of Peoples; yet he acknowledges that a liberal state might itself behave like an outlaw state. Moreover, its policing function is to be guided, he says, by foreign policy graced with political wisdom and luck. Nothing more, for "(t)hese are not matters to which political philosophy has much to add."[69] In theory, then, his principles of

global justice are supposed to help distinguish the fox from the farmer; in practice, a fox adept at spin-control might pass for a farmer until there are no more chickens.

In short, after constructing a global framework to advance peace in the world, Rawls concedes it will fail if the designated peace-keeping states act in destructive ways which are beyond the reach of political philosophy. De facto they do, but he merely regrets such counter-indications even though he himself had warned in TJ[70] that when "counter examples ... tell us ... that our theory is wrong somewhere" we should "find out how often and how far it is wrong." He doesn't do this in LP, but hints that he favors doing so by "relying on conjecture and speculation" to envision changes in political and social institutions,[71] agreeing on rules for a Society of Peoples "when a shared basis of justification exists and can be uncovered by due reflection"[72] doing this through a process that "assumes the reasonableness of political liberalism" which is confirmed by the reasonable Law of Peoples thus developed[73] and by Kantian practical reasoning whereby "the resulting principles and standards of right and justice will hang together and will be affirmed by us on due reflection."[74]

Responding Philosophically to Philosophically Endorsed Political Violence

Given his assertions about how global rules are to be determined, why would Rawls leave a government's activities in the world to its foreign policy, political wisdom, and luck? Why say that political philosophy has little to add, knowing as he does that political violence is routinely rationalized? Perhaps he means there are areas of expertise other than political philosophy that facilitate understanding a government's motives. This said, though, philosophical considerations may also influence a government's motives.

Plato, as Leo Strauss advised his proteges, actually thought a society would be better off with philosophers in charge. But the historical record in this regard is mixed at best. The eighteenth-century French activist philosophers ("philosophes") were "men of letters, writers of books" who sought to bring progress and then perfection to the human condition.[75] When to their ideas power was added, however, the result was the Reign of Terror. This does not prove that philosophy and power are never compatible, but it is a warning that reflecting on ideas is worse than useless if not joined with a moral commitment to human rights.

Similarly, Karl Marx's brilliant analyses of economic exploitation took a turn for the worse when purportedly acted upon by Stalin and Mao Zedong. Similar cautions apply to Nietzsche in the hands of the Nazis, although Leo Strauss thought "a planetary aristocracy" is preferable to "a universal classless and stateless society."[76] And such views are, as noted, an inspiration to Bush administration neoconservatives as they pursue their quest for dominance. So in addition to documenting the connection between oil and their targeting of Iraq, one seeking a full account of motives would need to assess the philosophical underpinnings of

their endeavor. For this latter purpose, I take a lesson from moral philosopher Jonathan Glover's *Humanity*.[77]

In this book Glover discredits the alleged principles used to justify the wars, massacres, and other moral disasters of the twentieth century. Having accomplished this in unrelenting detail, he is left with no legitimate rationale for these manifestations of human cruelty. What he finds instead is that blind belief, blind adherence to honor, and blind obedience account for the bestial way in which human beings act towards other human beings. So he recommends that we seek an explanation for such heartless behavior in human psychology so, hopefully, we might ameliorate its consequences in the future.

What, a critic might ask, entitles Glover to report on and analyze this immense body of data? As he himself acknowledges, he did not personally experience the moral disasters he describes but relies on reports by others who did.[78] And many of those on whom he depends for information were themselves reporting what they learned from others. So Glover is twice removed from direct empirical evidence. He nonetheless helps us understand this evidence from a moral perspective that the perpetrators assiduously disavowed. He does not justify the moral perspective from which he critiques the political hypocrisy of mass murderers. But he requires the reader to look without euphemism at the ideological slogans and pseudo-science to which they appealed to justify their systematic killing. In so doing, one is backed into a corner from which neither indifference nor approbation offers an acceptable escape.

To develop a comparable moral critique of the Bush administration's agenda to gain control of the world's oil would far exceed the scope of this essay. But the issue can be stated succinctly by noting that the same antiterrorist rhetoric used to cloud motives for invading Iraq is already being directed towards the other two countries in Bush's axis of evil: Iran and North Korea. While political rhetoric and activity focuses on their respective WMD potentials, oil industry experts are busy determining the extent of their oil reserves and how best to access these. Iran's immense reserves of oil and natural gas are well known. North Korea's, though still mostly undeveloped, have also had the attention of industry experts in recent years. With this geopolitical agenda duly noted, I will suggest in concluding how a practical ethicist might strive for reflective understanding of an event like the takeover of Iraqi oil by questioning the validity of asserted threats on which such military interventions are justified.

With relevant factual information at hand, an ethicist can avoid being taken in by a government's rhetorical deception, apply ethical norms to the strategies being implemented on the ground, and evaluate their justification. First, the ethicist might learn from available strategy proposals that a government's asserted motives for certain impending actions do not accurately reflect the motives set forth in its strategic plans, hence call for some adjustments to salvage reflective equilibrium. If this cannot be done without either ignoring the available evidence or abandoning the moral principles brought to bear in assessing it, the ethicist may have to conclude that the strategy being examined is not morally justifiable.

This type of critique helps clarify the meaning and scope of one's moral convictions. It is not a decision machine, but if done thoroughly it helps sort out likely consequences of a given course of action or, inversely, of doing otherwise. In particular, if the reasons a government puts forward for pursuing a certain course of action do not clearly justify the negative consequences of so acting, e.g., the loss of numerous lives and the expenditure of vast sums of money, one can hardly accept the government's stated reasons without disavowing any expectation of achieving reflective equilibrium about the matter. This conflict between one's moral beliefs and the government's stated reasons is even more likely to occur if one takes steps to neutralize an "Our Side Bias,"[79] notably by asking how really fair and impartial are the reasons a government puts forward in proclaiming its course of action just. Are these grounded in legitimate moral principles or do they depend on unexamined biases which dispel all doubts by laying claim to collective righteousness? As Glover's work makes clear, such unexamined beliefs on a grand scale can impact innocent people's lives in ways that are unspeakably brutal and brutalizing. Whence the importance of going beyond just war theorizing to reflect, in Said's sense, on the unexamined beliefs of active warmongers.

Philosophers, among others, have in recent years been moving in this direction. They have not yet generated a real time critique of reasons put forward for going to war. But they are examining background concepts that seem destined to play a role in military endeavors yet to come. In particular, they have focused on the morality of terrorism as such,[80] not on political talk about an ongoing "war on terrorism." One encouraging exception in this regard is a recent publication[81] in which contributing philosophers and theologians warn that merely saying "they are terrorists" does not justify taking military action against people so labeled or others only incidentally associated with them.[82] What matters, though, is that philosophers and others are beginning to critique political violence in a timely way. And from the congressional speeches of Ron Paul (R-TX) prior to the invasion of Iraq they could learn that one who is well informed and courageous can apply just war theory to evolving belligerence in real time.

Political violence, in short, can become the subject of reflective understanding. To be effective in real time, however, the occasional concerned ethicist or politician must become thousands, indeed millions of people who refuse to be duped by words promoting deeds that surely will not to heaven go. Unarmed opponents of militarism are, of course, at an extreme disadvantage; but U.S. troops did eventually leave Vietnam, and China has changed since Tiananmen Square. So when a critical mass of voices rises in opposition to unjustified violence, the morally blind can no longer rely on the politically deaf for support. In such circumstances, peace becomes at least a possibility.

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