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The US invasion of Afghanistan: A justified war?

A content analysis using just war theory

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1. Introduction

On the morning of September 11, 2001, two passenger planes hijacked by Al Qaeda terrorists crashed into the World Trade Center in New York, killing 2763 people. Another hijacked airliner crashed into the U.S department of defense headquarters, the Pentagon. A fourth plane was set for Washington D.C but ultimately missed its target and crashed into a field in Pennsylvania, after passengers attempted to retake control of the airliner. None of the planes had any survivors (BBC 2011). This series of coordinated attacks later became known as 9/11, the most destructive terrorist attack on the United States to this day. It was the justification for the George W. Bush administration´s "Authorization for Use of Military Force Against Terrorists" resolution, which gave the United States´ armed forces mandate to bring the 9/11 perpetrators to Justice, and prevent any future terrorist attacks on the U.S (White house 2001). This was the starting point for The United states´ worldwide war on terror campaign, which saw its first major escalation on October 7, 2001, when the U.S together with the U.K invaded Afghanistan (Ibid). This was due to the Afghan Taliban´s refusal to extradite Osama bin Laden, the leader of Al-Qaeda. The war in Afghanistan continues to this day, with ongoing skirmishes between Taliban forces and coalition allies. Despite this, the U.S and its allies are planning to fully withdraw from the country, a decision which the Taliban claim is a victory (BBC 2021).

The drawn-out conflict has led to much skepticism about the legitimacy of the war, and generated a lot of debate in American media. Supporters of the war claim it is a necessary operation to ensure US interests, and critics claim the war is illegitimate and was never justified to start with (Global Policy Forum 2001). There is also much scholarly debate about the war, focusing largely on the legal and moral base of its justification. Despite this, the verdict of whether the decision of invading was just remains inconclusive (Rigstad 2021). And it is in this contested field of study where I aim to make my contribution, and provide a new angle of perspective to this difficult debate. This essay is going to analyze the U.S decision to start a war in Afghanistan, to decide whether the arguments justifying the campaign can be considered "justified". To answer this, the study will focus on the Bush regime´s official statements, using the theory of just war. The theory suggests that war is only justified under certain conditions, and it is thus the ambition of this essay to decide whether the United States justification for war is in line with the principles of just war theory.

1.1 Purpose

This essay will examine official U.S public statements regarding the Afghanistan war, in order to evaluate the arguments used to justify the operation. These arguments will then be compared to the criteria listed in the Just War theory. The research question answered here is thus: *Are the presented arguments for invading Afghanistan in line with Just War Theory?* Therefore my thesis is not to decide whether or not just war theory is a viable tool for scientific research, even if this will be addressed in the *theory* section. I want to instead make a contribution to a highly contested topic, and bring my own thoughts to the debate. Just war theory was chosen due to being highly relevant and a dominant framework of theory among scholars on this subject (Rigstad 2021). My research question differs slightly from the majority of previous research however. While most relevant papers discuss whether the Afghanistan conflict was *actually* just, this essay will analyze whether the arguments justifying the war can be considered to be in line with just war theory, more specifically the criteria of *Jus ad bellum.* It is therefore focused on in depth text analysis, which is a less common approach in this field, but which I consider to be a good complement to the already established research.

1.2 Delimitations

The primary delimitation this essay is the fact that I will only an if the United States´ official arguments are in line with just war theory, I will not address whether this is the case for their actual motives. Such an analysis would require different materials and is thus outside the scope of this essay. Also, this essay may expose possible contradictions or different arguments among the selected materials but will not make any attempt to explain why such differences can be observed. Additionally, this study is limited in the fact that I only analyze the justification for war as expressed by the Bush administration. So while the conflict is ongoing and has spanned three administrations, this essay only concerns itself with the first administration which started the conflict. Finally, this essay is not focused on the legality of the Afghanistan invasion. While the legal aspect of the conflict will be discussed, it is again not the aim of this essay to determine the justification of the conflict on basis of law.

1.3 Method

This study takes on the form of a qualitive content analysis. The central tenets of this method are well described by Professor Mikael Nygård in his lecture: *Innehållsanalys och diskursanalys: Fördjupad forskningsmetod.* Nygård explains that content analysis is divided into two subgroups, qualitative and quantitative content analysis (Nygård w.y). The former is what is being utilized in this essay, and according to Nygård, this approach is based on finding the holistic and subjective meaning of the material, with regards to both its latent and manifest content. It is a combination of subjective interpretation, and pre-determined rules regulating how the text is analyzed (Ibid). Quantitative text analysis on the other hand is more focused on mapping the frequency of certain words and phrases in texts, and more bound to strict code schemes. The difference between these two approaches, however, is not always very clear. According to Nygård, the difference that exists between the two approaches is primarily the fact that qualitative text analysis is more focused on the subjective understanding of the text (ibid).

As for how this relates to my study, this essay will to some degree depend on subjective interpretation, but not to the degree that I make any claims about underlying motives or agendas. As will be explained later in this section, I limit my analysis to the *manifest message,* what can be directly read from the material. Nevertheless, this study takes on the form of a qualitative content analysis. Nygård goes on to explain a few different methods regarding the qualitive content analysis. By referring to the categories defined by Hsieh and Shannon in their book*: Three Approaches to Qualitative Content Analysis, Qualitative Health Research,* Nygård mentions three different approaches. The *conventional approach* or *inductive approach* is the most free form of content analysis, where a code scheme and categories are constructed as the analysis unfolds rather than being determined beforehand. The *controlled* or *deductive approach* is instead based on constructing a pre-determined code scheme based on related theory, and letting that guide the analysis. This is the method which is most related to this essay, as the Jus ad Bellum criteria here help construct the questions which guide how the materials are analyzed.

Lastly Nygård mentions the *Summarizing approach,* which means quantifying words of interest in order to get a proper understanding of the manifest content in the material. This is usually done with computer programs which automatically map out the frequency of certain words or phrases (Ibid). Regarding rules that apply to the quality of qualitative text analyses, Nygård lists 4 criteria. First is *credibility,* which describes how realistic the results are and how well they relate to the material. Next is *transparency,* which describes how well the methodology is explained and whether the coding scheme can effectively be used by other researchers. Then there is *dependability,* which is whether other researchers using the same methodology would reach the same result. And finally there is *transferability,* which is whether or not the results can be comparable to other contexts or if the results has any generalizable quality (Ibid). As for how these criteria relate to this essay, it is possible that the criterion of *credibility* depends on how well the *jus ad bellum* conditions are operationalized. In other words, whether or not my definitions of the criteria can be considered reasonable. Regarding *transparency,* it is possible that this condition depends on the extent to which I support my conclusions with examples from the text. This is something I aim to follow throughout the analysis by frequently providing quotes. The *dependability* on this essay will again also be based on the extent to which I draw conclusions based on subjective interpretation. But by limiting myself to only analyzing what is explicitly expressed in the material, as well as being transparent with the use of quotes, I believe that this study will fulfil this criterion as well.

However I will not claim that this essay has any transferable quality. While my selected interpretation of the Jus ad Bellum criteria might be applied to other cases, the results of this study are concerned with only one isolated event in history. Finally, I want to again clarify that this study focuses on the *manifest* message of the text, not the *latent* one. As Esaiasson explains, the manifest message is concerned with the language, what can immediately be observed. The latent message however, is concerned with what that language *actually means* (Esaiasson 2007, 37) This is important to be aware of, since just war theory is concerned with the *true* motives and conditions behind a nations decision to declare war. This means for example that it is wrong to propose that the US invasion of Afghanistan was just after making only a language focused analysis of the United States official justifications to declare war. If other reasons like revenge or power were behind the decision, we can assume that they would not be explicitly mentioned in the text material. So while this essay will conclude with a brief

discussion regarding the *actual* jus ad bellum circumstances, this essay focuses only on what is explicitly being said in the analyzed materials.

1.4 Materials

The sources used in this essay are the ones written by US president George W. Bush. The materials have been chosen to most accurately reflect the official justification for the Bush regime´s war in Afghanistan. Because of this, material such as press conferences have been omitted due to the risk of human error by the state representative. In other words, in potentially stressful situations like an interview or press conference there is reason to believe that state officials frame the US invasion in a way that is not the administration´s official stance. The chosen material are thus official, pre determined statements. This gives more credibility for the content to be a reflection of the United States official arguments, as material such as speeches, joint statements et cetera have likely been formulated in advance and checked for errors. Also, the material has been picked to span the entirety of George W. Bush´s administration, and this is to determine whether the arguments change over time. Furthermore, the material has been chosen to determine if the justification varies depending on the recipient. Thus, I have chosen sources which both address the people of the United States and the rest of the world community. I have also chosen the materials that are often quoted and referred to, in order to find texts that hold most the most significance in relation to the United States view on Afghanistan.

The materials are four speeches made by US president George Bush and the 2006 *Security Strategy*. All of the material comes from the Bush administration´s official white house web page. The first speech is the address to a joint session of Congress and the American people on September 20, only 9 days after 9/11. This speech is often referred to as the United States´ official declaration of war on terrorism. The second speech is from October 7 2001, when Bush announced the launch of *Operation Enduring Freedom.* The third speech is addressed towards the United Nations General assembly on November 10 2001. This speech holds great significance due to being directed towards the world community. It also stands out from the other speeches because of its greater length. The fourth speech does not address the same

previous audience as the previous one, as this is a speech given at a graduation class at West Point Military Academy on June 1 2001. However, this speech was chosen due to containing arguments which would later be summarized as *the bush doctrine,* a key policy describing the administration´s view on preemptive warfare (Jervis 2003, 369). So even though the context of this speech makes it unlikely that Bush is primarily aiming to justify the war in Afghanistan, this speech was deemed relevant due to its elaborative explanations of US foreign policy. My last text is the *National Security Strategy* of 2006, which is a comprehensive document explaining policies and preventive actions toward a range of security threats to the United States, including that of Afghanistan.

Due to this document being from 2006, it is possible to determine whether the justification for war in Afghanistan has changed over time. Much of the material mentioned here will have taken place after the invasion of Afghanistan. Because of this there is a risk of the arguments seen in the material to be after constructs, in the sense that they were formulated after the event to make the actions of the Bush administration appear necessary. However, as I discussed earlier the goal of this essay is to make a text analysis of the manifest message in the material. I will make no claim to determine the United States´ true motives, I will only make my analysis based on what is said in the official arguments. Because of this, I can still use these texts, despite their obvious risk of tendency. Also, this essay will address whether the Bush administration´s official justifications change over time but will make no claim to determine why a possible inconsistency of arguments can be observed. That is due to the difficulty of determining the cause of such a change. It is for example hard to decide whether a shift in arguments between texts depends on a change in recipient, or because of new information. Again, the main reason goal of the essay is to show how the arguments compare to just war theory. Using materials which differ in time and recipients is a way to get a more nuanced answer to that question.

2. A brief historical background of the Afghan war

As previously mentioned, the US invasion of Afghanistan was the result of the Taliban regime´s hosting of the 9/11 perpetrators. After brief negotiations with the Taliban failed, the United States together with the UK launched *Operation Enduring Freedom* on October 7 2001 (Council of Foreign Relations 2021). The operation was initiated with a five day long bombing streak of the Al Qaeda and Taliban military targets and vital infrastructure. Bombings were conducted by airstrikes and with long range missiles fired from warships in the Persian Gulf. The US and the UK were soon joined by other countries around the world, and the newly formed coalition started to establish military bases around many major cities in Afghanistan. The coalition was also supported by the *Northern Alliance,* a domestic anti Taliban faction which had been at war with the regime since the civil war of 2006. The war against the Taliban was initially fought in mostly northern Afghanistan, with the crucial city of *Mazar i Sharif* falling from Taliban control November 9. Shortly after, the Afghanistan capital city Kabul was taken on November 13. On December 20, The *International Security Assistance Force* (ISAF) was established by the United Nations to help maintain stability in the capital (Ibid).

After the fall of Kabul, many Taliban forces fled into the neighboring Pakistan, yet clusters of Taliban resistance remained in various parts of the country. Major battles were fought in the city of *Kandahar*, and most notably at *Tora Bora.* The latter was a drawn-out conflict in the eastern mountainous region of the country, where the US suspected that Al Qaeda had its headquarters and Osama bin Laden was hiding. The battle was prolonged due to Al Qaeda fighters being able to cover in the area´s cave complex, but by December 17 the last pockets of resistance were subdued. However, neither Osama Bin Laden nor any other members of top Al Qaeda leadership were found. In 2003 conflicts escalated again, when Taliban remnants were reorganized under *Mullah Omar*. Under the new leadership, the Taliban started to wage guerilla warfare against the newly formed Afghan government and ISAF. By this time, the North Atlantic Treaty Organization (NATO) had established control of ISAF, which at the time was made up of troops from 43 countries. Following the Taliban resurgence, some rural areas in the eastern and southern parts of the country fell under Taliban control, and civilian casualties began to rise due to the Taliban´s increasing use of

suicide bombings and other more aggressive methods (Ibid). On the first of May 2011, a major victory in the United States´ *war on terror* came when US Navy Seals killed Osama Bin Laden in Abbottabad, Pakistan. Despite most of the 9/11 perpetrators killed or captured, the conflict in Afghanistan continues to this day. As of May 2021, the U.S Defense Department estimates that 2312 American lives have been lost in the war, and the UN estimates that the war caused roughly 4 million Afghan civilians to lose their homes. However, US President Joseph R. Biden aims to withdraw all American troops from the country by September 11, 2021, the twentieth anniversary of 9/11. Other nations also seek to follow suit and pull out their forces from Afghanistan (Ibid).

3. The theory of just war

Just war theory holds that military force is morally justified under certain conditions. The theoretical framework originates from multiple scholars, but the main tenets of the theory were formed by the Italian Dominican monk Thomas Aquinas, who elaborated the concept of just war in his work, Summa Theologiae (Farrell 2013, 42). In modern times, noteworthy additions to the theory were made by Michael Walzer, as his interpretations of just war theory hold significant relevance in contemporary research (Ibid, 34). There are many different versions of the Just war theory, but a common characteristic is the distinction between *Jus ad bello* and *jus ad bellum*. The later describes the right to go to war, and describes the conditions that must be fulfilled for war to be morally defensible. Jus ad bello translates to justice in war, and describes which actions are defensible in warfare. It is thus a definition of just conduct. (Ibid, 16) As with the conditions for jus ad bellum, the conditions for jus ad bello vary from author to author, but most agree that the primary conditions are: proportionality, last resort, and reasonable hope for success (Ibid, 26).

Since this study will only analyze the United States decision to go to war in Afghanistan, not their actions in the war, only the principles outlined in jus ad bellum is of relevance to this study. Thus, the principles of just conduct are more relevant to a research question regarding the United States actions in the war, and whether these can be deemed justified. This also means that a conflict can be regarded as justified according to the criteria of jus ad bellum, but it can be regarded as unjustified according to jus ad bello. This could be the case if a war started on reasonable moral grounds but was waged with gross violations of proportionality and civilian casualties. So, if one were to make a full application of the theory on the case of Afghanistan, the examination would focus on the moral reasoning to declare war, the conduct during wartime, and possibly even the actions after the war, *Jus post bellum*, which is a necessary level of analysis according to some versions of the theory (Ibid, 10).

Yet again it is the scope of this essay to determine whether the United States had any just cause to start the conflicts based on their official statements. The conditions for *Jus Ad Bellum* according to the majority of just war theorists, are the following: right intention, legitimate authority, and just cause. These three conditions were outlined in Aquina´s Summa

Theologigae and are thus the primary base for the studies of just war theory (Ibid, 42). Before I delve deeper into the applicability of just war theory and examples of previous research, I want to explain how I define the Jus ad Bellum criteria in this essay, which will determine by what rules the analysis is conducted. As previously mentioned, just war theory has many differing definitions and its largely because of this that I want to make my analysis using the three basic *jus ad bellum* principles that are shared and agreed upon by most just war theorists. However, I will still define an exact definition of these three criteria to determine what arguments are to be considered in line with just war theory. The first condition of Just Cause holds that war must be fought for a good reason (Ibid, 17). Just cause is for example waging war to protect others, as in the case of humanitarian intervention, or *self-defense*. The latter includes answering to an occupying force, but it also includes the possibility of answering to aggression using preemptive action (ibid). The details around these definitions are well described by Neta Crawford in her book: *Just War Theory and the U.S. Counterterror War,* and by Michael Walzer in his work: *Just and unjust wars: a moral argument with historical illustrations.*

Crawford explains that just cause includes responding to an attacker after they have inflicted obvious, and grave damage. The attacker can either be a state, or an organization. Just cause does not include motives for material gain or power (Crawford 2003, 7). Just cause can also take on the form of preemptive intervention. The circumstance regulating when such action is justified is well described by Walzer, where he explains that: "*The general formula must go something like this: states may use military force in the face of threats of war, whenever the failure to do so would seriously risk their territorial integrity or political independence"* (Walzer 1977, 85). However, preemptive attacks are only justified if the attacking nation are acting out of self-defense for oneself or others. All circumstances of Just Cause demand that one is never the aggressor. (ibid) Then there is the condition of *Right Authority*. Farrell describes this condition as what distinguishes war from unjust forms of civil violence. War can only be declared by a proper authority, and here the meaning of what constitutes *Right Authority* splits just war theorists into two camps. There are those who suggest that the state alone is to be viewed as a proper authority, while others instead place proper authority with international bodies like the United Nations (Farrell 2003, 18). In my analysis I will adopt the later understanding, mainly because I agree with the idea that the acceptance of the world

community is necessary to deem any use of force just. Thus, I will interpret the criteria of *right authority* based on whether the Bush administration stresses unilateral actions against Afghanistan, or if it refers to multilateral action from the international community. Finally, there is the condition of right intention. Farrell describes this as a clear and feasible final goal for the outcome of the war (Ibid). The ones who wish to wage a just war should not only focus on winning militarily, but they must also intend to improve the lives of all the residents in the involved nations. Right intention also demands that there is a goal for when peace can be restored, and that reaching this goal is credible. I will thus analyze the condition of right intention based on statements regarding clear end goals for peace, democratization, human rights, et cetera (Ibid).

Now that I have addressed how I interpret just war theory in this essay, I will address the applicability and usefulness of the theoretical framework. Farrell mentions a few weaknesses of just war theory, with a major one being that there is a great inconsistency in the application of the theory among scholars (ibid, 19). Some scholars claim that all criteria of jus ad bellum/ jus ad bello must be met. Others give more weight to one criterion then others, saying that not all of them must be satisfied. And others claim that political circumstances determine how and whether the conditions should be met. Farrell also mentions that the just war theory criteria often become pretexts for war instead of true moral tests for its justification. Thus, government leaders have an interest in framing evidence in a way that it appears as if the conditions for just war are satisfied (Ibid). Also, different scholars can reach different conclusions of whether a criterion has been satisfied. This can happen even if the scholars use the same version of the just war framework and analyze the same material. The criteria can thus be suffering from a great deal of subjective interpretation. Farrell goes on to explain that some critics to just war theory regard it as a way for the victors to write the ethics to serve the victorious state. Other critics claim that philosophical frameworks have no place in real world geopolitics. Just war theory cannot stop a conflict, nor can it stop a conflict from happening in the first place (ibid, 11). Farrell however lifts three arguments for why just war theory can be useful. First, just war theory functions as a filter to the public. Farrell explains that the extent to which the civilian population supports a conflict can influence the outcome. Civilian support for a conflict is crucial in democracies where a conflict can be terminated by the people´s vote.

Also, just war theory is not necessarily reserved for elite philosophers. Anyone who judges a conflict on its moral basis is practicing just war theory. Secondly, just war theory is a tool to understand the sentiments for war in different eras. One can better understand the reasons for the wars during the last century by observing how they were justified by contemporary just war theorists. Lastly, even if one does not agree with the concept of just war theory there is no denying the influence that this body of thinking has had on our world today. Just war theory has shaped the development of international law and treaties like the Geneva Convention, which greatly govern the lives of people around the world (Ibid, 12). In the section above I have highlighted the usefulness in just war theory by referring to the strengths in the theory itself. However, it is also useful to validate just war theory by comparing it to the rivaling perspective on international conflict, that of legality. And that, alongside providing an overview of related just war research, is something I will address in the following section.

3.1 An overview of related research

One reason for why just war theory could be favored over legality when analyzing conflicts is due to the fact of states´ shifting compliance to international war related law. This is lifted in Mark W. Workink and Erin M. Scheick´s article: *"The war on terror and the erosion of the rule of law, the US hearing of the ICJ eminent jurist panel"* This work highlights the Bush administration´s controversial treatment of prisoners at Guantanamo bay, and how they are in direct violation of the third article of the Geneva convention (Workink, Scheick 2005, 5). Indeed, the article even goes as far as to claim: "*The president's reinterpretation of a 50-year old instrument of international law threatens the foundation of worldwide consensus on the laws of war"* (Ibid). Now I will admit that this is not necessarily related to any legal applications of jus ad bellum principles, as the Geneva convention regulates the limits of war conduct. Thus, this is rather related to the principles of jus ad bello, but it still falls within the coverage of just war theory. Another article that instead analyses the legal opportunities to declare war, can be seen in Ian Hurd´s article*:" Is humanitarian intervention legal? The rule of law in an incoherent world"* Hurd is interested in the possibility to declare war from a humanitarian perspective, and analyses how the UN charter of 1945 regulates force between

nations. Hurd explains that article 2(4) of the UN Charter prohibits the use, and threat of force between nations. It reads: "*All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations* " (Hurd 2011). He goes on to say how other paragraphs give the UN security council the right to collectively use force to ensure world peace and stability. The rule of exception to the ban on war is of course self defense, which Hurd explains was added later as article 51. Much of the difficulty of declaring just war on the basis of legality is due to often how often these rules are violated. To illustrate this, Hurd refers to a colorful quote made by international laws expert Thomas Franck, where he says: *"states have violated it (article 2(4)), ignored it, run roughshod over it, and explained it away. They have succumbed to the temptation to settle a score, to end a dispute or to pursue their national interest through the use of force"* (Ibid). This conclusion was shared by law professor Michael Glennon, when he also declared the UN charter exceptionally weak at regulating state behavior. Glennon even suggests that the history of violations of article 2(4) has led to such great erosion of its legitimacy that states no longer consider these international laws as obligatory. A process he explains is called desuetude in legal terms, which is the state when a law is no longer considered valid due to no longer being enforced (Ibid).

Glennon goes on to suggest that if we can accept that the UN charter holds no real power over a state´s decision to wage war, the US for example cannot be considered to have been in any legal violations during its campaigns in Afghanistan, Iraq and elsewhere after 2001. Of course, this is taking this line of thought to the extreme. The takeaway is that discussing what makes a conflict just based on law is made difficult due to states repeatedly undermining the legitimacy of international war regulating law, and thus forming more room for geopolitical context and praxis to determine what makes a conflict justified in the eyes of the international community. This is not necessarily something wrong, judging legality by convention is legitimate. Indeed, as Hurd puts it, "*Breaking inter- national law is intrinsically linked to making international law"*. The strict nonintervention policy of the UN charter makes wars with a humanitarian motive especially hard to justify, which is after all the focus of Hurd´s article. That is why the latter part of the article describes different ways of interpreting the UN charter from a more constructivist perspective. These include the *"norms into law model",* which suggests that the UN charter is subordinate to the political and normative

context which surrounds it. This suggests that law changes as state practices and social norms evolve according to the situation (Ibid). Another perspective to complement the charter is called "*contingent sovereignty",* which suggests that state sovereignty is based on the regime´s ability to provide basic human rights for its citizens (Ibid). This suggests that states who violate these human rights lose their status as independent sovereign, and intervention from the international community is thus made legal. Allen Buchanan makes an argument much like this idea in his book: "Justice, *Legitimacy, and Self-Determination: Moral Foundations for International Law"*. Buchannan suggests that our international laws need to be complemented with a moral framework. He argues that our current system gives too much power to the state to the detriment of the individual (Buchannan 2004, 274). In his view, the international legal system must be reformed so that it protects humans instead of states. In his chapter about use of force between nations, he suggests that just war theory can act as guidance in creating a new treaty governing the use of force between states when legal support fails (Ibid, 279). I will not go further into the details of Buchannan´s work or his ideas of normative principles spanning other parts of the international system. My point is here that Buchannan offers an example of how it is possible to bridge the gap between the legal and just war perspectives to international conflict.

Although I will not focus on any legal perspective in my analysis, I wanted to offer this background to show that the perspective of just war theory is a valid alternative to that of legality. That in turn highlights the complexity of international conflicts and the need to consider different views and methods to properly understand this field. However, it is again the ambition of this essay to research the Afghanistan war from the field of just war theory, and the final part of this section will briefly cover the works of other scholars who have undertaken the same task of analyzing post 9/11 warfare with just war theory. Before I do this however, I must again mention that the bulk of just war theory studies concern themselves whether a conflict is *actually justified.* Most just war theorists, and perhaps most people in general, are interested in deciding whether conflicts are actually just, and less interested in deciding whether they *appear to be just* based on official arguments. Therefore, keep in mind that much of the research I will mention now not only utilizes a slightly different methodology, but also seeks to answer a different research question.

In the article *Optimal War and Jus ad Bellum,* by Eric A. Posner, the preemptive self-defense policy of the Bush administration was seen as being in line with the Jus ad Bellum criteria. Like my earlier reasoning of the term, the authors described how preemptive warfare means taking action against a rogue nation before the costs of inaction becomes too high, and how this was well in line with the Iraq narrative (Posner 2005, 994). So while they did believe that stopping a rogue nation from acquiring nuclear weapons was a just cause, they also argued against the requirement that such an undertaking should require the authorization of the security council (ibid, 995). Returning again to the debate of *right authority*, the authors argued that too many procedural issues in the UNSC (United Nations Security Council) exist to make collective approval necessary for armed conflict. Those issues are according to the authors, lack of regulation concerning when to intervene, and clashing interests in the security council (Ibid). Thus Posner favored unilateralism rather than multilateralism in their article, which is in contrast to the multilateral view used in this essay. On the topic of contrasting views in Just war theory, Mark Rigstad states in his Article "*Jus Ad Bellum After 9/11: A State-of-the-Art Report*" that the criteria of Just Cause should not allow warfare against an attacker´s host. He states that he is critical to the Bush administration´s policy of making no distinction between terrorists and those who harbor them (Rigstad 2007, 5). Rigstad´s conclusion is shared by Mark Vorobej in his paper *Just War Theory And The Invasion Of Afghanistan.*

Vorobej writes his article as a critical response to Brian Orend´s 2006 book *The Morality of War,* in which Orend defends the Afghanistan invasion. Vorobej aligns with Rigstad by being skeptical to the claim that the United States has a right to wage war against the sponsors and hosts of Al Qaida (Vorobej 2009, 137). Vorobej is also critical of Orend´s claim that the war was a method of last resort, by explaining that the Taliban were willing to extradite Al Qaida terrorists to a third party nation if their guilt could be proven. Vorobej states that the Taliban claimed to possess no evidence of Al Qaida´s guilt, and that the US refused to provide such evidence to the Taliban or the rest of the world (Ibid, 139). Additionally, Vorobej points out that the short time frame between 9/11 and *Operation Enduring Freedom* makes it clear that the US did not bother to exhaust any diplomatic solutions before going to war. He is also critical of Norend´s claim that the war was just in the eyes of contemporary just war theorists and the general public. Vorobej states that Norend did not bother to consider the opinions of Muslim just war theorists, and that he ignores the polls conducted during the fall of 2001

which showed that a majority of the world´s citizens were against a war in Afghanistan (Ibid). Finally, Vorobej declares that Norend ignores the fact that the US launched their military operation without authorization from the UN Security Council (Ibid, 140). This, along with other contested topics regarding the justification of the Afghanistan war, will be addressed in a brief final discussion section concerning whether the war was *actually* justified. The research mentioned above is only a small sample of the vast number of papers and books that exist on this subject. It does however show that different opinions exist among just war theorists concerning the justification for recent wars, and that there is a need for more research to add to the discussion.

4. An analysis of the United States arguments

Since my thesis is to answer the question whether the Bush regime´s justification for war is in line with just war theory, I will consider both what is being said and what is being unsaid. For example, if nothing in the material is synonymous with my definitions of the Jus ad Bellum criteria, the material cannot be said to align with just war theory. As for guidelines to how I will draw my conclusions, any source that does not have any major violation of the three Jus ad Bellum criteria can be considered in line with just war theory. If most of the material fulfils this requirement, the material as a whole can be regarded to be in line with just war theory.

4.1 Address to a Joint Session of Congress and the American People

Just Cause

As this first text takes place only nine days after 9/11, President Bush begins his speech by commemorating the American people for their efforts after the attack. The focus of retaliation thus takes second place in this text, but he does stress the need for military countermeasures, saying:

"*Tonight, we are a country awakened to danger and called to defend freedom. Our grief has turned to anger, and anger to resolution. Whether we bring our enemies to justice, or bring justice to our enemies, justice will be done.* "

While retaliation after an attack is a claim to just cause, his argument is possibly weakened somehow by claiming that "freedom" is under threat from terrorist attacks and therefore needs military action to defend. While Al Qaida, is undoubtedly a danger towards American lives, as became evident in the 9/11 attacks, it is not likely that this terrorist organization would danger Americans´ ability to exercise their free will. It is possible that justifying retaliation by defending "freedom" is more likely the argument exercised against an occupying state, one that can overtake central authority and inhibit individual rights. This can of course only be a case of differing understandings of the term "freedom" between the text author and the analyzer. For example, it is possible that freedom means being able to live without the fear or risk of a terrorist attack.

In fact, later in the text it does actually seem as if Bush is justifying his campaign on the basis that the American democratic system is at risk, he explains*: "Terror, unanswered, can not only bring down buildings, it can threaten the stability of legitimate governments. And you know what -- we're not going to allow it."* With this passage Bush again weakens his claims to Just Cause. With these words, he first claims that terrorism does stand as a legitimate threat to the United States´ democratic system, implying it would have the same transforming power as an invading army. While I will not divert attention to provide facts deciding the legitimacy of such a claim, I would personally believe it to be unrealistic. In fact, it is perhaps more realistic to assume that government responses to the terror threat poses a greater to individual freedom and personal rights. However, returning to the president´s words in the previous quote, Bush again weakens his claims by saying that the US is at war with "terror". Terror does not have a universally agreed upon definition (Williamson 2009, 38). It is not an enemy state, nor is it an organization of enemies like the Al Qaida. Terrorism is a method, one that can be practiced by anyone with almost any means. While just war theorists differ in their opinions regarding "terror" as a legitimate target, critics who deem it illegitimate refer to the term as being too vague, one simply cannot hope to win a war on terror (Lakoff 2006, 10).

I agree with this opinion and claim that the Bush administration´s attempts to legitimize their war efforts as a part of a broader "war on terror", is not an example of Just Cause. Also, I must clarify that while this essay is analyzing the Bush administration´s arguments to start a war in Afghanistan, this speech was given prior to the decision to invade the country. It is however a crucial text to include, since this speech marks the declaration of the war on terror, which encompasses the Afghanistan invasion. It is here that the United States publicly declares that it will pursue any means necessary to destroy this threat, including military force. And, that Al Qaida is the first, but not last enemy to be stopped in this effort. Analyzing the justification for this campaign is therefore necessary to determine the legitimacy of the Afghanistan invasion. Nevertheless, this speech cannot be said to fulfil a Just Cause.

Right Authority

In this speech president Bush stresses the need for international cooperation in the fight against terrorism. Bush argues that terrorism is a threat to not only America, but the entire world community, and it is thus the duty for every nation to join America in the campaign against international terror. This however does not come across as an invitation to cooperation, but rather as demand for it. Indeed, in this speech president Bush expresses his infamous ultimatum to the rest of the world, saying: *"Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists.*" So while Bush expresses gratefulness on behalf of the acts of solidarity and support by the world community, he also declares that compliance with America´s anti-terror efforts is mandatory, not optional. Due to the lack of neutrality offered to the rest of the world, it is hard to claim that these arguments justify a war on terror based on a multilateral action. Bush does however try to frame the war effort as a collective action, saying: "*Perhaps the NATO Charter reflects best the attitude of the world. An attack on one is an attack on all.*" But again since world cooperation is not expressed as voluntary, the strength of this quote seems rather weak, and it therefore fails the criteria of Right Authority.

Right intention

Bush expresses the need to not only defend American civilians from terrorist attacks, but to also defend the liberties of the citizens liver under terrorist rule, saying*: "Afghanistan's people have been brutalized -- many are starving and many have fled. Women are not allowed to attend school. You can be jailed for owning a television. Religion can be practiced only as their leaders dictate. A man can be jailed in Afghanistan if his beard is not long enough.".* Thus Bush justifies action against the Taliban regime from a humanitarian perspective, in line with the principle of responsibility to protect. This quote also shows the world order that the terrorists wish to impose, and which further functions as a motivation to combat them. So while this statement may serve different purposes, I will still interpret it as being a call to defend the victims of terrorism. However, the criterion of Right intention also demands that there exists a vision for future peace, and end to violence. This, however, is not very evident in the text. Throughout this speech Bush declares that the war on terror will not

stop with Al Qaida, that it will*: "not end until every terrorist group of global reach has been found, stopped and defeated."* Again, due to not defining a clear enemy, the criteria of a reachable end to violence seems distant. Also, this is not the Bush administration´s declaration of war in Afghanistan, it is their declaration of war on terror. We can assume then that more precise plans for withdrawal and peace would be expressed in other materials concerning occupation. Nevertheless, since the war on terror embodies all current and future practitioners of terrorism, the end goal of peace and nonviolence seems too distant and unattainable for the Right intention criteria to be considered fulfilled.

4.2 Presidential Address to the Nation

Just Cause

In President Bush´s October 7 speech, the president officially declares the start of the United States´ military operations in Afghanistan with the launch of operation *Enduring Freedom.* The President explains that the targeted strikes against Taliban military complexes and Al Qaida training camps was a measure of last resort, due to the Taliban´ refusal to comply with the US demands given in the previous September 20 speech. Namely that the Taliban regime release Osama bin Ladin and Al Qaida members in Afghanistan to US authorities, that the Taliban shut down all training camps and hand these over to the United States, that the Taliban regime release all foreign nationals, and grant protection to journalists and diplomats. After the two weeks that these demands were given, President Bush declares the opportunity for diplomacy is over, saying*:" None of these demands were met. And now the Taliban will pay a price."* First, by declaring that the nonviolent options have been exhausted, President Bush gives credibility to the condition that military actions must function as a mean of last resort. To clarify, whether operation Enduring Freedom can truly be regarded as such is not the scope of this essay, but will be addressed in a later segment. However, returning to the President´s statement, Bush undermines the message of necessity by stating that the Taliban must "*pay a price*".

Revenge or a goal to strike fear in an opponent is not a legitimate reason for Just Cause in just war theory. In other words, by framing Operation *Enduring Freedom* in this way president Bush makes the operation appear as one of choice, not of necessity. So while President Bush argues that the Taliban forced their hand, stating:" *We did not ask for this mission, but we will fulfill it".* The President´s other choice of words erodes the criteria of Just Cause in this text. However, one improvement from the previous speech is the more careful use of the word "*freedom"* to justify military retaliation. While the previous text saw *freedom* appear numerous times and with little explanation, this speech uses the word much more sparingly and elaborates on the proper interpretation, saying*: "We defend not only our precious freedoms, but also the freedom of people everywhere to live and raise their children free from fear."* Also, President Bush does not describe the operation as the start of a war, but rather as a "*military action*" in the greater campaign against terrorism. This greater campaign is not only targeted against terrorists, but also those that harbor them. The message that the United States makes no distinction between terrorists and those who harbor is expressed by the President by saying: *"If any government sponsors the outlaws and killers of innocents, they have become outlaws and murderers, themselves."* This message is in line with was expressed in the September 20 speech, and this also serves as the justification for attacking the Taliban as well as Al Qaida. But returning to the criterion, the president´s inappropriate language does not make this text an example of a Just Cause.

Right Authority

By first addressing what is absent in this material, Bush makes no mention of international law in this speech to justify the *Enduring Freedom* bombings. He does however early on argue that international support is behind the operation, declaring that: *"We are supported by the collective will of the world. "*In this way, President Bush is at least referring to collective action and the world community to legitimize the attack. However, with no reference to international law, the criteria of Right Authority cannot be said to be properly upheld.

Right intention

In this speech president Bush does yet again address the Afghan people, and the steps taken to supply civilians with food, water and medicine. President Bush declares: *"As we strike military targets, we'll also drop food, medicine and supplies to the starving and suffering men and women and children of Afghanistan."* This does speak to the criteria of right intention, however humanitarian motives are not framed as the reason for *Operation Enduring Freedom*, but rather as way to legitimize it in the eyes of the public. So, while the motive to protect civilians is present in this material, this criterion still requires statements regarding when the intervention is over and a state of peace can be reinstated. As in the previous text, no vision of an end or concrete goal is visible in the material. Instead, the President argues that he plans for: *"sustained, comprehensive and relentless operations".* The President clearly argues that the bombings ordered on the day of the speech are just the first part of a long war of attrition against Al Qaida and the Taliban in Afghanistan, and with no reference given to when these operations can be expected to stop, the criteria of Right intention cannot be considered fulfilled in this text.

4.3 President Bush Speaks to United Nations

Just Cause

President Bush opens his speech by declaring that terrorism is an affront to humanity, an evil like what led to the founding of the UN after the second world war. The president does this to legitimize the United States´ war on terror campaign, and to invite the rest of the world to combat this universal threat. He also argues that dangers to world order must be opposed early and with decisive action before they turn to threaten the rest of the world. This argumentation is in line with the criteria of Just Cause. Preemptive action is justified when it is performed after initial aggression from the enemy, and where there is a risk that idle waiting will cost more than action.

By implying that preemptive attack is necessary from the world community if they wish to avoid being threatened by terrorism, Bush makes the cause of the United States the cause of the world community. Bush continues to honor the victims of the 9/11 attack, giving examples of both American and international victims, which again reinforces the Just Cause criteria that the cause of the United States is not only to protect and seek justice for its own citizens, but to also protect the citizens of the entire world. So while this speech heavily emphasizes America´s right to self-defense in the face of terror attacks, it also justifies the war on terror by referring to the responsibility to protect the victims of terrorism, no matter if these are in Afghanistan or anywhere else in the world. Also, this text is the first of the materials to include any mention of terrorists and weapons of mass destruction, with the president saying: *"These same terrorists are searching for weapons of mass destruction, the tools to turn their hatred into holocaust".* Not considering the validity of that statement or if it refers to Al Qaida, stopping terrorists from acquiring nuclear weapons is undoubtedly a legitimate reason to initiate a preemptive military strike, and thus a good example of Just Cause. Maybe due to a combination of this being the longest of the materials, and that the recipient is now the UN, this speech presents a proper example of Just Cause.

Right Authority

More than any other speech, this speech stresses the multilateral nature of *the war against terror,* and how the terrorism is the shared cause of the entire world. Bush even argues that: "*Civilization, itself, the civilization we share, is threatened"* Bush also mentions the international condemnation imposed on Al Qaida by the Security Council, and his gratitude for the support from many Arab countries. Additionally, Bush makes his first reference to international legal support by referring to the UN Security council resolution 1373, signed on September 28. The resolution requires that all member states take actions to combat terrorism, but whether this resolution supports armed combat is less obvious and will be discussed later in this essay. One improvement from previous texts is that Bush no longer pushes a hard ultimatum to the world, nowhere is there any mention of the message of "*you are either with us, or you are with the terrorists.* "The criteria of Right Authority is best presented here in the material so far. Also, in addition to the above arguments, one can quickly discover that this speech places much more emphasis on multilateral action then the

previous material by applying the *summarizing approach* and checking the ratio that the words *America* and *world* appear with. While the previous speech saw the word *America* appear exactly three times more than *world,* this speech has *world* appear exactly twice as many times as *America.*

Right intention

In this speech Bush is also clear with emphasizing the needs of the civilians in Afghanistan, and that the United will together with other nations pledge to rebuild the country, saying: *"I can promise, too, that America will join the world in helping the people of Afghanistan rebuild their country.*" Many nations, including mine, are sending food and medicine to help Afghans through the winter" This is the first time that reconstruction of Afghanistan is mentioned in the material, and the United States pledge to rebuild while destroying the Taliban. There is also a lot of focus on describing the terror imposed on civilians in Afghanistan, and Bush also declares for the first time that their operations are solely focused on military targets, and to minimize collateral damage. These much-needed words again reinforce the criteria of right intention in this text. Bush also addresses the people of Afghanistan directly by saying that their lives of oppression will be over when the Taliban are destroyed. To summarize, this text gives the most concerns to the civilians in Afghanistan and is the best example of Right Intention so far, even if there is arguably not a lot said about the planned extent of the war. Nevertheless, due to the heavy emphasis of reconstruction and human rights, the criteria of Right intention is evident in this speech.

4.4 President Bush delivers Graduation Speech at West Point

Just Cause

President Bush describes the war effort in Afghanistan as one of necessity, that it is America´s duty to establish a just peace. This can be interpreted that America has a responsibility to protect and establish peace due to their special military capabilities. This

argument is in line with the Just Cause criteria. He also continues to repeat the same justification for preemptive attack from previous texts, namely that idleness could result in terrorists acquiring weapons of mass destruction. In fact, in the next passages Bush makes a very clear declaration that the United States is abandoning its previous policies of deterrence and containment, and that the terrorist threat is forcing to country into a new age of offensive, rather defensive strategy. He explains that: *"Deterrence -- the promise of massive retaliation against nations -- means nothing against shadowy terrorist networks with no nation or citizens to defend. Containment is not possible when unbalanced dictators with weapons of mass destruction can deliver those weapons on missiles or secretly provide them to terrorist allies."* And to argue that waiting is no longer affordable for the US or her allies, he says:*" If we wait for threats to fully materialize, we will have waited too long."*. Bush continues to argue that America must destroy the worst threats *before they emerge.* This new policy described here would later be called *the bush doctrine,* but the way it is explained here seems to be too unrestrained for the criteria of Just war theory.

Without going into another long theoretic explanation of when preemptive attacks are considered acceptable, the condition demands that the threat is *obvious and Imminent*. A clear example of this is an army massing at a state´s border (Walser 1977, 83). waging war based on speculation or weak intelligence only risks causing more harm than good, and there is thus a requirement that solid facts can support the claim to attack preventatively. So, by claiming that the administration can´t wait for threats to *fully materialize,* this text clearly violates the condition of preemptive strikes and Just Cause. Bush goes on explain how America will defend and preserve peace in the years ahead, using both diplomacy and force when needed. While the preservation of international peace is as previously mentioned an example of Just Cause, we have already established that the principles determining the Bush regimes´ foreign policy as explained here are not in line with the Just Cause criteria.

Right Authority

In this speech, Bush does not make any notion of international law to support any ongoing conflicts but given the context of this speech such arguments cannot be expected to be found in this material. *The war on terror* is however described as a multilateral effort to some

degree. This is evident by President Bush saying that*:" Along with our friends and allies, we must oppose proliferation and confront regimes that sponsor terror, as each case requires. Some nations need military training to fight terror, and we'll provide it."* This is also showcased by the following quote:" *Today, from the Middle East to South Asia, we are gathering broad international coalitions to increase the pressure for peace. We must build strong and great power relations when times are good; to help manage crisis when times are bad. America needs partners to preserve the peace, and we will work with every nation that shares this noble goal."* To what degree this is applicable to the case of Afghanistan is not very clear, and again it is clear that the purpose of this speech is not to justify any ongoing military operations. But again, with no reference to legal justification this speech does not offer an example of Right Authority.

Right intention

President Bush argues that America has: "*No empire to extend or utopia to establish".* While clarifying that no imperialistic motives are behind the invasion can be said to be in line with the right intention criteria, it is not clear how the other comment should be interpreted. While an invasion does not necessarily demand that the occupying state should establish any *utopia*, Right Intention demands that there is an intention to take responsibility over the civilians who live in the occupied country. By declaring that the United States has no plan to establish any utopia, this can be interpreted as a way for the US to relinquish any duties to the civilians in Afghanistan. However, the next passage makes this interpretation unlikely, as Bush continues to declare that: *"We wish for others only what we wish for ourselves -- safety from violence, the rewards of liberty, and the hope for a better life."*

A lot of the speech is directed towards more broad humanitarian motives, like fighting for human rights everywhere in the world and fighting poverty. Much of this cannot be said to be necessarily linked to the official policy towards Afghanistan. However, Bush does make a statement saying that the US will oppose any regime that does not respect human rights, and we can assume this means that any attack on such a regime should also be accompanied by an aspiration to improve the lives of that nation´s citizens, which should therefore also include the citizens in Afghanistan. In this speech, I consider the criteria of Right intention to be met.

Because even if there is no explicit mention of the planned withdrawal of troops from Afghanistan, this speech puts a very heavy emphasis on the United States' goal to improve the lives of civilians abroad.

4.5 The National Security Strategy

Just Cause

The opening statement of the text begins with President Bush declaring that America is at war to: *"To protect the security of the American people.* Further down in the text, Bush again describes the principles describing how this goal is going to realized, and he implies that preemptive actions are again the favored method for this. He says*: "To follow this path, we must maintain and expand our national strength so we can deal with threats and challenges before they can damage our people or our interests."* The emphasis of abandoning the old tradition of containment and deterrence in favor of offensive action is easily discernible in the 2006 National Security Strategy. In a passage describing counter WMD policies Bush elaborates on this by saying: *"If necessary, however, under long-standing principles of self-defense, we do not rule out the use of force before attacks occur, even if uncertainty remains as to the time and place of the enemy's attack. When the consequences of an attack with WMD are potentially so devastating, we cannot afford to stand idly by as grave dangers materialize."* This definition of preemptive action is however less in violation of just war theory, as there is no implication that action is being taken before any evidence for such has materialized. Further down in the document, Bush mentions key objectives to pursue in the United States´ fight against terrorism.

He says that the US will*: "Deny terrorist groups the support and sanctuary of rogue states. The United States and its allies in the War on Terror make no distinction between those who commit acts of terror and those who support and harbor them, because they are equally guilty of murder."* As previously mentioned, the United States policy of making no distinction between terrorists and their hosts was an important topic in the Bush

administration´s justification for invading Afghanistan. And as we can see here, this controversial claim is still expressed five years into the war. Also relevant to the Afghanistan war is the commitment to*: "Deny the terrorists control of any nation that they would use as a base and launching pad for terror".* One interpretation of this is that the United States aims to intervene in states where the regime in power might not support or willingly host the terrorists in any way, but where the terrorists can still establish operative networks due to weak state governance. However, this interpretation seems less likely due to the explanation that this policy is primarily a concern in rising democracies like Afghanistan and Iraq. In other words, in regimes that have in some way allied with terrorists. This policy probably implies that there is a goal for US forces to remain and to oversee a transition of power free from terrorist interference. I find that this goal is in no way in violation of the Just Cause criteria, as remaining to safeguard the occupied state from violent forces is a necessary commitment on part of the occupying forces. In fact, this is also a vital condition for the *jus post bellum criteria*. Without drawing any farfetched conclusions, there is nothing in the 2006 National Security Strategy that suggests that the Bush administration is in violation of the Just Cause criteria for invading Afghanistan.

Right Authority

The 2006 National Security Strategy is absent of any mention of international law regarding the US war effort in Afghanistan. While it does refer to the International Security council regarding the Iraq war and the proliferation of nuclear weapons, there is no reference to any legal justification for the war in Afghanistan. The times that collective action is addressed; it is often in the context that America needs the backing of the International community to be more effective in their actions. For example, Bush mentions that: "*To succeed in our own efforts, we need the support and concerted action of friends and allies. We must join with others to deny the terrorists what they need to survive: safe haven, financial support, and the support and protection that certain nation-states historically have given them."* Further emphasizing lack of international authority is the following quote*: "America will lead in this fight, and we will continue to partner with allies and will recruit new friends to join the battle".* And also this quote: *"Fifth, we must be prepared to act alone if necessary, while recognizing that there is little of lasting consequence that we can accomplish in the world without the sustained cooperation of our allies and partners.*"

While the 2006 Security Strategy lacks much mention of international law or UN authorized action, it at least recognizes that the international community is important for US foreign policy to be effective in the world. In a quote regarding WMD policy, this again becomes evident when Bush says*:" Deterring potential foes and assuring friends and allies, however, is only part of a broader approach. Meeting WMD proliferation challenges also requires effective international action – and the international community is most engaged in such action when the United States leads*". So while there is recognition that the rest of the world is vital for the efficiency for US foreign policy, it is evident that the 2006 National Security Strategy describes the US war effort in Afghanistan and elsewhere as primarily a unilateral commitment. Therefore, this document cannot be said to fulfill the criteria of Right Authority.

Right intention

Very early on in the text, President Bush argues that America will strive to establish freedom and democracy along its military ambitions, he says: *"America also has an unprecedented opportunity to lay the foundations for future peace. The ideals that have inspired our history – freedom, democracy, and human dignity – are increasingly inspiring individuals and nations throughout the world. And because free nations tend toward peace, the advance of liberty will make America more secure."*. This argument clearly implies that the establishment of democracy was not the main motive of any invasion in Afghanistan or elsewhere, but that it as goal that should be pursued due to normative reasons and to strengthen national security.

According to just war theory, the criteria of Right intention concerns itself with the betterment of affected civilians, regardless of what motive drives that goal. So even if America can be interpreted to pursue democracy overseas for selfish reasons, that is still an example of Right intention. In fact, there is some evidence that this is the case by a quote from another passage describing the United States policies towards other nations. Here Bush says*: "Third, we cannot pretend that our interests are unaffected by states' treatment of their*

own citizens. America's interest in promoting effective democracies rests on an historical fact: states that are governed well are most inclined to behave well" The motive of promoting democracy is repeated with Bush stating that: "*These inseparable priorities – fighting and winning the war on terror and promoting freedom as the alternative to tyranny and despair – have now guided American policy for more than 4 years."* And again with Bush declaring that: "*We have joined with the Afghan people to bring down the Taliban regime – the protectors of the al-Qaida network – and aided a new, democratic government to rise in its place."* And finally: *"Afghans have written and ratified a constitution guaranteeing rights and freedoms unprecedented in their history"*. This goal is repeated multiple times in the 2006 National Security Strategy, with no obvious hints of any pro America agenda concerning the future regimes established in Afghanistan or elsewhere. Of course as mentioned previously, such an ambition would probably not be discernible in the material. But by just judging what is present in this text, the Bush administration argues consistently that the pursuit of democracy and human rights in warzones is a pivotal goal in their foreign policy and thus I interpret the 2006 National Security Strategy to be in line with the criterion of Right intention.

4.6 Analysis summary

After analyzing all five of the selected speeches with the *jus ad bellum* criteria, it is clear that the Bush regime´s arguments for invading Afghanistan are not just. Of the five speeches, only the speech addressing the UN could be said to properly fulfill all three criteria. The 2006 Security Strategy had two out of three criteria fulfilled but did not emphasize legality and multilateral cooperation to the same extent that the UN speech did. The West Point Speech only saw the criteria of Right intention to be met. Neither the Presidential Address to the Nation nor the Address to Congress and the American people saw any of the criteria to be met. Of course, the findings of this analysis could be said to largely depend on the different contexts that the speeches were given in. As previously mentioned, it is possible that the UN speech was found to be the most in line with just war theory due to this speech´s aim to justify the war to world community. Perhaps the Presidential address to the Nation and the Address to Congress saw no alignment with just war theory due to the special circumstances

these speeches were written in. There was possibly little focus of justifying military retaliation in these texts and instead of a motive to signal solidarity and support towards the American people. However, it is interesting that the Presidential address to the Nation speech did not fulfil any criteria, as the announcement of Operation *Enduring Freedom* should include more thorough arguments for its justification. As to the implications of these findings, it is perhaps a longshot to claim that it is troublesome that significant world powers launch wars that are not justified according to just war theory. However, it is troublesome to assume that declarations of wars are not thoroughly justified at all, both in legal and normative terms. Such a trend could certainly cause instability in the world, no matter if the culprit is the US or any other country. Finally, an analysis on other speeches using different interpretations of *jus ad bellum* criteria would possibly produce other results than what was found in this essay. However, I believe that if this study were to be replicated with the same materials and methodology, the same conclusion would be reached.

5. Discussion and conclusion

As to the question of whether the Afghanistan war could truly be considered justified according to just war theory, two topics often cause disagreement among scholars. Namely the legality of the war and the US making no distinction between the Taliban and Al Qaeda. As previously mentioned by Vorobej, the United States did not have any mandate from the United Nations to invade Afghanistan. While the UNSC passed the September 28 resolution 1373, none of the proposed policies expressed included military invasion (Smith, Thorp 2010, 5). Instead, the United States and the UK justified their actions according to article 51 of the UN charter. While this claim to self-defense was widely accepted by the most nations, (Ibid, 7) it is again the opinion of many just war theorists that declarations of war should be backed by the UNSC. As to whether it was legitimate to attack the Taliban, the official justification at the time relied on the fact that the Taliban had ignored the UNSC in their demands that they stop providing sanctuary for Al Qaeda terrorists (Ibid, 8). Therefore in the aftermath of 9/11, it was considered legitimate by the UN that the Taliban were indirect accomplices, even if debates persist about the extent to which the Taliban were aware of the upcoming attacks (Vorobej 2009, 139). As to the short time span between 9/11 and the invasion, which some critics like Vorobej considered a violation of *last resort*, it could be assumed that the Taliban had reasons to stall in negotiations and claim ignorance in order to assist Al Qaeda escape the country, therefore making the reason to abandon diplomacy a legitimate course of action (Posner 2005, 993).

The point is, it is possible to conclude that the US invasion of Afghanistan was either just or unjust according to just war theory. Much of it is dependent on different definitions of what constitutes *legitimate authority*, different opinions on whether the Taliban can be considered accomplices to Al Qaeda, as well as different understandings of whether invasion was necessary to prevent future attacks and apprehend Al Qaeda. And of course, this discussion is much more layered than it is presented here. Debates about the legitimacy of the Afghanistan war go far beyond these few *jus ad bellum* criteria, and should include discussions about the actual results of the war, taking into consideration aspects like civilian casualties, collateral damage and economic costs. So while my conclusion regarding the analysis remains that the war on Afghanistan was unjust according to official statements, the question of whether the

war was actually justified is far less easy to answer, and one that requires analysis far beyond the scope of this study. However, with the upcoming 20th anniversary of 9/11 and planned withdrawal of troops soon arriving, it will be of interest to decide in retrospect whether the war was all worth it in the end.

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