

ANALYSE ET COMMENTAIRE DE TEXTES OU DOCUMENTS EN ANGLAIS

Analysez et commentez, **en anglais**, les documents suivants :

DOCUMENT ONE

In order for a war to be just, three things are necessary. First, the authority of the sovereign by whose command the war is to be waged. For it is not the business of a private individual to declare war, because he can seek for redress of his rights from the tribunal of his superior. Moreover it is not the business of a private individual to summon together the people, which
5 has to be done in wartime. And as the care of the common weal is committed to those who are in authority, it is their business to watch over the common weal of the city, kingdom or province subject to them. And just as it is lawful for them to have recourse to the sword in defending that common weal against internal disturbances, when they punish evil-doers, according to the words of the Apostle (Rm. 13:4): "He beareth not the sword in vain: for he is
10 God's minister, an avenger to execute wrath upon him that doth evil"; so too, it is their business to have recourse to the sword of war in defending the common weal against external enemies. Hence it is said to those who are in authority (Ps. 81:4): "Rescue the poor: and deliver the needy out of the hand of the sinner"; and for this reason Augustine says (Contra Faust. xxii, 75): "The natural order conducive to peace among mortals demands that the
15 power to declare and counsel war should be in the hands of those who hold the supreme authority."

Secondly, a just cause is required, namely that those who are attacked, should be attacked because they deserve it on account of some fault. Wherefore Augustine says (Questions. in Hept., qu. x, super Jos.): "A just war is wont to be described as one that avenges wrongs,
20 when a nation or state has to be punished, for refusing to make amends for the wrongs inflicted by its subjects, or to restore what it has seized unjustly."

Thirdly, it is necessary that the belligerents should have a rightful intention, so that they intend the advancement of good, or the avoidance of evil. Hence Augustine says (De Verb. Dom): "True religion looks upon as peaceful those wars that are waged not for motives of
25 aggrandizement, or cruelty, but with the object of securing peace, of punishing evil-doers, and of uplifting the good." For it may happen that the war is declared by the legitimate authority, and for a just cause, and yet be rendered unlawful through a wicked intention. Hence Augustine says (Contra Faust. xxii, 74): "The passion for inflicting harm, the cruel thirst for vengeance, an unpacific and relentless spirit, the fever of revolt, the lust of power, and such
30 like things, all these are rightly condemned in war."

Thomas Aquinas, *Summa Theologica* (1272)

DOCUMENT TWO

That is exactly what the students and professors and politicians who oppose the Vietnamese war have been doing. They have been acting on their “best impression of the truth of the case.” Some of our superpatriots assume that any war the United States fights is a just war, if not indeed a holy crusade, but history does not sustain their view. No reputable historian would deny that the United States has fought some wars which were unjust, and unnecessary, or both – I would suggest the war of 1812, the Civil War, and the Spanish-American war as examples. In a logical frame of reference it seems to me logical and proper to question the wisdom of our present military involvement in Asia.

Protesters against the Vietnamese war have been held up to scorn on the ground that they wish to “select their wars,” by which it is apparently meant that it is hypocritical to object to this particular war while not objecting to war in general. I fail to understand what is reprehensible about trying to make a moral distinction between one war and another - between, for example, resistance to Hitler and intervention in Vietnam. From the time of Grotius to the drafting of the United Nations Charter, international lawyers have tried to distinguish between “just wars” and “unjust wars.” It is a difficult problem of law and an even more difficult problem of morality, but it is certainly a valid problem.

Under the American Constitution, the Congress - especially the Senate - has a particular responsibility in coping with such problems, yet in recent years the Congress has not fully discharged its obligations in the field of foreign relations. The reduced role of the Congress and the inherent role of the president in the making of foreign policy are not the result merely of President Johnson's ideas of consensus; they are the culmination of a trend in the constitutional relationship between President and Congress that began in 1940 - that is to say, at the beginning of this age of crisis.

The cause of the change is crisis itself. The president has the authority and resources to make decisions and take actions in an emergency; the Congress does not. Nor in my opinion should it; the proper responsibilities of the Congress are to reflect and review, to advise and criticize, to consent and to withhold consent.

In the past 25 years, American foreign policy has encountered a shattering series of crises and inevitably - or almost inevitably - the effort to cope with these has been executive effort, while the Congress, inspired by patriotism, importuned by presidents and deterred by lack of information, has tended to fall in line. The result has been an unhinging of traditional constitutional relationships; the Senate's constitutional powers of advice and consent have atrophied into what is widely regarded - though never asserted - to be a duty to give prompt consent with a minimum of advice.

Almost 9 months before the Dominican intervention on August 5, 1964, the Congress received an urgent request from President Johnson for the immediate adoption of a joint resolution regarding Southeast Asia. On August 7, after perfunctory committee hearings and a brief debate, the Congress, with only two senators dissenting, adopted the resolution, authorising the president “to take all necessary steps, including the use of armed force,” against aggression in Southeast Asia.

The joint resolution was a blank check signed by the Congress in an atmosphere of urgency that seemed at the time to preclude debate. Since its adoption, the Administration has converted the Vietnamese conflict from the Civil War in which some American advisers were involved to the major international war in which the principal fighting unit is an American army of 250 000 men. Each time that senators have raised questions about successive escalations of the war, we have had the blank check of August 7, 1964, waved in our faces as

supposed evidence of the overwhelming support of the Congress for a policy in Southeast Asia which, in fact, has been radically changed since the summer of 1964.

Senator J. William Fulbright, *The Arrogance of Power, Speech at Johns Hopkins University School of Advanced International Studies (April 21, 1966)*

DOCUMENT THREE

Nothing remains more vividly in my mind, looking back on my years in 10 Downing Street, than the eleven weeks in the spring of 1982 when Britain fought and won the Falklands War. Much was at stake: what we were fighting for eight thousand miles away in the South Atlantic was not only the territory and the people of the Falklands, important though they were. We
5 were defending our honour as a nation, and principles of fundamental importance to the whole world - above all, that aggressors should never succeed and that international law should prevail over the use of force. The war was very sudden. No one predicted the Argentine invasion more than a few hours in advance, though many predicted it in retrospect. When I became Prime Minister I never thought that I would have to order British troops into
10 combat and I do not think I have ever lived so tensely or intensely as during the whole of that time.

The significance of the Falklands War was enormous, both for Britain's self-confidence and for our standing in the world. Since the Suez fiasco in 1956, British foreign policy had been one long retreat. The tacit assumption made by British and foreign governments alike was that
15 our world role was doomed steadily to diminish. We had come to be seen by both friends and enemies as a nation which lacked the will and the capability to defend its interests in peace, let alone in war. Victory in the Falklands changed that. Everywhere I went after the war, Britain's name meant something more than it had. The war also had real importance in relations between East and West: years later I was told by a Russian general that the Soviets
20 had been firmly convinced that we would not fight for the Falklands, and that if we did fight we would lose. We proved them wrong on both counts, and they did not forget the fact. ...

The Argentine invasion of the Falklands took place 149 years after the beginning of formal British rule there, and it seems that the imminence of the 150th anniversary was an important
25 factor in the plotting of the Argentine Junta. Since 1833 there has been a continuous and peaceful British presence on the Islands. Britain's legal claim in the present day rests on that fact, and on the desire of the settled population - which is entirely of British stock - to remain British. The principle of "self-determination" has become a fundamental component of international law, and is enshrined in the UN Charter. British sovereignty has strong legal foundations, and the Argentinians know it.

30 Could they have been deterred? It must be remembered that in order to take action to deter Argentina militarily, given the vast distance between Britain and the Falklands, we would have had to have some three weeks notice. Further, to send down a force of insufficient size would have been to subject it to intolerable risk. Certainly, the presence of *HMS Endurance* - the lightly armed patrol vessel which was due to be withdrawn under the 1981 Defence
35 Review proposals - was a military irrelevance. It would neither deter nor repel any planned invasion. (Indeed, when the invasion occurred I was very glad that the ship was at sea and not in Port Stanley: if she had been, she would have been captured or blown out of the water). Most important perhaps is that nothing would have more reliably precipitated a full scale invasion, if something less had been planned, than if we had started military preparations on

40 the scale required to send an effective deterrent. Of course with the benefit of hindsight, we
would always like to have acted differently. So would the Argentinians. The truth is that the
invasion could not have been foreseen or prevented. This was the main conclusion of the
Committee of Inquiry, chaired by Lord Franks, which we set up to examine the way we had
45 Government papers, including those of the intelligence services. Its report ends with the
words: "we would not be justified in attaching any criticism or blame to the present
Government for the Argentine Junta's decision to commit its act of unprovoked aggression in
the invasion of the Falkland Islands on 2 April 1982".

Margaret Thatcher *The Downing Street Years* (1993)

DOCUMENT FOUR

"Since before dawn today, Britain's forces have been in action in the Gulf. Their skill and
courage has already been tested. Tonight I want to explain you why they are there, and what
this conflict is about.

5 Our troops are part of an international force. It is drawn from many countries and it is acting
under the authority of the United Nations, and its purpose is to end Saddam Hussein's ruthless
occupation of Kuwait. He invaded without justification. His army has conducted itself without
mercy. If such brutality and aggression are rewarded with success, then we are all at risk. If
you appease a bully, you pay for it later, and you often pay more dearly.

10 We did not want a conflict: I need hardly tell you that. We have tried hard to avoid it. We
have given Saddam Hussein every opportunity to withdraw. Time and again, the United
Nations has called upon him to leave Kuwait. In the patient diplomacy of the past five
months, leaders from around the world have sought peace and then sought again.

15 But Saddam Hussein has chosen war. He has rejected every attempt to reach a peaceful
solution. He has rebuffed even the Secretary General of the United Nations. At the United
Nations, the world agreed that Iraq must withdraw, or be driven out of Kuwait. We applied
sanctions to make that point clear. We refused to trade with Iraq. Those sanctions made life
20 harder for Saddam's people, but he was not a man to be influenced by their suffering.

Then the world set him a deadline. 'Free Kuwait', we said, 'or we will have to free it from
you.'

25 But Saddam Hussein has rejected all appeals. He has defied the United Nations. He has
increased his force in Kuwait. He has tortured and killed those who opposed him. He has tried
to wipe Kuwait off the very map of the Middle East.

30 For our part, we, the rest of the world have acted with enormous restraint. Time and again we
warned him, and we offered him this promise: If he would withdraw his invading army from
Kuwait and return them to Iraq, he would not be attacked. Saddam has chosen instead to defy
the world. The deadline passed on January 15th, and still, he refused to withdraw. That is why
we, and our partners are now facing up to our responsibility: It is to compel him to obey the
United Nations. We could not delay any longer. Delay would have increased the risk to our
35 troops out there, in the Gulf. Delay would have made their task more difficult, and delay

would have extended the terrible sufferings of the people of Kuwait.

40 Our aims are clear. They have been set out for all to see by the United Nations Security
Council. First, we must get Iraq out of Kuwait. Right out of Kuwait. Second, we must restore
Kuwait's legitimate government. And third, we must uphold the authority of the United
Nations. We and our allies want nothing more than that. We are not seeking to dismember
Iraq. We have no intention of imposing our choice of Government on Iraq. We are simply
45 doing what the United Nations said should be done. We are acting with the authority of the
United Nations, and on behalf of the whole world.

I will not offer you rash promises about how quickly this can be done. The operation on
which we have embarked involves danger, and sacrifice. But I am confident that it will
succeed, and we know it is a battle which has to be fought.

50 On Tuesday, members of Parliament gave the Government their overwhelming support, one
of the biggest parliamentary majorities in history supported action to enforce the decisions of
the United Nations. It is a just cause, and it is right, that we in Britain should play our part. I
take no pleasure in this conflict. But I do know that what we are doing is right. Our nation has
55 been through many trials in the past, but when, as now, right and justice have been on our
side, we have prevailed. The military operation must go on. On, until the decisions of the
United Nations are enforced.

60 Then we can start searching again, and searching hard for lasting solutions to the problems of
the Earth. We must try to work out security arrangements for the future, so that these terrible
events are never repeated. And we shall, I promise you, bring our own forces back home just
as soon as it is safe to do so. It is to those men and women, serving our country in the Middle
East that my thoughts go out most tonight. And to all of their families here, to you, I know
65 this is not a distant threat, it is a close and ever present anxiety.

I was privileged to meet many of our service men and women in the Gulf last week. Their
professionalism is outstanding, their confidence impressive, and their courage undoubted.
You can be proud of them, very proud. Each one of them has Britain's wholehearted support,
and the prayers of all of us for their safe return home. And our prayers are also for you, their
70 families, who carry so much of the burden on Saddam Hussein's war. We are no less proud of
you.
Goodnight, and God bless."

Gulf War Statement. A speech by John Major (1991)

DOCUMENT FIVE

The weapons-of-mass-destruction issue - where are they? - will not subside and disappear, as
the administration supposes (and hopes).

The issue will build because many Americans do not like to be manipulated and deceived.

5 It will build because elements in Congress and in the media will wish to regain their honor
and demonstrate their liberation from Bush/Cheney/Rumsfeld.

10 It will build because of growing interest in the parallel British inquiries by committees of the House of Commons. Robin Cook, the former foreign secretary, formulated the charge with precision: "Instead of using intelligence as evidence on which to base a decision about policy, we used intelligence as the basis on which to justify a policy on which we had already settled."

And the WMD issue will build because hyped intelligence produces a credibility gap. The credibility gap is likely to undermine the Bush doctrine and block the radical transformation of U.S. strategy to which the Bush administration is dedicated.

15 The strategy that won us the Cold War was a combination of containment and deterrence carried out through multilateral agencies. The Bush doctrine reverses all that. The essence of the Bush doctrine is "anticipatory self-defense," a fancy name for preventive war. Our new policy is to strike an enemy, unilaterally if necessary, before it has a chance to strike us.

20 Whatever legitimacy preventive war may claim derives from intelligence reliable enough to persuade responsible people, including allies, that the supposed enemy is *really* about to strike the United States. If no WMD turn up in Iraq, President Bush will lose a lot of credibility. It seems doubtful that he would be able to lead the American people into wars against Iran or North Korea simply on his presidential say-so. The credibility gap may well nullify the preventive-war policy.

25 And if a cache of WMD is found buried somewhere in Iraq, that is not sufficient to rescue the president. The bottom-line question is: Why were the WMD not deployed? When Saddam Hussein was fighting for his regime, his power and his life, why in the world did he not use his WMD against the U.S. invasion? Heaven knows, he had plenty of warning.

30 Unearthing buried WMD would not establish Iraq as a clear and present danger to the United States. Deployment of WMD would have come much closer to convincing people that Iraq was a mortal threat.

35 Retreat from the preventive-war policy is all to the good, because the Bush doctrine transfers excessive power to the president. Abraham Lincoln long ago foresaw the constitutional implications of the preventive-war policy. On Feb. 15, 1848, he denounced the proposition "that if it shall become *necessary to repel invasion*, the President may, without violation of the Constitution, cross the line, and *invade* the territory of another country; and that whether such *necessity* exists in given case, the President is to be the *sole* judge."

40 Lincoln continued: "Allow the President to invade a neighboring nation, whenever *he* shall deem it necessary to repel an invasion . . . and you allow him to make war at pleasure. . . . If to-day, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, 'I see no probability of the British invading us' but he will say to you 'be silent; I see it, if you don't.'

"The Founding Fathers," Lincoln said, "resolved to so frame the Constitution that *no one man* should hold the power of bringing this oppression upon us."

If the Bush doctrine prevails, the imperial presidency will sure be redux.

The Imperial Presidency Redux by Arthur Schlesinger Jr. (June 28, 2003)