Opposition Brief: Pearl Harbor  
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Pearl Harbor is a hard example to counter because it is so personal. It was a direct attack against the United States, and we hadn’t even attacked first. This brief gives you arguments to counter this example, including:

* Pearl Harbor wasn’t a preemptive strike
* It wasn’t inherently immoral
* Japan was acting in self-preservation
* Japan was fulfilling its moral responsibility

Here is an overview of the arguments. First, Pearl Harbor wasn’t a preemptive strike. It was more of a technicality/catch-your-opponent-off-guard type argument and should not be run as a main argument. It will get them to waste time while you move on to juicier subjects.

The second argument is building to the idea of how Pearl Harbor can be morally justified by debunking the other end of the spectrum. Once you convince the judge that it wasn’t immoral, you can more easily lead them to the idea that it was moral.

The third argument is important. You have to convince the judge that it shouldn’t just be the United States that can act to preserve itself and its way of life. Consider comparing Japan’s predicament to our current war on terror. Should we not be allowed to attack terrorists before they attack us? Japan was acting in the exact same way.

The final argument ties into a government’s responsibility to protect its citizens, so make sure that’s clear. Japan *legitimately* was hurting from embargos and war. It *legitimately* believed that it would be at war with the United States soon. And Japan *legitimately* believed that the best way to protect its citizens and its interests was to attack the US first. Thus, Japan was *legitimately* trying to protect its citizens in the best way possible, which is certainly moral. Sure, we don’t like it, but that’s not the point.

Wording is key here. Try to keep your opponent on the defensive and prevent them from discussing how we actually lost thousands of lives from that attack – and avoid mentioning it yourself. Use terms such as “Pearl Harbor” rather than “The attack.” Keep the wording on your ground.

Good luck, and happy debating!

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Pearl Harbor was preventative, not preemptive

Joe Barns (Bonner Means Baker Fellow) and Richard J. Stoll, PHD (Professor of political science and Rice University) “PREEMPTIVE AND PREVENTIVE WAR: A PRELIMINARY TAXONOMY”; Published by the James A. Baker III Institute for Public Policy at Rice University, 2007 <https://www.bakerinstitute.org/media/files/Research/50987fa2/Preemptive_and_Preventive_War-1.pdf>

The first dimension is the type of national strategy. The two categories of national strategy are preemption and prevention. Preemption is the taking of military action against a target when there is incontrovertible evidence that the target is about to initiate a military attack. Prevention is the taking of military action against a target when it is believed that an attack by the target, while not imminent, is inevitable, and when delay in attacking would involve greater risk. We provide hypothetical examples of each….Perhaps the most famous—or infamous—of preventive wars is arguably the Pacific War launched by Japan’s surprise attack on Pearl Harbor. U.S.-Japanese relations had deteriorated steadily in the decade following Japan’s seizure of Manchuria in 1931-32. They took a sharp turn for the worse with the Japanese-German-Italian Tripartite (“Axis”) Agreement (September 1940) and Japan’s occupation of French Indochina (1940-41), culminating with President Roosevelt’s decision to impose an embargo on oil exports to Japan and a seizure of Japanese assets in the United States (July 1941). By December 1941, many in Tokyo and Washington believed war to be inevitable. Japan’s decision to go to war was driven in large part by this belief and by fears that the U.S. oil embargo would impair Japan’s war-making capabilities within months. Given these facts, it was better to strike sooner than later.

Analysis: Pearl Harbor was not a preemptive attack, but a preventative one. That is, their strike was not because they knew we were going to attack them and so they attacked first, but because they knew war was inevitable.

Impact: Outside the scope of the resolution. This resolution does not discuss preventative war, and thus this example doesn’t apply.

Act driven by fear

Karl P. Mueller, Jasen J. Castillo, Forrest E. Morgan, Negeen Pegahi and Brian Rosen (RAND Authors) “Striking First”; Published by RAND Corperation, 2006 <https://www.jstor.org/stable/pdf/10.7249/mg403af.8.pdf>

The history of international politics is replete with countries that gambled on war to improve their long-term security. According to Thucydides, the Peloponnesian War stemmed from “the growth of Athenian power and the fear which this caused in Sparta.” Similar fears have also beset more modern great powers, sometimes driving them to war. Since 1792 there have been eight wars among major powers started by one that saw an opportunity to prevent a decline in its relative power: France versus Austria in 1792; Prussia versus Austria in 1866; Prussia versus France in 1870; Japan versus Russia in 1904; Germany versus Russia in 1914; Britain and France versus Germany in 1939; Germany versus the Soviet Union in 1941; and Japan versus the United States in 1941. More recent examples of preventive attacks include Israel’s war against Egypt in 1956, the Israeli air strike against the Iraqi nuclear facility at Osirak in 1981, and the U.S.-led invasion of Iraq in 2003.

Analysis: Japan’s attack was based out of fear of a strong military force. They acted upon it.

Impact: not inherently immoral. The attack wasn’t inherently immoral, because it wasn’t for malicious reasons. It was because of fear and a fight-or-flight mentality, which was apt given the situation.

Pearl Harbor was an act of self-defense

Karl P. Mueller, Jasen J. Castillo, Forrest E. Morgan, Negeen Pegahi and Brian Rosen (RAND Authors) “Striking First”; Published by RAND Corperation, 2006 <https://www.jstor.org/stable/pdf/10.7249/mg403af.8.pdf>

Therefore this analysis also employs a broader strategic category that encompasses both preemption and prevention: anticipatory attack. Anticipatory attacks—both preemptive and preventive—are offensive strategies carried out for defensive reasons. More specifically, they are based on the expectation that the adversary will—or is unacceptably likely to—commit armed aggression in the future, and are launched in order to reduce or eliminate the threat by initiating the conflict on terms relatively favorable to the attacker. Anticipatory attack is thus an alternative to both defense and deterrence as a strategy to deal with perceived security threats.

Analysis: Pearl Harbor was an anticipatory attack. The believed war was inevitable and so attacked first, as a defensive strategy as well as a possible deterrence.

Impact: Pearl Harbor was an act of self-defense. They feared an inevitable attack and acted upon that knowledge.

1. International law allows for preemptive war for self-defense

Anthony Clark Arend (Arend is Professor of Government and Foreign Service at Georgetown University. On August 1, 2015, he became Senior Associate Dean for Graduate and Faculty Affairs in the Walsh School of Foreign Service at Georgetown University) “International Law and the Preemptive use of Military Force”; Published by The Washington Quarterly, Spring 2003 <https://webcache.googleusercontent.com/search?q=cache:3IslBnqZG3sJ:https://www.cfr.org/content/publications/attachments/highlight/03spring_arend.pdf+&cd=1&hl=en&ct=clnk&gl=us>

Given this brief examination of some important indicators of state practice in the post–UN Charter period, it would be difficult to conclude that there is an established rule of customary international law prohibiting the preemptive use of force when undertaken in anticipatory self-defense. If anything, there seems to have been greater support for the doctrine in the most recent case. In all the discussions, however, those who supported the doctrine of anticipatory self-defense continued to claim that the right is limited by the requirements of necessity and proportionality set out in the Caroline case.

Analysis: International law allows for a nation to resort to preemptive war if it is for self-defense.

Impact: Preemptive war for self-defense is justifiable.

2. Self-Preservation

Emperor Hirohito, Accepting the Potsdam Declaration; Radio Broadcast Transmitted by Domei and Recorded by the Federal Communications Commission, August 1945 <https://www.mtholyoke.edu/acad/intrel/hirohito.htm>

To strive for the common prosperity and happiness of all nations as well as the security and well-being of our subjects is the solemn obligation that has been handed down by Our Imperial Ancestors, and we lay it close to the heart. Indeed, we declared war on America and Britain out of our sincere desire to ensure Japan’s self-preservation and the stabilization of East Asia, it being far from our thought either to infringe upon the sovereignty of other nations or to embark upon territorial aggrandizement.

Analysis: Japan declared war purely for self-preservation. Embargos accompanied with war were sucking it dry, and pressure from the United States gave Japan no other options.

Impact: Japan was justified. Japan was justified in its attack because it was acting for self-preservation

3. Protecting citizens is a moral responsibility

Christoffer Spencer Lammer-Heindel () “Does the state have moral duties? State duty-claims and the possibility of institutionally held moral obligations”; Published by the University of Iowa Summer 2012 <https://ir.uiowa.edu/cgi/viewcontent.cgi?article=3388&context=etd>

We commonly attribute to states and other institutional organizations moral duties and obligations. For example, it is widely held that the state has a moral duty to protect its citizens from external threats and (more contentiously) it is claimed that it ought to positively promote the welfare of its members.

Analysis: It is the moral responsibility of all governments, including the Japanese government, to protect their citizens from threats, both economic and military.

Impact: Japan had a moral responsibility. The government the moral responsibility to protect their citizens, no matter the cost.

4. Only available option

Harry Elmer Barnes (Barnes was an American Historian) “Perpetual War for Perpetual Peace”; Published in 1953 <http://www.unz.org/Pub/BarnesHarry-1953-00315>

That the Japanese also fully grasped the meaning of these moves and accepted the fact that Roosevelt was forcing them into a situation which, according to his own terms, would bring the United States down upon Japan is attested by a dispatch of July 31 by Foreign Minister Toyoda to Ambassador Nomura: "Commercial and economic relations between Japan and third countries, led by England and the United States, are gradually becoming so horribly strained that we cannot endure it much longer. Consequently, our Empire, to save its very life, must take measures to secure the raw materials of the South Seas."

Analysis: The only option the Japanese government had by the time December 7 rolled around was to conduct a preemptive strike. They did so, however, in the interests of their own citizens and own nation

Impact: Japan was fulfilling its moral responsibility. The Japanese government had a moral and legal responsibility to protect its citizens, and it fulfilled that responsibility in the only way possible.