Affirmative: Just War / Germany 1941

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Case Summary: “Just War” theory does not rule out preventive war, and neither should we. The US war against Germany (after Japan, not Germany, bombed Pearl Harbor in 1941) was preventive because Germany had the intent and was developing (but did not yet have) the means to pose a massive threat to the United States. Had we not stopped them – prevented them – when we did, the world would have been a far worse place, and our war against Germany was an entirely justified preventive war. If even one such war can be found, then the resolution is true and should be affirmed.

Affirmative: Just War / Germany 1941 2

OBSERVATION 1. DEFINITIONS. 2

Preventive war 2

Ethical 2

OBSERVATION 2. VALUE ANALYSIS 2

A. The Value: Ethical behavior 2

B. The Criterion: Just War doctrine 2

C. The Requirements. Just War doctrine has bright-line requirements, making it a clear standard for ethical evaluation 3

D. Just War Doctrine does not rule out preventive war 3

OBSERVATION 3. THE JUSTIFICATIONS 3

A. Example: US going to war with Germany in 1941 3

B. The Conclusion: Absolutely justified. Preventive war against Germany in 1941 was absolutely justified, and should have even started sooner 5

Affirmative: Just War / Germany 1941

In a utopian world, war would never happen. But in this fallen world we live in, wars are inevitable. As with all actions, we must evaluate the decision to go to war based on moral values, and when we do, we must affirm that*: Preventive war is ethical*

OBSERVATION 1. DEFINITIONS.

Preventive war

Dictionary.com based on the Random House Unabridged Dictionary copyright 2019 <https://www.dictionary.com/browse/preventive-war>

an attack against a possible enemy to prevent an attack by that enemy at a later time.

Ethical

Merriam Webster Online Dictionary 2019 <https://www.merriam-webster.com/dictionary/ethical>

conforming to accepted standards of conduct

OBSERVATION 2. VALUE ANALYSIS

A. The Value: Ethical behavior

If there’s an accepted standard of conduct in which at least one scenario of preventive warfare can be done without violating the standard, then an Affirmative ballot is justified.

B. The Criterion: Just War doctrine

Jeff McMahan, professor of philosophy at Rutgers University, explained in 2012 why we should use this as our standard of ethical behavior:

Prof. Jeff McMahan 2012 (prof. of philosophy, Rutgers Univ.) 11 Nov 2012 NEW YORK TIMES “Rethinking the ‘Just War,’ Part 1” <https://opinionator.blogs.nytimes.com/2012/11/11/rethinking-the-just-war-part-1/>

 ”The disagreements extend from the particular to the general, for in most areas of morality there are no commonly recognized principles to which people can appeal in trying to resolve their disputes. But there is at least one contentious moral issue for which there is a widely accepted moral theory, one that has been embraced for many centuries by both religious and secular thinkers, not just in the United States, but in many societies. The issue is war and the theory is just war theory. “Just war theory” refers both to a tradition of thought and to a doctrine that has emerged from that tradition.”

END QUOTE. Just War Theory is the only weighing mechanism that works for this resolution. All others ask us to predict the future or guess about hypothetical outcomes. No one can know in advance whether more lives will be saved if a preventive war is engaged than if it isn’t, and no one can know what the outcome would have been, after the war is over, if we hadn’t engaged in it. Thus all measurements of lives or outcomes are impossible to rely on.

C. The Requirements. Just War doctrine has bright-line requirements, making it a clear standard for ethical evaluation

Prof. James T. Johnson 2005 (Professor of Religion, Rutgers University) “Just war” BRITANNICA <https://www.britannica.com/topic/just-war> (article written in 1998, revised in 2005)

Most scholars agree that, to be considered just, a war must meet several jus ad bellum requirements. The four most important conditions are: (1) the war must be declared openly by a proper [sovereign](https://www.merriam-webster.com/dictionary/sovereign) authority (e.g., the governing authority of the political [community](https://www.merriam-webster.com/dictionary/community) in question); (2) the war must have a just cause (e.g., defense of the [common good](https://www.britannica.com/topic/common-good) or a response to grave injustice); (3) the warring state must have just intentions (i.e., it must wage the war for [justice](https://www.britannica.com/topic/justice-social-concept) rather than for self-interest); and (4) the aim of the war must be the establishment of a just peace. Since the end of [World War II](https://www.britannica.com/event/World-War-II) it has become customary to add three other conditions: (1) there must be a reasonable chance of success; (2) force must be used as a last resort; and (3) the expected benefits of war must outweigh its anticipated costs.

D. Just War Doctrine does not rule out preventive war

Prof. Robert G. Kaufman 2017 (Professor of Public Policy at Pepperdine University) Just Prudence: Defending Aquinas on Preemption, Prevention, & Decisiveness in War 27 Sept 2017 <https://providencemag.com/2017/09/just-prudence-defending-aquinas-on-preemption-prevention-decisiveness-in-war/>

Ruling out anticipatory defense in various modes confounds morality and practicality, entailing a cure worse than the disease. Instead, prudence as St. Thomas Aquinas envisaged it—the cardinal virtue of right reason about right things to be done—ought to determine whether or not to use force sooner rather than later in accordance with the other criteria for jus ad bellum Aquinas stipulates: rightful authority, just cause, and right intention. Aquinas maintains a wise silence on the question of precisely whether or when force should be used sooner rather than later. So should we.

OBSERVATION 3. THE JUSTIFICATIONS

To prove the resolution true, all that’s needed is to show that in at least some cases a preventive war can meet these criteria of ethical behavior under Just War standards. Fortunately, that’s easily done, as we see in 2 subpoints:

A. Example: US going to war with Germany in 1941

Remember that the US entered World War 2 after Japan bombed Pearl Harbor, not because Germany was threatening the security of America. At least not yet. But Pres. Roosevelt wisely saw on the horizon that this day was coming and had already begun initiating small military efforts against Germany. When Hitler joined Japan’s declaration of war on the United States, Germany still didn’t have the power to significantly threaten the safety of the United States, so the actions America took against Germany were all preventive at that point. Prof. Colin Gray explains in 2007:

Prof. COLIN S. GRAY 2007 ( Professor of International Politics and Strategic Studies at the University of Reading, England) THE IMPLICATIONS OF PREEMPTIVE AND PREVENTIVE WAR DOCTRINES: A RECONSIDERATION <https://ssi.armywarcollege.edu/pdffiles/PUB789.pdf>

Although Germany declared war on December 11, 1941, the United States had been exercising a hugely partial variant of neutrality for many months. U.S. warships escorted convoys far out into the Atlantic, and they had orders to sink U-boats on sight. In addition, the lend-lease transaction with Britain of bases for ships and materiel was not exactly proper behavior for a neutral state. In 1940-41, President Roosevelt did not have the domestic, hence the congressional, backing for war with Germany. But he had a powerful preventive motive for such a commitment, if and when it became domestically feasible. The President knew that a Third Reich victorious in Europe, possibly in possession of a substantial fraction of the British Royal Navy, would pose a predictably deadly menace in the long term to the United States. We know that he was correct to be fearful. Hitler did intend to move on from his anticipated victory in the East to the conduct of a global struggle with America. From an economically and strategically secure super continental foundation in a conquered Eurasia, Germany would have prepared for a maritime-air conflict with the United States. Even during World War II, Germany was pouring concrete for a great new naval base at Trondheim in Norway on the Atlantic. Pearl Harbor was a political threat to Roosevelt’s policy; because the American people wanted vengeance against Japan, they had no particular quarrel with Germany. Fortunately, Hitler’s rather ill-considered declaration of war solved Roosevelt’s political problem for him. In an obvious sense, Germany compelled the United States to wage war, though it must be said that Hitler had shown, for him, extraordinary restraint in 1941 in tolerating unneutral U.S. activities on behalf of Britain and then Russia. But in a less obvious sense, the United States waged a preventive war against Germany. It entered the conflict as early as was politically possible, with the timing dictated by Hitler and despite a very powerful domestic “pull of the Pacific.” U.S. policy and strategy never wavered from commitment to the agreed Allied principle of “Germany First” as the prime adversary to defeat.

END QUOTE. So, the US took militarily aggressive actions against Germany before 1941 because of the fear of what Germany would eventually do to us. Then after Dec 11, 1941, the US openly fought a massive war against Germany, again, before Germany posed any substantial threat to the United States and before it engaged in any substantial aggression against the U.S.

B. The Conclusion: Absolutely justified. Preventive war against Germany in 1941 was absolutely justified, and should have even started sooner

**Prof. Robert G. Kaufman explains in 2017 QUOTE:**

Prof. Robert G. Kaufman 2017 (Professor of Public Policy at Pepperdine University) Just Prudence: Defending Aquinas on Preemption, Prevention, & Decisiveness in War 27 Sept 2017 <https://providencemag.com/2017/09/just-prudence-defending-aquinas-on-preemption-prevention-decisiveness-in-war/>

 Although the burden of proof should be greater for resorting to force preventively (forestalling more distant threats) rather than preemptively (forestalling an imminent grave threat), and while the burden of proof should be greater for resorting to force preemptively rather than responding to attack, prudential statesmen ought to have prevention and preemption in their repertoire of options. Experience is a stern teacher. We know from history that sometimes using force sooner can save much blood, toil, tears, and sweat later. No statesman speaks more authoritatively about that than Winston Churchill:  
Still, if you will not fight for the right when you can easily win without bloodshed, if you will not fight when your victory will be sure and not too costly, you may come to the moment when you will have to fight with all the odds against you and only a precarious chance of survival. There may even be a worse case. You may have to fight when there is no hope of victory, because it is better to perish than to live as slaves.  
We know that had the democracies heeded Churchill’s warnings and stopped Hitler at various watersheds during the 1930s, particularly when Nazi Germany invaded the Rhineland on March 7, 1936, in violation of two international agreements, the worst war in history might have been averted. Hitler admitted as much, calling the first 48 hours of the Rhineland crisis the most nervous of his life, because French resistance would have caused his regime to collapse. Of course, we also know, given the nature of the academy, that had the democracies stopped Hitler sooner rather than later, generations of ungrateful professors would still be writing tomes complaining about preventive war and exonerating Hitler as a legitimate folk nationalist.

END QUOTE. Maybe that’s what the negative will do in this debate round, but you don’t have to agree with it, Judge, and you can stand for what’s right with an Affirmative ballot.