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***Jus ad Bellum* and the War with ISIS in Syria**

In 2011, protesters marched on Damascus, fed up with Bashar Al-Assad's strong grip on power and his regime's lack of democratic reform. The military quickly resorted to violence to quell the protests, but they responded by organizing and militarizing themselves. This led to the outbreak of war and many failed ceasefires in the ongoing humanitarian disaster of the decade, the Syrian Civil War. Since forming from a merger between Al-Qaeda in Iraq and the popular anti-Assad al-Nusra front in 2014, Islamic State (ISIS) has been the primary target of international counterterrorism efforts. I find that US war against ISIS is just by some international standards of *jus ad bellum*, but that the United States must change its seemingly-indiscriminate military tactics, which fuel anti-American sentiment and terrorism, if it is to bring lasting change to the Middle East.

The first qualification for *jus ad bellum*, the right to war, is just cause. The United Nations Charter of 1945 provides for two just causes for war, specifically the "right of individual or collective self-defense if an armed attack occurs against a Member."¹ The United States has strong justification for fighting ISIS on both grounds. First, it is an individual state that has been attacked on its homeland by radical Islamic terrorists. Although this analysis relies on the assumption that the same Al-Qaeda that orchestrated the September 11 attacks is fundamentally the same organization as Al-Qaeda in Iraq, the precursor to ISIS, I believe this assumption holds given the common links in leadership and purposes of the three groups. Since ISIS is a religious fundamentalist terrorist group,

1 United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI. Accessed May 4, 2017, <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>. Chapter 7, Article 51.

and one of its core values is promotion of attacks on the United States, this individual security fear is justified. Secondly, the US fights for collective security as a member of international coalitions seeking to restore stability in the Middle East.

Next, for *jus ad bellum*, the aggressor must have right intention—the United States' motivations for war must be well-reasoned. Recent terrorist attacks, like the truck attacks in Paris and Stockholm and the stabbing in London, which were all claimed by ISIS, bolster the argument that this counterterrorism war is justified. ISIS's own magazine and social media activity by its members prove a clear terrorist threat; the absence of another incident on US territory of the same magnitude as on September 11 indicates strengthened domestic security rather than a lack of motivation for ISIS to attack. This also fulfills the criterion of proportionality, because the magnitude of a terrorist threat on the US homeland and against other European countries' populations is, to the US, perceptibly higher than the cost of fighting ISIS, which has few visible domestic effects besides a ballooning defense budget.

The US has internal political motivations to act against ISIS in whatever way it can to achieve two goals: a) to minimize direct loss of American life in armed conflict, given the unpopularity of the invasion of Iraq at home and in the Middle East—thus why it has preferred a non-interventional policy and instead relies on drone strikes and supporting actors within the region, like Kurdish rebels in Northern Iraq and Syria—and b) to proactively prevent terrorist attacks on the American homeland. These establish right intention for acting against Islamic State.

The other justifications for just war for which the United States falls especially short are that just war must be a last-resort effort and that it must have a high probability of success. The invasion of Iraq set off a chain reaction of instability in the region, and the US's support of De-Ba'athification only produced more powerful Iraqis opposed to American interests [rather than offering a sort of golden parachute for former highly-ranked government figures to prevent their radicalization]. The

US acted rashly on dubiously-confirmed information regarding an Iraqi WMD proliferation threat and learned the hard lesson on jumping to intervene. Perhaps since America, as a principle, does not negotiate with terrorists, that leaves no diplomatic route and war is the only solution. However, given the mistakes of the past, now is the time to step back and use the cultural understanding the government has developed in the last 15 years to provide novel, less brawny solutions—last-ditch efforts before continuing drone strikes. Our capabilities to work *with* rather than *over* the Middle East are clearly expanding—while “before 9/11, the FBI had only 40 Arabic and 25 Farsi speakers to listen to national-security intercepts,” as of 2012, the FBI had increased the number of Arabic linguists on its staff by 261%.^{2 3} By using coalition partners like the Kurds and working diplomatically with Russia, which has differing interests on Syrian governance but the common goal of destroying ISIS, the US has a much better chance of success than with continued aerial strikes. Airstrikes kill civilians and provide fuel for ISIS propaganda, which ISIS can use to draw more foreign fighters and financial support. If the US is to adhere to *jus ad bellum*, it will need to use smarter, less muscular tactics against ISIS; however, the downside to ceasing air and drone strikes is that such a “display of weakness” is politically unpopular domestically for the strong global policeman America, guns always blazing against its enemies. That said, rebuilding will be significantly more difficult without infrastructure in a bombed-out Syria, and if the US hopes for any sort of state with democratic institutions, those physical structures are also critical to rebuilding a functional state.

Ultimately, the United States’ war against ISIS in Syria is justified under *jus ad bellum* tenets because it is just in cause and reason, but in other criteria, the US strategy falls short. I do not claim

² Klaidman, Daniel, "Lost In Translation," Newsweek, March 13, 2010. Accessed May 4, 2017, <http://www.newsweek.com/lost-translation-139015>.

³ FBI, "A National Security Crisis: Foreign Language Capabilities in the Federal Government," May 21, 2012. Accessed May 4, 2017, <https://archives.fbi.gov/archives/news/testimony/a-national-security-crisis-foreign-language-capabilities-in-the-federal-government>.

that ISIS will ever listen to diplomacy, but the continued radicalization of foreigners and a constant stream of destitute people flocking to ISIS show that airstrikes are causing more harm than good. The US can use other last-resorts to increase the probability of not only successfully defeating ISIS, but also bringing stability and peace back to Syria and the greater region.