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THE ETHICS OF THE VIETNAM WAR

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Stretching from the Eisenhower administration to the Nixon Era, the Vietnam Conflict was possibly the single most divisive conflict the United States has endured since the Civil War. Vietnam was by far the nation's longest conflict, beginning in 1954 and ending with the cease-fire in 1973.¹ This hotly debated war occurred in the middle of the Cold War between the United States and the Soviet Union. With each side seeking to extend their global influence, armed conflicts broke out in multiple places ranging from the rainforests of South America to the lush jungles of Southeast Asia. The two superpowers' motives for war occurred around the spread of one idea: Communism. Communism rose to prominence in Russia in the early 1900s with revolutions against the ruling Tsars. Far from the utopian paradise that it promised, the Soviet Union became a land of desolation and agricultural regression. Collectivization of farms stripped production of food supply for millions of Russians. The tyranny of Josef Stalin led to systematic purges, executions, and famines that led to the deaths of untold millions. The United States had adopted a policy known as "containment."² First created by Foreign Service Officer George Kennan in 1947, containment became the official policy for fighting against Communism. Simply put, the United States would seek to halt the progression of Communism around the world. This policy would remain the underlying framework until the collapse of the Soviet Union in the early 1990s. The theory of containment would provide the infrastructure the United States needed to be involved in

1. *Encyclopedia Britannica Online*, s. v. "Vietnam War," accessed November 17, 2016, <https://www.britannica.com/event/Vietnam-War>.

2. "George Kennan and Containment – Short History – Department History – Office of the Historian." U.S. Department of State. 2016, accessed November 17, 2016. <https://history.state.gov/departmenthistory/short-history/kennan>.

the Vietnam Conflict. With the fall of French forces in 1954,³ the Communist forces of North Vietnam began a march to infiltrate South Vietnam. Both the Soviets and the United States saw an opportunity to spread their influence in a volatile country. Thus the United States became directly involved in the conflict in Vietnam, giving the containment theory its clearest embodiment of the Cold War. As previously stated, the Vietnam Conflict was extremely controversial. Though well intentioned, the US Government directly violated multiple principles of Just War theory during the Vietnam War. Despite this fact, the principle of containment theory cannot be thrown out. Due to the failures of communism described above, the United States was correct in its attempt to thwart its advance at every opportunity. However, during this time period, theory of containment should have been restructured to prevent full-scale war outside of what Just War theory allows.

The United States employed various methods of war fighting during the Vietnam Conflict. Due to the vast difference in military capability of each side (in addition to the harsh geography of the region), the United States could not approach combat missions in Vietnam in the same manner that it had approached previous wars. The involvement of the United States grew in stages. In the early stages of the war, the United States sent “military advisors” and supplies to South Vietnam forces.⁴ In 1962 the United States began employing Agent Orange (a harsh chemical) for clearing the vegetation alongside pathways and railways.⁵ The defining moment of the war that established the need for US

3. Brigham, Robert K. “Battlefield: Vietnam.” PBS, accessed November 17, 2016. <http://www.pbs.org/battlefieldvietnam/timeline/index.html>.

4. Nelson, Cary. “Vietnam War Timeline.” Modern American Poetry, accessed November 17, 2016. <http://www.english.illinois.edu/maps/vietnam/timeline.htm>.

5. Ibid.

involvement came with the attacks on the USS *Maddox* and USS *Turner Joy* in 1964.⁶ US ships were conducting reconnaissance missions in the international waters of the Gulf of Tonkin. In the alleged attack, North Vietnamese submarines fired upon the two ships on repeated occasions. Following the attack, President Johnson convinced Congress to sign the Gulf of Tonkin Resolution. According to Lieutenant Commander Pat Paterson,

Requested by Johnson, the resolution authorized the chief executive to “take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.” No approval or oversight of military force was required by Congress, essentially eliminating the system of checks and balances so fundamental to the U.S. Constitution.⁷

The Gulf of Tonkin Resolution gave President Johnson unprecedented executive authority of the war. In 2005 many formerly classified naval records were released, giving reasonable doubt as to whether the attack on the two US ships ever took place. Documents that would provide conflicting reports of the attack were never sent to Washington.⁸ Nevertheless, the United States now had a reason to go to war. The response to the Gulf of Tonkin was swift. Within a year President Johnson initiated Operation Rolling Thunder – a fierce bombing campaign – and deployed the first marines to Vietnam.⁹

For the next eight years, military operations in Vietnam would continue to drag on. The American public grew to resent the war. Protests broke out across college campuses and in Washington DC. Protesters turned out hundreds of thousands to debate

6. Paterson, Pat. “USNI Logo.” The Truth About Tonkin | US. Naval Institute. February 2008, accessed November 17, 2016. <http://www.usni.org/magazines/navalhistory/2008-02/truth-about-tonkin>.

7. Ibid.

8. Ibid.

9. Nelson.

the moral and practical values of the war.¹⁰ Unfortunately, most of the victims of the outrage were soldiers who were returning home. According to Mark Barringer, “The new leaders became increasingly strident, greeting returning soldiers with jeers and taunts, spitting on troops in airports and on public streets.”¹¹ Reports came back from Vietnam detailing the horrors of the war. Pictures filled the newspapers of naked children running from buildings and towns that were burning after a napalm drop. One of the most horrific incidents that occurred during the conflict was the My Lai Massacre. In March of 1968, US troops under the command of Lieutenant William Calley attacked the small village of My Lai. Paul Lagasse wrote, “In the course of combat operations, unarmed civilians, including women and children, were shot to death (the final army estimate for the number killed was 347).”¹² News of the massacre did not reach the United States until 1969. Lieutenant Calley was court-martialed and imprisoned for his part in the massacre.¹³ Shortly after the election of Richard Nixon, more protests led to interventions of the National Guard in the United States. In May of 1970, National Guard members opened fire upon a group of protesters at Kent State, killing four students.¹⁴ In 1971, the New York Times release the “Pentagon Papers,” documenting details of the war that had previously been unknown. Barringer stated, “Stories of drug trafficking, political

10. Barringer, Mark. “The Anti-War Movement in the United States.” *Modern American Poetry*, accessed November 17, 2016. <http://www.english.illinois.edu/maps/vietnam/antiwar.html>.

11. Ibid.

12. “My Lai Incident.” 2016. In *The Columbia Encyclopedia*, Columbia University and Paul Lagasse. New York: Columbia University Press. http://ezproxy.liberty.edu:2048/login?url=http://literati.credoreference.com/content/entry/columency/my_lai_incident/0

13. Ibid.

14. Barringer.

assassinations, and indiscriminate bombings led many to believe that military and intelligence services had lost all accountability.”¹⁵ With pressure to end the war mounting from all sides, President Nixon began reducing troops in Vietnam in 1972, but began a second fierce bombing campaign that would become known as “the Christmas bombings.”¹⁶ However, in 1973, Henry Kissinger and Le Duc Tho signed a peace agreement in Paris that finalized the end of US involvement in the war.¹⁷ A little over two years later, Saigon, the capital of South Vietnam, was overrun with North Vietnamese forces.¹⁸

The Vietnam Conflict was certainly justified by the United States’ position within containment theory. The United States was seeking to halt the progress of Communism in a region that was very volatile. With the fall of China and Korea to Communism, the United States risked losing all influence in Southeast Asia. Certainly, US Presidents Eisenhower, Kennedy, Johnson, and Nixon were well intentioned. However, the methods of war fighting and the justification for going to war in Vietnam conflict with principles of Just War theory in several places.

Just War theory is a generally accepted set of standards by which nations are justified in taking up arms. According to John Dorbolo of Oregon State University, “The United States does explicitly recognize Just War theory as criteria for engaging in war. Thus, the criteria of Just War theory are a primary basis for discussion and debate about

15. Barringer.

16. Brigham, Robert K. “Battlefield: Vietnam.” PBS, accessed November 17, 2016. <http://www.pbs.org/battlefieldvietnam/timeline/index.html>.

17. Nelson.

18. Brigham.

US war actions.”¹⁹ Despite the fact that it is not the official standard of the United States in determining justification for war fighting, the principles involved in Just War theory should be present in every decision to go to war. Just War theory was compiled originally by St. Augustine in the 4th century and Thomas Aquinas in the 13th century.²⁰ Since, more philosophers and ethicists have added several principles that place further constraints on military actions. Seth Lazar writes,

War can be necessary and proportionate only if it serves an end worth all this death and destruction. Hence the importance of having a just cause [SIC]. And hence too the widespread belief that just causes are few and far between. Indeed, traditional Just War theory recognizes only two kinds of justification for war: national defense (of one’s own state or of an ally) and humanitarian intervention. What’s more, humanitarian intervention is permissible only to avert the very gravest of tragedies.²¹

In order to further qualify war fighting that is classified as “national defense,” Just War theory is broken into two categories: *jus ad bellum* (“the right to go to war”²²) and *jus in bellum* (“the right conduct in war”²³). Within these categories are requirements that are to be met. *jus ad bellum* includes the requirements of just authority, just cause, just intention, last resort, and reasonable probability of success.²⁴ *Jus in bellum* adds further constraints of proportionality, discrimination, and responsibility.²⁵ Theoretically, all of

19. Dorbolo, John. “Just War Theory.” Oregon State University. 2001, accessed November 16, 2016. http://oregonstate.edu/instruct/phl201/modules/just_war_theory/criteria_intro.html

20. Ibid.

21. Lazar, Seth, “War,” *The Stanford Encyclopedia of Philosophy* (Winter 2016 Edition), Edward N. Zalta (ed.), forthcoming URL = <<http://plato.stanford.edu/archives/win2016/entries/war/>>.

22. Dorbolo.

23. Ibid.

24. Goldman, Jan. *Ethics of Spying: A Reader for the Intelligence Professional*. Vol.1. Lanham, MD: Scarecrow Press, 2006.

25. Dorbolo.

these categories must be met for a nation to be justified in going to war. However, rarely has one nation attacked another unprovoked.

In relation to the Vietnam conflict, the United States was justified by some standards of Just War theory, but did not fall into other categories. First is the case of just authority. This is described by Dorbolo as “a political authority within a political system that allows distinctions of justice.”²⁶ Certainly both the United States and the forces of North Vietnam fell into the category of just authority. The second criteria of Just War theory is just cause. In the Vietnam Conflict, the United States Government felt justified in its decision to go to war for two reasons, only one of which was material. First, the containment theory compelled the US Government to attempt to impede the spread of Communism. However, because this does not have material ramifications, it cannot be counted as a just cause. The second factor that led to US involvement was the Gulf of Tonkin incident. As previously stated, Lieutenant Commander Pat Paterson affirmed that there could be legitimate doubt as to whether the events surrounding the attack at the Gulf of Tonkin occurred in the manner that was reported.²⁷ It is also important to note that the United States had sent military advisors and supplies to aid the South Vietnamese.²⁸ In addition to this, the US Navy had been doing reconnaissance missions along the coastline of Vietnam.²⁹ Thus, one could reason that the North Vietnamese felt they had just cause in attacking the Americans because of the US intervention in their country thus far. Because of this, the qualification of just cause cannot be satisfactorily

26. Dorbolo.

27. Paterson.

28. Nelson.

29. Paterson.

answered. The third qualification is Just Intention. This qualification can be adequately answered by the United States. The United States had nothing of value to gain by winning a war in Vietnam other than to stop the spread of Communism and to gain a foothold in Southeast Asia. The United States was not seeking territorial expansion or conquest. Thus, this qualification can be sufficiently answered. The fourth qualification under *jus ad bellum* is last resort. The United States is unable to adequately make this claim. There was little to no diplomatic relationship pre-war. The United States had simply replaced the French influence in the region in the beginning stages of the conflict.³⁰ After the Gulf of Tonkin incident, the United States was swift to engage the North Vietnamese without attempting a political reconciliation. Thus, the US involvement in the Vietnam Conflict does not qualify as last resort. The final qualification in *jus ad bellum* is reasonable chance of success. As the leading world superpower, the United States certainly did not anticipate military failure. The United States far outmatched the North Vietnamese in budget, technology, weaponry, and strategic intelligence. However, the United States severely underestimated the will of the Vietnamese people to fight for their homeland, and the lack of understanding of the region's geography that the United States maintained. These two factors would play key roles in the success of the North Vietnamese against the United States.

The conditions during warfare as described by *jus in bellum* are as follows: proportionality, discrimination, and responsibility.³¹ Due to the vast difference in capabilities of the United States and North Vietnamese, the war was not fought

30. Nelson.

31. Dorbolo.

proportionally in the slightest. In order to clear foliage around roads and railways, the United States sprayed Agent Orange over thousands of acres of farmland and jungle.³² Operation Rolling Thunder was a fierce bombing campaign that lasted over three years.³³ As previously stated, the North Vietnamese was far outmatched by the capabilities of the United States. North Vietnamese forces primarily used guerrilla tactics, which included miles of underground tunnels that could be used to transport supplies and men without being spotted by United States pilots.³⁴ Thus, the US cannot claim that the war was fought proportionally. The second and third qualifications of *jus in bellum* are discrimination and responsibility. These qualifications refer specifically to the targeting of innocents and civilians outside of normal collateral damage. Due to the nature of war, innocents will be killed. The object of this qualification is to ensure that innocents are not being targeted outside of what is incidental. Succinctly put, “the good of the war must outweigh the damage done by it.”³⁵ With a few atrocious exceptions (such as the My Lai Massacre), the United States did not target innocent civilians during the war. Thus, the final two qualifications of *jus in bellum* can be satisfied.

The Vietnam Conflict was undoubtedly one of the most trying times in United States history. Using George Kennan’s containment theory as a framework, the United States became involved in a conflict that spanned four different administrations. Despite international criticism and domestic strife, the United States maintained operations in Southeast Asia for almost twenty years. In its attempt to fight the spread of Communism,

32. Nelson.

33. Ibid.

34. Brigham

35. Ibid.

the United States overlooked several key components of Just War theory. In regard to the qualifications of Just Cause, Last Resort, and Proportionality, the US Government did not act in an ethical manner. Containment theory certainly provided an excellent guide for foreign policy for the better part of the twentieth century. However, it was often used to justify military operations that would not fall under the category of Just War. Thus, Kennan's containment theory should have been reworked to prohibit full-scale military operations unless each requirement under *jus ad bellum* was met. Furthermore, more restrictions and oversight protocols should have been established to ensure that the requirements of *jus in bellum* were satisfied. Although the Vietnam Conflict was not conducted in an entirely ethical manner, the war provided a tangible example of the extent of Kennan's containment theory and its effect on the United States in the twentieth century.

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