

## **Locating political responsibility for war: the Iraq inquiries, 2003-2016**

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### **Abstract**

The three major UK inquiries around the 2003 Iraq war, chaired by Brian Hutton, Robin Butler and John Chilcot respectively, were all established amidst widespread debate around where responsibility lay for apparent policy failings. The political response to those apparent failings, from both critics and defenders of the UK government's approach, was to defer responsibility to a non-political body which would take on the role of truth-seeking. In the public discussion around each of the subsequent reports, and in the content of the reports themselves, the configuration and limits of the specific responsibility of public officials was a major if unpacked theme.

The paper will explore critically the notions of political responsibility and ultimately accountability in the arguments around the Iraq inquiries. All three reports identified a distinct focus in their discussions of political responsibility – responsibility towards personnel (the Hutton inquiry), to the uses of intelligence (the Butler inquiry) and for decision-making about war (the Chilcot inquiry, and the first six volumes of the report). Nevertheless, all three reports stopped short of questioning political judgements, implicitly marking this off as a sphere beyond legitimate investigation for a supposedly non-political inquiry. In light of this self-imposed limitation, the paper looks to the relationships between trust and truth, and politicians and bureaucrats, in providing answers – but also at how those answers were themselves destabilised through the processes, findings and receptions of the inquiries.

### **Introduction**

Writing in the aftermath of another prolonged and disastrous war, Carl Schmitt noted the tendency that liberal parliamentary democracies have to push questions of ultimate responsibility on to committees of inquiry. For liberals, Schmitt (1922, 62) quips, 'it was possible to answer the question "Christ or Barabbas?" with a proposal to adjourn or appoint a commission of investigation'. The incapacity or unwillingness of supposedly political institutions to give answers to even the most straightforward ethical questions entails that those questions are parcelled off to supposedly non-political bodies, and turned into a matter of bureaucratic norms, laws and procedures, to be kept open for further deliberation. Never one to leave a point half-made, Schmitt (1922, 63; also Schmitt 1923, 35) rounds off:

The essence of liberalism is a negotiation, a cautious half-measure, in the hope that the definitive dispute, the decisive bloody battle, can be transformed into a parliamentary debate and permit the decision to be suspended forever in an everlasting discussion.

Schmitt was berating Weimar constitutionalism through invoking the alternative presented by the somewhat obscure 19<sup>th</sup> Century Spanish diplomat Juan Donoso Cortés, a disillusioned liberal who turned into a counterrevolutionary theologian. But his argument took on a new significance in the seemingly interminable descent within the UK into Inquiry-mania in the

aftermath of the Iraq invasion of 2003, with four inquiries over a 12 month period, each presenting themselves as having a highly limited focus of investigation and leaving open the adjoining questions for further inquiries (Aldrich 2005; more trenchantly, Runciman 2004; Thomas 2015). Those questions were held in stasis, with a government commitment to a catch-all inquiry only after UK combat operations ended in Iraq, which happened in April 2009. This culminated in the 7-year long 'Iraq Inquiry' – the Chilcot Inquiry – which produced a 12-volume work, comprising of some 6165 pages not including the executive summary, the annexes or the copious additional published evidence. The scale of the compilation of material through ad hoc and public inquiries seemingly stands in contrast to the historical tendency, noted by Williams (2023, 9), of the British state to seek to avoid public inquiry in matters of accountability when it comes to military matters.

Beyond the time and the volume of the material – the 'everlasting discussion' – what has frustrated many if not all commentators on the inquiries has been their hesitation to attribute political responsibility to any specific individual or group of individuals. The predominant call from commentators critical of the Iraq war has been, to invoke another publication written in the depths of wartime, to identify the 'guilty men'. When on 13 July 2004 Robin Butler was launching the report written by the committee of privy counsellors that he chaired, he was asked immediately if the mistakes in the September 2002 dossier were the fault of Tony Blair (prime minister), Jonathan Powell (chief of staff) or Alastair Campbell. Butler's answer was ambiguous and was reported as evasive: 'It was a weakness on the part of all those who were involved in putting together the dossier...' (Murphy 2004; Deans 2004; more critically, Beloff, 2004). He later elaborated: 'Our conclusion was that you could not pick out anybody who bore special responsibility for that and I think that is very often the case in Government ... there was collective responsibility for it, but the point that we were making was that it would have been unfair to say that that should be put at the door of a particular individual' (Butler 2004, Q461).

On the other side, participants in the decision-making process that led to UK participation in the invasion looked somewhat in vain for vindication from the inquiries. Tony Blair, in his two-hour press conference after the release of the Chilcot Report said: 'as this report makes clear, and it does – when you go through the report, there were no lies, there was no deceit, there was no deception [...]. And the reporting [sic] accepts explicitly that I acted both in good faith and that I genuinely believed the intelligence I was given' (Blair 2016). The problem with this statement was that there was no text in the twelve volumes of the Report that could, at least explicitly, substantiate this reading. Indeed, there was plenty of material in those volumes that indicated that there were lies, deceit, deception, and bad faith actions. The problem for Blair's critics was that the Report doesn't say that explicitly either.

The core issue at stake was the difficulty the inquiries into the Iraq war have had in considering issues of political responsibility. This war presents a good case study for understanding how inquiries deal with this central theme, not only due to the volume of material they have generated but also how different inquiries – with distinct remits and approaches – tackled similar themes, enabling a comparative analysis. For the purposes of

this paper, I will only look at the reports of three of the UK inquiries.<sup>1</sup> The first was the judicial inquiry chaired by Lord Hutton on the death of David Kelly (28 January 2004). Kelly was a scientist specialising in biological warfare who worked for the UK Ministry of Defence and who had a long-standing involvement in the investigation of Iraq's historic and alleged biological warfare capacity. Kelly's apparent suicide on 17 July 2003 occurred after government officials revealed he was the primary source for critical news reports about the UK government's handling of intelligence, which in turn led to him becoming a focus of public and political attention.

The second inquiry was that of a committee of privy counsellors chaired by Lord Butler into intelligence on 'weapons of mass destruction' (14 July 2004). The twin context for the launch of this review was, firstly, the awareness that a presidential commission into intelligence on weapons was being launched in the United States – the Iraq Intelligence (or Silberman-Robb) Commission; and secondly, the decision made in the Hutton inquiry not to interrogate the quality of intelligence gathered on Iraq's supposed weapons, even though it had become clear at that point that what the government had disclosed before the Iraq war about that intelligence in order to justify the invasion did not match up to the findings made afterwards. As the claims about intelligence had been made more vocally before the invasion by the British government, and the US had attributed some of its more striking claims to British sources, it had become political unfeasible not to hold an inquiry specifically on this issue.

The third inquiry under review here was also a committee of privy counsellors, this time chaired by Sir John Chilcot (6 July 2016). The launch of this review was a long-standing commitment by the government during British military operations in Iraq, which stated repeatedly during the period from 2004 to 2009 that there would be a comprehensive review of policy and operations in Iraq once British soldiers had left the country. The breadth of the review's scope goes some way to explain why the report took seven years to produce.

Each of these reports has a significant engagement with issues of political responsibility but in quite different ways, as this article will explain. Other relevant inquiries include those of the Parliamentary Select Committee on Foreign Affairs in July 2003, the Intelligence and Security Committee in September 2003, the Baha Mousa Inquiry which reported in September 2011, and the Al-Sweady Inquiry report from December 2014. The first two of these were largely superseded by the later inquiries. The third (into the arrest, abuse and death of an Iraqi citizen in Basra) and fourth (on unfounded allegations of unlawful killings and mistreatment by British soldiers) focused on operational matters rather than the wider political context.

The three main Inquiries discussed here have all been explored in detail through the extensive literature that has developed over the period since 2003 that examines the decision of the British government to participate in the invasion of Iraq. In this literature,

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<sup>1</sup> For convenience, these will be referred to as the Hutton Report, the Butler Report and the Chilcot Report from here, along with the respective inquiries.

the material from the Inquiries is drawn upon to explain decision-making processes (eg Runciman 2004; Kettell 2006; Coletta 2018), to explore the role of particular individuals (eg Dyson 2006), and to place the Iraq war within the broader field of British foreign policy (eg Ralph 2011; Robinson 2017). This article draws heavily upon this literature throughout, but it is asking a different question, steered by the themes in this special issue: what do the Hutton, Butler and Chilcot reports show about the potential for official inquiries to make politically meaningful evaluations?

### **Political responsibility in the three reports**

The limited attribution of responsibility, either to blame or to absolve, in reports in which the issue of responsibility is actively discussed is not only politically frustrating but also, at first, intellectually puzzling. There are many contexts in which understanding the scope of political responsibility is hard. Forms of structural injustice, in which social processes compel forms of domination or deprivation, are difficult environments in which to attribute political responsibility. Iris Marion Young (2007, 159-186) proposes a social connection model of responsibility for such settings. Equally there is often a sharp disjuncture between the official site of political responsibility and the actual locations of relevant decision-making which elude accountability: programmes of economic development may be the responsibility of a national government but they are largely at the mercy of transnational economic and financial processes (Dunn 1990, 133). If we were looking at inquiries into why misogyny remains rampant globally or into the causes of educational inequalities, it would be unsurprising if those inquiries shied away from attributing political responsibility to specific individuals or small groups.

The Iraq war by contrast presents no such theoretical obstacle. It might be possible to construct an account of the invasion of Iraq as an instance of structural justice or injustice, but such an account would strain the bounds of plausibility on both the US and the UK sides. Instead, in both countries, there was a clear decision-making process with a great deal of latitude available to those decision-makers. It would not be especially plausible to argue that they were compelled to take the steps they did by factors beyond their control, and none of the key agents seem to have argued that they were. Therefore, it seems straightforward to use a liability-based model of political responsibility, in which responsibility is assigned to those whose actions are causally connected to the outcome, on the basis that those actions were taken voluntarily and knowingly (Young 2007, 172-173). In this respect, political responsibility becomes a component of accountability, particularly individual accountability for the manner in which public officials made their decisions and implemented either their own decisions or someone else's.

The three inquiries had significant differences in their scope, as I will describe, but there were similarities also in their methodology. Each took the approach of constructing an archive, mostly consisting of government documents focused on the period from September 2001 to mid-2003, although the last six volumes of the Chilcot Inquiry extended the temporal scope up to 2009. They used individual interviews to supplement the documentary archive; although these interviews were held in the glare of public attention in the Hutton and Chilcot Inquiries, the Butler inquiry also took oral evidence from some 47 'witnesses', as

they were described in the Butler Report (2004, 7) as well as the other two Reports. Each of the Reports is dominated in its content by a summary of this archive, with the extensive use of quotation from primary documentation.

This approach thereby prioritises the procedural review of decision-making, in line with what Finn (2021, 337-38) terms the 'democratic oversight narrative' under which citizens' access to information on government decision-making enables them to become active in evaluating and sanctioning politicians. Commentary on political responsibility ended up being focused on the mode by which decisions were made, including how the evidence was gathered in order to make those decisions, not the outcome of these decisions themselves. Or rather, the outcome of decisions becomes relevant to the Inquiry only insofar as it then leads into a process of learning for future decision-making within the temporal scope of the inquiry. The Chilcot Inquiry, for instance, did not make an assessment of whether British participation in the invasion of Iraq had left UK citizens safer or in greater peril, or whether it had left Iraq better off or worse off. The ancient Athenians made assessments of the accountability of leaders solely in terms of the outcome of their actions, irrespective of mitigating circumstances or elements of bad luck (Elster 1999, 264). The Hutton, Butler and Chilcot Inquiries, meanwhile, each took their starting point in examining accountability as whether or not the decisions taken by leaders were reasonable at the time they took them; judging by outcomes would be to rely on hindsight, which all three Reports explicitly rejected as a legitimate basis for their evaluations (Hutton Report 2004, 297; Butler Report 2004, 114; Chilcot Report 2016, Volume 4, 283 and Volume 6, 565 especially).

One major variation between the three Inquiries is that they were each exploring a different outcome in relation to political responsibility. The Hutton Inquiry was about the 'circumstances surrounding the death of Dr Kelly', in the terms set by Lord Falconer, the Lord Chancellor (quoted in Hutton Report 2004, 1), and therefore – and consistent with a liability-based model of political responsibility – looked at the actions of individuals that were causally connected to that outcome. Hutton further determined, narrowly and controversially, that the relevant action was one early morning live and unscripted BBC news report that asserted that a source – David Kelly, as it later turned out – had said that 'the government probably knew' that one claim in the September 2002 'was wrong, even before it decided to put it in' (Hutton Report 2004, 12). His evaluation remained centred on whether Kelly had said this, how the BBC responded to the government complaints about it, and the government's actions towards Kelly after the news report had aired. The Report thereby purposefully excluded wider questions about the UK government's uses and misuses of intelligence to justify the Iraq invasion (Hutton Report 2004, 105-106; also Hutton 2004, especially Q55).

Broadly understood, then, the Hutton Inquiry took responsibility to mean a form of managerial responsibility – how institutions coordinate, restrict and care for their staff members. Extended quotations from the hearings in which this form of responsibility is discussed are contained in the Report, in relation to both the UK government and the BBC. In relation to the responsibility of government, there were clear differences in how responsibility was to be understood. The Secretary of State for Defence explicitly denied

that he had responsibility for personnel (Hutton Report 2004, 233). The Permanent Under-Secretary of State asserted that he had responsibility for staff but not culpability for their actions (Hutton Report 2004, 230). By contrast, the Prime Minister spoke on how he took full responsibility for decisions to use the entire machinery of government in relation to David Kelly (Hutton Report 2004, 239-240). With this framing of responsibility in terms of debates about who should credit or blame for the actions of subordinate members of staff, it is no surprise therefore that those looking to this Report in order to blame or exonerate political leaders for the decision to invade Iraq were left scratching their heads.

For the Butler Report – in its Iraq chapters, which make up the large majority of its text – the outcome that structured its approach to political responsibility was the use by politicians of secret intelligence information in the run-up to the invasion. The mandate of the Butler Inquiry, as set by the Foreign Secretary to the House of Commons, included prominently the requirement ‘to investigate the accuracy of intelligence on Iraqi WMD [“weapons of mass destruction”] up to March 2003’ (quoted in the Butler Report 2004, 1). That is, whereas the Hutton Report understood responsibility in terms of personnel, it would not be much of a stretch to present the Butler Report as evaluating the responsibility of government institutions towards the truth.

The Butler Report focused particularly on the September 2002 dossier, *Iraq’s Weapons of Mass Destruction: The Assessment of the British Government*, reviewing in detail how it was compiled, reproducing its drafting history, and then evaluating many of the specific claims it made. It does not properly explain this choice of focus, but it can be inferred that it did so because the content of this dossier was directly attributed to the intelligence services. That is, because its concern was the political uses of intelligence information, it paid only limited attention to claims made by politicians that did not make direct reference to the work of the intelligence services. To take one instance out of hundreds, the Prime Minister in his statement on Iraq to the House of Commons on 25 February 2003, said that Saddam Hussein must provide ‘evidence of destruction of the biological and chemical agents and weapons that the UN proved he had in 1999’. The subclause at the end of this sentence was clearly incorrect: the UN inspectors never ‘proved’ Iraq had any chemical or biological weapons after 1991 nor claimed to prove anything of the sort. However because the Prime Minister did not attribute this claim to the UK intelligence services, it is not recognised, interrogated or evaluated in the Butler Report. The omission of any signification evaluation of government ministers’ statements about Iraq’s weapons is all the more striking because Annex B to the Butler report contains the relevant intelligence evaluations of Iraq’s weapons from March 2002 through to September 2002 – material that can be straightforwardly checked against government statements. This was the principal material used by anti-war parliamentarians, coordinated by Adam Price MP, in their attempt to start an impeachment process against the Prime Minister in August 2004, an effort to use the Butler Report for the purposes of political accountability in a way that goes well beyond what the Report itself tries to do.

This restriction in the Report shows the limits of its understanding of political responsibility. If the assessment was primarily of whether political leaders were misusing the assessments

made by the intelligence services, then responsibility is reduced to a form of inter-institutional respect – whether Downing Street did anything to damage the integrity of the intelligence apparatus, or instead if the relationship of trust between politicians and intelligence officials remained intact. Statements by government spokespeople about Iraq's weapons that do not invoke the intelligence services are irrelevant to this, and so do not fall within consideration of this understanding of responsibility. This limitation came out most clearly when it was put to Butler at a Select Committee hearing that Parliament and the public were misled about the basis for the invasion. Butler responded:

Let us be very clear about this. When Parliament and the public were told what the assessment of the Joint Intelligence Committee was, they were told the truth overall. You could quibble with one or two little details but in general, for all practical purposes, when the public were told that it was the conclusion of the Joint Intelligence Committee that Saddam Hussein had in the most notable case stocks of chemical and biological weapons, that was the assessment of the Joint Intelligence Committee. You were told the truth about that. You were also told the truth, I have no doubt at all, by the Prime Minister when he said that he believed that Saddam had those weapons. (Butler 2004, Q520)

'Truth' here seems to be used as a synonym for wholly and systematically incorrect. It is used to convey the sense that the relationship of trust between the prime minister and the intelligence services held up, but trust is not truth. The language used by Butler is all the more notable as the US post-invasion assessment of Iraq's purported weapons programme – the Iraq Survey Group – had submitted its final report the month before (September 2004) which concluded that Iraq had destroyed all its chemical weapons in 1991 and had made no effort to restart a biological weapons programme since 1995. Unpacking this discrepancy – between pre-invasion claims of 'stocks of chemical and biological weapons' and the postwar assessment of no stocks for 12 years preceding the invasion – is not taken as especially relevant to understanding responsibility, on this reading of political responsibility, as it did not involve ministers misrepresenting the work of the intelligence services.

The Hutton and Butler Inquiries had much narrower remits than the Chilcot Inquiry, and it is no surprise therefore that the Chilcot Report does not have a single approach to political responsibility throughout its twelve volumes. Its substantive material in the first six volumes spans from pre-invasion strategy to the pre- and post-war weapons assessments to military planning and the preparations made for a post-invasion Iraq. These will be the focus of the discussion here, but the later volumes – on issues such as UK military operations after the invasion, the governance of the southeast provinces, the suitability of military equipment, the welfare of personnel, and support for the families of the deceased – all also engage themes of political responsibility. From the start, though, the Report makes clear that although its main purpose was to provide a 'lessons learned' approach to the Iraq invasion and occupation, it would also engage with individual accountability:

In the course of its work, the Inquiry formed judgements which are critical of the decisions or actions of individuals who occupied positions of responsibility. [...] [W]here the Inquiry has reached a critical view it has expressed it frankly. Such views can be found throughout this Report. (Chilcot Report 2016, Volume 1, 18)

On this basis, the Inquiry engaged with the drawn-out process of ‘Maxwellisation’, that is of giving individuals a right to respond to any critical findings in an earlier draft of the report, and of revising the text if those responses brought new material to bear on the issue. This process led to substantial delays – approximately a year – to the publication of the Report, but which according to the Chair, Sir John Chilcot, resulted in only very minor changes to one section of the report in relation to the Secretary of State for International Development at the time, Clare Short.

Nevertheless, and notwithstanding this statement at the start and the prolonged process of consultation that it entailed, it is striking how few direct criticisms are made of individuals within the first six volumes of the Report. There is notably a sustained set of criticisms made of the process for establishing a post-war strategy, culminating in a list of what the Prime Minister failed to do before the invasion began (Chilcot Report 2016, Volume 6, 568-569). There is also implied criticism of the Cabinet for not requesting a written account from the Attorney General on 17 March 2003 as to why his advice on the potential legal basis for military action had changed (Chilcot Report 2016, Volume 5, 168-169). These issues aside, the large majority of the Report does not engage in evaluating the actions of individuals and stays with a narratively-ordered descriptive approach. The Report goes through some of highly controversial decisions thoroughly. For instance, it details the Prime Minister’s proposal to the US president of a ‘clever strategy’ for regime change in Iraq in December 2001, involving covertly sponsoring dissident groups to rebel and then intervening militarily in a way that looked like the military action was designed to support the Iraqi people (Chilcot Report 2016, Volume 1, 369-370). It mentions the commitment made the Prime Minister to the US President in July 2002 that the UK would participate in military action if the US invaded (Chilcot Report 2016, Volume 2, 72-75). It outlines the proposed strategy from January 2003 of using inspectors to visit sites they would expect the Iraqi government to block, thus creating a *casus belli* that the Prime Minister believed the public would accept (Chilcot Report 2016, Volume 3, 114). It recounts how the commitment of three UK combat brigades was not for any military purpose but simply to demonstrate that UK military capacity had not declined since it made an equivalent commitment in 1991 (Chilcot Report 2016, Volume 5, 175, 203). It also mentions repeatedly that there seemed to be no acknowledgement in the higher levels of government that the intelligence services had warned on various occasions that UK participation in an invasion would exacerbate the risk of international terrorism directed at British targets, and equally had taken no steps to manage this risk (Chilcot Report 2016, Volume 2, 104; Volume 3, 49, 212, 214-215, 468-469). The Report presents this material descriptively, often through extended quotation of minutes or notes, but it rarely comments upon it. Sections often end without any attempt to draw the points together in an evaluative way, and section conclusions are usually just brief summaries of the factual material.

The Report’s narrative does highlight the extent to which there was a high degree of centralisation in decision-making, with a small ‘war cabinet’ taking over the functions that would ordinarily be held at full Cabinet level (Chilcot Report 2016, Volume 1, 290-295). Some of the negative consequences of this are alluded to in passing within the Report, for example on the commitment of ground troops to southeast Iraq without taking the issue to



the Cabinet (Chilcot Report 2016, Volume 5, 419-420); and on the absence of discussion at Cabinet level on the principles of post-conflict planning (Chilcot Report 2016, Volume 6, 491). It is not however brought together in the Report into a single focused evaluation. The centralised nature of decision-making in the run-up to the invasion has been commented on most extensively in relation to the value and viability of Cabinet responsibility, in contrast to the purported alternative, 'sofa government' (eg Kettell 2006; Dyson 2006); but more relevant here is how it makes questions of political responsibility simpler, in that there is no diffusion of liability. That in turn makes the highly limited attributions of responsibility in the Chilcot Report even more in need of explanation: if it was clear who had responsibility for the relevant decisions, why didn't the Report just say so?

### **The politics of political responsibility**

The preceding discussion has shown the different concepts of political responsibility in the three reports: the Hutton Report adopted a notion that was tied principally to the management of personnel; the Butler Report assessed responsibility through the representation of information; and the Chilcot Report, while clearly accepting a broader and more variegated notion of responsibility at the start, made limited use of it in the substance of the account.

In the context of heightened political controversy (at least at the time of the publication of the Hutton and Butler Reports) over a large-scale and enduring military conflict, these were approaches to political responsibility that could not but be dissatisfying, failing to answer directly the central questions that both supporters and opponents of the UK government's approach were asking. The reception by the press and parliament of the three reports all focused heavily on what they showed about specific individuals' abilities, honesty and competence. Later under questioning Hutton, Butler and Chilcot all diverted from the approaches of their reports in addressing questions of responsibility.

As the failure to find chemical and biological weapons stocks in Iraq became clear, Hutton (2004, Q67, 69) conceded to a House of Commons Select Committee that the intelligence information was of questionable reliability, but that his inquiry had not been able to examine this question through public hearings – an explanation he did not offer in his report or at the time of its release. As violence inside Iraq escalated in subsequent years, Butler (2007) criticised Tony Blair's pre-invasion approach to the intelligence on Iraq, in much more direct terms than the claims about collective responsibility that accompanied the release of his report in 2004. Through these statements, Hutton and Butler both opened up questions of political responsibility that their own reports had marginalised.

Chilcot meanwhile, in contrast to a report which committed itself to a frank expression of critical views, was notably evasive when asked at the House of Commons Liaison Committee about the responsibility of Cabinet members (in this case, in not seeking detailed legal advice on military action from the Attorney General), resorting instead to weak jokes about the etymology of the word 'pusillanimous', before making an unspecific reference to how there were a large number of references in the 12 volumes that were 'far from complimentary' to senior politicians (Chilcot 2016, Q96-98). What these episodes seem to

show is how the notions of political responsibility held in the reports became destabilised through their reception, leaving the inquiry chair or report author struggling under questioning with their original framing of the issue of responsibility.

There are two commonly aired explanations for why this might be. Both explanations draw upon conceptions of how inquiries are sites of political struggle, as the articles in this special issue affirm (especially Furtado 2023 and Strong 2023). That struggle takes place not only at the final stage of making an overall evaluation, but through the multiple preceding stages: devising the terms of reference, appointing the members of the panel, defining the problem being addressed, setting an investigative methodology, and establishing a time frame for reporting. In the case of the Iraq inquiries, attention has focused particularly on the remit set for the inquiries and the personnel participating in the panels, in providing critical explanations for their limited attributions of responsibility. Both explanations provide some measure of an explanation, but in both cases, I will argue that this is insufficient in understanding why all three inquiries struggle to grapple effectively with issues of political responsibility.

The first issue is the remit of the Inquiries – that, in short, they were established with specific agendas that kept them from addressing the issues more central to public concern regarding the stated reasons and planning for the invasion. A number of authors have drawn heavily upon this interpretation in order to point to the limitations of the Hutton and Butler Reports (eg Danchev 2004, 453; Phythian 2005, 133; Scott and Hughes, 2006, 654). The terms of reference of the Butler Inquiry, announced by the Foreign Secretary, were focused in respect of Iraq solely on ‘the accuracy of intelligence on Iraqi WMD’ (Butler Report 2004, 1), seemingly excluding how this intelligence was directed, used and communicated by politicians. Terms of reference however are not self-interpreting, and the Inquiries appear to have treated them with varying measures of strictness. Whereas the Hutton inquiry stayed narrowly to the issue of the death of Dr Kelly, the Butler Inquiry decided to incorporate within its terms of reference a review of how intelligence was used to inform legal assessments surrounding the decision to take military action (Butler Report, 2004, 92-97). It is difficult not to read this as a self-conscious stretching of the Inquiry’s remit.

This explanation is least obviously applicable to the Chilcot Inquiry which had a much wider remit than the other two inquiries. Attempts to steer the direction of the Chilcot Inquiry seem to have been largely unsuccessful: in May 2009, the Cabinet Secretary, Gus O’Donnell, made the recommendation to senior civil servants that the Iraq Inquiry should be a closed inquiry (without public hearings) and that it should not have a member from a judicial or legal background on the grounds that ‘they [lawyers] have a tendency to adopt a legalistic rather than a lessons learned focus’ (O’Donnell 2009, 3). The Brown government, facing public criticism, ended up backtracking. The Inquiry went on to hold public hearings and appointed a senior legal advisor – Dame Rosalyn Higgins, Professor of International Law and former President of the International Court of Justice – who ended up drafting relevant sections of the Inquiry report.

The Chilcot Inquiry shows that appointed committees can have a significant degree of latitude in determining their focus, even when the original authorisation may point them in a different direction. An argument that the remit limited the approach taken is not entirely convincing in respect of the earlier two inquiries either. It would have been entirely legitimate for Hutton to consider the 'circumstances surrounding the death of Dr Kelly' to include his apparent heightened awareness that the claims made about Iraq's weapons prior to the invasion were systematically false, to explore why this was, and who was responsible for that. Similarly, it would have fallen comfortably within the remit of the Butler inquiry to incorporate into its review those statements made by government ministers about Iraq's purported weapons as cases in which intelligence was apparently used by the Government, even if the intelligence services were not directly mentioned as sources of those claims, to interrogate why they were making claims that had no basis in evidence, and to look at the effect that these claims had upon the credibility and agendas of the intelligence services. The remits of the Inquiries do not themselves explain why these lines of investigation were not followed.

A second explanation is the deferential approach of the individuals on the inquiry committees towards Government. Many critics of the Iraq war fastened on to the personal and professional backgrounds of Hutton, Butler, Chilcot and other members of their committees, as well as their previously stated views on the invasion of Iraq, to make the argument that the inquiries were mere 'Establishment stitch-ups' rather than independently minded investigations. The claims of this form of a 'whitewash' were made in the mass media in relation to each of the three reports. In this line of argument, critics could focus on the way the Hutton and Butler Reports deferred to the expertise of Government officials and defended their status when it was under question. For instance, the Butler Report shows that the close association of the Joint Intelligence Committee with the September 2002 dossier was damaging, in that it mixed up the role of objective assessment with that of Government advocacy. But it then goes on to urge that the chair of the Committee, John Scarlett, should not be held personally responsible for this (Butler Report 2004, 129). At the time of the Report's publication, Scarlett had recently been appointed head of the Secret Intelligence Service (MI6), and the Report specifies it is not criticising him personally in order to forestall any calls for him to resign. This can be taken as just the most obvious instance of the Report defending the privileges of elite personnel of similar backgrounds and professional status as the Report's authors at the expense of its own autonomous credibility. A parallel could be drawn with the account by Strong (2023) in this special edition of how the Sebastopol Committee was unwilling to censure individuals on grounds that this would bring into question a system based on aristocratic principles of 'honour'.

There is some value to this explanation but it fails I think to constitute a fully plausible account for the limited attributions of political responsibility. All three reports – particularly the Butler and Chilcot Reports – contain extensive information that have and continue to cast doubt on the competence and credibility of key Government figures, both politicians and civil servants. And most strikingly, with only a few exceptions, they rarely exonerate political leaders or civil servants, just as they rarely condemn them.

There is however a particular form of deference through each of the three reports, which I will argue provides perhaps the most compelling explanation for the limited attribution of political responsibility. The form of deference that appears in each of the report is that expressed towards the political judgements made by elected officials. Political judgement is standardly considered a form of practical reasoning in which decisions about what to do are taken against a background of multiple, often conflicting, sets of information, interpretations and interests. The task of making political judgements in complex contexts is never reducible to following a set of rules or guidelines, which will always fall short in determining what it is best to do in a specific situation. But what makes the judgement a political one is also contextually determined: that is, it concerns what has become a matter of public controversy. As a result, this becomes the arena in which the role of the politician is foregrounded, in a way that is demarcated off from the roles of the civil servant, the legal analyst or the expert advisor.

It is this act of demarcation that becomes apparent in each of the three reports. In the Hutton Report (2004, 153; also 132-33, 144), the decision to produce a dossier in which the language is 'as strong as possible in relation to the threat posed by Saddam Hussein's WMD' is noted repeatedly and yet unproblematised. It is presented as a political decision, based on the Prime Minister's assessment that Iraq was a threat, and therefore goes unquestioned. What is questioned is whether the dossier used deliberately incorrect claims, and on this basis the Hutton Report (2004, 153) distinguishes language that was 'to make the case against Saddam Hussein as strong as the intelligence contained in it permitted' from false (or 'sexed-up') claims. But the political judgement to 'make the case against Saddam Hussein' is treated as a fact external to the evaluation of the Report.

In the Butler Report (2004, 96), the Prime Minister's decision that Iraq was in 'material breach' of its obligations under Security Council Resolutions is treated as a matter of personal judgement, and not one that can be evaluated by others. The Report notes that 'We have been told that, in coming to his view that Iraq was in further material breach, the Prime Minister took account both of the overall intelligence picture and of information from a wide range of other sources, including especially UNMOVIC information.' No further assessment is made of this; it is treated as a political judgement, a prerogative of the Prime Minister, and not one that therefore can be examined critically through a further trawl through the evidence.

The Chilcot Report is perhaps most explicit in this respect. It presents as a central theme in British decision-making an abiding interest in retaining strong links with the United States, links that would be imperilled if they did not lend support to its policy in Iraq. The Report notes that European countries that openly disagreed with US policy – such as France and Germany – did not suffer a serious dent in their relations with the US subsequently. Notwithstanding this analysis, the discussion concludes:

This is a matter of judgement, and one on which Mr Blair, bearing the responsibility of leadership, took a different view. (Chilcot Report 2016, Volume 6, 620)

In this respect, at least, the Chilcot Report and Tony Blair found themselves in close agreement. Blair himself has argued frequently since the invasion that he made a political judgement, that this political judgement was made in good faith, and that whereas other may disagree it, he made the best judgement he could at the time. History will judge, the argument goes, but judgements are made in politics without the benefit of hindsight. The account that he gave in this regard to the Intelligence and Security Committee in July 2003 repeatedly riffed on the notion that he had to make judgements, in this context on whether the invasion of Iraq had exacerbated the threat of terrorism:

One of the most difficult aspects of this is that there was obviously a danger that in attacking Iraq you ended up provoking the very thing you were trying to avoid. On the other hand I think you had to ask the question, 'Could you really, as a result of that fear, leave the possibility that in time this developed into a nexus between terrorism and WMD in an event?' *This is where you've just got to make your judgement about this. But this is my judgement and it remains my judgement* and I suppose time will tell whether it's true or it's not true. (quoted in Intelligence and Security Committee 2003, 35, emphasis added)

Thirteen years later, with the release of the Chilcot Report, he gave a substantively identical account in blunter language:

But I had to take a decision that was really hard, and despite what people may think, I thought about that decision, really, really deeply then. And I go back over it all the time – all the time, I relive it every single day, there's not a single day that goes by that I don't think about it. But I always come back to the nature of it. Right to remove him or not, right to be with the US or not, there's no way – there's no third way in that. I'm afraid you're either there or you're not, and that's what I had to decide. (Blair 2016)

If political judgements are to be treated as facts, made by leaders as best they can amidst the masses of conflicting evidence and against a background of an extensive range of uncertainties, they become impervious to evaluation, except in the context of hindsight. This goes to heart of the difficulty that the three inquiries into the Iraq war had with engaging with political responsibility. By treating judgement as if it were a characteristic that political leaders have a unique claim upon, those who are not in leadership positions – that is, those who were not 'there' at the time, who have not endured the demands that decision-making requires – recognise they are unable to grasp fully the predicaments faced in making those judgements. The normative constraints in questioning political judgements are especially pronounced for civil servants and judges – the very people who chair and populate the inquiry committees at issue here.

From this perspective, an inquiry can establish whether proper procedures were followed; it can determine if legal codes were violated; it can determine if a specific technique of governance was suitable for producing intended outcomes; it can consider if institutions function efficiently. On an implicitly legal basis, it can determine malpractice, which can be treated as a justiciable category. What it cannot do, from this perspective, is reach into the inner world of the political leader and determine if their judgement is right or wrong, and attribute responsibility accordingly. To make that determination would be to make a directly political statement, one which supposedly non-political inquiries have to avoid.

It is because the decision to participate in the invasion of Iraq was not a legal or procedural issue, but first and foremost a political judgement – a judgement that to its critics was wholly and disastrously wrong, and to its defenders as one that was morally compelling if sometimes executed poorly – that means that inquiries which exclude political judgement from their scope of questioning are bound to frustrate. The reader looks in vain for an ultimate evaluation that the report's authors do not make. The authors purport to be giving an authoritative account, but stop short when it comes to the issues that matter most. In Schmitt's terms, the report presents the decision of 'Christ or Barabbas' forever as a matter for debate, in which one view is as good as another, never able to decide finally one way or the other.

## **Conclusion**

Are inquiries capable of making evaluations of political responsibility? Are they vehicles of political accountability? The three main Inquiries that were concerned with the invasion of Iraq are in some ways a good basis on which to explore these themes. The invasion of Iraq, as a matter of 'high politics', directly involved the sustained agency of key political leaders, and left an extensive documentary trail that was largely unrevealed at the time of the invasion itself. It is probably correct to say that by 2016 there was little that remains unknown about deliberations within the UK government, given the material published as a result of these Inquiries. If an inquiry is to be understood narrowly as having the goal of publicity, which involves uncovering 'secrets', then all three Inquiries under discussion here achieved at least substantial parts of that goal. But these Inquiries also demonstrate the severe limitations of that view of inquiries and more generally of the process of enquiry: publicity, or uncovering guilty secrets, doesn't take us very far in addressing questions of what to do, or what should have been done (Dean, 2001).

The Inquiries also demonstrate the limited way in which they can address issues of political accountability. By the time the Chilcot Inquiry reported in 2016, none of the key participants in decision-making about the invasion were still in political office, and many of the civil servants in prominent roles at the time had retired. At an institutional level, the political party from which the leadership came – the Labour Party – had been out of office for six years prior to the culmination of the Chilcot Inquiry, and its new leadership at the time was made up almost entirely of those who had opposed the actions taken by those in charge of the party in 2002-03. If accountability is best seen 'as a relation between the past acts of those who exercise public power and their future personal liabilities' (Dunn 1999, 335), the opportunity for the Chilcot Report to affect those liabilities was marginal at best. Put differently, if accountability in parliamentary democracies is best understood through the ability of voters to sanction bad behaviour – a rather weak argument in even the most propitious circumstances, given the multiple considerations that go into any election, only some of which are retrospective – then inquiries are a deeply unpromising route for political accountability if they only report after the generation of leaders who took the actions under consideration has left office.

In contrast to this line of thought, there are multiple arguments in favour of inquiries that are not about political responsibility. These arguments are often about how inquiries

provide an opportunity for institutions to learn lessons, for illuminating the past for the sake of the historical record, for giving institutions the authorisation to move on after a period of transgression or malaise. These arguments may be valid, if somewhat self-serving or even enabling: the idea that History will judge can serve as ‘a great enabler of that undeservedly easy conscience’, as Satia (2020, 298) aptly puts it. For the purposes here, the arguments for inquiries based on an approach of lessons learned or serving historical memory do not touch upon whether they can meaningfully address issues of political responsibility.

Perhaps the strongest argument in defence of post hoc inquiries in order to address political responsibility, if not individual accountability, even when they report long after the relevant events have occurred, is that by unpacking and evaluating claims of historical injustices, reconciliation is made possible. In this line of argument, the acknowledgement of responsibility addresses, if not rectifies, a longstanding sense of injustice (eg, Aiken 2015), and makes possible a commitment to addressing future forms of injustice (eg, Temin and Dahl 2017). According to this approach, these are crucial components of reconciliation and the creation of relationships of trust, both within an established political order and with those outside it.

This article has shown the problems that come from reaching a resolution in an Inquiry’s evaluation when the issue at stake is not simply the accuracy of a historical narrative, which may be an issue with *personal* responsibility, but is instead the political judgment of a leader, which entails questions of *political* responsibility. Official inquiries may construct the formal apparatus to pass verdicts; they may create the drama and the expectation of an imminent day of reckoning; but they will struggle to make assessments of political judgement while retaining the stance of being non-political in their orientation. They indicate the possibility of reconciliation, but the three Iraq Inquiries show how they can leave unresolved the most troubling questions of all.

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