



UNITED STATES INSTITUTE OF PEACE www.usip.org

SPECIAL REPORT

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ABOUT THE REPORT

To contribute to the public discussion of whether the United States and its allies should invade Iraq, the U.S. Institute of Peace organized a symposium on December 17, 2002 to address the question "Would an Invasion of Iraq Be a 'Just War'?" To debate this question the Institute invited four experts to write papers and make presentations. The four are Gerard Powers, director of the Office of International Justice and Peace of the U.S. Conference of Catholic Bishops; Robert Royal, president of the Faith and Reason Institute; George Hunsinger, professor at Princeton Theological Seminary; and Susan Thistlethwaite, president of Chicago Theological Seminary.

This symposium served as a corollary to a symposium organized by the Institute in 1992 to address the question of whether the Gulf War met just war criteria. A summary of that discussion is contained in an Institute book written by David Smock (*Religious Perspectives on War: Christian, Jewish, and Muslim Attitudes Toward Force*, revised edition 2002).

This report has been prepared by David Smock, director of the Religion and Peacemaking Initiative.

The views expressed in this report do not necessarily reflect those of the United States Institute of Peace, which does not advocate specific policies.

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Would an Invasion of Iraq Be a "Just War"?

Briefly . . .

Ethical Analysis of War Against Iraq, Gerald Powers

- The United States, in collaboration with others, has not only a moral right but a grave obligation to defend against mass terrorism and the threat Iraq poses. But the difficult moral issue is not mostly about ends but about how to defend the common good against such threats.
- What is disturbing is that the Bush administration has taken the concept of preemption as an option in exceptional cases and turned it into a new doctrine about the legitimacy of the unilateral use of preventive war to deal not just with imminent threats, but with merely potential or gathering dangers. Justifying preventive war in this way would represent a sharp departure from just war norms.
- In addition to raising strong concerns about dramatically expanding just cause to justify war against Iraq, the Catholic bishops have questioned the wisdom of acting unilaterally.
- The burden of proof is on those who would justify war to make a convincing case that it would not result in the unintended and untoward consequences that so often accompany modern war and that could well be the result of war against Iraq.
- Based on available information, there is no new evidence, no new precipitating event, no new threatening actions by the Iraqi government, no new reason to go to war that did not exist one, two, four, or even six years ago.

Just War and Iraq, Robert Royal

- The global expansion of terrorism in the approach to 9/11 and since have made all previous assessments obsolete. The wrong weapons in the wrong hands can threaten people from Moscow to New York, from Capitol Hill offices to Tunisia and Bali. And we have to ask ourselves where in the contemporary world the most worrisome weapons of mass destruction are likely to come from. Baghdad is one such source.
- I take as axiomatic that the classic conditions of *jus in bello* can be reasonably achieved by American military planners. And the traditional *jus ad bellum* principles—

ABOUT THE INSTITUTE

The United States Institute of Peace is an independent, nonpartisan federal institution created by Congress to promote the prevention, management, and peaceful resolution of international conflicts. Established in 1984, the Institute meets its congressional mandate through an array of programs, including research grants, fellowships, professional training, education programs from high school through graduate school, conferences and workshops, library services, and publications. The Institute's Board of Directors is appointed by the President of the United States and confirmed by the Senate.

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just cause, right intention, right authority, reasonable hope of success, and proportionality of good achieved over harm—can be met as well.

- We might turn the usual questions the other way around: “If not Iraq, who?” and “If not now, when?” The international community can replace the use of force with the rule of law only if it is itself willing to use force when called for.

Invading Iraq: Is It Justified? George Hunsinger

- A threat that is not clear, that is not direct, and that is not imminent cannot justify going to war. Measured by just war standards, the war proposed against Iraq fails completely of a sufficient cause. Preemptive strikes must meet a high standard of justification. Otherwise, they are acts of aggression that violate international law.
- Just war tradition stipulates a reasonable chance of success, but the most probable outcome of an invasion of Iraq would be a long drawn-out bloody war.
- An invasion would also wreak havoc on a civilian population already tortured by war and sanctions, clearly violating the noncombatant immunity stipulation.

Just War and a Post-Modern World, Susan Brooks Thistlethwaite

- As a postmodern, I can still use classical just war theory for several good reasons. It has the force of history and the virtue of clarity. It says “halt” to a Pax Americana and says you may not justify a first-strike attack. But this is not the time of Aquinas or Augustine; there is no orderly universe just waiting to be upheld again.
- Ours is a symbolically convoluted world. Simplistic divisions of good and evil, religion and secularism, violence and non-violence, and us and them no longer hold. Snipers, anthrax, the economy, the prospect of war, terrorists, and tactical nukes are all good causes for anxiety. But what is causing us to feel like we have suddenly been told the floor of the room is actually built over a bottomless well is our deep suspicion that the old narratives no longer explain these irrational events. Our anxiety is that deep. The world is changing before our eyes and we cannot fundamentally explain the change away. In such a pluralistic and multi-dimensional world, just war theory may be helpful, but it is not, by any means, all the help we need.

Introduction

During the months leading up to the Gulf War in 1991, there was considerable discussion of whether an American attack to oust Iraqi forces from Kuwait would satisfy Christian just war criteria. Much less discussion of this question has occurred in recent months during which the United States and its allies have considered an invasion of Iraq. In order to focus attention on this issue, the U.S. Institute of Peace organized a symposium on December 17, 2002 in which four presenters were asked to answer the question, “Would an invasion of Iraq be a “just war”?”

All four presenters are experts on Christian ethics and international affairs, as well as Christian just war doctrine. The four are Gerard Powers, director of the Office of International Justice and Peace of the U.S. Conference of Catholic Bishops; Robert Royal, president of the Faith and Reason Institute; George Hunsinger, professor at Princeton Theological Seminary; and Susan Thistlethwaite, president of Chicago Theological Seminary. In order to disseminate the presentations at this symposium, portions of the papers by these four scholars are reproduced here.

“Christian just war doctrine” was originally developed by Saints Ambrose and Augustine and later refined by Thomas Aquinas and others. Just war doctrine provided a middle road between the pacifism of the early church on the one hand and the crusade or

the unrestricted use of force in God's service on the other. Just war standards have come to be worked out in response to four basic questions: (1) Who has the authority to order that force be used? (2) What reasons are necessary and sufficient for such an order? (3) What special, additional considerations ought to govern the decision to employ force? And (4) what is acceptable conduct, under conditions of armed conflict, in respect both to armed antagonists and to unarmed bystanders? (See David Little, "Introduction," in David Smock, *Religious Perspectives on War*, U.S. Institute of Peace Press, 2002).

The seven basic principles of Christian just war doctrine are:

Jus ad bellum ("justice on the way to war")

- *Legitimate Authority*: Requiring that only legitimate officials may decide to resort to force is one way to protect against arbitrariness.
- *Just Cause*: The three standard acceptable causes are self-defense, recovery of stolen assets, and punishment for wrongdoing.
- *Peaceful Intention*: The intention is to use force to achieve peace, using force to restrain and minimize force.
- *Last Resort*: Before turning to war, all reasonable approaches to a peaceful resolution need to be employed.
- *Reasonable Hope of Success*: In going to war, there must exist the reasonable expectation of successfully obtaining peace and reconciliation between the warring parties.

Jus in bello ("justice in the midst of war")

- *Proportionality*: The suffering and devastation of war must not outweigh whatever benefits may result from war.
- *Discrimination or Noncombatant Immunity*: The means of warfare must discriminate between combatants and noncombatants.

An Ethical Analysis of War Against Iraq, by Gerard F. Powers

Iraq is a hard case. It is held up as a poster child for three potentially interconnected moral challenges posed by contemporary international relations—rogue regimes, global terrorism, and the proliferation of weapons of mass destruction. Iraq is also a test case for proposed U.S. strategic responses to these three threats that would create troubling moral precedents. . . .

Whether one describes the current structure of the international system as unipolar, uni-multipolar, or multipolar, it is indisputable that the United States has the preeminent military, political, economic, and cultural power and influence in the world. Paradoxically, the attacks of 9/11 and their aftermath have given the United States a new sense of vulnerability, yet have also affirmed U.S. global dominance. The combination of U.S. vulnerability and U.S. primacy have reinforced tendencies toward a muscular unilateralism in U.S. foreign policy.

Iraq is the test case for this muscular unilateralism. U.S. policy towards Iraq is based on three assumptions, each of which can be morally problematic: (1) the United States has a right to use preventive force against Iraq; (2) the objective of U.S. military action should be the overthrow of the Iraqi regime; and (3) the United States has a right to act unilaterally if others are not willing to do as it deems necessary. While the public rhetoric has changed in the past few months, in part in an effort to gain UN and allied support, it is significant that the Bush administration's case for war against Iraq has been made in the context of a strategic doctrine that places a priority on maintaining U.S. military dominance in the world, and insists that traditional concepts of deterrence, traditional limits on the preemptive use of force, and traditional approaches to non-proliferation are no longer adequate to address global terrorist networks or rogue nations

The combination of U.S. vulnerability and U.S. primacy have reinforced tendencies toward a muscular unilateralism in U.S. foreign policy. Iraq is the test case for this muscular unilateralism.

The bishops “fear that resort to war, under present circumstances and in light of current public information, would not meet the strict conditions in Catholic teaching for overriding the strong presumption against the use of military force.”

Justifying preventive war in this way would represent a sharp departure from just war norms.

that seek or possess weapons of mass destruction. In short, the administration's strategy posits the right of and necessity for the United States to pursue, in some cases, the unilateral, preventive use of military force against rogue regimes seeking or possessing weapons of mass destruction. (*National Security Strategy of the United States, 2002*, pp. 9–10. The administration uses the term “preemptive” force but, as I argue below, “preventive” force is a more apt description of what is contemplated.)

Underlying this new national security strategy is an important moral insight—that there is a moral imperative to address the Iraqi threat and threats like it. There is sometimes a tendency among those who are opposed to the war on terrorism or war in Iraq to feel a need to minimize the threat and to lose sight of a fundamental moral obligation to act with resolve to defend innocent life and the common good. The United States, in collaboration with others, has not only a moral right but a grave obligation to defend against mass terrorism and the threat Iraq poses. As the U.S. Conference of Catholic Bishops said in their recent “Statement on Iraq,” “We have no illusions about the behavior or intentions of the Iraqi government. The Iraqi leadership must cease its internal repression, end its threats to its neighbors, stop any support for terrorism, abandon its efforts to develop weapons of mass destruction, and destroy all such existing weapons”(November 13, 2002).

The difficult moral issue is not mostly about ends but about means—*how* to defend the common good against such threats. Recognizing that “people of good will may differ on how to apply just war norms in particular cases,” the bishops “fear that resort to war, under present circumstances and in light of current public information, would not meet the strict conditions in Catholic teaching for overriding the strong presumption against the use of military force.” The bishops are particularly concerned, in this case, about just cause, legitimate authority, and the potential consequences of a major war in Iraq.

Just cause. The principal problem with muscular unilateralism is its implication for just cause. The *Catechism of the Catholic Church* limits just cause to cases in which “the damage inflicted by the aggressor on the nation or community of nations [is] lasting, grave and certain” (#2309). This formulation is currently understood to limit force to cases of defense against aggression.

What is the *casus belli* for a military attack on Iraq? Among the several causes put forward by the Bush administration, the most troubling is its argument for preemptive or preventive use of force. Like many ethicists, the bishops recognize that preemptive or anticipatory use of force is sometimes morally permissible, but only in the exceptional case where there is a clear and present danger, or a grave and imminent threat. Ethicists and others differ on whether Iraq poses such a threat. . . . Whether or not the Iraqi threat is, in fact, imminent, what is disturbing is that the Bush administration has taken the concept of preemption as an option in exceptional cases and turned it into a new doctrine about the legitimacy of the unilateral use of preventive war to deal not just with imminent threats, but with merely potential or gathering dangers. . . .

Justifying preventive war in this way would represent a sharp departure from just war norms. As Cardinal Ratzinger, head of the Vatican Congregation for the Doctrine of the Faith, has noted, the concept “does not appear in the *Catechism of the Catholic Church*” (“Cardinal Ratzinger Says Unilateral Attack on Iraq Not Justified,” ZENIT News Agency, September 22, 2002). Preventive war would set a terrible precedent. Where would this doctrine lead? What criteria would permit Pakistan, Israel, and India to have nuclear weapons, but not Iraq, Iran, or North Korea? Would the world be a safer place if all countries embraced this new doctrine of preventive force to deal with the proliferation of weapons of mass destruction?

It might be that the administration is not advocating preventive war but merely redefining “preemption” in order to deal with weapons of mass destruction held by rogue states. If that is the case, it must be done very carefully so as not to erase the vital distinction between impermissible preventive and permissible preemptive inter-

ventions. For example, what criteria would justify a new concept of preemption: possession, intent to possess, threatened use, a history of aggression? Would preemption to enforce non-proliferation be justifiable even when the nation claiming the right to preempt itself relies on weapons of mass destruction and threatens their preemptive use? Given the difficulties in redefining preemption without, in effect, justifying preventive war, the bishops have tried to reinforce existing conceptions of just cause by questioning the morality of any use of force absent "clear and adequate evidence of an imminent attack of a grave nature."

A second justification for the use of force against Iraq is based on Iraq's alleged links to terrorism. While the administration has not made it the principal case for going to war with Iraq, it has tried to connect the Iraqi regime to al Qaeda. According to the bishops, there would be just cause to use force against Iraq if there was clear and adequate evidence of Iraqi involvement in the attacks of September 11. In that case, the use of force would be an act of self-defense, just as force could be justified against the Taliban in Afghanistan, given its intimate relationship to al Qaeda and the considerable evidence at the time that al Qaeda was responsible for the 9/11 attacks. The key factual question is whether and to what extent Iraq is tied to al Qaeda or similar terrorist groups. Given that al Qaeda is estimated to operate in some sixty countries, military action to overthrow the regime (as opposed to other less forceful measures) would have to be based on evidence of substantial support.

A third basis for justifying force is humanitarian intervention. The need for humanitarian intervention has been more implicit than explicit in the administration's arguments in large part because it departs from their broader strategy of using military force only when vital national security interests are at stake and their stated distaste for engaging in "international social work" and nation building. Others, however, have made a moral case for humanitarian intervention. In many respects, humanitarian intervention represents St. Augustine's classic case: love may require force to protect the innocent. Pope John Paul II, citing the "conscience of humanity and international humanitarian law," has gone beyond standard interpretations of international law in claiming that nations and the international community have not only a right, but a duty of humanitarian intervention "where the survival of populations and entire ethnic groups is seriously compromised" ("Address to the International Conference on Nutrition," *Ori-gins* 22:28, December 24, 1992, p. 475).

A full ethical analysis of humanitarian intervention requires a composite moral judgment that considers the range of justifications for action (for example, genocide, human rights abuses, undemocratic regime), causes of a crisis (for example, repression, civil war, failed state), objectives (for example, regime change, contain conflict, provide safe havens), and means used (for example, diplomacy, humanitarian relief, arms embargoes, economic sanctions, peacekeeping, deterrence, military intervention). Among these many possibilities, military intervention to overthrow a regime should be the exceptional case that requires a very high threshold to justify—such as genocide, mass starvation, or similar mass suffering. . . .

In the case of Iraq, humanitarian intervention has already taken place, at least insofar as the international community has provided a safe haven for the Kurds, who were victims of a genocidal campaign in 1988 that included the use of weapons of mass destruction. Those still under the Iraqi government's control face gross human rights abuses, especially if they oppose the regime, but those abuses do not meet the high threshold that should be required for military intervention to overthrow a government. Moreover, U.S. credibility in justifying war on humanitarian grounds is weakened by the fact that some of its allies in the war on terrorism are themselves implicated in egregious human rights abuses and by the fact that humanitarian intervention is not considered in response to regime-induced famine in North Korea, fratricide in Sudan, and the humanitarian disaster in Congo.

The key factual question is whether and to what extent Iraq is tied to al Qaeda or similar terrorist groups.

Overthrow of a regime is generally not consistent with the just war criterion of right intention and the notion that just wars are limited wars.

The Vatican has been especially insistent that any use of force should take place within the framework of the United Nations after considering the consequences for Iraqi civilians, and regional and global stability.

Would the United States and the international community commit to the arduous, long-term task of ensuring a just peace?

A fourth justification for military force is based on a material breach of the cease-fire resolutions. . . . The bishops have not addressed this question in their statements to date, in part, because of their prudential judgment that resuming inspections provides a better, less harmful, and potentially more effective alternative to using force to enforce UN resolutions. They have, however, urged that a distinction be made between forceful “efforts to change unacceptable *behavior* of [Iraq] and efforts to end that government’s *existence*” (U.S. Conference of Catholic Bishops, “Statement on Iraq,” November 13, 2002). This distinction is based, in part, on the notion that overthrow of a regime is generally not consistent with the just war criterion of right intention and the notion that just wars are limited wars. . . .

Legitimate authority. In addition to raising strong concerns about dramatically expanding just cause to justify war against Iraq, the bishops have questioned the wisdom of acting unilaterally. The Vatican has been especially insistent that any use of force should take place within the framework of the United Nations after considering the consequences for Iraqi civilians, and regional and global stability. The criterion of legitimate authority does not require international sanction, but in the case of Iraq, prudence dictates it for several reasons. First, if the United States is truly upholding the credibility of the United Nations, it can scarcely ignore the UN’s own decisions about how to enforce its own resolutions. Second, international sanction provides necessary checks and balances, especially given the troubling precedent involved in the world’s only superpower proposing to use preventive force to overthrow other regimes. Third, the success of any effort to rebuild Iraq after a conflict and the success of the wider war on terrorism will require the support of Arab states, our allies, and others in the international community. . . . To ignore widespread international opposition and act unilaterally in Iraq would further contribute to a perception of U.S. exceptionalism and would not contribute to efforts to strengthen international collaboration for peace.

Probability of success and proportionality. The use of force must have “serious prospects for success” and “must not produce evils and disorders graver than the evil to be eliminated” (*Catechism*, #2309). In their November 2002 statement, the bishops “recognize that not taking military action could have its own negative consequences.” At the same time, they are concerned that war against Iraq could have unpredictable consequences not only for Iraq but for peace and stability elsewhere in the Middle East. Therefore, they raise a number of questions. Would preventive force succeed in thwarting serious threats or, instead, provoke the very kind of attacks that it is intended to prevent? How would another war in Iraq impact the civilian population, in the short- and long-term? How many more innocent people would suffer and die, or be left without homes, without basic necessities, without work? Would the United States and the international community commit to the arduous, long-term task of ensuring a just peace or would a post-Saddam Hussein Iraq continue to be plagued by civil conflict and repression, and continue to serve as a destabilizing force in the region? Would the use of military force lead to wider conflict and instability?

. . . The bishops ask questions rather than make categorical judgments because issues of consequences are inherently speculative in nature. Nevertheless, the doubts underlying their questions reflect a presumption that it is not the role of religious leaders or the just war tradition to encourage a permissive attitude toward war on the part of decision-makers who, in seeking to justify war, are already tempted to adopt the most optimistic scenarios about the likely consequences. If moral analysis is realistic about the need to use force as a last resort to deal with injustice, it is equally realistic about the consequences of doing so, especially given the sad history of civilian suffering, unintended consequences, and failed efforts to achieve greater justice and peace as a result of war. The burden of proof is on those who would justify war to make a convincing case that it would not result in the unintended and untoward consequences that so often accompany modern war and that could well be the result of war against Iraq.

So What Can Be Done?

If Iraq is a hard case that must be dealt with, yet going to war to overthrow the Iraqi regime is morally problematic, absent clear and adequate evidence of Iraqi involvement in the September 11 attacks or a grave and imminent Iraqi threat, what is to be done? If the burden is on those advocating war to justify it morally, the credibility of those opposing war depends on their ability to provide a realistic alternative. There are never easy or perfect answers to hard cases, but a strengthening of current efforts at enforcement, containment, and deterrence would seem to be more realistic than resorting to war, with all its troubling precedents and potentially negative consequences. In fact, this is essentially the approach the Bush administration is following in response to what it acknowledges is a similar but more immediate threat from North Korea.

Enforcement, containment, and deterrence have worked to a significant extent over the past decade, though more should be done. The inspections regime was one of the most intrusive and effective disarmament efforts ever mounted. Despite Iraq's defiance of the United Nations and the failure to achieve a full accounting of Iraq's weapons of mass destruction, inspectors were able to discover and eliminate far more weapons of mass destruction than all the bombing during the Gulf War. Iraq's nuclear program was discovered and dismantled; tens of thousands of chemical munitions were eliminated; some progress was made in uncovering the biological weapons program; and all but 2 of 819 Scud missiles were destroyed. The new, tougher inspections regime now in place might not be able to disarm Iraq completely, since chemical and biological weapons are easily concealed, but it should be able to keep Iraq's biological and chemical weapons capabilities in check and prevent Iraq from the more serious threat of developing a nuclear weapons capability. Containment and deterrence of Iraq have also been relatively successful. Because of deterrence, the arms embargo, UN control over Iraq's oil revenues, and the no fly zone, Iraq's military is a shell of its former self and is no longer a serious threat to its neighbors.

Obviously, more must be done. Existing efforts to contain and deter Iraq, and the new inspections regime, could be augmented by tighter enforcement of the arms embargo and the ban on unauthorized oil exports. (For a list of specific options, see D. Cortright, G. Lopez, and A. Miller, *Winning Without War: Sensible Security Options for Dealing with Iraq*, South Bend, Ind.: Joan B. Kroc Institute and Fourth Freedom Forum, October 2002). While it is important that the Iraqi government not be allowed to use oil revenues to rebuild its military, the morally intolerable economic sanctions, which have caused so much death and suffering for so many years, need to be much more narrowly focused, so that they no longer threaten the lives and livelihood of ordinary Iraqis.

Finally, these efforts of enforcement, containment, and deterrence against Iraq must be part of a much more serious global effort to strengthen the non-proliferation regime based on the principle of mutual restraint. Improved intelligence, expansion of the cooperative threat reduction program, stricter controls on export of missiles and weapons technology, improved enforcement of the biological and chemical weapons conventions, and fulfillment of U.S. commitments under the Nuclear Non-Proliferation Treaty are some elements of this broader non-proliferation effort.

Conclusion

. . . Based on available information, there is no new evidence, no new precipitating event, no new threatening actions by the Iraqi government, no new reason to go to war that did not exist one, two, four, or even six years ago. It is entirely legitimate to ask, therefore: Why now? What is the basis for claiming a unilateral right to use preventive force to overthrow the Iraqi regime? What would be the consequences for Iraq, the Middle East, and international relations?

The credibility of those opposing war depends on their ability to provide a realistic alternative.

These efforts of enforcement, containment, and deterrence against Iraq must be part of a much more serious global effort to strengthen the non-proliferation regime based on the principle of mutual restraint.

As the Catholic bishops make clear, there are no easy answers to these and other questions. As religious leaders, the bishops offer a moral framework that can contribute to the formation of a community of conscience and can inform the momentous decisions being taken about possible war against Iraq. These decisions are especially consequential because they could set a precedent and justify a strategic doctrine that would weaken existing moral norms in unnecessary and inappropriate ways. The heavy burden is on those advocating the use of force to provide clear and convincing moral justification before the power of the world's preeminent military is unleashed on Iraq.

Note: The foregoing essay uses the public statements of the U.S. Catholic bishops as a starting point for developing the author's own moral argument on the use of force against Iraq.

Just War and Iraq, by Robert Royal

Current weapons technologies, which will inevitably find their way into the hands of some nasty characters around the world, make it inevitable that the world community will have to take strong action to preserve peace and international order.

What we have before us at present as we think about just war principles and the current situation in Iraq is a textbook case. If ethicists take their responsibilities seriously, questions about when it is permissible to take preventive military action will become standard fare in ethics textbooks just as during the Cold War issues such as Mutual Assured Destruction and No First-Use Policy were at the center of reflection on war and peace. In my view, current weapons technologies, which will inevitably find their way into the hands of some nasty characters around the world, make it inevitable that the world community will have to take strong action to preserve peace and international order. We cannot shirk this responsibility by mechanically invoking traditional categories of last resort and demanding proof of an immediate threat. Our situation is new, and our moral response to it must be as well, not only for Iraq but for the whole post-Cold War world. So instead of complaining about the dangerous precedent that preventive action may set, we should be busy developing principles to help guide us through quite difficult terrain.

. . . To simplify somewhat for the sake of time, two questions are constantly raised about President Bush's stated goal of disarming Iraq or forcing regime change: "Why Iraq?" and "Why now?"

First, "Why Iraq?" This question usually comes up as if the history of Saddam Hussein's regime since the 1980s is unimportant precisely because it is so well-known. But until 9/11, Saddam Hussein's Iraq was viewed by many people as a distant threat, though he was not so in fact. If you doubt that assessment, just think what the situation would be like now in the Middle East if the Israelis had not taken out the Osirak nuclear facility in 1981. At the time, many people—myself included—thought the Israelis had gone far beyond the justifications for military action. Today, I acknowledge they were right and I was wrong. But the global expansion of terrorism in the approach to 9/11 and since have made all previous assessments obsolete. The wrong weapons in the wrong hands, as we know from experience, can threaten people from Moscow to New York, from Capitol Hill offices to Tunisia and Bali. And we have to ask ourselves where in the contemporary world the most worrisome weapons of mass destruction are likely to come from. Baghdad is one such source.

There is a tendency among people of cynical inclinations, especially in Europe, to dismiss all this as mere rationalization. The war on Iraq, they say, is about oil—Iraqi oil and securing the oil fields of our other Middle Eastern suppliers. But this argument is so incoherent as to fall to pieces on even minimum analysis. If all we in America—or some sinister segment of our government and industry—were interested in was to secure our oil supplies, we would be far wiser to hold our noses and make peace with Saddam; that would guarantee us at least the status quo. No. What worries any responsible person about the current international situation is that a specific Middle Eastern country, after

using nerve gas on its own people and on Iran, after invading another country and being ousted militarily, after agreeing to a truce that entailed following UN resolutions and an inspection regime, has instead ignored the wishes of the international community and, for the past four years, been operating out of sight of international inspectors. Given Iraq's recent history, if you think that it has abstained from developing dangerous weapons and from planning on how to use them, you have a great deal of trust. Under the circumstances, it is not surprising that President Bush has focused on Iraq; rather, it is surprising that the international community did not do something sooner. September 11 has changed all that.

In his Nobel Lecture, former president Jimmy Carter made several helpful observations about this, if they are supplemented by other considerations. For instance, he asserted: "For powerful countries to adopt a principle of preventive war may well set an example that can have catastrophic consequences." Quite true. But we have to have a correlative principle: "For powerful countries—and the international legal order—to fail to find principles for the kind of preventive war current conditions demand may well set an example that can have catastrophic consequences." Among them, I would add, inviting adventurous dictators to develop weapons of mass destruction and allowing those developments to go so far that no country, however powerful, will be able to stand up to such dictators without risking even more catastrophic consequences. What we need then, as Dr. Kissinger has suggested, is to identify principles to guide the international community and individual states in the new period we have entered.

I want to emphasize the newness of our situation. Some commentators have called developing principles of preemption a *return* to the situation, prior to the international system, when countries freely decided on their own when they would and would not attack a potential aggressor. Our situation resembles that one only superficially. Individual nations still have the right under Article 51 of the UN Charter to defend themselves and decide when they are being threatened. But contemporary weapons technologies and communications abilities have changed things from the days when you could optically see the adversary's troops massing over your border and deliberate how to respond. Today, we see the adversary's weapons programs and evaluate them in the context of the nation's overall political behavior. French and British nuclear weapons should concern no one who is not paranoid. Iraqi and North Korean weapons of mass destruction should concern everyone who is not in denial. . . .

. . . Many take the Iraqi threat seriously but think it can be managed by a series of sanctions and negotiations. Sanctions, in my view, have never worked in modern times. (The possible exception is South Africa's horrible apartheid regime, which changed partly because of economic sanctions, but more, in my view, because racism aside, South Africa's leaders basically shared the values of civilization and came to recognize apartheid as outside those values.) Whether we think of Cuba, North Korea, or Iraq, dictators and their cronies take good care of themselves and blame others for the troubles of their people. With Saddam Hussein, we have a ruler who has attacked his own people with weapons of mass destruction. So it is no wonder that he is serene in the face of the hardships they suffer with the economic restrictions on Iraq. I would also point out to people who prefer sanctions to war that the Iraqi people are suffering under sanctions now with little hope that their sacrifices will lead to changes in the regime. Critics of our economic measures often cite wildly inflated figures about death and disease, but they remind us that sanctions, too, do not come with no costs. At least open military conflict holds out the possibility that something will come of the people's plight.

We should also recall that just war principles are not merely a set of ethical rules, first of all because they need to be applied by statesmen. But second, because they are a kind of moral practice that takes seriously the notion that politics itself is a branch of ethics. A ruler like Saddam Hussein does not have the same legitimacy as a properly constituted national or international regime. We have lost sight of this truth because of confused notions in international agreements that states, whatever their behavior, are

Given Iraq's recent history, if you think that it has abstained from developing dangerous weapons and from planning on how to use them, you have a great deal of trust.

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inviolable; at the same time, we think “humanitarian intervention”—which is to say warfare—is justified when we see massacres in Kosovo or Rwanda, though we have a hard time justifying intervention under the premise that sovereignty is absolute. . . .

. . . It is simply wrong—at least from the standpoint of my own Catholic and a more general natural law tradition—to say that war is always evil, if sometimes a necessary evil. Many of us believe, in accord with the Scriptures, that evil cannot be done so that good will come of it. If war were indeed always an evil, however necessary, it would be outside moral bounds and we should all become pacifists, whatever the consequences to ourselves or the world. But the just war tradition has never embraced the view that all uses of force are per se evils. We do not think it an evil when a police sniper kills someone before he can harm an innocent hostage. In fact, we usually praise our public safety officers when they perform such services to the community. International law at present gives the impression that we cannot do anything until we are first attacked ourselves, which gives an enormous advantage to malefactors.

The Iraq war would be roughly analogous to this case. I take it as axiomatic that the classic conditions of *jus in bello* can be reasonably achieved by American military planners. And the traditional *jus ad bellum* principles—just cause, right intention, right authority, reasonable hope of success, and proportionality of good achieved over harm—can be met as well. The only sticking point even for the critics of war is whether all other means have been tried and whether the threat is sufficiently grave to warrant war at the present time. Last resort is always a tricky category; it can always be argued that one more round of negotiations or a different approach or tighter sanctions can do the job or at least deserve a chance. But the specific responsibilities of a statesman cannot mean that he or she is bound by the same open-ended debate of the seminar room. If certain movements are not stopped at an early stage—as Europe learned with Nazism—the eventual price can be truly horrifying. We have no moral obligation to wait for Saddam Hussein to turn into a *more dangerous* threat before attacking him. In my judgment, it is quite sufficient that we can predict to a moral certainty that allowing him to remain in power and to continue to accumulate weapons of mass destruction will end very badly. Better for all concerned and more practical as well to deal with him before that.

So let me conclude with two counter-questions to the ones I began with. Reasonable people may come to different conclusions about war against Iraq. But we might turn the usual questions the other way around: “If not Iraq, who?” and “If not now, when?” The international community can replace the use of force with the rule of law—its stated goal—only if it is itself willing to use force when called for. There is no way to wish away or change by moral exhortation rulers and regimes that abuse their own people and threaten others. To think there is invites proliferation of such regimes and their attempts to gain weapons with which to blackmail the whole civilized world. Saddam Hussein and his Iraqi regime are for me a textbook case of these notions, and a real-life test for both the United States and the international system. It is our responsibility to deal with him before he adds a new chapter to the already sad modern history of failure to deal with threats before they become global. If we are wise, we will take both the most moral and most practical attitude: deal with him before the moral and military price becomes even far higher.

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Invading Iraq: Is it Justified? by George Hunsinger

Whether the United States will actually go to war against Iraq is still unclear at the present time. What is clear is that preparations for the war are proceeding apace. The preparations have been both ideological and military. On the ideological front, the Bush administration has been readying the American public for a “preemptive” attack on Iraq ever since September 12, 2001—a media blitz that continues right down to the present day. Militarily, moreover, a massive build-up has been moving forward in the Persian Gulf.

Reserves are being called up to active duty. Everything necessary for war will reportedly be in place by some time after the turn of the year. . . .

It seems clear that, within the administration, factions are in profound conflict about whether to go to war, or under what conditions to do so. . . . Traces of the administration's internal conflicts appear almost daily in the news. It is perhaps best described as a conflict between the more cautious and the more aggressive. The more cautious faction scored an unexpected victory when the president opted to work through the United Nations. In turn the more aggressive faction is doing everything it can to discredit the inspections process as a sham. Yet when the aggressive faction seems about to score a point—as in the leak that Iraq had supposedly supplied deadly VX gas to al Qaeda—the more cautious faction is on hand to undermine it—as when an unnamed senior official stated to the *Washington Post* that the VX story has no credible evidence to back it (December 12, 2002). The administration has been to some degree at war with itself.

At the government's highest level these conflicts concern procedures more than principles. Meanwhile, the president alternates back and forth between caution and belligerence, sending a confusing double-message to the world. Little doubt can exist, however, that the hard-liners, aided and abetted by the president, have scored major victories through the media. The climate of fear and resentment in which we now live has been manipulated to convince the American people of at least three things, none of which, as far as I can see, is true.

First, according to recent polls, 66 percent of our people believe that a connection exists between al Qaeda and Saddam Hussein, and that Saddam was involved in the September 11 atrocities. It is no wonder that they have this belief, since it has been harped on by the administration ever since the day after September 11. Yet not a shred of evidence has been produced to support this momentous claim. . . . People fail to appreciate the special utility it enjoys as an item of war propaganda. What does it matter that on the question of a supposed link between Saddam Hussein and al Qaeda, the director of the CIA has openly contradicted the president? What matters is what the people can be made to believe.

Second, again according to the polls, an even greater number—86 percent—believe that Saddam Hussein already has nuclear weapons or is just on the brink of getting them. Again, it does not matter that this claim too is unbacked by any evidence. It strains all credulity to believe that the administration would not produce the evidence if it actually had it. . . .

Finally, Saddam Hussein has been successfully demonized. He is not just one more in a long, sorry line of the world's most brutal and ruthless tyrants. He is a veritable Hitler, a madman, a suicidal and irrational beast. We must get him before he gets us. By contrast with the previous two points—the trumped-up al Qaeda connection and the non-existent currency of the Iraqi nuclear threat—this device is not just for popular consumption. It persuades large segments of the intelligentsia. Perhaps most prominent among them is Kenneth Pollack, author of *The Threatening Storm*, whom many regard as having made the best case for invading Iraq. "The question," writes Pollack, "is not one of war or no war, but rather war now or war later—a war without nuclear weapons or a war with them" (*New York Times*, September 26, 2002).

A powerful rejoinder comes from historian Paul Schroeder, a self-described political conservative. With regard to Saddam Hussein as a suicidal madman, Schroeder observes: "Stalin had nuclear weapons, was a worse sociopath than Hussein and even more paranoid about threats to his reign, and his record of atrocities against his own people was far worse than Hussein's; yet none of this gave any indication whether or how he would use nuclear weapons in his foreign policy. On that score, he was demonstrably cautious. In fact, it is extremely unlikely that Hussein would do something so suicidal as to attack the United States or one of its allies directly, or allow a proxy to do so, and the administration knows it" ("Iraq: The Case Against Preemptive War," www.amconmag.com/10_21/iraq.html).

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These rejoinders, against the likes of Kenneth Pollack, allow us to consider the just war tradition. At a minimum, what they suggest is that, at the present time, invading Iraq would by no means be a last resort. The principle of last resort is essential to the just war tradition. No war that is not a last resort can be justified, according to just war principles as they are enshrined in church tradition and international law. I consider it ominous that Pollack's argument simply circumvents these principles. It elevates cold-blooded expediency over the equity of established moral law. It claims to predict the future, conjuring up a worst-case scenario as if nothing could possibly avert it. It would incur huge sacrifices in scarce resources and precious human lives in order to avoid a threat that is merely hypothetical.

A threat that is not clear, that is not direct, and that is not imminent cannot justify going to war. Measured by just war standards, the war proposed on Iraq fails completely of a sufficient cause. What the tradition permits is self-defense in the face of aggression. Preempting an anticipated attack, however, can be extrapolated from the provision of self-defense. Nevertheless, preemptive strikes must meet a high standard of justification. Otherwise, they are acts of aggression that violate international law. . . . The doctrine of preemptive war, if taken seriously, portends a descent into international barbarism even greater than we have known so terribly since August 1914 and August 1945.

Without a sufficient cause, invading Iraq lacks the most important justification for going to war. Besides self-defense against aggression and acting only as a last resort, however, the just war tradition stipulates other conditions that must be met. Among them is a reasonable chance of success. . . . The most probable outcome is a long drawn-out bloody war. Iraq would be devastated, Emmanuel Wallerstein of Yale University observes, political and economic turmoil would result at home and abroad, and "regime change" would occur, though not only in Baghdad ("George W. Bush, Principal Agent of Osama bin Laden," Fernand Braudel Center, Binghamton University, Commentary No. 96, <http://fbc.binghamton.edu/96en.htm>).

The question of "the day after" must also be faced. James Webb, former secretary of the Navy in the Reagan administration, has written: "The issue before us is not simply whether the United States would end the regime of Saddam Hussein, but whether we as a nation are prepared physically to occupy territory in the Middle East for the next 30 to 50 years" ("Heading for Trouble," *Washington Post*, September 4, 2002, p. A21). . . . Nicholas D. Kristof rightly wonders: "Is America really prepared for hundreds of casualties, even thousands, in an invasion and subsequent occupation that could last many years?" ("Fighting Street to Street," *New York Times*, September 27, 2002).

These considerations do not even begin to touch on the question—central to the just war tradition—of civilian casualties, which lies heavily on the religious community and all people of conscience. Only the briefest of indications can be mentioned here. Last week UNICEF released a report showing that over the previous decade the child mortality rate in Iraq has skyrocketed. This increase is traced not only to the sanctions but also to the aftermath of the previous war. Once a relatively advanced society, Iraq now takes its place among the least developed nations of the world, with the highest quotient of social misery. . . .

To sum up: In this presentation I have selected four principles from the just war tradition for examination. I have argued that the "preemptive" war proposed against Iraq would not be a last resort; that it would lack a sufficient cause, making it little more than a war of aggression; that it would not be a success in any meaningful sense of the term; and finally that it would wreak havoc on a civilian population already tortured by war and sanctions. In particular, I have stressed that the doctrine of preemption, if activated, portends a descent into international barbarism.

Just War and a Post-Modern World, by Susan Brooks Thistlethwaite

We seem suddenly to be living in extraordinarily anxious times. . . . The pluralistic religious factor in all this anxiety is new. Threat and counter-threat are couched in the language of religion against religion, of god against god. Words not heard dominating in the political sphere for centuries, crusade and jihad, seem to give the new world struggles a transcendent frame. Are we struggling for good and is the enemy evil? Is the struggle about freedom? About oil? About markets? About who is God?

The concept of just war was born in just such an anxious time, the time of Augustine of Hippo in the fifth century, when the mighty Holy Roman Empire was suddenly under attack from barbarian hordes of which little was known, but much suspected. The parallels to our own time are rather striking. . . . There are no exact historical parallels, but it is interesting to note that those Christians who as pilgrims fled Europe and founded this country as “the City on the Hill” or “the New Jerusalem” did so to escape religious persecution. What a miracle a new society must have seemed to them. And for most of the two centuries of this country’s history, a form of official Protestantism was the civic religion. The religious interpretation of this country’s founding and reason for being (and for westward expansion) has always been its overarching sense of having been blessed by the Creator with this land and blessed as a nation. Americans therefore see themselves as an ideal nation, a standard to which the rest of the world should aspire. Democratic and free, we are one nation under God, with liberty and justice for all. And *how* we have been blessed, at least by the standards of materialism.

Of course this is a fiction, like the *Holy Roman Empire* was a fiction. But it is a prevailing fiction, our national psychic narrative. The sense of ourselves as good, as an ideal, makes the attack on us as a nation by some who profess, in religious rhetoric, to hate us and see us as evil, come as the same sort of jolt the barbarian invasions must have seemed to Augustine. Has the order of the world turned upside down?

Yes, actually, it has. This nation held together just barely through the 19th century and the civil war, and greatly increased again its sense of national virtue from the early to the latter third of the 20th. There was almost no pause in interpretation of the evils of Nazis to the evils of Communists and their threat to the goodness of the nation, blessed by God. We triumphed over the evil Nazis and would surely triumph over godless Communism. And then came Vietnam.

Not by coincidence, the language of just war theory, largely moribund since the 17th century, returned 25 years ago at the time of Vietnam to help Americans struggle with what was plainly not their country’s finest hour. For Augustine, the intent of both the nation and the individuals in war have much to do with evaluating whether a war can be justified. “[F]or it makes a great difference by which causes and under which authorities men undertake the wars that must be waged.” . . . The virulent, revengeful cruelty and the lust for power in Vietnam that Augustine so feared as the worst moral evils in war were there on the television for all to see. In these shifting sands, the reflection of Augustine as well as his successor in developing just war theory, Thomas Aquinas, was turned to for guidance. . . .

In 1983 the American Catholic bishops moved this discussion forward rather dramatically with their pastoral letter, *The Challenge of Peace*. In it, the principal drafter, J. Bryan Hehir, considered the moral standing of nuclear weapons and deterrence theory. The basic argument of the bishops’ pastoral is predicated on taking the criteria of proportionality (no more force than necessary) and that of discrimination (you cannot target civilians) and arguing that they need to be moved into the criteria we use to consider getting into a war. Nuclear weapons are inherently, by the virulent nature of the blast and the resulting radiation, impossible to use proportionally or discriminately. Therefore, modern war, where nuclear weapons are a potential factor, cannot be waged justly. In addition, the bishops argued that deterrence theory, the directed targeting of nuclear missiles towards civilian populations, is also immoral because it holds civilians hostage.

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If nuclear weapons and Vietnam were destabilizing for an American sense of what is what and who is who in the world, how much more so are we destabilized today by terrorism, biological weapons, and a rapidly increasing militarism?

Again Americans were confronted with the specter that their much-vaunted strategy to contain the evils of Communism, and I use the word “evils” advisedly, was itself evil. . . .

If nuclear weapons and Vietnam were destabilizing for an American sense of what is what and who is who in the world, how much more so are we destabilized today by terrorism, biological weapons, and a rapidly increasing militarism? . . . Prior to the Gulf War of 1990–91, Americans engaged in 10 months of debate over the morality of going to war in the gulf, and just war theory figured prominently. . . . One gets the sense of *deja vu* all over again today. Though there is more silence from this Bush administration on just war theory, the critics mirror the early 1990s. . . .

Joseph C. Sprague, bishop of the Chicago and Northern Illinois Conference of the United Methodist Church, wrote a long letter to the editor in late October 2002 arguing, “We must say ‘no’ to war with Iraq. . . . Declaring war on Iraq is morally indefensible. There is no way to read the criteria of the ‘Just War Theory’ that could justify this fool-hardy adventure. This is not an act of self-defense. All other options have not been exhausted. The devastation envisioned is in no way proportional to the perceived original aggression of Saddam Hussein. Innocent civilians—particularly women and children—will not be protected” (*Chicago Tribune*, October 21, 2002).

It can be useful, in anxious and unstable times, to turn to a stable and longstanding tradition of moral reasoning that has been providing insight (as well as wholesale self-justification) for 1500 years. The impulse of the American Catholic bishops to reexamine just war theory in light of new weapons technologies was clearly in direct continuity with other revisions of just war theory over that millennium and a half. Their analysis was not a fundamental departure from just war theory at all.

Today I think we have a deeper problem. While Augustine’s world was under threat and Aquinas’ was not, their fundamental conviction of the God-ordered hierarchy of their own society and its transcendent legitimacy was the same. Their hierarchical world was the way things were supposed to be.

Today this hierarchical social order does not hold. There is no heavenly order dictating the earthly order, with the church in between. Our society and its rulers, despite what we print on the currency, is not “under God.” The “global village” has given us the opportunity to be in contact with civilizations and world orders that are fundamentally different from our own. Some would hold that what the United States must do is simply export the Pax Americana, the hegemony of the Western paradigm. If we read them correctly, and I cannot imagine a clearer message than the attacks of 9/11, some in the Islamic world hate the Pax Americana so much they will do everything they can to destroy it. Theirs is a completely different worldview. . . .

As a postmodern, I can still use classical just war theory for several good reasons. It has the force of history and the virtue of clarity. It says “halt” to a Pax Americana and says you may not justify a first-strike attack. But this is not the time of Aquinas or Augustine; there is no orderly universe just waiting to be upheld again.

The concept of an orderly, rational world does not explain the multiple and contradictory forces at work in our world today. Augustine comes closest with his deep repugnance for the “love of violence, revengeful cruelty, fierce and implacable enmity, wild resistance, and the lust of power” (*Against Faustus*). The enmity at work in the Middle East and elsewhere in the world is fierce and implacable and tragic. Resistance through Palestinian suicide attacks is wild resistance and the revenge responses by Israel are fierce and implacable. And above all is the lust for power that underlies both globalization and worldwide militarism.

Where I think we need to part company with both Aquinas and Augustine is their ultimate confidence in the rational and its capacity to rule the irrational. A clear example of this is Augustine’s proposal that war be waged without descending to lust, cruelty, enmity, and the love of violence. Augustine cautions the Christian ruler: “even in waging war, cherish the spirit of a peacemaker,” and be chaste, sober, and moderate. How-

ever, this advice completely ignores the inevitable and unspeakable harm that engaging in violence does not only to the victims, but to the perpetrators.

It is most significant to me that the people in the administration today who are holding out against indiscriminate attack against Iraq and for a UN inspection that leads to weapons destruction are Colin Powell, a retired general, and Anthony Zinni, a retired general and former head of Central Command. People with some experience of the existential reality of war are often the most reluctant to go to war. The long-term costs to the world of massive violence are incalculable in terms of the reinvention of fierce and implacable enmity. Augustine and Aquinas were wrong in positing that war brings about peace; only peace brings about peace.

Ours is a symbolically convoluted world. Simplistic divisions of good and evil, religion and secularism, violence and non-violence, and us and them no longer hold. Snipers, anthrax, the economy, the prospect of war, terrorists, and tactical nukes are all good causes for anxiety. But what is causing us to feel like we have suddenly been told the floor of the room is actually built over a bottomless well is our deep suspicion that the old narratives no longer explain these irrational events. Our anxiety is that deep. The world is changing before our eyes and we cannot fundamentally explain the change away. In such a pluralistic and multi-dimensional world, just war theory may be helpful, but it is not, by any means, all the help we need.

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