

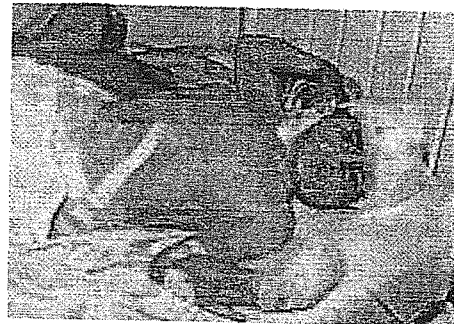
JUST WAR – WAR AGAINST IRAQ?

In February 2003, there is every prospect that the U.S. and Britain may launch an attack on Iraq with a view to replacing its government, taking control of its administration, reducing the threat to Israel, eliminating weapons of mass destruction (if any are discovered) and also ensuring Iraq's oil reaches the West. Whether this possible war is just or not raises heated debate and the basis for the discussion is firmly rooted in Just War thinking.

On September 11, 2001 two hijacked airliners were



flown into the Twin Towers in New York and another into the Pentagon. A fourth was hijacked but crashed. Nearly 4000 lives were lost. The anger felt in America and around the world at these events was understandable and the US, Britain and other allies toppled the Taliban regime in Afghanistan through the use of intensive bombing and also limited use of ground troops. Many innocent Afghans were killed. Those who were thought to be responsible for these events (there is still no proof) were driven into hiding. Today America, supported by Britain, is on the verge of another and much larger attack against Iraq as one of three countries that President Bush has described as representing an 'axis of evil' and Bush has also talked of one of his aims as being 'regime change' - namely to get rid of Saddam Hussein.



The motives behind this proposed attack are not entirely clear - they are stated to include ridding Iraq of weapons of mass destruction which may be used in the future (although the evidence that these weapons exist in a form that could threaten the West or that they are likely to be used is weak) and Iraq sits on huge oil reserves which U.S. Companies with which President Bush is very very closely associated would like to get their hands on these reserves.

The Christian idea of Just war thinking has a long history. It's origins go back to Ambrose of Milan and, in particular, to St. Augustine who had to confront a new political situation. The Roman Empire in which Christianity had grown - in spite of great and terrible persecution - was pagan. The emerging Christian religion was essentially pacifist and Christians refused to fight in the Empire's army. The result was that, as Christianity spread, it proved more and more difficult to recruit people to fight. There was an increased reliance on mercenary soldiers and the whole idea that it was a citizen's duty to fight came under attack. Whilst the Empire was pagan, it made sense for Christians to refuse to fight as to do so would have meant fighting for a pagan empire and also going against what appeared to be clear commands from Jesus to the effect that his followers should never take revenge, should turn the other cheek and should not defend themselves.

However this whole situation changed when the Emperor Constantine became Christian and when he decreed the Christianity should become the official religion of the Empire. Christianity was now not simply recognised, it was the established religion of the Empire - yet Christianity had, up to that time, been essentially pacifist. It was this challenge with which St. Augustine had to wrestle. Augustine drew on the existing Roman idea of 'justum bellum' and the Old Testament tradition where wars on behalf of Israel and Israel's God were clearly commanded by this God¹. Fighting for Israel was considered as fighting on the side of God against God's enemies. This was the case from the time the Israelites came out of captivity in Egypt and defeated, by warfare, the inhabitants of Canaan to take the promised land from its original inhabitants (as God had commanded them to do). This continued through the period of the Judges and into the high period of the three Kings of the united Israel, Saul, David and Solomon. Throughout the Old Testament, warfare was clearly approved.

Now that the Empire had become Christian and there was a Christian emperor, Augustine maintained that to fight on behalf of this empire was a Christian duty. One was now fighting on behalf of God against God's enemies because the empire was under God's divine protection as it was now Christian.

Augustine differentiated between two issues:

1. When it was right to engage in war (*Jus ad bellum*), and
2. How wars should be fought (*Jus in Bello*).

This distinction has come down to us in the present day and these two separate issues must be dealt with in any adequate account of Just War thinking.

JUS AD BELLUM

Augustine maintained there were two conditions which would justify going to war:

1. The war had to be authorised by a legitimate authority - in practice this meant the Roman Emperor who was

¹ Deut. 2:34 and 24: 5; Joshua 10:40; Judges 8:1; 1 Sam. 14: 52

Christian and therefore held by Augustine to be legitimate, and

2. There had to be a just cause for going to war - clearly defending the interests of what was held to be the non-Christian Roman state was considered sufficient to make a war just.

Augustine saw warfare as having as its purpose the righting of wrongs; the punishment of injustice and the bringing of peace. He considered that this would justify almost anything and approved torture and also the killing of innocents if this was necessary in order to bring peace. On this basis, the events of 9/11 could justify the U.S. imprisoning in Camp X-Ray in Cuba suspected members of the Taliban without charge and without any proof of their involvement - although many today would disagree both with Augustine on this point and also with the conduct of the U.S.. Augustine did maintain that warfare had to be undertaken in the right spirit - this meant that those fighting must carry no malice in their hearts and must fight without hatred or animosity against the people whom they were trying to kill. Any jingoistic or nationalistic behaviour by U.S. or British forces he would have condemned. It was essential at all times to see the humanity of those against who one was fighting.

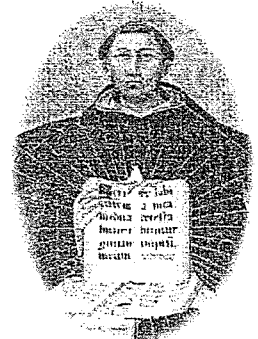
The emphasis on legitimate authority clearly ruled out civil wars. This is significant as this criterion made it impossible for any group of citizens or Lords to fight against their king as it was always the king who was considered to have 'legitimate authority'. Kings were generally anointed by priests (which originated in the anointing of Kings in the Old Testament) and were thus seen as being sanctioned by God and as carrying legitimate authority because of this. Only the King, therefore, could declare war (this echoed today where it is the American President who declares war and it is only recently that Congress has insisted that it had to be consulted before any war was declared).

The principal modern legal source of jus ad bellum derives is in the Charter of the United Nations, which says in Article 2: "*All members shall refrain in their international relations from the threat or the use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations*"; and in Article 51: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations." The problem so far as any possible war against Iraq is concerned is that Iraq has not attacked any of those who are considering going to war against her and the (claimed but far from proved) threat Iraq may represent in the future is not an acknowledged basis for declaring war. It is as if your neighbour buys a gun and you decide to kill him because he might use it to kill you.

In the 13th century, St. Thomas Aquinas adopted Augustine's broad approach but he emphasised a third criterion to justify a just war. This was that:

- 3) There must be a right intention

Aquinas was writing at a time when Kings and the Pope was considered to have considerable power delegated by God (the Pope has 'the keys of the kingdom' which is why the papal crest today still includes crossed keys) and when the feudal structure of society was generally accepted as being Divinely ordained. If, therefore, a freeman or a knight obeyed his lawful Lord or King in going to war, this would be considered as serving God as the Lord or King was placed there as the legitimate authority in the State. Neither Augustine nor Aquinas considered the possibility that the whole way the State was organised could have been mistaken - they assumed that the existing social order was acceptable to God and, today, this might be challenged. Aquinas and medieval theologians faced the challenge of warfare by Feudal Lords against each other and they were clearly anxious to stop this.



Aquinas' emphasis on the criterion of 'right intention'² was highly significant as it was no longer enough for a war to be conducted simply because it was commanded by a legitimate authority and there was a just cause - in addition there had to be 'right intention' in going to war and if this was absent then warfare could not be morally acceptable. By bringing in this third criterion, Aquinas effectively opened the door for individuals to challenge the State's decision to go to war if they considered that the war was not based on a right intention. Aquinas did not develop this idea but this third criterion clearly opens the possibility. Today this is highly significant when related to the possibility of war against Iraq as some hold that the real motive that Bush wishes to attack Iraq is to get access for U.S. companies to Iraq's oil. The problem is, of course, that it is almost impossible to determine what the real intention of the President actually is and this makes assessment difficult.

These three criteria, however, are not enough for the following reasons:

1. It is not clear who is the legitimate authority who can decide to wage war. Today many hold that nation states do not have the right to wage war unless they are themselves attacked - only the United Nations has the right to wage war. If, therefore, the U.N. fails to support an attack against Iraq then it would not be right for the attack to take place. This is, however, a difficult issue. NATO attacked Serbian forces in Kosovo when the U.N. refused to act when there was clear evidence of rape, killing and genocide by the Serbs. This seems to have been a legitimate cause. Also the U.N. is dominated by the major powers all of whom have their own interests. Countries can be bribed or pressurised economically to go along with the super-power and the idea that the U.N. is simply a place of high principle which can dispassionately assess right and wrong seems to be flawed.
2. How does one decide what a 'just cause' would be? Many Muslims and those in the Arab world thought that those who carried out the attack on 9/11 were justified in doing this. Israel has continually ignored U.N.

² Gratian, in his *Decretum* published in 1148 as well as Peter of Paris, a contemporary of Aquinas, both also emphasised 'right intention'.

resolutions, it occupies Arab land by force of arms, it is a military power which has imposed its will by extreme force with the aid of weapons and finance provided by the United States. Some have argued that President Sharon should be placed on trial for war crimes for actions that Israel committed in Palestinian territory and the President is reputedly unwilling to travel to some countries (such as Holland) in for fear of being arrested on such charges. One person's terrorist is another person's freedom fighter and deciding on justice is not easy. What is more, most people in the U.S. fail to engage with the complexity of the situation and cannot see the legitimate anger of many Palestinians, Arabs and Muslims at the lack of justice in attitude of Western countries to Israel's treatment of the Palestinians.

3. 'Right intention' is easily claimed as few countries go to war without considering that right is on their side but assessing this is far more difficult. Whether any U.S. and British attach on Iraq REALLY has the intention the governments of these countries claim is very difficult indeed to determine. Whether their REAL intention is to eliminate weapons of mass destruction or whether the motives are much more mixed (including to obtain control of Iraq's oil, the safeguard the state of Israel or even to finish the business undertaken by President Bush's father) is a central question.

In practical terms, therefore, all the criteria are problematic.

The U.S. Catholic Bishops have set out their view on the conditions for a just war and these build on the ideas of Augustine and Aquinas:

1. There must be a just cause. War is permissible only to confront a real and immediate danger, to protect innocent life, to preserve conditions necessary for human life and to preserve human rights (notice the problems associated with the last two factors - they could be argued to allow the possibility of warfare by a starving or overcrowded nation against a prosperous, underpopulated neighbour).
2. War must be declared by a competent and legal authority (see problems above),
3. The justice of the claims of both sides must be compared (but who by!? The UN would be the ideal answer but even the UN is not always impartial),
4. There must be a right intention in going to war. This is hard to calculate. What is Bush's intention in going to war against Iraq? Very probably there are mixed motives including that his father, George Bush, had unfinished business with Saddam Hussein as Saddam remained in power in spite of all that the older Bush could do,
5. War must be a last resort (in the case of Iraq, Iraq has said it would admit weapons inspectors and many members of the United Nations consider that negotiation could ensure that Iraq does not develop weapons of mass destruction)
6. There must be a reasonable possibility of success (There is a real question whether any conflict against Iraq would not ignite a tinder box of violence against Western interests across the whole of the Muslim world and would actually make matters far worse than before any conflict)
7. There must be a reasonable proportion between the injury suffered and the pain and death which will result from war. Note that this introduces the idea of Proportionality which has been rejected in other areas of Catholic ethics but, in Just War thinking, this factor is absolutely central. Taking proportionality seriously has the great advantage of taking recognising the effect of warfare on the other side and this is element often neglected.

It is by no means easy to determine when a 'just cause' is present for war. One answer is to say that it is just to deter aggression, but this is too simple. What does it mean to talk of aggression? Physical aggression (for instance invasion) may be one thing, but there are many different types. One country may incite a minority in another country to rise up and rebel; one country may damage the interests of another by, for instance, taking away its water supply and diverting key rivers or one country may use its economic power to impose its will on others - it is not easy deciding which, if any, of these constitute acts of aggression.

Some hold that Western countries are guilty of aggression against the Third World because the world economic order is dominated by the rich countries - thus keeping poor countries in a state of subjugation. There is some truth in this but, if this is the case, would it give poor countries the right to go to war against rich countries? Assume that a poor country is having to pay out half its foreign currency earnings to repay debts which should never have been incurred in the first place and which may have arisen due to the corruption of Western interests, should the poor country be able to consider this an act of aggression and be willing to engage in, say, bacteriological warfare to remedy its interests? The issues are not clear cut.

Wars fought to defend 'national honour' should always be viewed with suspicion. As Paskins and Docknill write:

*'...wars fought in defence of national honour must be viewed with suspicion as if one outweighs the value of human beings against national honour, the former should always have priority. It is always important to maintain a clear view of one's own and one's enemies humanity.'*³

This is an important insight which goes back to St. Augustine who clearly pointed out that warfare must be undertaken without hatred. However difficult this may appear, it is an important principle and, for instance, the operations of the

³ 'The Ethics of War' by Paskins and Docknill

United Nations Peace Keeping forces are good examples of military action which is aimed at keeping the peace. Having said this, such operations - at least so far - have been seen as attempting to keep the peace and not to enforce peace on warring parties. The latter would be much more difficult and costly in terms of lives and manpower and would also involve the UN in putting its forces between two fighting parties without their consent.

JUS IN BELLO

Jus in bello deals with how wars should be fought. There have been various attempts to rule out certain weapons in war ranging from crossbows to gas, biological, germ and nuclear weapons. In 1054 at the Council of Narbonne the Church sought to lay down certain days on which fighting could not take place. In 1139, the Second Lateran Council banned crossbows, bows and arrows and siege machines as unethical - however these restrictions only applied to warfare between Christians and between, say, Christians and Muslims then there were no restrictions. The Catholic Bishops suggested two criteria which set limits to how war should be fought:

1. Proportionality - the way the war is fought must be proportionate to the injury suffered and which resulted in the war. For Britain to drop biological weapons on the capital of Iceland because of a fishing dispute would not be a proportionate response. Note that Proportionality is involved both in Just in Bello and also in Jus ad Bellum.
2. Discrimination. This requires a distinction between innocent civilians and those involved in waging war. This raises very real problems. In 1983 the Catholic Bishops said: *The lives of innocent civilians may never be taken directly. Regardless of the purpose alleged for doing so.* However this raises the whole issue of what is and what is a direct action. For instance in the Gulf War, Iraqi generals placed their command posts over schools so that the Allied forces would have to kill the children in order to destroy the Command Posts. The question then arises whether the killing of such civilians was a direct action or not. If it could be argued to be an indirect effect of targeting military installations then it would be permitted.

The second of these criteria raises the whole issue of whether, for instance, it is morally right to bomb water supplies and power stations in war when these are used by the military. Few civilians may be killed by such attacks but a country may be bombed back fifty years by such actions - and this is what happened in the Gulf War where the destruction of Iraqi infrastructure and subsequent sanctions have had a devastating effect on the civilian population of Iraq. It is estimated that over 500000 children died as a direct result of the attacks of the United States, Britain and their allies in the Gulf War and subsequent sanctions. Here is the transcript of the interview of with America's Secretary State with Leslie Stahl of CBS on May 11, 1996:

Lesley Stahl, speaking of US sanctions against Iraq: *"We have heard that a half million children have died. I mean, that's more children than died in Hiroshima ... and... you know, is the price worth it?"*

Madeline Albright: *"I think this is a very hard choice, but the price - we think the price is worth it."*

There is no justification in Just War thinking for the death of more than 500 000 children to secure an uncertain end. These deaths are, of course, largely ignored (as are Palestinian deaths and the large numbers of Palestinians displaced from their homes) by a Western media which focuses little attention on them.

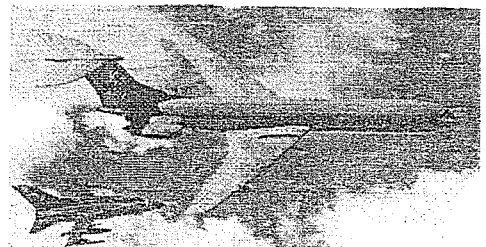
Kenny says that *'...wars may be waged not in order to destroy an enemy society but to force the enemy to desist from the wrong in which he is engaged or about to engage.'* This is important because the idea of not destroying 'society' takes the discrimination clause much further than simply not killing 'innocents' - it also involves preserving the essential structures of society so these may be used in the future. This may, therefore, mean that it would be wrong to bomb infrastructure unless there are a proportionate reason that would justify this. There has been criticism of Allied tactics in the Gulf war as many dams, power stations and bridges were bombed - effectively setting the whole Iraqi economy back many decades and causing great loss of life to innocent people after the war.

One of the problems is deciding what the proportionate reason might be which would justify the massive destruction of a country's infrastructure which may have taken a very long time to build up. Frequently Western countries will regard the loss of one of their troops as being more serious than the loss of a hundred enemy troops. On a Christian view of warfare, this must be an invalid response as in Christian terms every human being is of equal value. However most modern Christians tend to ignore this insight - for instance millions in Africa die from the most basic medical care whilst Western people spend very large sums on health care, education and what many may be regard as luxuries. There is no moral basis for this. Similarly the morality of killing a hundred enemy troops to save the life on one of your own side must also be questioned.

WHO IS TO BLAME FOR AN UNJUST WAR

The easy answer is to say 'the politicians' or 'the troops fighting' but the real answer is that everyone who participates in and does not protest against the injustice of war is to blame. The politicians obviously have a key role, but those in the armed forces (whether the pilots of the fighter, bomber and refuelling aircraft - the RAF's VC10s with their twin boom refuelling capability were essential for US air operations in Afghanistan and will be also essential if Iraq is attacked - those who service and maintain the planes, the ground staff, the army and navy personnel) are all in the wrong if they accept orders and engage in a war that is fundamentally unjust. Most, of course, do not even consider the issue but that in itself is a moral failure. The defence of the Nazis in the Nuremberg trials was that there were 'obeying orders' and this will simply not do.

However moral responsibility extends much further than this. Those



engaged in producing the weapons and equipment that is used in the war, those who pay taxes that finance the war effort and even those who remain silent and do not protest against an unjust war are all, ultimately, accountable for their part in this injustice. Remaining silent is not an option – those who remain silent and inactive in the face of injustice are morally culpable.

Whether, of course, any war against Iraq IS unjust is an issue that each person must debate for themselves – but doing this involves engaging fully with the complexities of the issue and most certainly does not mean simply accepting the newspaper and TV reports. Justice demands that the justice of any conflict must be considered and, sadly, the West is very bad at doing this as most people fail to see the perspective of the other side. At the least the debate about just war should force people to consider where they stand and whether they are willing to take responsibility for remaining silent when war is waged in their name.

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