

JUST

The history, the current circumstances

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THE AUSTRALIAN GOVERNMENT is withdrawing its 450 Special Air Service troops from Afghanistan to Australia so they can be redeployed to Iraq if needed.

Many Christian churches have opposed, or cautioned against, war with Iraq—in marked contrast to their initial support for the Vietnam War in the 1960s. The mainstream western churches, having subjected the claims of the Bush administration to careful scrutiny, remain unconvinced about the moral legitimacy of the war and have refrained from blessing any such endeavour.

Their opposition has presented the US administration with an unprecedented problem of moral legitimacy. The US churches play major roles in shaping public opinion. If they continue to refuse to endorse military intervention, it will create grave problems of conscience for many Americans.

President Bush and Vice-President Dick Cheney have met opposition to pre-emptive action against Iraq even from within their own churches. On August 30, Jim Winkler, chief staff executive of the United Methodist Church's advocacy and action agency, appealed to George W. Bush to refrain from taking military action. 'Pre-emptive war cannot become a universalized principle lest disaster and chaos result', he said. The World Council of Churches also urged restraint, fearful of the cost to innocent civilians.

One of the few religious organisations to support military intervention has been the Southern Baptist Convention, comprising 16 million adherents. Richard

Land, president of the Southern Baptist Ethics and Religious Liberty Commission, claimed (without evidence) that Saddam Hussein planned to use weapons of mass destruction against the United States. Rich Cizik, an official in the National Association of Evangelicals in the United States, also supported intervention on the grounds that Saddam was linked with the al Qaeda attacks (again, without evidence).

The Catholic Church overseas has consistently urged restraint and has refused to accept that the Iraq situation meets the conditions for a just war. The Vatican's Cardinal Ratzinger did not accept the concept of a 'preventive war', insisting instead on the need for the United Nations to authorise any decision for intervention. He considered that any war would wreak more harm than good—hence failing the principle of proportionality.

In September, president of the Italian bishops' conference, Cardinal Ruini, added a warning about the growing differences between the United States and Europe over Iraq. In October the French bishops' conference said the ethical conditions for a just war were not met, including the condition of last resort.

In England, Cardinal Murphy-O'Connor in the London *Times* of 5 September called for Prime Minister Blair to publish evidence that 'the threat posed by Iraq is both grave and imminent...'. The Anglican Archbishop of Canterbury, George Carey, also urged caution. Carey's

continued page 10

from page 8

designated successor, Rowan Williams, likewise opposed military intervention and was among 2500 signatories, along with six other Anglican and Catholic bishops, to a peace petition organised by Pax Christi and delivered to the Prime Minister's residence. The declaration called an attack on Iraq 'immoral and illegal'.

But the most significant episcopal statement opposing US policy came from the US Catholic bishops themselves. On behalf of the 60-member Administrative Committee of the bishops of the United States, the president of the US Bishops' Conference, Bishop Wilton D. Gregory of Belleville, Illinois, wrote to President Bush on 18 September expressing 'serious questions about the moral legitimacy of any pre-emptive, unilateral use of military force to overthrow the government of Iraq'. He went further: 'Given the precedents and risks involved, we find it difficult to justify extending the war on terrorism to Iraq, absent clear and adequate evidence of Iraqi involvement in the attacks of September 11th or of an imminent attack of a grave nature.'

The bishops welcomed the US decision to seek UN approval for any action but, on the evidence available to them, opposed 'a pre-emptive, unilateral use of force', which, in their view, failed to meet the traditional just war criteria of just cause, right authority, probability of success, proportionality and noncombatant immunity.

Cardinal McCarrick of Washington on 27 September reiterated that the US needed to produce evidence that it faced an imminent threat from Iraq, lest 'we do something which we would have to say would not be moral'.

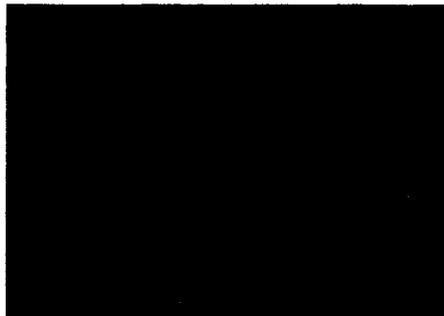
The documents released subsequently by Prime Minister Blair and President Bush did little to satisfy these requirements, and certainly did not produce irrefutable proof that Saddam was planning to attack the United States or had links with al Qaeda.

The United States Conference of Catholic Bishops on 13 November reiterated the concerns expressed by Bishop Gregory in September. By an overwhelming vote of 228 to 14, with three abstentions, the full conference declared that:

Based on the facts that are known to us, we continue to find it difficult to justify the

resort to war against Iraq, lacking clear and adequate evidence of an imminent attack of a grave nature. With the Holy See and bishops from the Middle East and around the world, we 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 urged the United States to pursue alternative ways 'to contain and deter aggressive Iraqi actions and threats'. They also called for strong steps to reduce



or eliminate weapons of mass destruction, and 'fulfilment of US commitments to pursue good faith negotiations on nuclear disarmament under the Nuclear Non-Proliferation Treaty'.

The bishops' conference of England and Wales followed with a brief statement calling on their government to 'step back from the brink of war'. Cardinal Murphy-O'Connor, on 15 November, added that the dossier on Iraq published by Prime Minister Blair failed to convince the bishops that the threat from Iraq justified war. The armed forces' Bishop Tom Burns said he feared that British troops sent to fight in Iraq might not be fighting for a just cause.

AS A SIGN of mounting opposition to war in the United States, leaders of major religious traditions have begun issuing joint statements against a war on Iraq. The Council of Religious Leaders of Metropolitan Chicago declared on 1 December that currently 'conditions justifying war have not been met. We still lack compelling evidence that Iraq is planning to launch an attack'.

In Australia, opposition to a war with Iraq has been voiced across the spectrum of churches, including Anglican, Uniting Church and Catholic. In early September in

letters to the Prime Minister, Mr Howard, 38 leaders of numerous Christian communities, including at least eight members of the Catholic hierarchy, deplored the possibility of Australian involvement in an attack on Iraq. The Anglican Archbishop of Melbourne, Peter Watson, accused the Australian government of a 'major propaganda push' to involve Australia in a war with Iraq. Mr Howard reportedly condemned the views expressed by Anglican and Uniting Church leaders critical of a pre-emptive strike against Iraq (*The Age*, 5 and 8 October).

Archbishop Francis Carroll, Bishop Pat Power of Canberra/Goulburn and Bishop William Morris, chair of the Australian Catholic Social Justice Council, together with leaders of eight other churches, expressed their concern about Australia's 'unquestioning support' for unilateral US military intervention in Iraq on 23 August. But as a group the Australian Catholic bishops have been slow to respond, issuing their first joint statement on the prospect of war on 29 November.

Even after months of debate, the statement was vague and perplexingly non-committal on whether war would be justified. The bishops made no mention of the US bishops' statement or the opposition to the war by other western episcopal conferences or Catholic church leaders. Nor did they assess the issue in terms of traditional just war criteria, except for recognising that 'any further conflict would be a human catastrophe, with the weakest inevitably suffering the most.'

They urged Australians 'to work and pray for justice and peace', called on political authorities to 'do all in their power to build peace and avoid war', and affirmed that the United Nations 'is the legitimate authority in the administration of Resolution 1441', ensuring that Iraq disarms. They saw the central issue as being 'the possibility that the Iraqi leadership is amassing weapons of mass destruction, implying the threat of an imminent attack.'

But this is precisely the issue: there is no evidence that Iraq is planning an imminent attack on anyone, as the bishops of the USA and England and Wales made clear. Without such evidence, what is the *casus belli*? There is none. Nor are we certain what chemical or biological weapons Iraq has, even the weapons originally supplied by the United States. And if it

has some, does this justify war? Is this the 'last resort'? Why cannot containment be an alternative, as the US bishops suggest?

The Australian bishops did not discuss the US claim to a right of pre-emptive unilateral strike if the inspections fail and the UN refuses to endorse such a strike. Nor did they raise the question of conscientious objection if members of the armed forces consider a war against Iraq unjust.

Just war theory has long recognised a right to a 'pre-emptive strike', but only when an enemy attack was certain and imminent. And in contemporary just war theory, any right to a pre-emptive strike has been down-played, since invoking it would undermine one of the central pillars of international law: the inviolability of national sovereignty.

THE PRINCIPLE OF inviolability of national sovereignty has been the cornerstone of international relations for over 50 years. On occasion, however, it is necessary to override this principle, particularly for humanitarian intervention—as happened in Uganda, Somalia and the former Yugoslavia, for example. In such instances, 'right authority' assumes added significance in just war theory, and ideally the United Nations would exercise that responsibility, although, in practice, political differences may make that impossible. In such a situation, other coalitions might act as a legitimating authority, as NATO did during the Bosnian crisis.

In the case of Iraq, the United States at first claimed a right to act independently of the United Nations, but bowed to pressure from its allies, who were unhappy

about its assuming an 'imperial' role instead of relying on and developing the collaborative institutions of international law and governance. Nevertheless, the US still threatens to act unilaterally against Iraq if the inspections fail and the UN does not approve military intervention.

The argument for a right to pre-emptive action rests on a belief that containment of Saddam Hussein has failed, and on an assumption that he possesses chemical and biological weapons and is intent on developing nuclear weapons as a direct and imminent threat against the West and its allies.

What is the force of these arguments?

President Bush argues that deterrence will not work against Saddam since he has used chemical and biological weapons against the Iranians and his own Kurdish populations. But what Bush omits to say is that the United States supported Iraq during the 1980s with weapons and intelligence in the war against a radical Islamist Iran.

Even after the US Congress voted for sanctions against Iraq because of the poison gas attacks on the Kurds, Bush Snr. refused to implement sanctions and continued to supply Iraq with weapons of mass destruction, including anthrax and botulinum toxin and missile equipment. In effect, Iraq remained an important ally of the United States. It is thus not surprising that people in the Middle East see these arguments by the United States as deeply hypocritical.

Moreover, Iraq's 1990 invasion of Kuwait, foolish and unjustified as it was, was prompted by real grievances. Iraq had historic claims to Kuwait, but—and

more significantly—it was angry that Kuwait was pumping oil out of Iraqi oil-fields, flooding world markets and depressing oil prices when Iraq was desperate for revenue to repay heavy debts and rebuild its economy after eight years of war with Iran.

DECISIVE ACTION NEEDS to be taken to reduce and eliminate weapons of mass destruction, but as Richard Butler, former head of the UN weapons inspection commission in Iraq (UNSCOM) in the 1990s, has argued (in *Fatal Choice: Nuclear Weapons and the Illusion of Missile Defense*), the United States itself has failed to promote such disarmament. It remains the largest arms spender and refuses to seize this opportune, post-Cold-War time to set in place an effective international disarmament process.

As this article goes to press, it is not clear whether the new UN weapons inspectors in Iraq will succeed. Ideally, if they were to eliminate any weapons of mass destruction, sanctions could be lifted and Iraq could begin rehabilitation. But if Saddam Hussein refuses to co-operate, containment still offers an alternative to war. In the predominant view of many churches, and on the available evidence, a new war would fail the test of just war theory, particularly on the grounds of 'last resort', proportionality and just cause. ■

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