

CATHOLIC SOCIAL JUSTICE SERIES

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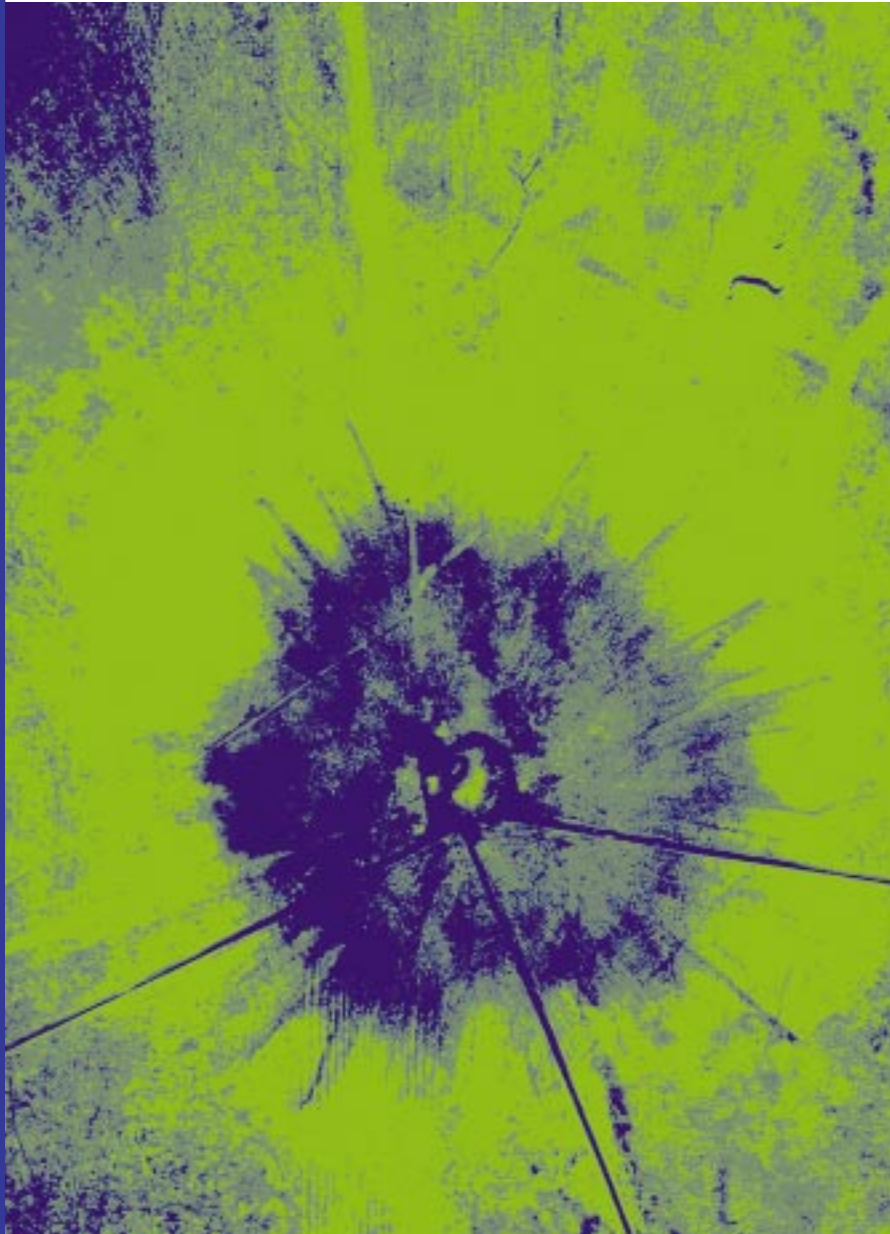


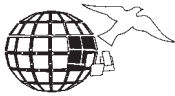
ACSJ

NO. 47

WAR ON IRAQ: IS IT JUST?

Bruce Duncan





THE AUSTRALIAN CATHOLIC SOCIAL JUSTICE COUNCIL

The Australian Catholic Social Justice Council (ACSJC) is the national social justice and human rights agency of the Catholic Church in Australia. The Council advises the bishops on social justice issues in Australia and overseas; undertakes research and advocacy on such issues; educates the Catholic community about the Church's social justice teachings and their application; and facilitates the development of social justice works within the Catholic Church in Australia.

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**WAR ON IRAQ:
IS IT JUST?
Bruce Duncan**

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FOREWORD

The world stands fearfully on the brink of catastrophic war. We face the needless death of thousands of innocent civilians and the misery of further millions of refugees. While Vatican and Muslim representatives together stress the role of religious dialogue in achieving peace and the right of every person to lead life in security and peace, we foresee the widening gulf between Christianity and Islam becoming an unbridgeable chasm, leading to decades of conflict. We even contemplate the threatened horror of the use of nuclear weapons. Passions would be inflamed, giving terrorist groups recruits for years to come.

In this crisis, the eminent Catholic scholar Father Bruce Duncan has produced a timely and comprehensive account and analysis of the "just war" tradition in Catholic teaching and the consequent opposition to war from the Vatican and Catholic bishops world-wide.

He shows how Pope John Paul II himself and Vatican officials have been at the centre of intense diplomatic activity in the search for alternatives to war, insisting that the United States Government, and therefore its Australian and British allies, have repeatedly failed to meet the criteria of the just war tradition. The author also documents the Vatican's decisive rebuttal of the efforts of leading Catholic conservatives, Michael Novak and George Weigel, to support US policies.

Fr Duncan's detailed examination of the political background of the 1991 Gulf War provides a bitter irony in the face of earlier US support for Iraq against Iran. The human tragedy of the economic sanctions imposed on Iraq in the past decade is documented and forces us to examine our social conscience.

This valuable paper is essential reading for a detailed examination of all the elements of just war teaching and the untiring efforts of the Church to avoid war and its terrible consequences. We pray that all government leaders will echo the Pope's call of 13 January 2003: "I say NO TO WAR! War is not always inevitable. It is always a defeat for humanity."



Bishop William Morris
Chairman, Australian Catholic Social Justice Council
Bishop of Toowoomba

INTRODUCTION

The debate about whether western countries should intervene militarily in Iraq has been difficult, even at times heated, with powerful vested interests and political careers at stake, not to mention the lives of tens of thousands of people hanging in the balance.

The old adage that truth is the first casualty in war should alert us to the difficulty of finding out the truth, especially in an age when media management and interpretation of events, or “spin”, have become such an important part of maintaining political support for war. Australia’s historical experience, especially in the Vietnam War, should alert us to the pitfalls here.

Before committing to a war, especially in a democracy, citizens have the right and the duty to scrutinise keenly the reasons for war, and to evaluate them rigorously against clear ethical criteria. Fortunately, the trauma of so many past wars has given rise to cogent thinking on the morality of war, which is generally known as the western “just war” tradition, or better, traditions, since they often comprise competing views.

Other cultures and civilisations have evolved parallel versions of just war theory, but often in quite different contexts, as within Islam and Hinduism. Part of the contemporary task in international relations has been to bring these different traditions into dialogue to develop a truly universal standard for determining when war is just (*ius ad bellum*) and right conduct in war (*ius in bello*). This dialogue today is urgent, given the heightened tension between many people in Muslim countries and the West, and the use by Islamist extremists of religion to attempt to justify terrorism.

The Christian churches have been important contributors to western thought on just war, and especially the Catholic Church because of its long and more central role in European history. But others have made signal contributions as well, notably the classical thinkers of Greece and Rome, the Hebrew Bible, the military tradition itself, thinkers from the Enlightenment, the Protestant and Anglican churches, more recent secular thinkers and writers, and the burgeoning network of international organisations working to establish improved systems of international governance.

Preliminary remarks on divergent views

This long tradition of thought has been forged out of great suffering and much bloodshed, but before examining how it bears on the current debate over Iraq, a caution may be in order about the role of the Catholic Church. As we will see, many leading churchmen from the major Christian traditions, including from the Vatican and most of the bishops' conferences around the western world, including even the US bishops, have opposed western military intervention on the grounds that the case for war had not been established. This could change, of course, if proof were definitely produced of Iraq posing a clear and imminent threat.

Yet it is important to stress that Church leaders are not claiming to speak on this issue as a matter of faith binding on Catholics, since in all such issues church spokespeople must rely not just on moral principles but on evidence derived from observation, experience, and the human or social sciences, and especially so perhaps in political matters. Church spokespeople judge a situation as best they can in the light of the information available to them, and offer their views to help Catholics and others form their own conscientious views.

It may be that some Catholics disagree with the views of Church spokespeople opposing intervention, thinking they are better informed about these matters, or that they can analyse the issue more clearly. This has not infrequently happened in the past, and only much later has the Church recognised it was mistaken. For example, earlier condemnations of the principle of religious liberty were overturned by the Second Vatican Council as recently as 1965.

Hence in debate over Iraq the Church is not trying to impose its views on the consciences of others, but to offer its considered views for earnest consideration. If Catholics for weighty and informed reasons disagree with statements by Church spokespeople, it may be necessary for them to engage in robust debate to shed clearer light on matters or provide vital new information, so as to inform the views of their Church colleagues. Yet in the final analysis, Catholics must form their own conscientious views after careful consideration of the evidence available to them.

This does not mean that the views of Church bodies are to be dismissed as trivial, since generally these Church statements on life-or-death matters are issued only after the utmost care. Such statements invite urgent and serious attention.

A difficulty may well be to grant space for this debate, recognising that conscientious people may hold conflicting views in good conscience. At the same time, we might hope that careful, courteous and reasoned argument, based on adequate and sound information, can result in more considered and concordant views.

How the just war tradition developed

It is not possible in this paper to describe in detail the development of just war thinking; there are, however, some important points to note which may initially come as a shock to some readers.

First, we might assume that the criteria of the just war tradition are fairly self-evident to any reasonable person, and that they have had a determining influence throughout the last 2000 years. One could easily get this impression from a short summary in a newspaper or Church statement. But not so! Elements of the just war tradition only emerged gradually, in the midst of great upheavals and struggle and, at times, painful setbacks. It was certainly not a process of gradual unfolding in a neat or logical manner.

The just war criteria represent the distillation of a vast human experience in different historical circumstances, trying to identify norms for war and restricting the extent of killing. Sometimes the focus is on one or other element of the just war criteria, depending on the problems of the period. At other times, the just war framework proves inadequate for a new situation and has to be rethought, perhaps resulting in changes or development in the tradition. The contemporary global situation and the problem of Iraq are again testing and stretching our thinking on just war.

Second, we might assume that earlier peoples thought like us, with very similar sets of values, especially concerning the right to life. This is a pre-eminent value for us today, around which we build theories of human rights and social justice. We can forget that such conceptions are very recent developments in human history. For many earlier peoples, personal honour, group or tribal solidarity, and valour in battle were more important values. Over the centuries, the Church has wrestled with these varied cultures and values to infuse Christ's message of peace, not always successfully.

Catholic thinking on just war could be summarised under the following points:

1. Despite the very clear biblical commandment not to kill, Jesus did not directly address the issue of killing in self-defence or warfare, and the New Testament can be read in either a pacifist or just war sense. The data on these questions from the first four centuries of the Church are not crystal clear, but indicate two streams of thought: one strongly rejecting violence under any conditions; and the other, encompassing a growing body of Christians, accepting the need for just defence and military service.
2. Not until Ambrose and Augustine in the fourth and fifth centuries do we find the beginnings of what we might call a template of the just war criteria, but this is still very sketchy and only a beginning. They were wrestling with the problem of how to reconcile Christ's teaching against violence and killing with the need to defend the innocent and protect their society and cities from attack.
3. The barbarian invasions eclipsed this just war thinking almost completely. The Germanic tribes lived by a warrior code which extolled honour won in combat, and hence fighting in Europe was endemic. It took an astonishing seven centuries before the Western Church began to redevelop the just war tradition, after the recovery of Augustine's writing. Unfortunately, the Church interpreted Augustine as justifying violence in the service of the faith. Drawing selectively from passages in the Old and New Testament, the Church commanded wars and killing in the name of God, leading directly into the Crusades and later the Inquisitions.

We are accustomed to recognising the right to life as a pre-eminent value, but it was not so in the ancient world. Most surprisingly, not until the 14th century did a right of non-combatant immunity become generally acknowledged.

4. Today we recognise that violence in the service of the faith was an enormous tragedy, and it is difficult for us to understand how conscientious people at those times could accept such thinking. Thankfully, Pope John Paul II apologised profoundly during the Jubilee Year 2000 for this suffering inflicted in the name of the Church. The Pope's apologies have reminded Catholics that the Church faced a similar problem that some Muslims do today: how to reject appeals to violence made in the name of faith. The history of the Crusades has important lessons for us today.

The Crusade was at first immensely popular in Europe, and in the next five centuries was extended beyond fighting the Muslims to combating heretics in Europe and North Africa as well. However, the Crusades in the Middle East led to atrocities on both sides and inflamed feeling with the supposed religious legitimization of the Crusade and its mirror image in the Muslim *jihad*. Although a Crusade was supposed to be conducted in accord with Christian ideals, in the fervour of combat these were often sacrificed to expediency or passion. The Church declared that death while on Crusade entitled one, after confession, to the indulgence – meaning the remission in the next life of the temporal punishment due to sin. This was easily corrupted into the idea that death on Crusade automatically guaranteed one admission to heaven, similar to the Muslim view of immediate admission to heaven if one died on *jihad*.

The debates over who had authority to make war, and on what conditions, were intimately linked with the struggle between the Church and temporal rulers. By the 13th century, the authority of the Church to command war was being pared back and limited to the Pope, in the case of Crusades.

5. The mentality of the Crusade continued to trouble the Catholic Church even into modern times, as it resurfaced during the Spanish Civil War in 1936-39, with some Catholic bishops invoking the rhetoric of the “crusade” against communism. The French philosopher, Jacques Maritain, denounced this crusade mentality for writing a blank cheque in the name of religion to demonise one’s enemy, with the danger that the human rights of one’s adversary would not be recognised, and atrocities would be committed.

Maritain insisted that the causes and conduct of war were complex and morally obtuse, with people lacking adequate information and acting out of mixed motivations of fear or anger, and often under compulsion. He lamented that this crusade mentality readily collapsed into a quasi-Manichaeian view of the world, as a conflict between outright “good” and “evil”. He contended that the first condition for fighting a just war was to eliminate any religious motivation for the war. It was bad enough to have to kill someone in defence of a just cause, he said, but people must not kill in the name of Christ. No “holy war” can serve the Reign of God, for war “risks causing blasphemy of what is holy”.¹

As Maritain noted, the crusade mentality has repeatedly threatened the restraints of just war theory. These “ideological” wars, whether in religious or secular garb (eg, under Nazism or communism), see the world through a dualistic lens of polarised moral absolutes, of good versus evil, with the demonising of opponents, so that the ends are taken to justify the means, tending to the abuse of human rights, torture, ethnic cleansing, systematic mass killing of the innocent, etc. It is this ideological lens which makes such wars so morally pernicious.

6. The crusading attitudes resulted in fanatically fought wars that traumatised Europe and profoundly shaped western history. Partly to put a stop to the bloodbath of the religious wars in the 16th century, many people determined to eliminate any religious motivation for war, and just war principles emerged more clearly as a set of secular criteria by which to evaluate the justice of war.
7. The just war criteria are not absolute standards carved in stone, but efforts to respond to changing historical events. During the Cold War a new literature burgeoned about how the just war tradition needed to be reinterpreted in a nuclear age. Today the context has changed radically again. The Cold War is over, yet weapons of mass destruction are proliferating, and terrorist groups have introduced a new wild card into play. The present conflict over Iraq has its own particular history, but the inflamed relations between Islam and the West have brought an abrasive new factor which could deeply affect international relations for decades or even centuries to come.

Finally, the Second Vatican Council (1962-65) called for an “entirely new attitude” in the face of war. The Church today not only condemns violence committed in the name of God, but also sees its mission in part as being a catalyst for peace and stirring its adherents to be genuine peacemakers. The role of the Catholic Church will be especially critical in developing closer understanding and mutual respect with the various Muslim communities.

WHY THE CHURCH OPPOSES A WAR ON IRAQ

For the first time in the history of the western democracies, the United States, Britain and Australia have prepared for a war without the blessing and moral authority of their churches. This is a completely unprecedented situation. Moreover, it is not just one or other denomination or church leader questioning the justice of this war, but opposition has spread through all the mainstream churches, and in many places the churches are issuing joint statements on the issue.

The churches' opposition to this war has been slow to consolidate, because of the promises by the Bush administration to produce conclusive evidence that Iraq was hiding weapons of mass destruction and hence was an immediate threat to the West, or was supporting terrorism. Despite the best efforts of the western intelligence agencies, no convincing evidence had been produced, at least by early March 2003. With others in the community, the churches turned to the just war tradition to help evaluate the justice of this war.

Sweeping opposition to war from world's Catholic bishops

Within the Catholic Church, a swelling chorus of criticism has risen from the bishops' conferences around the world. Perhaps most remarkable was the stand of the US Bishops' Conference itself. In September 2002, Bishop Wilton D. Gregory, president of the US Bishops' Conference, wrote to President George W. Bush, questioning "the moral legitimacy of any pre-emptive, unilateral use of military force to overthrow the Government of Iraq". He continued: "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."²

By an overwhelming vote of 228 to 14, the full US Bishops' Conference on 13 November endorsed Gregory's letter, saying that "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". Instead the bishops urged other ways to deter aggression, to reduce or eliminate weapons of mass destruction, and to fulfil "US commitments to pursue good faith negotiations on nuclear disarmament under the Nuclear Non-Proliferation Treaty".³

Other bishops' conferences spoke in similar vein, the list lengthening all the time, including those of Australia, England and Wales, Italy, Canada, Germany, France, Indonesia, Malaysia, Brunei and Singapore, New Zealand, Mexico, Pakistan, India, the Philippines and South Korea, as well as international organisations like Caritas, and coalitions of religious orders.⁴

The role of the Pope and the Vatican

The Vatican, too, has grown increasingly alarmed about the United States' determination to invade Iraq. Not wishing to damage its diplomatic relations with the US, the Vatican at first discreetly indicated its views that a pre-emptive strike would not meet the moral conditions of a just war. In his World Day of Peace statement on 1 January 2002, Pope John Paul II called for "a global mobilisation of consciences" against forces "bent on making the world a theatre of war". He appealed to Jews, Christians and Muslims "to express always a firm and decided rejection of violence". "No one, no matter what the reason, can kill in the name of the one and merciful God."⁵

During 2002 the Pope was somewhat oblique, hoping that back-door diplomacy might be more effective than taking too assertive a stand. But on 13 January 2003, in his address to the diplomatic corps, he spoke very forcefully, singling out Iraq, which was still suffering after 12 years of embargo. "I say NO TO WAR! War is not always inevitable. It is always a defeat for humanity," the Pope said.

As for the crisis in the Middle East, including the interminable conflict between Israel and the Palestinians, he continued, the solution will never be imposed by recourse to terrorism or armed conflict. "War is never just another means that one can choose to employ for settling differences between nations. As the Charter of the United Nations Organisation and international law itself remind us, war cannot be decided upon, even when it is a matter of ensuring the common good, except as the very last option and in accordance with very strict conditions, without ignoring the consequences for the civilian population both during and after military operations."⁶

These views were reiterated by other senior Church officials. The Vatican Secretary for Relations with States, Archbishop Jean-Louis Tauran, on 23 December 2002 warned of the consequences of war for civilians and for relations with the Islamic world. (The Pope had been working hard to initiate a new phase in relations between the Church

and Islam, beginning a new dialogue of civilisations and putting an end to the animosities and misunderstandings of the past.) Tauran feared that: “A type of anti-Christian, anti-western crusade could be incited because some ignorant masses mix everything together.” He was also concerned about US unilateralism, fearing that “the entire system of international rules would collapse. We’d risk the jungle.”

Archbishop Renato Martino, President of the Pontifical Commission for Justice and Peace, on 4 January 2003 also cautioned against unilateralism, as if the United States was “a universal policeman who takes it upon himself to punish those who act badly”.⁷

Civiltà Cattolica, a Jesuit journal approved by the Secretariat of State before publication, went further, suggesting on 18 January that oil was the real motive. And on 21 January, the director of Vatican Radio, Fr Pasquale Borgomeo, attacked the “propagandistic attitude” of the United States, warning that a unilateral attack would amount to “imposing the hegemony of a superpower by force and not by law”. Caritas International on 20 January also opposed war on the grounds of the “incalculable costs to the civilian population”.⁸

The extent and intensity of the Vatican’s public criticism of US policy indicated how strongly it felt on this matter of high principle. In response, US Ambassador to the Vatican, James Nicholson, met on 21 January with Archbishop Tauran, arguing that if a rogue state had nuclear weapons and there’s every reason to believe it might use them, a “no first strike” policy is not only naïve but perhaps even immoral.⁹

The Vatican Secretary of State, Cardinal Angelo Sodano, bluntly declared on 30 January that a pre-emptive strike on Iraq would “certainly not [be] a defensive war”. He feared such a war could result in decades of conflict with the Islamic world.¹⁰

Surprised by Sodano asking if the US had learned anything since Vietnam, Nicholson replied that he agreed with the Pope that war should be a last resort, but said that ignoring the threat from Saddam Hussein would result in greater problems. He argued that just war teaching must recognise that a quick strike with weapons of mass destruction could be devastating. A nation should not have to wait until such an attack were launched. “The definition of ‘provocation’ or ‘aggression’ must take into account the consequences of waiting,” he said.¹¹

Archbishop Martino chimed in that just war doctrine was evolving from grudging acceptance of the need for war in extreme circumstances to a quasi-abolitionist stance. He rejected the notion of preventive war and favoured non-violent alternatives. He too was worried by the likely consequences of war, especially for the civilian population and the reaction in the Muslim world. Martino was sceptical about the motives of the Bush administration, believing that oil was a key factor. In unusually undiplomatic language, he pointed to double standards: the US toleration of the Israeli-Palestinian conflict, and its own responsibility for global conflicts, particularly the frustration in developing countries and the debt problem. He argued that the causes of terrorism, political, economic and cultural, must be addressed. "If we examine our conscience, we can say that there has been, and there is, oppression on these three fronts."¹²

Meanwhile, as proof of an alleged imminent threat to the United States and the international community from Iraq, US Secretary of State Colin Powell testified before the UN Security Council on 5 February 2003. His address included two key controversial claims:

- Iraq possessed weapons of mass destruction and the capability of producing them.
- Iraq had links to al Qaeda.

In response to the Powell testimony, Archbishop Celestino Migliore, Vatican Nuncio to the UN, said he could see no evidence of "a threat of an immediate use of the weapons" by Iraq, and hoped that a solution could be reached through the UN.¹³ Archbishop Martino also found Powell's argument for military intervention "unconvincing". He said UN Resolution 1441 remained the best means of disarming Iraq, and asked why the US had not made its alleged evidence of Iraqi violations available to the UN inspection teams.¹⁴

American Cardinal James Stafford, President of the Pontifical Council for Laity, on 3 February 2003 also insisted that the US Government had not proved conclusively that Iraq presented an "immediate danger to national security". He reiterated the rejection of the concept of a "preventive" war as ambiguous. "'Prevention' does not have a limit; it is a relative term and is subject to self-serving interpretations ... The threat must be clear, active and present, not future. Nor has the American administration shown that all other options before going to war have proven 'impractical or ineffective'." Stafford added on

5 February that lay people in the US armed forces had to weigh up the issue of whether intervention could be justified, and adverted to their right to conscientious objection. Cardinal Karl Lehmann, president of the German Bishops' Conference, also wrote that a preventive war would be "ethically impossible".¹⁵

Stafford later said it was "unworthy" of the US to threaten to use nuclear weapons against Iraq, and implicitly to endorse the use of torture since September 11. On the other hand, he found it inexplicable that Saddam Hussein had not publicly condemned the terrorist attacks on the US. He warned that the issues surrounding the need for cheap oil should not "trump" the pursuit of human rights and democracy.¹⁶

This continuing public debate between the Vatican and the US challenged the moral legitimacy of preventive intervention, threatening to affect public opinion even in the US itself. The Vatican was not about to give way, since it saw itself as a key custodian of the just war tradition.

The intervention of Michael Novak

In an attempt to recover the situation for his government, the US Ambassador, James Nicholson, invited the leading Catholic neo-conservative, Michael Novak, to visit Rome to lobby key Vatican officials in support of the US intervention in Iraq. Novak is director of social and political studies at the American Enterprise Institute, a right-wing group which strongly supports the conservative side of US politics. A prolific author and feisty debater, Novak has been a leading opponent of the US Bishops' Conference in its critique of US policies in Latin America, its economic policies, and defence and arms policies in particular. He was one of a group that produced counter-documents to the US bishops' pastorals, *The Challenge of Peace* (1983) and *Economic Justice for all* (1986). When he visited Australia some years ago, he spoke to members of parliament and the Federal Cabinet.

Novak has strongly defended the notion of a pre-emptive strike, despite Cardinal Ratzinger in mid-September 2002 warning that, "The concept of preventive war does not appear in the catechism."¹⁷

Cardinal Walter Kasper, President of the Pontifical Council for Promoting Christian Unity, placed little hope in Novak's mission, saying the Pope and the Roman Curia, including himself, thought that not all methods of diplomacy to avert war in Iraq had been exhausted.

Kasper feared Muslims could mistake western intervention as an attack by Christianity, and that war would destabilise the Middle East.¹⁸ He thought that neither the motives nor the proof had been produced to justify war.¹⁹

More than 60 leading US Catholics protested over Novak being invited to Rome, pointing out that his was a dissenting voice; he was of course entitled to express his opinions, but these should not be confused with the clear statements by Church leaders and theologians on pre-emptive strikes and the current situation.

Novak met on 8 February with officials in the Secretariat of State and of the Pontifical Commission for Justice and Peace (though Martino was away in Thailand).²⁰ Insisting that war against Iraq was self-defence, Novak told Archbishop Tauran that Saddam Hussein's scientists were breeding "huge destruction in the US and Europe". Those opposed to war would have heavy consciences if the US failed to act and its citizens were later killed by Iraqi weapons. On Vatican Radio, Novak asserted that, "Appeasement and weakness bring violence."

To Novak's interventions, Sodano replied that the arguments were still insufficient, and that there was no imminent threat from Baghdad justifying war. *Civiltà Cattolica* commented that "the Islamic masses, which already harbour a deep hatred of the West, will see it as an act of war against Islam". It still considered the real US motive to be economic, and the notion of a preventive war as highly dangerous.²¹

In a set-piece address organised by Nicholson at Rome's Centre of American Studies on 10 February, Novak reasserted that Iraq was a clear and present danger to the US. In an unexpected turn, he argued that US policy "has nothing to do with any new theory of 'preventive war'", but that the US wanted a "lawful conclusion to the just war" of 1991, which had been "interrupted". By failing to comply with the peace terms and rid Iraq of all weapons of mass destruction, Iraq had broken the cease-fire agreement. Saddam's failure to prove he had destroyed these weapons "insulted" the Security Council.

After the September 2001 attacks, Novak asserted that "either the world community now upholds international order, or it backs down from its own solemn agreements". He did not here argue that Saddam Hussein was responsible for the terrorist attacks on the US or had links with al Qaeda, but that because Saddam was hostile to the US, he was likely to

form an alliance with al Qaeda, and supply terrorists with weapons of mass destruction. “Probabilities are high that one or more of these [terrorist] cells will get their hands on biological or chemical agents. Nowhere will it be easier for them than in Iraq.” Novak said that one must assume Saddam had such weapons until he proved they had been destroyed. He also denied the charge of *Civiltá Cattolica* that the US wanted control of Iraq’s oil.

In short, Novak advocated a brief, limited war to effect regime change as “a last resort, as morally obligatory”. Saddam was a “megalomaniac” who “made long and regular use of weapons of mass destruction even against his own citizens”. Novak emphasised that according to the Catholic Catechism it was up to politicians and governments, with their greater information and intelligence, to decide on the use of force.²² Novak’s mission was unsuccessful, with no softening of the Vatican’s resolute stand against unilateral military intervention by the US.

Nor had the US bishops altered their stand since their November opposition to a US-led war in Iraq. The chairman of the US Bishops’ Committee on International Affairs, Bishop John H. Ricard of Pensacola-Tallahassee, Florida, on 11 February confirmed that the US bishops’ November statement remained “valid and useful” concerning “a possible just war with Iraq”. He added that there was no new evidence that Iraq posed an imminent threat to the USA or its allies.²³

Continuing vigorous Vatican diplomacy to avoid war

Meanwhile, the Vatican was emerging as a major centre of diplomatic activity to avert war, with a succession of world leaders visiting the Pope and talking with Vatican officials. The Vatican was focusing what one commentator called the “greatest debate in a long time on what would and would not be a just war”, with consequences for the future role of the United Nations and central issues in international law and peacekeeping. The former director of the US Bishops’ Office of International Justice and Peace, Fr Drew Christiansen, considered that the Vatican was looking beyond current events to lay down certain moral and ideological markers for the future. “It is a rejection of the underlying rationale for war as preventive.”²⁴

The Vatican was doing its utmost in the search for alternatives to war. The Pope made an urgent appeal for prayers for peace on 9 February, and sent a delegation headed by the charismatic 80-year-old French

Cardinal Roger Etchegaray to Baghdad. As the Pope's trusted troubleshooter, Etchegaray had earlier undertaken sensitive missions in the Middle East. The Pope also supported the Franco-German plan for expanded inspections, and urged further efforts for peace. "War is not inevitable," he said.²⁵ Cardinal Sodano added: "We want to say to America – is it worth it? Won't you have hostility from the Islamic world afterwards for decades to come?"²⁶ A former president of the Pontifical Commission for Justice and Peace, Etchegaray also insisted that war would be a catastrophe, not just for the people of Iraq, but for the world, especially for relations between Muslims and the West.²⁷

Etchegaray delivered a personal letter from the Pope to President Saddam Hussein on 15 February, urging him to comply with the UN disarmament requirements. The Pope had the previous day received the Deputy Prime Minister and Foreign Minister of Iraq, the Chaldean Catholic, Tariq Aziz, who delivered a personal letter from Saddam. Aziz later visited Assisi to pray for peace, which stirred some criticism of his complicity with Saddam's regime. Etchegaray insisted that the Vatican was not adopting a pacifist position, but was acting as a peacemaker.²⁸

The UN Secretary General, Kofi Annan, also visited the Pope, with whom he is on close terms, on 18 February, before conferring with Cardinals Sodano and Etchegaray. The Pope urged a "just and effective solution ... [to] avoid new and grave sufferings on the part of the Iraqi people, who have already been tried by many years of embargo", a reference to the economic sanctions.²⁹ The British Prime Minister, Tony Blair, on 22 February visited the Pope as well, and later talked with Cardinal Sodano and Archbishop Tauran. The Vatican urged that all parties work through the UN and use "the resources offered by international law, to avert the tragedy of a war that from different sides is still believed to be avoidable".³⁰

This is exactly the line taken in an address to the UN Security Council on 20 February by Archbishop Celestino Migliore, the Vatican's permanent observer at the UN. He stressed that the Vatican saw alternatives to war in the international mechanisms already existing:

The Holy See is convinced that in the efforts to draw strength from the wealth of peaceful tools provided by international law, to resort to force would not be just. To the grave consequences for a civilian population that has already been tested long

enough, are added the dark prospects of tensions and conflicts between peoples and cultures and the deprecated reintroduction of war as a way to resolve untenable situations.

Even though the process of inspections was slow, the Vatican considered it remained “an effective path” to a peaceful settlement.³¹ Migliore saw the problem of Iraq not only in terms of just war theory, but also as a test case for the international community to develop other mechanisms of dispute resolution.

In an apparent hardening of the Vatican position, Archbishop Tauran on 24 February declared that unilateral intervention would be a “crime against peace” and would violate Article 2 of the UN Charter. He urged that the inspectors continue their work.³² Tauran reiterated these points on 27 February to an extraordinary assembly of 100 diplomatic representatives to the Vatican.³³

The President of the US Bishops’ Conference, Bishop Gregory, on 27 February reiterated the bishops’ earlier statements, and continued to question “the moral legitimacy of any pre-emptive unilateral use of military force to overthrow the Government of Iraq”. The bishops urged political leaders “to step back from the brink of war and to continue to work through the United Nations to contain, deter and disarm Iraq”. Gregory stressed that after the war the US would need to make a long-term commitment “to reconstruction, humanitarian and refugee assistance, and establishment of a stable, democratic government” just when the US federal budget was under pressure.³⁴

Weigel and the pre-emptive strike

While the Vatican was working for a diplomatic solution to the crisis, Michael Novak received strong support from his colleague, George Weigel, who argued strenuously for the right of the US to resort to unilateral military intervention.

Weigel, who gave a lecture tour in Australia several years ago, is a well-known author, publishing in 1999 a biography of Pope John Paul II, *Witness to Hope*. He has been a strong critic of the US Catholic bishops for their statements on economics, war and foreign policy. As senior fellow of the Ethics and Public Policy Centre in Washington DC, he is a member with Novak of the neo-conservative circle which is close to the Bush administration and offers an interpretation of Catholic social thought which is more compatible with the philosophy of economic neo-liberalism, and hence is more acceptable to big business.

Weigel has written specifically on just war theory, especially in *Tranquillitas Ordinis: The Present Failure and Future Promise of American Catholic Thought on War and Peace*, and with James Turner Johnson, *Just War and the Gulf War*, which was highly critical of religious leaders, including the Catholic bishops. Johnson challenged the US bishops' identification of a presumption against violence as a key element in contemporary just war thinking, since he thought this led to pacifism in practice.³⁵

Against such an interpretation, Archbishop John R. Roach (St Paul-Minneapolis) testified before a Senate committee in December 1990 that the just war tradition embodied a presumption against going to war in order to restrain resort to war, but allowed it "in very restricted cases".³⁶ The Church had not abandoned the just war tradition for pacifism, but insisted that the burden of proof lay with those advocating war.

Weigel summarised his support for a war on Iraq in December 2002 in a paper, *Moral Clarity in a Time of War*. He contended that "the nation's religious leaders, moral philosophers and moral theologians" have forgotten the classic just war tradition, with their comment on US policy in Iraq "often far more dependent on political and strategic intuitions of dubious merit than on solid moral reasoning", resulting in "distorted and, in some cases, irresponsible analyses".³⁷

Weigel rejected the view that the just war tradition began with a "presumption against war" or violence. Rather it recognised that "rightly constituted authority is under a strict moral obligation to defend the security" of a community. He declared that many American religious leaders today had forgotten "the very notion of warfare as having a 'moral texture'". The peace of order is also under grave threat when vicious, aggressive regimes acquire weapons of mass destruction – weapons that we must assume, on the basis of their treatment of their own citizens, these regimes will not hesitate to use against others. "Can we not say that, in the hands of certain kinds of states, the mere possession of weapons of mass destruction constitutes an aggression – or, at the very least, an aggression waiting to happen?"³⁸

Weigel denied that the UN had a moral veto over US action against terrorism or rogue states, and insisted that the US "may act unilaterally on occasion".³⁹ He argued that last resort cannot be understood mathematically as last in a lengthy series. It would be too late to

respond when a missile with a weapon of mass destruction is about to be launched. In such a case, the US should surely strike first. In this situation, last resort meant that “action must be taken to prevent the rogue [nation] from getting the weapon in the first place”.⁴⁰

The Anglican Bishop of Oxford, Richard Harries, replied that Weigel had missed the point about the role of the UN. “Lawful authority is the highest authority that is available to us,” and in the present international system, only the UN Security Council can assure the world that such an intervention is genuinely for international order. He rejected Weigel’s attack on the US bishops’ presumption against war, since the tradition clearly makes war a last resort.

Harries too insisted “there is no evidence that Iraq is a serious and imminent threat. A policy of deterrence and containment has worked for the past 10 years, albeit at great cost to the ordinary people of Iraq.” Weigel’s assertion that mere possession of weapons of mass destruction justified pre-emption “opens a Pandora’s box”; some countries could see the US possession of such weapons as justifying a pre-emptive strike against it.⁴¹

The debate between the Church and the Bush administration was making little headway. From the Catholic point of view, there had been an astonishing and near-spontaneous consensus among bishops around the world and the Vatican that the conditions for just war had not been met, certainly for a unilateral military intervention. Even if the UN Security Council endorsed war, other moral criteria were still not met, especially just cause and proportionality.

The US administration and Novak and Weigel, who were in effect its advocates, could only keep repeating its assertions about a threat from Iraq, while the Church asked for transparent evidence that an attack was warranted. Did this mean that if the US intervened, the Vatican and the bishops would declare it an unjust war? This would present a nightmarish scenario for the United States, but it is an outcome which should have been anticipated, given the Church’s teaching on just war. Why did the US Government manoeuvre itself into such a position?

WOULD WAR ON IRAQ BE JUST?

The criteria used to evaluate the justice of war are clear, but their application is often demanding, as they relate to the changing contexts of history, culture and politics. An immediate difficulty is to gather accurate information about the issues involved, supported by reliable analysis. The task here is formidable:

- To look beyond emotionally-charged partisan or nationalist feelings to engage in a cool and reasoned debate.
- In our democracy to ensure that political leaders are open and fully accountable.
- To be aware of competing interest groups with their various interpretations and their consequences.
- Among the welter of claims and counter-claims, and perhaps war propaganda and disinformation, to try to establish the truth of key issues.
- To avoid being forced to make rushed decisions without adequate public debate.
- To speak truthfully and unambiguously about one's judgment on the morality of the war, even if inconvenient politically.

There can be no doubt that Saddam Hussein is a ruthless dictator who has oppressed his people cruelly, invaded Iran and Kuwait, and developed weapons of mass destruction that cause considerable international anxiety. Since the Gulf War of 1990-91, Iraq has been obliged under the terms of the ceasefire to observe the conditions imposed by the UN Security Council, especially to rid itself of certain categories of weapons, notably chemical, biological and nuclear weapons and capabilities. Despite the inspections to ensure that Iraq complied with the ceasefire and disarmed, it is not clear how fully Iraq has done so.

Even before the terrorist attacks of 11 September 2001, as soon as he moved into the White House President Bush said he was determined to remove Saddam Hussein. Only six days after September 11, Bush ordered his generals to prepare options to attack Iraq.⁴² Bush claimed that if Iraq had nuclear weapons, Saddam could “blackmail the world” or hand such weapons to terrorist groups.⁴³ The US President prepared for war, even if it meant a pre-emptive strike without the support of the UN Security Council and using nuclear weapons.⁴⁴

However, there has been widespread concern, even among close US allies in Europe and elsewhere, that such intervention did not meet the criteria of just war theory. Australia and Britain were the only two nations which immediately declared firm support for the US position, and committed military forces without a new Security Council resolution for war.⁴⁵ The Australian Minister for Foreign Affairs, Alexander Downer, in mid-2002 accused people who questioned the morality of war against Iraq of anti-Americanism; and “only a fool could support appeasement”. The Government later adopted a more restrained rhetoric,⁴⁶ but was already preparing the country and armed forces for intervention in Iraq.

Many leading Australians opposed a war without UN authorisation, including ex-prime ministers Gough Whitlam, Malcolm Fraser and Bob Hawke, former governor-general Bill Hayden, former Liberal opposition leader John Hewson, and former chiefs of the Defence Force, Peter Gratian and Admiral Alan Beaumont, former chief of naval staff Admiral Mike Hudson, and Major-General Peter Philips, national president of the RSL.⁴⁷ These prominent dissenting voices reflected widespread public concern, as the general population was deeply divided over the Iraq issue.

Deterrence as an alternative to war?

Two distinguished US academics, John J. Mearsheimer and Stephen M. Walt, published an article in *Foreign Policy* in January 2003 which received international attention for its argument that deterrence still provided an effective and more just alternative to war. They contended that even if Saddam Hussein did acquire nuclear weapons, Iraq could still be contained, as had been the Soviet Union. Iraq could not use such weapons without inviting its own destruction, as the US National Security Adviser Condoleezza Rice herself stated in early 2000. Nor had there been any evidence of Saddam supporting al Qaeda. They have been mortal enemies, and Saddam would be afraid that such weapons could be used against him.

Mearsheimer and Walt argued that containment and deterrence are the best way to deal with Saddam. They had worked in the past, and could continue to do so with much less danger, loss of life and expense than war. They charged those advocating war of exaggerating the threat from Iraq and distorting the historical record. They wanted Americans to understand that there was no compelling strategic rationale for a US war against Iraq.

*This war would be one the Bush administration chose to fight **but did not have to fight**. Even if such a war went well and had positive long-range consequences, it would still have been unnecessary. And if it went badly – whether in the form of high US casualties, significant civilian deaths, a heightened risk of terrorism, or increased hatred of the United States in the Arab and Islamic world – then the architects would have even more to answer for.⁴⁸*

Mearsheimer and Walt outlined a credible alternative to the war scenario, providing a clear benchmark against which to measure the claims for war being made by the Bush administration.

Just cause I: the threat from Iraq?

The US Government considered that war against Iraq met the criterion of just cause, on the basis that Saddam Hussein had not carried out UN directions to disarm. The US also argued that Iraq was connected with al Qaeda and other terrorist groups, and hence was implicated in the terrorist attacks of 11 September 2001. On 18 February 2003, President Bush denounced Saddam as a leader who had gassed his own people, had links to terrorists, possessed weapons of mass destruction, and had repeatedly defied the United Nations.⁴⁹ Before evaluating these assertions, it is necessary to clarify the background.

In 1990 the UN Security Council determined that Iraq's invasion of Kuwait violated the UN Charter and hence the United Nations was required to defend Kuwait.⁵⁰ But in 2003 there was no such obvious *casus belli*: Iraq had not invaded another country, and with its military power greatly weakened, appeared to present no immediate threat to its neighbours, and even less to the United States. Nevertheless, it had launched 88 Scud missiles against Israel and Saudi Arabia in 1991, killing 32 people and injuring 250.⁵¹ If Iraq possessed long-range missiles and weapons of mass destruction, it certainly could pose a threat to Israel, though such weapons would also be likely to harm Arab and Palestinian people. As far as we know, Iraq in fact possesses few if any such missiles. The US is not only insisting on disarmament, but is going beyond the UN resolution, intent on "regime change".

Learning the full story – why Iraq attacked Iran

It is often stated that Saddam Hussein is a threat to his neighbours since he has twice attacked other sovereign states, Iran (1980-88) and

Kuwait (August 1990). What is often overlooked here is that Iraq was supported in its war against Iran by the United States and other western countries, and indeed Arab Sunni nations as well, especially with massive loans. Iraq's attack on Iran was not aimed at simple territorial expansion but to counter attempts by the radical Shiite regime in Teheran to overthrow the secular, socialist regime of Saddam.

Iraq had made a treaty with the Shah of Iran in 1975 whereby Iran agreed to stop fomenting revolt among the Kurdish and Shiite minorities. Iraq ceded control of the Shatt-al-Arab waterway as part of this settlement, which also guaranteed American access to Iran's oil. But the new Shiite regime of Ayatollah Khomeini wanted to extend the Islamic revolution and strongly supported rebellious Kurdish and Shiite groups in Iraq, assassination attempts against key Iraqi officials, notably Tariq Aziz, border clashes, and efforts at revolution against Saddam.

To defeat this threat to his regime, Saddam in 1980 attacked Iran, intending to take back the waterway, along with a slice of territory along the Iraq-Iran border. Concerned about the growing Soviet influence in the radical new Iran, and to secure the oil supply route, US National Security Adviser Zbigniew Brzezinski had encouraged Iraq to attack Iran and take control of the waterway. Saddam's attack led to a bitter war which ended in a ceasefire in 1988, after a million casualties and at a cost of \$US150 billion, weakening both Iran and Iraq. This attack was not a reckless adventure, but an attempt to check what Saddam considered a hegemonic threat from Iran.⁵²

The United States under the Carter administration was enraged at the Khomeini-led revolution in 1979 taking hostage people in the American embassy for 440 days, and humiliated by its own failure to rescue them. Hence the US gave vital support to Iraq, not just with weapons, including biological and chemical weapons, but with critical battlefield intelligence. The Reagan administration continued to supply Iraq with such weapons, even though it knew Saddam had used chemical weapons against Iranian troops. The US also supplied vital intelligence to Iran in 1986,⁵³ hoping for an outcome that would prevent either Iraq or Iran dominating the region.

According to a report by Donald W. Riegle, chair of a US Senate committee, the US Government from 1985 to 1991 licensed delivery to Iraq of chemical warfare precursors, chemical warfare filling

equipment, biological warfare materials, including anthrax and botulinum toxin, and missile fabrication and guidance equipment. The director of the non-proliferation centre in the CIA, Gordon C. Oehler, testified that the CIA knew all this, and informed the president, the secretary of defence and the secretary of state as a matter of course. He stated that the CIA issued five alerts, but was unable by law to focus on US citizens or companies.⁵⁴ It is a bitter irony for Iraq that its war, fought with the support of the West and Arab Sunni nations against a radical regime in Iran, should later be held up by the US as evidence of unjust expansionary ambitions.

Writing in the *Atlantic Monthly*, the US commentator Jack Beatty wrote: "That Saddam gassed the Kurds did not bother the Reagan and Bush [senior] administrations. On the contrary, Bush senior refused to implement the sanctions that Congress voted on Iraq after the Kurdish massacres," and continued to supply him with material to make those weapons of mass destruction.⁵⁵ Moreover, the current US Secretary of Defence, Donald Rumsfeld, was President Reagan's special envoy to the Middle East and met Saddam in Baghdad in 1983 to foster closer relationships. Rumsfeld was then an executive in the pharmaceutical industry, and made it possible for Saddam to buy weapons and biological agents from US firms, despite CIA warnings that Iraq was using chemical weapons.⁵⁶ Is it any wonder that US umbrage at Iraq's weapons of mass destruction should today be seen in the Muslim world, and elsewhere, as deeply hypocritical?

Why did Iraq invade Kuwait?

Nor is Iraq's invasion of Kuwait an open-and-shut case of unjustified aggression. Kuwait had been illegally pumping Iraq's South Rumayla oilfields, exceeding its quotas and by overproducing driving down the world price of oil to \$US6 a barrel, resulting in Iraq losing \$US6.7 billion a year in oil revenue. Kuwait had also refused to lend Iraq \$US10 billion or write off debts after the devastating wars Iraq had fought and that had protected Kuwait and its oil tankers from Iranian attacks. The Kuwaitis would not make concessions,⁵⁷ despite Iraq's heavy losses in the war and a war debt of \$US106 billion.

The US Ambassador, April Glaspie, met Saddam on 25 July 1990 as his troops were massing on the Kuwait border. She told him that James Baker, the US Secretary of State, wanted him to understand that the US took no position on disputes among Arabs, though it would accept only

a peaceful solution. She also expressed sympathy with the way colonial powers had drawn national borders in the Middle East. As Beatty commented, “Saddam could easily have mistaken that for a green light.”⁵⁸

This was a catastrophic failure in US diplomacy. A clearer signal not to invade could have averted the war that followed. Certainly, Iraq’s attack was in violation of the UN Charter, but he had already attacked Iran with western support. In addition, Iraq had a long-standing claim to Kuwait, and many Iraqis regarded it as a lost province, having been cut off arbitrarily as a separate country by the British Colonial Office in 1921.

There is a deeper irony in this from the point of view of just war theory, that until recent times the criterion of just cause included the righting of a wrong or retrieving what had been unjustly taken. In the 19th century Kuwait’s provocative injuries to Iraq may have been accepted as just cause for war. Presumably this was also how Saddam saw it.

But Saddam miscalculated badly. The US and other Muslim countries in the Middle East feared that Iraq would use its control of greater oil supplies to dominate the region, or even invade Saudi Arabia. The original Iraqi plan was to stop short of Kuwait City and only occupy the oilfields, but at the last minute Saddam decided to occupy the whole of Kuwait. Had he not done so, he might have succeeded in avoiding the 1991 Gulf War.⁵⁹

The war severely damaged Iraq’s infrastructure and took a huge toll on its troops. Allied planes flew 106,000 sorties over Iraq. General Norman Schwartzkopf estimated the number of Iraqi soldiers killed at 150,000,⁶⁰ although the chair of the US Senate Foreign Relations Committee put the number at about 100,000.⁶¹ Many more were wounded. The western media were so closely controlled that the air attacks appeared on television like a giant fireworks, with no images initially of any dead Iraqis. Despite the impression given at the time, we now know that only about 7 per cent of the 88,500 tons of ordnance dropped were precision guided “smart bombs”.⁶² The number of civilians killed by allied bombing is difficult to estimate, but according to the US human rights organisation, Middle East Watch, there were up to 3,000, though more were injured. The international coalition force tried hard to avoid harming civilians.⁶³

But worse was to follow, as the economic sanctions took a much greater toll in human life. The UN Security Council retained sanctions until Iraq had proved it had eliminated all weapons of mass destruction. But because of Saddam's attempts to hide these, the sanctions remained in force much longer than anticipated. President George Bush senior and National Security Adviser Robert Gates, however, had a very different view of the purpose of sanctions: they wanted them to remain until Saddam was removed. Gates officially announced this as US policy in May 1991.⁶⁴ Former weapons inspector Scott Ritter concurred that the US insisted strongly on the tight sanctions, using them as a means to undermine Iraqi support for Saddam in the hope he would be toppled.⁶⁵ President George W Bush more recently also endorsed this view, in terms of "regime change". This is not the view of the UN, and is not authorised by it or the terms of the 1991 ceasefire.

Moreover, "regime change" is not consistent with just war theory. Commenting on the statements by the US bishops, Gerald Powers, director of the Office of International Justice and Peace of the US Conference of Catholic Bishops, indicated 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".⁶⁶

Are Saddam's weapons of mass destruction a just cause for war?

The Bush administration and much of the media contend that any weapons of mass destruction Iraq may have pose an imminent and major threat to the US and its allies, and hence a pre-emptive strike is justified on the grounds of self-defence.⁶⁷ Further, the US argued that Iraq's failure to comply fully with the terms of the ceasefire and rid itself of all weapons of mass destruction is proof of the intention to use such weapons.

Normally the possession of such weapons would not automatically be evidence of intent to use them. Many other countries either possess such weapons, such as the United States itself, Russia, Britain, France, Israel, Pakistan, Iran, North Korea, India and China, or have the capability to produce them. Countries that develop them invariably do so not for aggression but as a deterrent to others using such weapons against them. Moreover, it is still not definitely established that Iraq has more such weapons hidden, or if they are usable, even though the weapons inspectors found most of what had been hidden and that Saddam was trying to maintain a capability to produce such weapons.

As former UN weapons inspector Richard Butler pointed out, there is an “extraordinary double standard” at work when the US “enforcers of the law of mass destruction are themselves the major owners of such weapons”.⁶⁸

How concerned should we be about weapons of mass destruction?

Western observers were astonished at the quantity of chemical and biological weapons found in Iraq after the Gulf War: Iraq admitted to 2850 tons of mustard gas, 790 tons of sarin and 290 tons of tabun in 1995. Iraq had begun producing botulinum toxin in 1988, and anthrax and other biological agents from 1989, and by 1991 had “weaponised” 6,500 litres of anthrax and 10,000 litres of botulinum, putting them in bombs and warheads. Although there are vaccines against these biological agents, they are highly infectious. In theory at least, eight kilograms of botulinum aerosol could kill everyone within 100 square kilometres.⁶⁹

Iraq used chemical weapons (mustard gas, other nerve gases and tabun) against Iranian troops in 1983-86 (Iran had such weapons but did not use them on religious grounds), and in 1987 killed 5000 Kurdish citizens in Panjwin and Halabjah, with weapons developed with help from western companies (with the knowledge of the US Government). But these figures represent only a small percentage of the numbers killed by Iraqi forces using conventional weapons.

The fact that such weapons have been so seldom used since World War I invites questions about how effective they are in practice. In World War I, poison gas was used by both sides, but despite the psychological shock failed to produce any military breakthroughs. The resulting number of casualties from the use of chlorine, phosgene and mustard gas range upwards from 500,000. The Italians also used poison gas on a large scale in Ethiopia in the 1930s. But Hitler did not use poison gas, despite his overwhelming advantage in these weapons, because he believed Britain also possessed them and would retaliate in kind.⁷⁰ In this case, deterrence against Hitler worked even in the midst of war.

- Chemical weapons

Chemical weapons have more recently been used by Egypt (1963-67), Libya (1987), and Iraq. They are now deployed by Syria, and possibly being developed in Algeria, while the US, in accord with the Chemical Weapons Convention, was to destroy by 2007 its 28,000 tons of blister

and nerve agents, including sarin, VX and mustard gas.⁷¹ Nuclear weapons undoubtedly remain the most serious threat, but are very expensive to produce, though Iraq came close, and are much easier to monitor. For Iraq to use these weapons of mass destruction now against the US or its allies would invite overwhelming retribution.

While chemical weapons are relatively easy to produce, they are often unreliable, subject to climatic conditions and difficult to disseminate. Walter Laqueur wrote in *The New Terrorism*: “While in laboratory conditions a few milligrams might be sufficient to kill several thousand human beings, experts believe that tons of poison would be needed in the open air or in water because there are always biological activities that diminish the toxicity of the agent.” So far terrorist attacks using chemical weapons have not been very successful.⁷²

Indeed, chemical weapons “are virtually incapable of killing masses of people in open areas except when used in vast quantities”. In World War I, it took “over a ton of gas to produce a single fatality, and gas accounted for less than one per cent of total battle deaths in the war”. When the Japanese cult, Aum Shinrikyo, tried a chemical weapon, sarin, in a subway, it caused 5000 casualties but only 12 deaths. Even when Iraq used chemical weapons against Iranian troops, Iran reported that 27,000 were gassed but only 262 died.⁷³ Nevertheless, gas had a significant effect on some battles in the Iran-Iraq war, and initially at least damaged the morale of Iranian troops.

- Biological weapons

Many countries now possess biological weapons, including 15 in the Middle East and Asia. New biological weapons are being produced, especially by Russia, with the botulinum toxin being, in theory, a thousand times more efficient than sarin.⁷⁴ Though some of these biological agents are not hard to reproduce, turning them into weapons has been more difficult and, as Laqueur states, there had been by 1999 no successful attack by terrorists using biological weapons.⁷⁵

The use of biological weapons goes back centuries. But biological weapons are difficult to control, and can attack one’s own troops, as the Japanese found during World War II. The Aum Shinrikyo tried nine times to use biological pathogens in Japan, unsuccessfully and without anyone even noticing. Biological weapons are difficult to disperse, and may be destroyed in an explosion. Moreover, except for anthrax, they have a shelf life of only three years.⁷⁶

The weapons inspections of the United Nations Special Commission (UNSCOM) were authorised by Security Council Resolution 687 in April 1991, and investigated Iraq for seven years until 1998. According to the chief weapons inspector, Scott Ritter, the inspectors “destroyed ... any and all capabilities” Saddam had “to create weapons of mass destruction”.⁷⁷ Even if he had hidden chemical weapons, sarin and tabun only have a shelf-life of five years, and by 2002 would have been useless. Moreover, the inspectors destroyed the Muthanna State establishment weapons factory.⁷⁸

Ritter insisted that the inspectors proved that the Iraqis, despite their denials, had indeed stabilised and weaponised VX nerve gas. In 1996 the inspectors found hidden equipment to produce VX. Ritter was not confident they had located all the VX agent, but even if not, he thought it likely it had degraded. He was certain there was no factory still capable of making it.⁷⁹ Only mustard gas would still be effective.⁸⁰

Has Saddam been disarmed?

Without doubt, according to Ritter, “Iraq hasn’t fully complied with its disarmament obligations”, but “since 1998 Iraq has been fundamentally disarmed: 90 per cent to 95 per cent of Iraq’s weapons of mass destruction capability has been verifiably eliminated”, including the missiles and factories for these weapons.⁸¹ But instead of turning over the weapons to the UN to destroy, Iraq claimed to have destroyed them itself, without verification or documentation.

Ritter acknowledged it was important not to give Iraq the benefit of the doubt, but there was no evidence of capability or material left, and the missing 5 per cent to 10 per cent did not necessarily constitute a threat. Ritter insisted that Iraq no longer had a nuclear weapons capability, and if it tried to rebuild it, this would be readily detected.⁸² As for allegations by the defector, Khidir Hamza, Saddam’s supposed bomb-maker, Ritter said the CIA and the entire defence community rejected him as not being who he said he was, and making exaggerated claims.⁸³ “By December 1998 we had a lot of evidence to suggest Iraq was in compliance.”⁸⁴ In short, Ritter could see no just cause for war against Iraq.

Ritter’s judgment that Saddam had been substantially disarmed is strongly supported by Rolf Ekeus, the first head of UNSCOM until June 1997, when he resigned and was replaced by Richard Butler. Writing in the *Washington Post* in September 2002, Ekeus gave

examples of how UNSCOM had uncovered and dismantled Iraq's efforts to develop weapons of mass destruction, including missile systems, the destruction of more than 900 Scud missiles, and Iraq's significant efforts to achieve nuclear capability. "UNSCOM also found and destroyed stockpiles of chemical weapons, such as mustard gas and the nerve agents sarin and VX." By the time the Security Council withdrew the inspectors in 1998, "not much was left of Iraq's once massive weapons programs". He wrote that only new inspections could determine how much Saddam had restored of his weapons of mass destruction capability.

Ekeus recognised that Saddam had ambitions to acquire weapons of mass destruction, but was convinced that "weapons inspectors, if properly backed up by international force, can unearth" these weapons. He publicly corrected President Bush's claim that a defector in 1995 had alerted the UN to uncover a bioweapons program in Iraq, by saying that it was the inspectors who in April 1995 had uncovered the weapons program.

Ekeus argued that beefed-up inspections provided a realistic alternative to war, but he insisted that the new UN Monitoring, Verification and Inspection Commission (UNMOVIC) could only succeed with the united backing of the Security Council, which should give the head of the inspection team, the executive chairman of UNMOVIC, "the exclusive authority to call upon the military backup forces for support if inspectors are blocked". In his view, the only alternative to war was a strong inspection team backed by robust military force.⁸⁵

As Mueller and Mueller concluded, old fears about nuclear weapons were being lumped together as "weapons of mass destruction" with "arms that have killed relatively few people to date (biological weapons), arms of much lower potential lethality (chemical weapons), and dramatic but costly and often ineffective delivery vehicles (ballistic missiles)".⁸⁶ In their view, the dangers posed by chemical and biological weapons are "often exaggerated" and "blown out of proportion".⁸⁷

"Instead of exaggerating the threat posed by Iraq's biological and chemical arsenal, the United States and Britain should simply explain that if Iraq used these weapons it will face cataclysmic punishment." Mueller and Mueller contend that Iraq could be successfully contained and deterred without such fierce sanctions.⁸⁸

The retired chief of the Australian Defence Force (1987-93), General Peter Gratian, also considered such weapons not a serious threat, and that any threat was being “greatly exaggerated”. He thought that Iraq could be “contained and deterred”, as the West had contained China, the USSR and other countries during the Cold War.⁸⁹ He favoured inspections “backed by the credible use of force”.⁹⁰

In view of such assessments about the dangers of chemical and biological weapons, why is the Bush administration using these weapons as such an urgent pretext for an invasion of Iraq? It is difficult to avoid the conclusion that because of public ignorance about their comparatively minor significance in practice, fears were being deliberately whipped up and exploited to justify military intervention. In other words, the public is being deceived about the degree of danger and misled into believing this has provided the justification for war.

The February Blix Report

The chief UN weapons inspector, Hans Blix, on 14 February 2003 reported to the UN Security Council that after 11 weeks and 400 inspections they had found nothing inconsistent with Iraqi declarations. UNMOVIC had not found any weapons of mass destruction, only “a small number of empty chemical munitions which should have been declared and destroyed”. But there were still 1000 tons of chemical agent unaccounted for. If this had been destroyed, the inspectors needed evidence. Blix acknowledged that many people, including US Secretary of State Colin Powell, believed such weapons of mass destruction still existed. He said that if governments had any evidence of this, they should make it available to the inspectors.

The most important problem concerned the issues of anthrax, the nerve agent VX, and long-range missiles. Experts had determined that variants of the Al-Samud missiles exceeded the 150 km range allowed and hence were in breach of Resolution 687, as were casting chambers for some other missiles, and the 380 SA-2 missile engines that had been imported. Negotiations were continuing with Iraqi officials to prove that chemical and biological weapons had been destroyed. But Blix had reservations about some of Powell’s allegations, including satellite pictures of a munitions depot.

In conclusion, Blix recommended more time for the inspections, saying that many of the proscribed weapons had been destroyed before 1998 but the task was incomplete. The inspectors were monitoring that no new weapons systems were being developed.⁹¹

Mohamed Elbaradei, director general of the International Atomic Energy Agency, reiterated that in December 1998 there had been no unresolved issues left with Iraq's nuclear program, and more recent inspections were continuing. But to date they had "found no evidence of ongoing prohibited nuclear or nuclear-related activities". Even without full cooperation from the Government, he said it was possible to assess the presence of a nuclear weapon program in a country.⁹²

Very annoyed at the inspectors' reports, Colin Powell replied, asserting that Iraq still possessed significant chemical and biological munitions and was not complying with UN resolutions. He argued that the Security Council may have to invoke the serious consequences called for in Resolution 1441.⁹³

A detailed assessment of Powell's presentation by David Cortright, Alistair Millar, George A. Lopez and Linda Gerber for the Fourth Freedom Forum contested his allegations on critical points. They denied he had proved a "grave new threat from Iraqi weapons of mass destruction" or established a link with al Qaeda. Drawing from official reports from the US Government and the weapons inspectors, the authors refuted many of Powell's points:

- Regarding Powell's allegations of biological weapons produced in mobile facilities, no evidence has ever been found, despite inspectors for years intensely trying to verify such claims.
- Against Powell's claim that Iraq was still making biological weapons, Hans Blix reported that despite extensive monitoring and efforts, none had been found. And former UNSCOM chairman Rolf Ekeus also doubted they existed, saying they would be very risky to produce in such circumstances and easily detected.
- The weapons inspectors insisted:
 - In more than 400 inspections by UNMOVIC in 2002-2003, no weapons of mass destruction had been found, despite full Iraqi cooperation.
 - Iraq could not develop any new weapons without the inspections finding out.
 - The seized aluminium tubes alleged to be involved in uranium enrichment were found not to be suitable for that purpose.

- Despite President Bush on 7 October 2002 claiming that aerial photos of the former Tuwaitha nuclear weapons complex showed rebuilding, inspections found no sign of any nuclear activity there.⁹⁴

One cannot avoid the conclusion that the case being made for invasion of Iraq is contrived and misleading. Many of the Bush administration's allegations against Iraq are unproven or simply untrue. It seems that the US Government is desperately searching for reasons to justify decisions it has already made.

Just cause for war II: Is Saddam linked with al Qaeda?

The Bush administration has repeatedly claimed links between Saddam Hussein and al Qaeda, thus asserting that the war against Iraq is part of the war against the terrorists. Even in February 2003, Colin Powell testified at the United Nations, alleging new evidence of links between Saddam and al Qaeda, and claiming that Iraq was aggressively pursuing a nuclear weapons program.⁹⁵ Such claims have been greeted sceptically by western intelligence agencies, including the CIA and British intelligence.⁹⁶

The former head of Australia's Joint Intelligence Organisation, Major-General Alan Stretton (ret) found Powell's 5 February presentation to the Security Council unconvincing, and claims of a link with al Qaeda "ludicrous".⁹⁷ Yet the Australian Government has followed the Bush line. Prime Minister Howard declared that "the fundamental reason" for joining the "coalition of the willing" is because of the risk that rogue states will give weapons of mass destruction to terrorists.⁹⁸

The Bush administration charged that Osama bin Laden's call in February 2003 for Muslims to defend Iraq was further evidence of a link between Saddam and al Qaeda. Critics were unconvinced of this, and interpreted the call as bin Laden opportunistically trying to stir up further conflict between Muslims and the West. Saddam is a secular socialist who crushed fundamentalist Muslims like bin Laden. The fact that the concerted efforts of western intelligence agencies since September 2001 to prove an undeniable link between Iraq and al Qaeda have been fruitless, should clearly establish that this cannot be used as meeting the criterion of just cause for a war.

For the US to have continued to appeal to such a link to justify war may have been a clever political tactic in the United States, but was fundamentally disingenuous and specious. Such a manipulation of

evidence for political advantage could only undermine public confidence in the credibility of the Bush administration.

It is not surprising, then, that Church leaders and other observers are disputing that grounds for war can be found in a supposed link between Saddam and al Qaeda, or in the fact that Saddam might still have some chemical or biological weapons. The US case rests on supposition, and unlikely claims that Saddam was intending to attack the United States.

*The scandal of economic sanctions*⁹⁹

Because of the enormous social cost and resulting loss of life, the Pope has long called for the easing of sanctions on Iraq, which he described in January 1998 as “biological warfare against a civilian population”.¹⁰⁰

Various estimates have been made about the death toll resulting from the economic sanctions imposed on Iraq after it invaded Kuwait. An article in the British *Lancet* estimated that by 1995 an additional 567,000 children had died since 1989, following sanctions.¹⁰¹ A UNICEF report stated that by August 1999, half a million children under the age of five had died, and that 5000 more were dying each month.¹⁰² However, the precise numbers of deaths linked to war and sanctions have been debated. Richard Garfield estimated the deaths of children under five from August 1991 to March 1998 at a lower figure of up to 350,000, but also condemned the sanctions as indiscriminate and excessive.¹⁰³

As an extraordinary gesture of protest, the UN Humanitarian Coordinator in Iraq and Assistant Secretary General of the UN, Denis Halliday, in September 1998 resigned over what he called “genocide” in Iraq, resulting in the deaths of possibly 1 million to 1.5 million people over nine years. He argued that economic sanctions should be lifted, leaving only sanctions on weapons.¹⁰⁴ In early 2000, his successor as UN Assistant Secretary General and Humanitarian Coordinator, Hans von Sponeck, also resigned in protest.

In a speech commemorating the 50th anniversary of the Universal Declaration of Human Rights, the former US Attorney-General, Ramsey Clark, charged that the UN sanctions were being retained under acute pressure from the United States, resulting in the deaths of more than 1.5 million people. They were “the most extreme form of cruel, inhuman and degrading treatment”.¹⁰⁵ Clark wrote a “Criminal Complaint against the United States”, charging the US Government with “genocidal sanctions” and crimes against the Iraqi people.¹⁰⁶

Writing in the prestigious US journal, *Foreign Affairs*, John and Karl Mueller noted that no one really knew precisely how many Iraqis had died as a result of the sanctions, but that in 1998 it was estimated 40,000 children under five and 50,000 others were still dying each year, not just from malnutrition, but as a result of a lack of essential medical supplies and illness, and the inability to repair and run water purification plants. “Supplies of syringes were held up for half a year because of fears they might be used in creating anthrax spores.”¹⁰⁷

Leading figures in Australia have also condemned the sanctions, including former prime minister Malcolm Fraser, Archbishops Frank Carroll (Canberra-Goulburn) and Leonard Faulkner (Adelaide), former Human Rights Commissioner Christ Sidoti,¹⁰⁸ Caritas International,¹⁰⁹ and the Australian Catholic Social Justice Council.¹¹⁰

In an impassioned editorial in April 2000, the London *Economist* wrote:

Thousands are dying, thousands more are leading stunted lives, and storing up bitter hatreds for the future. If year in, year out, the UN were systematically killing Iraqi children by air strikes, western governments would declare it intolerable, no matter how noble the intention. They should find their existing policy just as unacceptable.

The magazine considered the so-called “smart sanctions” totally inadequate, “an aspirin where surgery is called for”.¹¹¹

Yet the sanctions remained substantially in place, with the Australian navy helping to enforce them for more than a decade. The sanctions inflicted immense suffering on non-combatants, in clear violation of the principles of discrimination and proportionality.

Saddam Hussein must bear most of the responsibility for this, of course, because of his refusal to comply transparently with UN disarmament requirements and by his misallocation of Iraq’s scarce resources. But this does not change the fact that western governments imposed excessively harsh sanctions, with highly predictable and continuing results, and with barely a whisper of protest from the media. It is inconceivable that public opinion would have tolerated such extreme sanctions against a western nation in similar circumstances. As Mueller and Mueller wrote, there has been no need for such savage economic sanctions. The West successfully applied military sanctions on the Soviet Union for 40 years.¹¹² Why was Iraq so different?

The food situation has reportedly improved significantly since the sanctions were eased in early 2002. But the fact that such murderous sanctions have remained in force for so long raises urgent moral questions for Australians, too. As a key ally of the United States, and actively engaged in sanctions enforcement, what have our governments done to ease the humanitarian impact of the sanctions? On a visit to Australia, Denis Halliday raised his concerns with Foreign Minister Alexander Downer. Halliday reported that the Howard Government “is perfectly happy with the Washington position”.¹¹³

Should Australia’s involvement be regarded as complicity in the torturous deaths of hundreds of thousands of children and other civilians? As Pollack wrote: “Our guilt may be only indirect, but we cannot be absolved completely ... if you give an axe to an axe murderer, can you consider yourself blameless when he plants it in someone’s back?”¹¹⁴

The question of oil

According to Denis Halliday, the real issue for the US is not a threat from Iraq. “We all know – the issue is oil, oil and more oil. And US control thereof.”¹¹⁵ Other commentators considered oil an important consideration, but a secondary one in the US option for war. The US administration has deliberately made little mention of oil, but it is of course a vital consideration, not just to secure America’s current levels of supply, but its continued economic dominance by control over oil output and prices in the future, particularly with Saudi Arabia so unstable. If Iraq were to double its oil output, it could force world prices down, resulting in very large benefits to the US economy, but disadvantaging oil producers.

The US is now locked out of oil investments in Iraq, and unless it invades and a new government renegotiates contracts, Iraqi oil will be in the hands of Russian, French, Chinese and other companies, whose interests may not coincide with those of the United States.¹¹⁶ It may also not be immaterial that oil companies strongly supported Bush’s electoral campaign, and that the President previously ran an oil company, Vice President Dick Cheney was the CEO of the oil equipment company, Halliburton, and National Security Adviser Condoleezza Rice was a director of Chevron.

Does the US have a right to launch a pre-emptive attack on Iraq?

Both modern just war theories and Catholic thinkers have tried to limit any right of pre-emption, and emphasised defence against unjust aggression as the primary justification for war. But many observers are deeply disturbed by the Bush doctrine of pre-emption. In Australia, Peter Gratian argued that the claim to a right of pre-emptive attack would destabilise the whole system of international security.¹¹⁷ He also objected to the United States acting as judge, jury and executioner to effect “regime change”.¹¹⁸

Writing in *Atlantic Monthly*, Jack Beatty wrote that had President Kennedy launched a pre-emptive strike against Cuba in 1962, the Soviet commanders there would likely have loosed their nuclear weapons against the United States. “As Arthur Schlesinger Jr, the presidential historian and former adviser to President Kennedy, wrote recently, ‘basing a declaration of war on fear instead of an overt act of belligerency is not only illegal under international law, but also immoral. It cannot be right to kill a country’s civilians because you are afraid of what their ruler *might* do to you.’”

Against Bush’s argument that deterrence will not work against Saddam because he has used weapons of mass destruction against his own people, Beatty replied that Saddam has in fact been deterred from using such weapons and even in his desperate struggle in the Gulf War did not use them against US forces, or put them in the Scud missiles fired at Israel.¹¹⁹

Mearsheimer and Walt strongly concur that Saddam has been effectively deterred from using such weapons because it would invite his own destruction. “CIA Director George Tenet flatly contradicted the President [Bush] in an October 2002 letter to Congress, explaining that Saddam was unlikely to initiate a WMD attack against any US target unless Washington provoked him.” Tenet continued that if Saddam would only use WMD when the United States threatened his regime, “then one wonders why advocates of war are trying to do just that”. Mearsheimer and Walt conclude: “Deterrence worked well against Saddam in the past, and there is no reason to think it cannot work equally well in the future.” They warned that Bush’s repeated claims that the threat from Saddam grows daily more menacing should be seen as “transparent attempts to scare Americans into supporting a war”.¹²⁰

The former permanent under-secretary of Britain's Ministry of Defence, Michael Quinlan, argued in the *Tablet*: "The notion of preventive war, to be undertaken without either evidence of imminent attack or urgent humanitarian catastrophe, is profoundly disquieting both in itself and as a dangerous concept to be let loose around the world." Saddam knows that "any new adventure even by terrorist proxy, would spell his end".¹²¹

Why then does Saddam try to cling to weapons of mass destruction? They confer prestige in the Arab world for defying the United States, and they provide some deterrent against US threats to overthrow him, according to Quinlan. However, Saddam has broken the Non-Proliferation Treaty and the Biological Weapons Convention he signed, and defied the Security Council resolutions which are much more imperative than those on Israel, or India over Kashmir. "This is cogent ground for action." But this need not mean war. Quinlan argued for an enhanced inspections regime but against "regime change", since this would lead to dangerous and unpredictable consequences. He suggested limited military action against Saddam's key military assets.¹²²

Fr J. Bryan Hehir has been one of the leading Catholic thinkers on questions of war and peace, and played a key role in drafting the 1983 US Bishops' Statement. In January 2003 he critiqued the "Bush doctrine" outlined in the US paper of September 2002, *The National Security Strategy of the United States*, whereby the US assumed a leadership role in maintaining international order, particularly against terrorism and rogue states. "It is for the United States to decide, in other words, when diplomacy has failed and when it is time to take the gloves off," Hehir wrote.

Hehir is critical of this unilateralism, and of a pre-emption which removes "the burden of proof for resorting to war, and alters the dynamic of world politics by facilitating, rather than limiting, the use of force". This undermines the strategy of deterrence which has preserved global peace for more than 50 years. "If a single state can seek to resolve a dispute unilaterally by military means, invoking the principle of pre-emption, it opens the way for others to invoke the same policy in local or regional disputes," for example, Kashmir. "It risks undermining the international order, with consequences as yet unimagined."¹²³

What is so disturbing, according to Gerald Powers, is that "the Bush administration has taken the concept of pre-emption 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 danger".¹²⁴

Church leaders and many commentators are deeply concerned about increasing US unilateralism, of which the claim to a right of pre-emption is a notable and disturbing example.

The economic costs of war

According to Yale economist William D. Nordhaus, the Bush administration has made no serious estimate of the costs of the war in Iraq, which need to include not just the military costs, but the aftermath of hostilities, the costs of reconstruction, the effect on the oil market, and on the overall US and global economy. A short-war scenario would involve 30-60 days of air and ground combat, followed by two-and-a-half months of military occupation, and cost about \$50 billion (all figures in US dollars). But if the conflict dragged out for a year, with heavy urban fighting, escalation in the region, use of weapons of mass destruction, widespread destruction of infrastructure, large numbers of refugees, major disruption to oil markets etc, then the cost could reach \$140 billion.

The costs of a peacekeeping force, perhaps for a decade after the war, range from \$75 billion for a best-case scenario, to \$500 billion for the worst case. Nordhaus estimated economic reconstruction and aid would cost a minimum of \$25 billion, or up to \$100 billion. Humanitarian assistance would range from a low of \$1 billion to a high of \$10 billion.

The impact on the oil market is also hard to predict. If a short war led to increased supply and a drop in prices, the US could gain by \$30 billion, but if the oil supply was severely interrupted and prices rose sharply, say to \$75 a barrel, it would cost the US economy an extra \$500 billion overall for oil imports. The effect on the wider economy of a short war would be negligible, Nordhaus judged, but a worst-case scenario would likely produce a recession similar to that after the first Gulf War, with output losses of 2 per cent to 5 per cent of GDP (\$200 billion). *In short, the total costs of the war would range from \$121 billion at best, to \$1.6 trillion at worst.* Not surprisingly, Nordhaus is personally opposed to war in Iraq. "In contrast to the clear danger from terrorist activities, there is no imminent threat from Iraq."¹²⁵

Economic modelling by ANU Professor Warwick McKibbin and Andrew Stoeckel (director of the Centre for International Economics) indicates that a short war would cost Australia \$US2 billion, and cut global growth by 2 per cent by 2005, with costs ongoing for a decade. Australia would lose \$US2 billion in GDP in 2003. But if the war were prolonged, war and peacekeeping could cost \$US18 billion. A long war could cost Australia \$US69 billion over 10 years.¹²⁶

The Australian and US public are largely unaware of the astronomical costs war could involve. The economics strongly suggest that these costs are disproportionate, and that more determined efforts need to be made to avoid war.

The United States and international governance

William D. Nordhaus fears that if America insists on overthrowing a foreign government “without the sanction of international law [it] will undermine a wide variety of cooperative efforts on international finance, disarmament, the environment, non-proliferation, and anti-terrorism”.¹²⁷

Indeed, a deeply worrying trend in US foreign policy is the failure to support adequately efforts to strengthen the framework of international law and governance. Consider Washington’s current lack of commitment to international structures of governance. The United States:

- Revived its efforts to build a “star wars” missile defence system, even though this system may do little to protect the US from terrorist attacks.
- Abandoned the Biological Weapons Convention agreed to by 143 nations, and refused to allow inspectors into its factories, while illegally continuing research into biological cluster bombs, anthrax, and non-lethal weapons for use against crowds.¹²⁸
- Refused to sign a treaty banning land mines.
- Refused to give inspectors access to its chemical weapons laboratories.
- Appears ready to violate the Nuclear Test Ban Treaty.
- Sought to immobilise the UN convention against torture.
- Withdrew from the Kyoto Global Warming Treaty agreed to by 178 other nations.

- Refused to recognise the International Criminal Court.¹²⁹
- Abandoned the Anti-Ballistic Missile Treaty in December 2001.¹³⁰

John Howard was reported as saying he “understood and sympathised” with the United States abandoning the ABM Treaty.¹³¹

As Andy Butfoy of Monash University wrote, the end of the Cold War presented an opportunity for arms control, but it has been largely “frittered away by inadequate leadership. We won’t get many more chances before the non-proliferation cause is wrecked beyond repair.”¹³²

The Vatican is also very concerned about this erosion in the international framework to limit arms proliferation. Mgr Francis Chullikat, a Vatican delegate to a UN committee preparing to review the Nuclear Non-Proliferation Treaty, in April 2002 stated: “The conference on disarmament is paralysed,” and the Vatican was deeply concerned that the non-proliferation regime was “in disarray”.¹³³ The current US stress on unilateralism over Iraq highlights this disarray.

CONCLUSION

In judging the arguments for intervention in Iraq against the just war criteria, the burden of proof in this assessment must rest on those arguing for war.

The *ius ad bellum* (right to go to war) criteria are usually listed as:

- Just cause
- Legitimate authority
- Right intention
- Probability of success
- Proportionality between good and bad outcomes
- Last resort
- The goal of achieving a peace based on justice.

The *ius in bello* (conduct during war) criteria are:

- Non-combatant immunity
- Proportionality, limiting destruction to the extent militarily necessary.

How does the evidence we have examined relate to these criteria?

Just cause

The interventionist argument falls at practically every hurdle. The alleged just cause criteria that the US advanced for a pre-emptive strike against Iraq are especially vulnerable.

- *Does Iraq possess weapons of mass destruction?*

The weapons inspectors thought very little remained, and any chemical and biological weapons hidden away would most likely be unusable. Any nuclear capability had been eliminated, and was readily monitored in any case. It is quite astonishing that for all the claims made by the Bush administration about Iraq's weapons, neither it nor the weapons inspectors have been able, at the time of writing, to produce any evidence of them.

- *Are any weapons a threat to the United States or its allies?*

Even if Iraq had any chemical or biological weapons left, it has no delivery system. It is highly improbable that Iraq, in its weakened

condition and constrained by UN forces, poses a clear and imminent threat to anyone.

- *Does Saddam have links with al Qaeda?*

Despite the strenuous efforts of western intelligence agencies, no clear link has been found. Yet it is of immense concern that President Bush and his allies continue to make such a claim, without any reliable evidence. This is misleading in the extreme, highly irresponsible and reprehensible in the grave circumstances. It should be recognised as war propaganda to whip up public fears and exploit the outrage following the September 11 terrorist attacks.

It is too simplistic to depict Saddam Hussein as embarking on wild expansionist policies in Iran and Kuwait, and hence is likely to do so in the future. As we have seen, the US advised Saddam to attack Iran, and then supplied him with arms, loans, intelligence and even the weapons of mass destruction it now uses as a pretext for war against him. The US continued to support Saddam and supply weapons even after his chemical attacks on the Kurds. It is sheer hypocrisy now for the US to attack Iraq on these grounds.

In the view of many informed observers, the Bush administration has alarmed public opinion unnecessarily over the supposed weapons of mass destruction. It must know that while any threat from such weapons needs to be taken seriously, apart from nuclear weapons they are of limited effectiveness.

According to expert commentators and weapons inspectors, a war against Iraq is not necessary. Continued inspections can contain and monitor any weapons development Iraq undertakes. And deterrence policies can work as well with Iraq as they have worked with the Soviet Union, North Korea and China.

It seems then, that the US arguments to a right of pre-emptive attack on Iraq on the grounds of just cause are spurious. Iraq poses no clear and imminent threat, least of all to the United States.

Perhaps an even greater tragedy is that the US may lose this golden opportunity, in concert with European and other liberal democracies, to forge a better system of international governance, founded on the values of human rights, social equity, democracy and freedom. The opportunity will soon pass, as other nations emerge as great powers. But instead, the US is following a unilateralist policy, and even

damaging existing efforts to consolidate the institutions of international law, a treaty system to regulate arms proliferation, and conventions to enhance human rights.

Legitimate authority?

The US Congress in October 2002 authorised the US to go to war if the President judged it necessary, but it also required consensus in the United States and some international sanction, as the UN would normally supply. However, there is widespread expert opinion that unilateral intervention would break international law. Britain's Lord Daniel Brennan stated that most countries disagreed with the US and British interpretation of Resolution 1441 that it authorised war. "I consider [war] would be unlawful unless wholly exceptional grounds could be established."¹³⁴

In Australia, 42 professors in international law and other lawyers published a letter arguing that "a principle of pre-emption would allow national agendas to destroy the system of collective security" enshrined in the UN Charter. Moreover, they held that such an attack resulting in excessive death or injury would be a war crime.¹³⁵ And speaking at the National Press Club in Canberra, constitutional lawyer George Williams considered that it was very clear in international law that Australia was not justified in joining unilateral action against Iraq.¹³⁶

Even the approval of the UN Security Council for a military attack still would not satisfy the just war criteria in the view of many people. Certainly any attack *should* require UN authorisation in normal circumstances, as an expression of international consensus that an invasion is warranted. Yet Bush has said that if the UN did not support the US, it would render itself irrelevant, and the US would take unilateral action. As Gerald Powers points out, "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."¹³⁷

Moreover, the US is relying on arm-twisting and a policy of carrots and very large sticks to convince governments to vote its way. It took the US much bribery and intimidation to secure a positive vote for the UN Security Council Resolution 678 on 29 November 1990, authorising the use of force against Iraq. For refusing to support the resolution, Yemen was severely penalised. It lost US aid of \$US70 million, and the IMF and World Bank blocked further loans. In addition, 800,000 Yemeni

workers were expelled from Saudi Arabia.¹³⁸ How is this not a form of corruption which can only corrode the UN's moral authority? Such heavy-handed tactics risk reducing the United Nations to an instrument of US policies.

Right intention?

Realising that its arguments for a just cause to invade Iraq were unconvincing to many people, including most religious leaders, the US in early 2003 began to plead that this was a humanitarian intervention to rescue the Iraqi people from their cruel dictator. It was a bit late in the day to pursue this line of argument, and given how the US had inflicted such deadly sanctions so unconscionably, it seems singularly opportunistic. Though Saddam's regime is certainly very oppressive, "those abuses do not meet the high threshold that should be required for military intervention to overthrow a government", as Powers wrote.¹³⁹

The fact that the sanctions which have killed so many hundreds of thousands of Iraqi children and other civilians are still in place is profoundly disturbing. The media are particularly at fault in not exposing what may well be regarded as a crime against humanity, and the US and other politicians and officials responsible should be made accountable before an international court. The sanctions are a bloody stain on the conscience of the West, and we can be sure that the peoples of the Middle East will not forget.

Proportionality and success?

Few doubt that militarily the United States will overwhelm the weakened and demoralised armed forces of Iraq. But the criterion of success requires more than a military victory. It is also necessary to restore civil life and an ordered peace in the defeated nation. But William D. Nordhaus was sceptical that the US will accept the moral obligations of reconstruction. "In virtually every country where the US intervened militarily over the last four decades, it has followed a 'hit-and-run' philosophy." He cites Afghanistan as an example. The US spent \$13 billion on the war up to September 2002, but at the time he was writing, the Pentagon had committed only \$10 million to civil works and humanitarian aid.¹⁴⁰

Proportionality requires that the overall human, moral and economic costs be significantly less than not going to war. If the 1991 Gulf War

was a good indication, we can anticipate tens of thousands of Iraqi soldiers will be killed, with many more wounded; and if there is prolonged street fighting, many civilian casualties. There will likely be millions of refugees and displaced persons, and an immediate humanitarian crisis. A UN study, *Likely Humanitarian Scenarios*, estimated that 3 million people could be threatened with “dire” hunger, and 3.6 million need emergency shelter. As for refugees, it anticipated some 900,000 Iraqis would flee the country, with another 2 million likely to be internally displaced.¹⁴¹ During the Gulf War, much of the civil infrastructure, electricity stations and water purification plants were destroyed by the bombing, excessively so and in violation of just war principles. One can only assume that even more of what is left of this infrastructure will be destroyed.

The likely costs of the war and its consequences seem astonishingly disproportionate to the reasons for going to war. The ongoing costs of occupation and reconstruction will be enormous, and it is extremely doubtful if the American people will be willing to shoulder them. According to the just war principle of restoring peace, the US is morally bound to undertake the major burden of this rebuilding. Australia and Britain will also be under this obligation, as will any other countries that have joined the “coalition of the willing”. How would John Howard honour such an obligation?

Is war the last resort?

The criterion of last resort demands that all reasonable efforts to avoid war should be considered or tried before resort to arms. The criterion does not mean that one must exhaust an endless series of possibilities, but that a country exhausts all reasonable avenues to avoid war. A nation may not break off diplomatic efforts simply because its army was assembled and ready for action. In view of the steady progress of the weapons inspections and the uncertainty about what threat Iraq poses, many observers, especially in the churches, consider that a war on Iraq would not currently meet the just war criterion of last resort.

Will non-combatants be protected?

Writing in the *Atlantic Monthly*, Jack Beatty argued that war against Iraq “could be the most catastrophic blunder in US history”. CBS News reported that the Pentagon planned to launch 300 cruise missiles in its first strike, with another 300 the next day. Andrew Card, the White House Chief of Staff, warned that the US reserved the right to use

nuclear weapons if the Iraqis used chemical weapons. The Pentagon added it might use nuclear weapons to blow up deep bunkers. Iraqi civilian casualties could range from a few thousand to as high as 25,000, with US military casualties anywhere from several hundred to 5000. A leaked UN report estimated 500,000 civilians could be injured or have health impaired by city fighting.¹⁴²

Britain's Defence Minister, Geoffrey Hoon, said in March 2002 that "in the right conditions" Britain could use nuclear weapons against Iraq, despite Iraq not possessing such weapons itself. Use of nuclear weapons by Britain or the US against a state without such weapons would break their undertaking enshrined in Security Council Resolution 984.¹⁴³ Non-combatants in Iraq should tremble.

Likely consequences of war

Ominously, war against Iraq is likely to further inflame passions in the Muslim world against the West and Christianity. It certainly did not help that President Bush invoked the term "crusade" against the terrorists.

The Pope and the Vatican are extremely concerned that a war at this time, with shocking scenes from Palestine appearing almost nightly on Arab TV screens, and the horrific effects of the Iraqi sanctions also well known, would exacerbate the feared "clash of civilisations" between the Muslim world and the West. Osama bin Laden would be delighted, as a US-led war against Iraq would serve his purpose well.

Perhaps the worst outcome of all would be that after an invasion, Iraq is found to have few if any of the proscribed weapons. The idea is not fanciful. As the UN's chief weapons inspector, Hans Blix, said in an interview:

*The paradoxical thing is we don't really know whether there are weapons of mass destruction in Iraq ... It would be very paradoxical if the rest of the world were waging the war at a tremendous cost and in the end find there was very little.*¹⁴⁴

The entire world would feel deceived, and justifiably angry with the United States. One can hardly imagine the outrage and fury that would sweep the Muslim world then. Osama bin Laden would have thousands of recruits for decades to come.

Identified leaders of terrorist groups would be firmly convinced that this was an ideological or holy war, a clash between moral absolutes of good and evil, Islam and a decadent West. President Bush plays right into their hands by also trumpeting moral absolutes, of good versus evil, of freedom versus tyranny, and invoking God whenever convenient. In this way does the crusader paint his opponent as the embodiment of evil, so it will seem just to unleash remorseless and total destruction on him and all his house.¹⁴⁵

Pope John Paul has absorbed the lesson from Jacques Maritain, and is trying to bring about a new “dialogue of civilisations”, beginning with the joint conviction that to kill in the name of God is blasphemous.

It is difficult to reach any conclusion other than that war against Iraq, on the evidence available, fails repeatedly to meet the criteria of the just war tradition. We can be morally certain that, even if authorised by the UN Security Council, war is *not justified*.

The Church’s position was made clear in a recent address to the UN Security Council:

*The Holy See is convinced that in the efforts to draw strength from the wealth of peaceful tools provided by international law, to resort to force would not be a just one. On the issue of Iraq, the vast majority of the international community is calling for a diplomatic resolution of the dispute and for exploring all avenues for a peaceful settlement. That call should not be ignored.*¹⁴⁶

ENDNOTES

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Website: www.socialjustice.catholic.org.au

Bruce Duncan is a Redemptorist priest lecturing in social justice studies at Yarra Theological Union in Melbourne and is a consultant with Catholic Social Services Victoria. He studied economics and politics at the University of Sydney, completing his PhD in political science in 1987.

His publications include *Crusade or Conspiracy? Catholics and the Anti-Communist Movement in Australia* (UNSW Press, 2001) and a 1995 pamphlet in this Catholic Social Justice Series, *World Population: Cause for Alarm?*

Fr Duncan is a frequent contributor to Catholic papers and journals, and since 1994 he has been a member of Melbourne's Catholic Commission for Justice, Development and Peace.



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