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Brian Stiltner

Sacred Heart University, stiltnerb@sacredheart.edu

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Recommended Citation

Stiltner, B. (2003). The justice of war on Iraq. *Journal of Lutheran Ethics*, 3(3). Retrieved from <https://www.elca.org/JLE/Articles/879>

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The Justice of War on Iraq

Brian Stiltner, Ph.D.
Associate Professor and Chairperson
Dept. of Philosophy, Theology and Religious Studies
Sacred Heart University
Fairfield CT 06825

The author argues that the U.S. and its partners have rightly arrived at war on Iraq as a just and necessary last resort. The potential problems with the just-war case are notable, particularly concerning the after-effects of the war, but they do not incurably undermine the case for going to war. Instead, both supporters and critics of the war around the world should strive to keep their governments committed to post-war reconstruction and a transition to a free and stable government in Iraq. Several just war criteria, particularly as these are articulated in the Catholic tradition, are used to assess the arguments for war.

Just War Theory for a New Century

[1] With a few exceptions, the public consensus of Christian religious leaders has been that war the United States and the United Kingdom have threatened against Iraq during the last four months is wrong. In the words of a statement of religious leaders in the U.S. and U.K. wrote such a war would be "illegal, unwise, and immoral." Some of these religious leaders and church bodies embraced nonviolence as a rigorous ideal; other leaders and bodies used the framework of just war theory to claim that the case for war had not been convincingly made. Indeed, Christian ethical arguments for the war have been hard to come by (for one exception, see Hinlicky). But I think the case can be made that the war-which the U.S., U.K., and a few partners have just commenced-is legal, necessary, and moral. At the very least, the case should be made in a convincing manner, not just posed in the objections to anti-war arguments, so that the Christian community's deliberations are properly tested and refined. Therefore, I will present the case that the U.S. and its partners have rightly arrived at war on Iraq as a just and necessary last resort. The potential problems with the just-war case are notable, particularly concerning the after-effects of the war, but they do not incurably undermine the case for going to war. Instead, both supporters and critics of the war around the world should strive to keep their governments committed to post-war reconstruction and a transition to a free and stable government in Iraq.

[2] The just war tradition is the framework in which this case is defensible. This tradition is the predominant method of reasoning in Western political and religious thought; it is a framework that best fits with the democratic ideal of a free, just, and peaceful social order. This tradition offers several principles that political and military decision makers must meet in order to call the war they wage justified. Just war principles can obviously be abused to justify all kinds of causes, but most political leaders feel constrained to make the case that their cause and methods are just; in other words, the theory provides a framework for the public debate.

[3] It is also important to realize that just war principles can wrongly be used to erode away a case for war. Just war theory is an exercise in prudential judgment-making. Not every eventuality of war can be foreseen, and even when some very bad effects can be anticipated, the theory does

not necessary stop the decision to wage war. Yet the prudential nature of the theory and its foundation in a theory of statecraft has been overlooked in recent years. According to George Weigel, assuming that just war theory places a "presumption against violence" at its center, many Christian ethicists and religious bodies in recent years have placed the bar for meeting the criteria so high that it is difficult to see what war could pass muster. I myself accepted this presumption for a long time, but have found the need to rethink it in the post-September-11 era—an era in which virulent religious terrorism can be easily linked with proliferation of weapons of mass destruction to threaten human life and political stability anywhere on the globe. In what follows, I apply several just war criteria to the Iraq situation to make the case for military action. At appropriate times, I signal places where just war principles may need to be developed in response to the genuinely novel world order, but also acknowledge the unresolved questions.

[4] When just war theory is employed in public debate, the arguments made are often not distinctively religious, even when offered by religious leaders. So, for example, Bishop Wilton Gregory's letter to President Bush on behalf of the Administrative Committee of the U.S. Conference of Catholic Bishops (September 13, 2002) looked little different from former President Jimmy Carter's New York Times op-ed (March 9, 2003) in raising critical questions against military action under the rubric of just war principles. This publicity of the just war theory can be both a strength and weakness for the Christian community: the strength lies in the possibility of influencing public policy; the weakness lies in the possibility of not offering anything new and spiritually powerful to moral debate. My analysis here falls mostly on the "publicity" side of the spectrum, but I also indicate why Christians should embrace this case. I will draw upon specific uses of just war theory within my own Roman Catholic tradition.

War Must Have a Just Cause and be Waged with a Right Intention

[5] The just cause for war against Iraq is that the international community has continually and even now found Iraq to be producing and hiding weapons of mass destruction and delivery systems in violation of a series of United Nations Security Council resolutions stretching back to 1991. Iraq has used such weapons in its war against Iran and against Kurdish minorities in its own country, killing tens and tens of thousands of people. The issue of weapons of mass destruction brings together the moral and legal rationales for the war. The moral rationale is further strengthened by considering the brutal, oppressive nature of Saddam's rule over Iraq, which will be considered later in this essay.

[6] Security Council Resolution 1441 was passed unanimously on November 8, 2002. In it, the members found Iraq already to be in material breach of numerous previous resolutions. Nothing Iraq has done since then has brought it out of non-compliance. Iraq has not accounted for thousands of liters of anthrax and other chemical and biological agents. The inspectors have had to track down violations and force every little concession out of Iraq, such as the dismantling of banned al-Samoud 2 missiles. Over the past twelve years, Iraq has shown no intention of disarming. Do we expect to keep inspectors in Iraq permanently? As happened shortly after the Gulf War, the will of the Security Council to hold Iraq to terms will erode. How will it be possible to contain Iraq from developing these weapons? Given the history of the inspections regime and Iraq's non-compliance, it simply won't.

[7] On two major points, the claim of a just cause has been legitimately challenged. (On many other points, such as those suggesting the Bush Administration's supposed motives of oil, hegemony, or psychological satisfaction, just cause has been poorly challenged). First, the Administration has made unconvincing claims linking Iraq to al-Qaeda and the 9/11 attacks. It is true that President Bush had made arguments suggesting links between Iraq and terrorism in general and al-Qaeda specifically. Mr. Bush has perhaps let a rhetorical strategy give a misleading impression. No one thinks that Iraq was directly responsible for 9/11, nor is it likely that there are significant links of Saddam Hussein to al-Qaeda. Yet Hussein presents a serious threat to the U.S. and other countries because of his ability to supply terrorists. His animus against the U.S., his encouragement of suicide bombings in Israel through monetary rewards to the families of dead bombers, and evidence such as that presented by Secretary of State Colin Powell to the Security Council indicate that Hussein is willing to support terrorism from many quarters.

[8] Second, a just cause for this war has been challenged because the threat to the U.S. is not imminent. According to classical just war reasoning, developed from the 4th century through the rise of modern international law, this is true (for an instructive analysis, see Walzer, chapter 5). But just war is a tradition that has always developed lest it ossify into irrelevance. In the 20th century, the Catholic Church taught about just war obligations in ways that referenced traditional notions of self-defense while recognizing the new challenges of modern war. Pope Pius XII said in 1953: "The community of nations must reckon with unprincipled criminals who, in order to realize their ambitious plans, are not afraid to unleash total war. This is the reason why other countries, if they wish to preserve their very existence and their most precious possessions, and unless they are prepared to accord free action to international criminals, have no alternative but to get ready for the day when they must defend themselves" (quoted in NCCB #76, n. 27).

[9] Though Pius was thinking in terms of preparing for a classic state-on-state aggression, his warning about ambitious criminals who plan for total war was prescient. One way that Pius's teaching may need to be applied in the 21st century is to affirm with George Weigel: "Some states, because of the regime's aggressive intent and the lack of effective internal political controls on giving lethal effect to that intent, cannot be permitted to acquire weapons of mass destruction. Denying them those weapons through proportionate and discriminate armed force—even displacing those regimes—can be an exercise in the defense of the peace of order, within the boundaries of a developed just war tradition." I think the just war tradition will be able to bear this development. But since the kind of aggression Weigel describes is usually not directed at only one nation, the responsibility for responding to it falls most appropriately on the community of nations.

War Must be Declared by a Competent Authority

[10] In light of the last sentence, the serious and much-debated issue under this rubric is whether the U.S. is acting against the dictates of international law and of moral reason by waging war unilaterally rather than with the explicit approval of the U.N. Security Council. It should be clear from what I have already written that I think sufficient international authority was obtained under Resolution 1441. It is worthy of note that Resolution 678 (1990) authorizes "Member States" to enforce the resolutions against Iraq and to "keep the Security Council regularly informed on the

progress of actions undertaken." Resolution 1441 reaffirms the statement. As a technical matter, I do not see that the U.S., U.K., and other "Member States" violated international law or U.N. procedures. But the strictly legal matter of authority under international law is perhaps not as important as the ethical matter.

[11] Regarding the latter, I strongly favor a multilateral approach. A commitment to effective international institutions is vigorously supported in Catholic social teaching. Recognizing the necessity of legitimate authority to administer for the common good and the increasing interdependence of the world, the Church in the 20th century strongly affirmed the need for international governing structures. So Pope John XXIII in 1963: "Today the universal common good poses problems of world-wide dimensions, which cannot be adequately tackled or solved except by the efforts of public authority endowed with a wideness of powers, structure and means of the same proportions" (quoted in NCCB #241).

[12] Working through such an institution is the ideal. People doubt the commitment of President Bush to working through the U.N. I agree that Bush did not handle this and other aspects of building his case against Iraq as well as he could have. He appeared to begin the diplomatic process last fall with his mind made up. Yet it is notable that Bush made the efforts he did—against the instincts of key advisors—to secure the first resolution and to attempt a second. I am more impressed by Prime Minister Tony Blair. No one can deny that he made reasonable attempts to lay out a path for Iraq to follow to avoid war. In the last few weeks, these attempts focused on setting clear benchmarks for the Iraqi regime to meet to show compliance with U.N. resolutions, or else they would face force.

[13] As I reflect on this issue, I am torn. On the one hand, religious bodies made very strong pleas for no military action to be taken without the consensus of the Security Council. The military action of the "coalition of the willing," outside of U.N. structures, might rupture relations in the international community and make it harder for the U.N. to fill an effective role in the future. On the other hand, as much as it may be said that the U.S. proceeded with no goal in mind but war, France, Russia, and China proceeded with war completely ruled out as an option. Though one might say that their presumption should be against war, these countries' position also signaled an unwillingness of Security Council members to require consequences for the violation of resolutions that they themselves voted for. The moral high-ground of these three countries is also questionable, given the economic ties they have and seek with Iraq (see Davis). In the end, diplomacy failed to achieve consensus. But diplomacy is a multi-way street: the U.S. is not fully to blame.

War Must be a Last Resort

[14] So was the war a last resort? We must clarify that this just war principle does not mean that war is to be avoided at all costs (after all, there is always something more that could be tried); it means that all reasonable attempts must be made to seek a just resolution of a pending conflict. The key words in that sentence are "reasonable" and "just." Legitimate public authorities should go to war if they must do so to right an injustice. If they can achieve justice without violence, then they must. But they may not significantly compromise the justice of the outcome simply to secure peace. Such compromise with Iraq has happened continually over twelve years and during

the most recent inspections cycle.

[15] For this reason, I do not accept the retort, "The international community waited twelve years; why couldn't it have waited a few more months for the sake of gaining consensus?" First, the international community did not wait; Hussein effectively exhausted the patience of most nations to see the post-Gulf War resolutions enforced. Second, I do not see what credible plan France or other Security Council members offered for ensuring Iraqi compliance at this late date, or that would have achieved consensus. The last resort principle validated the final effort of the U.K. for a second resolution. Blair's government proposed two more weeks with rigorous benchmarks for Iraq to meet. But some Security Council members were unwilling to give any teeth to the meaning of last resort.

[16] So when the Holy See Press Office Director, Joaquin Navarro-Valls, said on March 18, 2003, "Whoever decides that all peaceful means that international law has put at our disposition have been exhausted assumes a serious responsibility before God, his conscience, and history," I believe he unfairly points the finger (unilaterally rather than multilaterally, if you will) and provides no meaningful sense of when last resort has been exhausted. His statement suggests not that a certain peaceful, lawful option remains, but that it was wrong of anyone to decide otherwise.

Innocent Civilians Must Not be Intentionally Targeted

[17] The well-being of the innocent people of Iraq is a major concern of the anti-war critics. Rightly so. War is always destructive and some innocent (that is, non-combatant) lives are always lost. No morally sensitive person wants to see innocent people die. The loss of life is one of my greatest worries about the war. But the statement that some innocent people will die is not a bar to the waging of a just war, if one claims this framework. President Carter obscured the issue in his New York Times op-ed. Simply stating that non-combatants will die, he suggested that this just war criterion cannot be satisfied in Iraq. But so stated, it cannot be satisfied in any war. Instead, the principle of discrimination, as it is called, requires not targeting population centers and taking all due care to minimize the loss of civilian life (see Walzer, chapter 9).

[18] I take some comfort in the fact that an extremely high percentage of the coalition's weapons ordinance will be precision guided, but this doesn't mean that the war will be bloodless. On the other hand, neither does it mean that "dumb bombs" can't be used within moral parameters. The key point is for the military to use whatever weapons it has for legitimate targets, running sufficient risks to its own safety in order to minimize the loss of civilian life on the other side. In the Gulf War and other air campaigns of the 1990s and 2000s, the military has certainly avoided targeting civilians and taken due care in a number of ways. One tactic that raises moral questions is flying sorties at very high altitudes so as to avoid any loss of military personnel from anti-aircraft fire. Given the massive superiority of American forces, this tactic seems more scrupulous with fliers' lives than with civilian lives. I cannot make a more precise judgment, though, without further investigation of the issue.

[19] Another concern that falls under this principle is the possible effects of an invasion when it comes to the city of Baghdad. Will fighting in the streets be a bloody mess? We must hope not

and must rely on the military planners to develop a plan that protects their own men and women as well as civilians. I do agree with the critics that the question of Baghdad has not been faced as squarely and honestly as it needs to be. Further ethical concerns about effects of the war on civilians come up under the next principle, the last I will discuss.

The Expected Outcomes of War Must be Proportional to the Damage Caused

[20] In other words, you can't cause more bad than good results, even if your cause is just and the war is winnable. This principle refers to reasonably expected results but, in war, predictions can go horribly awry. Therefore, the decision makers must start the war with a plan that reasonably expects a greater balance of good over bad and they must continually reassess the balance as the war goes on. When thinking about outcomes, many fearsome concerns arise. Will the war so demolish the infrastructure of Iraq that tens of thousands will die after the war? Will it cause a "blowback" of terrorism against the U.S.? Will it cause a backlash against the U.S. in the court of world opinion and undermine important cooperative projects? Will the constituencies in post-war Iraq be able to achieve freedom under a stable government? Will the U.S. see the project of reshaping Iraq through to a just conclusion?

[21] All of these matters are hard to predict. Yet it is incumbent on the decision makers to take the questions into account. These leaders have a responsibility to strive for a beneficial outcome on matters that are (at least somewhat) under their control. So the ethical arguments should be directed toward the destructive effects of war on the populace and on the U.S.'s post-war plans.

[22] The war will be destructive, to be sure. Yet the cost of not going to war is to continue the stand-off under which Saddam terrorizes his citizens and diverts resources from the oil-for-food program. The cost is the continuation of economic sanctions that have been harming and killing citizens for years-because of how Saddam abuses them. I think a strong humanitarian and Christian argument can be made for war as the way to decisively end the need for sanctions and the effects that flow from them. Now, one could counter that the U.N. should end the sanctions altogether, easing the suffering of citizens without war. But that victory for Hussein will only consolidate his power, a power that will still be used to the detriment of his people. Even the nations against war expected to continue sanctions until Iraq was fully disarmed. Given that Iraq's voluntary disarmament was nowhere in sight, neither was an end to sanctions.

[23] As I look at what Saddam Hussein and his Baathist Party have done to Iraq's people and neighbors for over two decades, the only just solution I see left is ending his dictatorship. However, my argument might problematically open the door to an expansive use of military force in order to make other nations free and democratic. That kind of interventionism is not what I am proposing, though I do believe that the community of nations has the duty of intervening to prevent humanitarian crises such as genocide. If Saddam were a dictator only within his borders, it most likely would not be prudent or justifiable to attack him. But there is no inconsistency in finding that he is a threat simultaneously to the U.S., to the region, and to his own people. Though these judgments fit no calculus, at times the case against a dictator becomes compelling enough that other nations have to act against him in the interests of human decency. Almost everyone claims that Saddam Hussein is among the worst of the worst. Why is there so little will to oppose him?

[24] The U.S.'s obscure post-war plans have long been the source of my own objections to military action against Iraq. If there is a moral imperative to change the intransigent and murderous regime, then there is a moral imperative to see that Iraq is reconstructed along free and democratic lines. Like many anti-war critics, I realize that such a goal is a tall-order, perhaps not fully possible at this time, given the fragmentation of the Iraqi citizenry (Sunnis, Shiites, and Kurds) and the machinations of other Middle Eastern countries. Like many anti-war critics, I have had doubts that the Bush Administration is fully committed to work for this goal, given the money it will cost and the length of U.S. military occupation it will require. Like many critics, I think it is irresponsible of the Bush Administration to be pushing for massive tax cuts for wealthy Americans when the cost of the war and its aftermath have not been reckoned, and when domestic security measures are still under-funded. Like many critics, I want to know more about all of these plans.

The Humanitarian and Christian Goal

[25] In spite of these reservations, I am taking the President at his word in his address to the nation on March 17, 2003: "As we enforce the just demands of the world, we will also honor the deepest commitments of our country. Unlike Saddam Hussein, we believe the Iraqi people are deserving and capable of human liberty. And when the dictator has departed, they can set an example to all the Middle East of a vital and peaceful and self-governing nation. The United States with other countries will work to advance liberty and peace in that region. Our goal will not be achieved overnight. But it can come over time."

[26] I agree that these are general words, but with them the President puts himself on record that the U.S. will stand by its project. Prime Minister Blair has spoken even more directly along the same lines. The way for citizens and opinion makers to respond to this concern, then, is not to stand down from force against Iraq, for nothing will change that way. Rather, we should work to hold the President and the Prime Minister to their promises and marshal the intellectual and material resources to develop a free Iraq. This project will require vigilance and commitment from Americans. We all want our soldiers to come home soon. But if we all forget about Iraq in six months, we have gained nothing. I am hopeful that won't happen. But I can't deny that I am apprehensive about the road ahead.

[27] This case for war on the regime of Saddam Hussein, under just war reasoning, is a prudential and moral argument. The prudential argument is that the war can be won successfully (hopefully quickly, but not necessarily), with minimal loss of civilian life (I shudder to even write the words, but more than a few thousand civilian dead would be very problematic from the standpoint of discrimination and proportionality), without overwhelming destruction to the infrastructure of Iraq, and without massive terrorist retaliations. The moral argument is that this course, unpalatable and unhappy as it is, should be taken in the interests of disarming an "ambitious criminal" and saving his people from further suffering.

[28] It seems contradictory to contemplate killing people in order to save people. That we sometimes have to do so means we live in a world that is not yet the Kingdom of God. The Lutheran sensibility that animates this Journal is pointedly aware that sin is deeply rooted in

every human heart. If I have focused my spotlight on the evil that is perpetrated by Saddam Hussein, I must also acknowledge all the ways that we can go wrong in trying to alleviate that evil. Self-righteous rhetoric can mask self-interests; high-minded goals can be sought with poorly thought-out methods. Even in writing this essay, I had to be reminded by colleagues, then force myself to remember, that defending the justice of one's cause is ill-served by assuming bad motives in one's critics. That temptation can be magnified a thousand times by political leaders wielding lethal force.

[29] Yet my Catholic sensibility convinces me that political power can be wielded for the common good. Sometimes that power must become coercive and violent; when it may do so is guided both by moral principles and contingent prudential judgments. Pope John Paul II said to visiting retreatants on the day before the U.S.-set deadline: "I belong to that generation that lived through World War II and, thanks be to God, survived it. I have the duty to say to all young people, to those who are younger than I, who have not had this experience: 'No more war' as Paul VI said during his first visit to the United Nations. We must do everything possible. We know well that peace is not possible at any price. But we all know how great is this responsibility. Therefore prayer and penance." To say that the conditions for violence obtain in this moment is to affirm that "peace is not possible at any price," even though the Church still urges "we must do everything possible." I hope the morality and prudence of this argument are not misguided. Staying with the path of peace is always more attractive, especially for a follower of Jesus. But there are times when peace must give way to the struggle for justice that will establish a more lasting peace.

Acknowledgements

I appreciated the opportunity to work through these ideas with my students in the course Religion, War, and Peace. I thank the several faculty at Sacred Heart University who read an on-line draft of this essay and commented frankly, as well as David Clough for a careful point-by-point rejoinder. I regret that time did not allow me to incorporate more of their suggestions.

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