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Prime Minister
CD
12/11

CHANCELLOR OF THE DUCHY OF LANCASTER

Call on Cardinal Hume

1. You have kindly agreed to call on Cardinal Basil Hume to discuss with him the various issues connected with the Gulf crisis which are of concern to the Catholic Church and other Christian denominations.
2. Officials here have prepared a paper which I hope you will find useful in setting out our views on the major questions posed by the crisis. I also enclose copies of the pastoral letter from the Catholic Bishops of England and Wales which was read in Catholic churches on 2 December and of the statement by the Council of Churches for Britain and Ireland of 7 December, which was signed by Cardinal Hume amongst others.
3. Finally, I thought you might be interested to see the rather good article by the Bishop of Oxford which appeared in The Independent on 31 October. It neatly counters some of the arguments put forward by those with doubts about our policy. I also enclose a copy of Sir Arthur Hockaday's article in the Tablet last October, which also addresses the 'just war' question in a helpful way.
4. If you would find it helpful to have an FCO official with you during the call or need further briefing, please let me know. I would be interested to hear what Cardinal Hume has to say.
5. I am copying this minute to members of the OPD(G), the Lord Privy Seal, the Home Secretary and Sir Robin Butler.

D.H.

(DOUGLAS HURD)

Foreign and Commonwealth Office

12 December 1990



CALL BY MR PATTEN ON CARDINAL HUME

The Gulf Crisis: A Just War?

1. In recent weeks there has been increasing discussion, particularly amongst the Christian denominations, of whether war in the Gulf to recover Kuwait would be justified. Argument has been based on the long established Christian tradition of a "just war". Although there are a number of views as to what exactly constitutes the basis for a just war, there are certain basic criteria which all are agreed must be fulfilled. They are:

- (1) That the cause should be just.
- (2) That all peaceful means of resolving a dispute have been exhausted.
- (3) That the likely consequences of military action are not out of all proportion to the injustice it seeks to correct or prevent, ie proportionality.

2. Some commentators add other criteria to the three set out above. The most commonly mentioned are that military action should be properly authorised; that there should be a probability of victory; and that those undertaking military action should do so on the basis of a "right intention".

The Views of the Churches

3. There is a wide spectrum of views on the crisis within all the major Christian denominations ranging from strong support for the Government's position right through to a completely pacifist line. Cardinal Hume has associated himself with two statements on the crisis. The first was the pastoral letter from the Catholic Bishops of England and Wales which was read out in all Catholic Churches on 2 December. The second was a statement by the Council of Churches for Britain and Ireland on 7 December. The latter was also supported by the Archbishop of Canterbury and various other Protestant leaders.



4. The two statements are broadly similar and express concern as to whether the criteria for a just war have been met. The Council of Churches' statement says that the churches are not convinced that all reasonable attempts have been made to find a peaceful settlement and that they have "grave difficulties" with the idea that the consequences of a war would be proportionate with the injustice it sought to prevent or correct. The Catholic Bishops expressed the same reservations and, in addition, called for respect for the role of the UN and suggested that a real prospect should exist of achieving the just objectives of a war before it was launched.

5. The Government's position is that the criteria for a just war have been met:

a) Do we have "just cause"?

- The Iraqi invasion of Kuwait on 2 August was an unprovoked and naked act of aggression against a sovereign and independent state, which is a member of the United Nations. It violated Iraq's obligations as a signatory of the UN Charter and the Charter of the Arab League which both call for the settlement of disputes by peaceful means.

- The UN Security Council, reflecting the will of the international community, has adopted a series of resolutions which express condemnation of Iraq's aggression. They call for complete and unconditional Iraqi withdrawal from Kuwait; the restoration of the legitimate government and the release of all foreign nationals.

- The Iraqis have refused to comply with these mandatory resolutions and have only now begun to release foreign nationals, for their own reasons.

- The international community must enforce respect for its will if necessary. Many nations have committed forces to the Gulf to that end.



b) Have we made all "reasonable attempts" to secure a peaceful outcome?

- Our earnest hope throughout this crisis has been that a peaceful solution should be found. That is why we have not hastened to use the military option.

- The aims of the international community are set out in the Security Council resolutions. The means have been peaceful pressures on Iraq - diplomatic and economic. We have sought to make clear Iraq's diplomatic isolation and to bring home the consequences of its action. The United Nations has imposed stringent economic sanctions, which have been tightly enforced, to increase the pressure on the Iraqi leadership. But the threat of military action is perhaps the most potent means of bringing home to Saddam Hussain that he must reverse what he has done. To be effective it must be credible: forces have been assembled which are strong enough to give effect to the international community's will if necessary.

- By these means we have sought to put growing but peaceful pressure on Iraq to reverse its aggression. Security Council Resolution 678 set a date of 15 January for Iraqi compliance and gave authorisation for the use of all necessary means to enforce its resolutions. This is the latest and firmest of peaceful pressures on Iraq. It is not a deadline for military action. By that date Iraq will have been given over five months to reverse its aggression.

- The test of whether sanctions are effective is not whether they are inflicting damage on Iraq's economy. It is clear that they are. But Saddam Hussain is no respecter of the hardships of his people, as the last ten years of his brutal rule have shown. The proof that sanctions are effective would be Iraqi withdrawal from Kuwait. That is their purpose. The evidence suggests that, on the contrary, Saddam Hussein is preparing for a long siege and that sanctions alone will not succeed.



- Meanwhile the oppression and suffering of the Kuwaiti people continues. The destruction of the fabric and infrastructure of the state of Kuwait is well attested. Saddam is seeking to obliterate Kuwait's identity following formal annexation in August. Each day that we delay increases the suffering and damage and allows the Iraqis to continue to build up their forces and prepare their defences, making the cost of the liberation of Kuwait higher the longer we delay.

- President Bush is to meet the Iraqi Foreign Minister, Tariq Aziz and Secretary Baker will travel to Baghdad to meet Saddam Hussain. Their intention is clear. It is to speak plainly so that Iraq's leaders understand exactly what is required of them and the consequences if they continue to defy the Security Council. Saddam Hussein will also be told that if Iraq does comply, he need have no fear of attack. The European Community will repeat this message to Tariq Aziz through the Italian Presidency. As President Bush has said we are going "the extra mile" for peace.

c) Will the consequences of a war be out of all proportion to the evil it seeks to address?

- The consequences of a conflict are extremely difficult to assess. No one wants war or doubts the cost if conflict were to break out.

- But the consequences of not dealing with Iraq's aggression effectively are enormous. The rape of Kuwait will continue. The will of the international community will have been defied and the resolve of some may erode with time. Iraq could be left with the fruits of its aggression. The law of the jungle would be seen to pay. No small state would feel safe. There is no guarantee that Kuwait is the limit of Saddam's ambition. He is a ruthless adventurer, already responsible for two major conflicts.

- The consequences of war for the future of the Middle East are also hard to calculate. But there will never be stability in the region if Saddam Hussein is allowed to succeed. Israel could never have the security which is essential to a solution of the Arab/Israel problem; nor can the other Arab states feel safe while they have an over-armed tyrant on their doorsteps.



- If Iraq is not dealt with now, we will face the Iraqi threat for years to come. Saddam Hussain is continuing to develop horrific weapons of mass destruction - chemical, biological and nuclear. Instability in the Middle East will grow.

- If a new world order based on respect for the rule of law is to mean anything, then the international community must be prepared to take action to enforce its collective will.

6. The release of hostages has raised hopes for a peaceful solution. But the hostages should never have been taken. Iraq still has to comply with the rest of the Security Council resolutions. Talk of "negotiation" is misplaced. There is nothing to negotiate with Iraq before it complies with UN resolutions. As Resolution 660 makes clear, once Iraq has withdrawn from Kuwait then talks to resolve the differences between the two countries should take place.

MESSAGE FROM THE CATHOLIC BISHOPS OF ENGLAND AND WALES READ
OUT IN ALL CHURCHES ON SUNDAY 2 DECEMBER

At our recent meeting in London we have considered together many issues arising from the invasion of Kuwait by Iraq. This grave act of aggression has brought crisis and anxiety to peoples and nations the world over. We were particularly conscious of those personally caught up in this dangerous situation and offer them the support of our prayers. In this we have in mind not only the armed forces and their families, but also those innocent persons held hostage in a manner that is indefensible and inhuman.

We have been greatly encouraged by the achievements of the United Nations in securing an international response to this unjust act. It is our belief that efforts to achieve a just solution without recourse to military action, especially by economic and diplomatic means, must be given every opportunity to succeed. In this the paramount role of the United Nations should be recognised, respected and supported.

But if, despite such persevering efforts, all this should fail to bring an end to this injustice and cruelty those in authority must still weigh carefully whether or not to go to war. They must be satisfied that there is a real prospect not only for achieving the just objectives sought by the use of military force, but also of not causing in the process physical and political damage out of all proportion to the injustice such action seeks to correct or prevent. Such terrible and difficult decisions have to be taken by those bearing political and military responsibilities. They too need the full support of our prayers.

At this time our primary calling is for prayer that the aggression of Iraq may be overcome without the tragedy of war. This is a duty which we share with all the churches and with all others who have faith in God. The season of Advent, in which we prepare for the coming of the Prince of Peace, must this year be for us all a time of constant prayer for a peaceful and just solution to this very dangerous situation. We urge you to renewed efforts in this regard. We ask you, our people and priests, to make special provision for such prayer in your churches and in your homes.

7 DECEMBER 1990

PRESIDENTIAL STATEMENT ON THE GULF CRISIS

As the joint Presidents of the Council of Churches for Britain and Ireland, we call upon all the Churches to pray that the aggression of Iraq will be overcome without the tragedy of war.

Following the recent resolution of the United Nations Security Council authorizing military action if Iraq has not withdrawn from Kuwait by mid-January, we welcome the signs of renewed diplomatic activity between the governments of the United States and Iraq, and we call upon all the Churches in our Council to continue to pray that the path towards a peaceful and just resolution of the crisis will remain open.

A number of statements on the Gulf Crisis have issued from various quarters in the Churches of Britain and Ireland in recent weeks. They illustrate the widespread and deep concern felt by so many Christians at the prospect of a war which could entail death and destruction on an appalling scale, with consequences for the welfare of the human family far beyond the Middle East, especially for the poorest peoples of the world.

Although there are sincere differences of conviction among Christians regarding the legitimacy of armed conflict, and some would rule out the use of force as a matter of principle, there is profound and wide agreement among most Christians in Britain and Ireland that war cannot be a moral option unless all reasonable attempts at a peaceful solution have been exhausted. Even then the likely consequences of war must not be out of all proportion to the injustice which it seeks to correct or prevent. We are not convinced that in the case of the Gulf the first of these conditions has so far been met, and in view of the possible physical and political consequences of a Gulf war, the fulfilment of the second condition poses grave difficulties. We are united in hoping that those who carry the awesome responsibilities for decision will be guided by these moral principles.

As the season of Christmas approaches our minds are drawn even more closely to that region of the world where our Saviour Jesus Christ came in such humility and poverty, and was worshipped by those who brought gifts from the East. We extend our sympathy to the suffering people of Kuwait, to the hostages and their families, and to all whose lives have been disrupted by Iraq's breaches of international law. We call upon the Christians of Britain and Ireland to hold in their thoughts and prayers all the peoples of the Middle East, of all faiths, who yearn for security, freedom, justice and peace. Especially, we greet the Churches of the Middle East in the love of Christ, assuring our brothers and sisters of our continuing concern for them, and our desire to enter with them into deeper relationships of understanding, support and common witness to the gospel of God's reconciling love.

SIGNED BY:

The Most Revd Robert Runcie, Archbishop of Canterbury

Cardinal Basil Hume, Roman Catholic Archbishop of Westminster

The Revd Dafydd H. Owen, General Secretary, Presbyterian Church in Wales

Christine Davis, Religious Society of Friends, Scotland

The Most Revd Father Olu A. Abiola, President, Council of African and Afro-Caribbean Churches

The Rt Revd John R. W. Neill, Bishop of Tuam, Ireland

PRESIDENTS, COUNCIL OF CHURCHES FOR BRITAIN AND IRELAND

DECEMBER 7 1990

***** E N D S *****

Richard Harries, Bishop of Oxford, takes issue with those who say no Western first strike in the Gulf could morally be justified

The path to a just war

THE CHURCHES have been relatively quiet about the morality of military action in the Gulf. This is partly because there has been a broad consensus of support for the action so far taken.

The peace has now been disturbed, however, by a number of voices saying that there is not and could not be a case for a just war to get Saddam Hussein out of Kuwait.

The phrase "a just war" may imply moral self-righteousness. But this is not its intent. The underlying assumption is that war, if morally inescapable, is a tragic necessity in a fallen world, in which we are all sinful. No one has captured this sense more strongly than the great American theologian Reinhold Niebuhr, whose prayers contain such petitions as: "We pray for wicked and cruel men, whose arrogance reveals to us what the sin of our own hearts is like when it has been heard and brought forth its final fruit." The main criteria that have to

be met before an offensive is launched are: the action must be properly authorised; there must be just cause; all peaceful means of resolving the dispute must have been exhausted; there must be a reasonable expectation that the war will not unleash more evil than would otherwise be averted; there must be a probability of victory.

In addition, the war must be fought with a right intention. Recently, Philip Crowe (Principal of Salisbury and Wells Theological College) and Rowan Williams (Professor of Theology) at Oxford have argued, in an open letter to the House of Bishops, that no war in the Gulf could be just because it fails this and other tests. They argue that the United States and other West-

ern powers are only in the Middle East to protect their own interests. Yet the presence of self-interest does not by itself rule out the possibility of a war being just. It is in the interest of all nations to prevent any country thinking that it can simply

act in the past hardly justifies a present failure to do so; it should make us more determined to see justice done now. The other point made by Rowan Williams and Philip Crowe is that Western nations bear responsibility for the

aggression in the present. To take historic sinfulness as a reason for refusing to use military force would be to paralyse all human action and hand the world over to total anarchy.

The most relevant of the just-war criteria is, I think, all peaceful means of achieving a resolution must first have been exhausted. The present policy is to use sanctions and diplomatic pressure to force President Saddam to withdraw. The presence of military forces is a reminder of the terrible consequences that could ensue if he failed to do so.

This policy, together with the restraint which has so far gone with it, has been widely commended by church bodies both sides of the Atlantic. But the military option remains and morally must continue to do so.

The churches should unite in keeping the governments on their present course

the march across the borders of a neighbour and take it over.

Rowan Williams and Philip Crowe also draw attention to double standards. They point to the Turkish invasion of Cyprus, the Chinese invasion of Tibet, the American action in Nicaragua, Israel's continued occupation of the West Bank and the immunity of Pol Pot. But a fail-

ure to act in the past hardly justifies a present failure to do so; it should make us more determined to see justice done now. The other point made by Rowan Williams and Philip Crowe is that Western nations bear responsibility for the

aggression in the present. To take historic sinfulness as a reason for refusing to use military force would be to paralyse all human action and hand the world over to total anarchy.

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Richard Harries, Bishop of Oxford, is the author of "Christianity and War in a Nuclear Age" (Nonbrows).

War and justice

Arthur Hockaday

The Christian tradition of just war has application, which is much debated, to the present situation in the Gulf. The view expressed here is that of a former second permanent under-secretary in the Ministry of Defence who is chairman of the British group of the International Council on Christian Approaches to Defence and Disarmament.

I shall not rehearse in this article the reasons why I hold a broadly just war rather than a pacifist position. The arguments on both sides are well known to readers of *The Tablet*. They reflect the tensions within the teaching of Scripture and of the Church between an ethic of justice and an ethic of mercy, and between the call to live as though Christ's role on earth had already begun and an acceptance that, so long as the Kingdom of God has not come on earth, the world must be governed under God's authority but within the terms of its own politics and jurisprudence.

The just war tradition starts from the presumption that war is an evil: Aquinas (ST, 2a 2ae, 40, 1) addresses himself expressly to the question whether to go to war is always sinful. The tradition seeks to explore whether there are circumstances in which it may be permissible to go to war, and if so what they are; and to define the limits within which it may be permissible to wage a war upon which it is legitimate to embark. The tradition should perhaps be construed as an enquiry into whether a war may be "justifiable" rather than "just" in the senses that we would normally attach to the latter term.

It is sometimes suggested that any war fought with modern technology is bound to inflict damage on a scale that renders the categories of the schoolmen irrelevant. But this objection is likely to be founded on the propositions that the destruction inflicted by any modern war cannot but be both indiscriminate between combatants and non-combatants and disproportionate to any good that it may achieve or any evil that it may avert. These propositions are themselves derived from just war criteria, and it is by no means self-evident that the just war tradition is irrelevant or outmoded.

Given the possibility that a number of Western and Middle Eastern nations, including our own, may before long find themselves at war with Iraq, this article seeks to explore how far the just war criteria might be relevant to such a war. I shall examine in turn the criteria of lawful authority, just cause, last resort, reasonable prospect of success, righteous intention, discrimination between combatants and non-combatants, and proportion between the damage inflicted and the good thereby achieved or evil thereby averted. In doing so I shall concentrate on the applicability of the criteria rather than attempt to prescribe answers for hypothet-

ical circumstances. The context of the discussion will be an operation led by the United States to eject the Iraqis from Kuwait and, in Secretary of State James Baker's words, "reverse Iraq's capacity for aggression".

Lawful authority is not relevant in the sense that Aquinas had in mind when he required the authority of the sovereign and said that a private person has no business to declare war. We are thinking about governments, not private individuals or even groups that may be described from different viewpoints as freedom fighters or terrorists. But the criterion becomes relevant in terms of the authority of the United Nations. There are two questions here. The first is whether the authority of the United Nations is necessary before recourse to war can be legitimate: the

'The intention must be righteous . . . those who wage a just war must intend peace.'

second is how much of such authority exists in the present conjuncture.

The UN charter confirms the right of self-defence "until the Security Council has taken measures necessary to maintain international peace and security", and permits the Security Council itself to employ armed force. Nevertheless, while we can unreservedly welcome the remarkable and unprecedented consensus in the Security Council for the actions so far undertaken, and hope for its continuance, the question remains whether, if other criteria for firm action to maintain international peace and security are satisfied, yet the Security Council for some reason does not take action, individual nations or groups of nations may legitimately do so with or without United Nations backing.

An assessment of the degree of authority already conferred turns essentially on how far the resolutions of the Security Council, condemning Iraqi aggression and calling for withdrawal from Kuwait, the restoration of its legitimate government and freedom of the hostages, may be held in themselves to imply endorsement of at least the minimum military action required to enforce them. Explicit approval has been given for such measures as are necessary to enforce the economic sanc-

tions imposed. The American and British governments have indicated that, should further action appear to be called for, specific United Nations approval would be welcome but is not in their view necessary. This judgement could be challenged by other members of the Security Council and political expediency might dictate a reference back for further authority. Whatever the merits of the question, however, it seems clear that the traditional criterion of lawful authority is very relevant.

Aquinas defined just cause in the sense that those who are to be attacked do so on account of some wrong that they have done. He quoted an observation of Augustine that just wars are, usually so described because they avenge wrongs, as when a state has failed to make amends for wrongs committed by its own citizens or where what it has wrongly seized is the territory of this criterion needs to be in our respect of the seizure of Kuwait, the judgement of the United Nations thereupon, and the outrages reported to have been committed by Iraqi troops.

As Walter Stein said in a letter to *The Tablet* (15 September), last resort will be the criterion of crucial importance. Although some Kuwaiti and Saudi officials have been reported as pressing for early military action, the bulk of political and public opinion both within those nations that have deployed forces in Saudi Arabia, and more widely throughout the world as reflected in the United Nations, would not doubt be to be satisfied before any such action, the meaning of which would be a blockade of Iraq under the terms of an effective moratorium on the use of force. In particular, the United Nations is holding the anti-Iraqi coalition together, likely to reinforce the just war tradition. Repeated statements from the American and British authorities have stressed that the first priority must be to maintain the economic pressures upon Iraq. And the Iraqis have been compelled both to impose petrol rationing and to offer oil for sale at \$21 a barrel, to raise revenue. But there may be a complication in that the relatively cool season, within which the military commanders would certainly wish to encompass any military operations, that might be approved, lasts only through February and does not recommence until November. It may therefore be necessary not later than, say, early January, to make judgements upon whether and within what timescale operations are likely to compel an Iraqi withdrawal.

Which leads to the criterion of reasonable prospect of success. Under this, soldiers should not be committed to battle, or "enemy" combatants or non-combatants put at risk, unless there is a reasonable prospect that by doing so the just cause can be vindicated and the righteous intention put into effect. It will be an extremely important criterion for decisions on launching operations against a powerful military machine. The numerical strength of the Iraqi forces, especially in tanks, suggests that to dislodge them from Kuwait would be a very considerable operation.

