

cejk



Foreign and Commonwealth Office
London SW1A 2AH

P/A

7 January 1991

Dear Charles,

The Gulf Crisis: A Just War

*Charles.
A bit theological.
Para 8 is the guts of it.
A couple of good quotes
in para 7 and 13.
JM*

I enclose a paper by the Foreign Office Planning Staff which examines the possible war in the Gulf against the Christian concept of the Just War. Ministers may find some of the arguments of use in presenting the Government's case on policy in the Gulf. One caveat: we would recommend against using para 6 - the Koranic view: it would cause offence among Moslems for Christians to attempt to interpret their faith.

I am copying this letter to Private Secretaries to members of OPD(G), the Lord Privy Seal, the Home Secretary and the Chancellor of the Duchy of Lancaster.

Yours ever,

R. Howard Gozney
(R H T Gozney)
Private Secretary

Sir Charles Powell KCMG
10 Downing Street

GULF CRISIS: A JUST WAR?

1. Church leaders, theologians and columnists are debating whether war against Iraq to liberate Kuwait would be a Just War in Christian theology. This paper examines the main arguments and attempts to answer theological reservations over resort to force. It is not an academic exercise: if we go to war the Government should be in a position to respond to these concerns. We should not expect the Churches to rally round when the balloon went up, as they would if our own security was directly threatened.

Background

2. The pre-Christian Roman Empire evolved a legal code (ius fetiale) of conditions for securing divine blessing for a legal war (bellum iustum). Despite the religious element, the pagan Roman approach scarcely addressed the moral or ethical justifications for war. (The distinction is reflected in the different connotations of the words legal and just.)
3. The early Christian church was pacifist. Christian theological debate on the conditions in which war could be justified began when Christianity became the official religion of the Roman Empire in 312 AD: an empire had to be able to justify waging war. St Augustine, St Thomas Aquinas, Gratian, Grotius and Luther are among the principal contributors to the evolution of the Christian concept of the Just War.
4. Two main issues lie at the heart of the debate: the conditions which justify going to war (ius ad bellum) and the requirements for the just conduct of war (ius in bello). Medieval schoolmen were concerned mainly with the former. Interest in the just conduct of war increased as the means of prosecuting war became more devastating.

5. Two questions arise: first, can doctrines evolved in medieval times be relevant to modern warfare? Church leaders and others believe that they are; and these doctrines do reflect ethical principles still widely accepted in our culture. Religious thought has profoundly influenced our attitude towards the moral problems of war and the development of contemporary legal controls on war (the UN Charter, Geneva Conventions etc). Second, can we apply Christian principles in a conflict in which our opponent and a number of our main allies claim to be guided by the principles of Islam? The fact that other parties to the potential conflict cannot be expected to act in accordance with Western, Christian moral values would not for most people absolve us from doing so.

6. If we are to judge Saddam's actions and those of our Arab allies by religious principles they must be those of Islam. The Koran does not sanction aggression by one Muslim party against another. It states: "If two parties of believers take up arms against one another, make peace between them. If either of them commits aggression against the other, fight against the aggressors until they submit to Allah's judgement." This appears to justify the position of our Arab allies. If Western forces attacked Saddam, however, he would characterise his resistance to unbelievers as Jihad - holy war - to embarrass our Arab allies, particularly the Saudis.

Ius ad Bellum

7. The Christian view, expressed by St Thomas Aquinas, is that war is always evil. A justified war is therefore by definition the lesser of two evils. St Augustine considered the fundamental requirement of a justified war to be that it was an action designed above all else to restore violated moral order: "War and conquest are a sad necessity in the eyes of men of principle: yet it would be still more unfortunate if wrongdoers should dominate just men." The main stream Christian tradition also accepts the right to use force in self defence.

8. The particular requirements which, in the Christian tradition, justify launching a war are:

a) It must have proper authority: Proper authority is not defined. St Augustine spoke of the authority of a Prince. Saddam's invasion of Kuwait can be said to have been based on his "proper authority" as Iraq's head of state, provided we accept his legitimacy in that position. Our own "proper authority" for launching military action is much clearer. It rests in the authority of the individual national governments involved, the invitation of the government of Kuwait to join in defence, and above all in the legal authority of the UN Security Council and the UN Charter.

b) It must be for a just cause: In St Augustine's terms, reversing the wrong done by Iraq and liberating the territory and people of Kuwait constitutes a just cause (provided war did not result for them in a greater evil than they would otherwise endure: see below). But the justice of the cause would seem to be limited to the reversal of Iraqi wrongdoing. Overthrow of Saddam Hussein or punitive destruction of Iraq would not be considered just causes for war. Nor, presumably, would disarming Iraq: the fact that the Iraqis hold high levels of arms is not in itself a moral wrong. However we might defend reduction of Iraq's military and NBC power as a legitimate objective in the context of a war to liberate Kuwait. It is an extension of the principle of self defence.

c) War is only justified when all peaceful means have been exhausted: This has been a main cause of reservations about military action early in 1991. The Archbishop of Canterbury has not ruled out that war could be justified, but wants to allow a year for sanctions to take effect. The Catholic Bishops have called for sanctions to be given every chance to succeed. The Bishop of Oxford has endorsed the strategy of economic sanctions backed by military threat, but without commitment on eventual

RESTRICTED

resort to and timing of military action. There is a theological doctrine that a choice to go to war can only be just if it is a "forced" choice. We will not be able to satisfy some Church leaders that resort to force early in 1991 would meet the requirement to exhaust peaceful means. But we can make the following case:

- by 15 January sanctions will have been in place over five months. Combined with the threat of military action, they have given Saddam a clear indication of the will of the international community and ample time to respond;
- we have gone out of our way to make sure that the Iraqis understand our intentions by setting a clear deadline and offering meetings in Washington and Baghdad;
- it is not certain that sanctions alone would bring about Iraqi withdrawal. Any time limit (eg one year) is arbitrary. The potential gains of persisting with them have to be measured against the risks;
- after late February the military option would begin to fade. We could not be sure that it would return. Failing to take it would increase the chances of the invasion leading to a permanent injustice;
- prolonged sanctions would increase the destruction of Kuwait and the suffering of Kuwaitis. They would also harm innocent Iraqis and threaten the stability of other countries in the region (as too, of course, would war).

d) There must be a reasonable expectation of victory: There is: the United States would not go to war in other circumstances. But there is inevitably an element of doubt.

e) War must not give rise to a greater evil than that which it is reversing: This notion, an extension of the principle of

"right intention", is the second major cause of reservations. Cardinal Hume has argued that "there must be a real prospect not only of achieving the just objectives sought by limited use of military force, but also of not causing in the process physical and political damage out of all proportion to the original injustice". There is concern about the level of casualties on both sides and the suffering of Kuwaiti and Iraqi civilians. War could also cause unrest throughout the Middle East and spread to include other states in the region: most dangerously Israel. There is a risk of weapons of mass destruction being used. Such a war could leave a legacy of conflict and hostility. Professor Rowan Williams, Professor of Divinity at Oxford, has argued that in order to justify such risks, we must show a tangible commitment to the lasting welfare of the region and "do something to counter the impression of cynical double standards, by way of some concrete commitments to improve the chances of lasting equity and harmony in the Middle East (not least by reviewing Western policy on arming Middle Eastern states with such lavish profusion.").

We can argue that:

- everything possible has been done to ensure a swift victory and to keep Israel on the sidelines;
- failure to reverse Iraq's aggression would be likely to lead to a more dangerous war in the region, possibly involving more terrible weapons;
- the security of other small states would be put at risk since Saddam and others might be tempted to further aggression;
- we have committed ourselves to a serious new initiative on Arab/Israel once the immediate crisis is over;

- we will review the question of armaments and regional security.

Ius In Bello

9. The two central principles of Christian doctrine on the just conduct of war are proportionality and discrimination. Saddam will feel bound by neither.

10. Proportionality requires that the degree of force used is proportionate to the objective sought. This would preclude the use of wholesale force against Iraq in order to free Kuwait - but not, presumably, strikes on military targets in Iraq important to Iraq's ability to wage war in Kuwait. A second element in proportionality is that if the war escalated to the point where, for example, other parties became involved and there were widespread civilian deaths, the cost would no longer be proportionate to the objective, and the war should be abandoned. In other words, in these circumstances, peace becomes more important than justice. (There is some overlap here with the problem considered in paragraph 8(e).) In reality this does not happen: wars escalate and it is impossible for one side, short of surrender, to limit the means by which they are fought. While theologians might justify going to war against Hitler they would presumably not justify Dresden or Hiroshima.

11. The principle of discrimination deals with the means by which war can legitimately be pursued, proscribing, for example, attacks on civilian targets. It is a principle we can endorse, but a sensitive area given the destructive power of modern weaponry. Many theologians permit a distinction between an evil act and an evil outcome. It could be argued that a few civilian deaths resulting from destruction of an Iraq BW plant would be a lesser evil than widespread civilian deaths resulting from subsequent use of weapons produced at that plant. A justified action might have evil as well as good results.

12. These principles give rise to a paradox. If war is just, its justice is vitiated by fighting in a way which makes victory less likely: (Grotius: "if the issue at stake is worthy of war, then we must strive with all our might to win.") but the Christian power must also exercise control in the use of force: (Aquinas: "More than necessary violence is unlawful"). This means that Just War must by definition be limited war, but not to an extent which places victory in doubt.

Conclusion

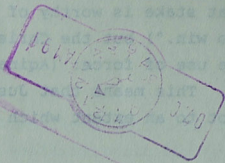
13. We must keep in the forefront of this debate the fact that Saddam Hussein committed the original, unjustified act of aggression. This was neither in a just cause nor proportionate to the scale of his grievance against Kuwait. The Churches will argue that two wrongs do not make a right. We can take steps before, during and after any resort to military action to persuade them that it is justified. Beforehand, we can argue that we have pursued peaceful means to the point beyond which, in our view, the overall objective of reversing Iraq's aggression would be jeopardised, and that we have done all we can to minimise the risk of adverse consequences. Once fighting had begun, unless Saddam upped the ante, there would be a reasonable prospect that we could win with proportionate and discriminate use of force. However, we should guard against widening our objectives. When the immediate crisis is over, the Churches will expect us to follow up our promise to tackle the Arab/Israel problem, to review armaments policy and to seek other ways of promoting stability and reducing tension.

Policy Planning Staff
December 1990

RESTRICTED

SI2AAO/7

12. These principles give rise to a paradox. It was in fact
justice is visited by lightning in a way which makes victory less
likely. (Grotius) "In the course of state is war. Then the
must strive with all our might to win." The Christian power
must also exercise control in the use of force. "Make war
necessarily violence is unlawful." This means that war must be
definitely be limited war, but not a total war which places victory
in doubt.



Conclusion

13. We must keep in the forefront of this debate the fact that
Sadhan Basu has contended the original, unjustified act of
aggression. This was neither in a just cause nor proportionate to
the scale of the grievance against Kuwait. The Churches will argue
that no wrong do not make a right. We can take steps below
during and after any resort to military action to persuade them that
it is justified. Moreover, we can argue that we have pursued
peaceful means to the point beyond which in our view, the overall
objective of reversing Iraq's aggression would be jeopardized, and
that we have done all we can to minimize the risk of serious
consequences. Once fighting had begun, unless Sadhan upped the
ante, there would be a reasonable prospect that we could win with
proportionate and discriminate use of force. However, we should
guard against widening our objectives. When the immediate crisis is
over, the Churches will expect us to follow up our promise to tackle
the Arab-Israeli problem, to review armsaments policy and to seek
other ways of promoting stability and reducing tension.

Policy Planning Staff
December 1954