

# **Iraq: Our Responsibility and the Future**

Approved by  
The 216th General Assembly (2004)  
Presbyterian Church (U.S.A.)





# IRAQ: OUR RESPONSIBILITY AND THE FUTURE

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Presbyterian Church (U.S.A.)

Developed By  
The Advisory Committee on Social Witness Policy  
of the General Assembly Council

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November 2004

To: Pastors of Churches and Clerks of Sessions Where There Is No Installed Pastor, Stated Clerks and Executives of Presbyteries and Synods, and the Libraries of the Theological Seminaries

Dear Friends:

The 216th General Assembly (2004) of the Presbyterian Church (U.S.A.), in reliance upon God under the guidance of the Holy Spirit and in exercise of its responsibility to witness to the Lordship of Jesus Christ in every dimension of life, has approved this resolution on “Iraq: Our Responsibility and the Future.” It is presented for the guidance and edification of the whole Christian Church and the society to which it ministers. This report will determine procedures and program for the ministry divisions and staff of the General Assembly and its Council. It is recommended for consideration and study by other governing bodies (sessions, presbyteries, and synods). This report is commended to the free Christian conscience of all congregations and the members of the Presbyterian Church (U.S.A.) for prayerful study, dialogue, and action.

The military action taken against Iraq is examined in light of just war principles and other principles of conscience. Among other things, the resolution reaffirms our solidarity with Iraqi Christians and their churches, calls for pastoral support for U.S. military personnel and their families and recognizes the constructive role of many military officers and soldiers serving in Iraq. It also encourages continued prayer for peace and stability in Iraq, condemns in the strongest possible terms torture and abuse of prisoners, and calls for a mission plan to respond to the needs and concerns of our brothers and sisters in Iraq. Acknowledging the moral cloud surrounding the military invasion of Iraq, the resolution affirms the United States bears a legal and moral burden for the reconstruction of Iraq, working with the international community.

The assembly also encourages the use of the study developed for last year’s study document *Iraq and Beyond* that is available by calling 1-800-524-2612 and requesting PDS order #68-600-03-005. The study can also be accessed as follows: [www.pcusa.org/iraq/gastatements](http://www.pcusa.org/iraq/gastatements), click on iraqbeyond.pdf. This study and action guide is designed for personal and class use in the hope that we may all become more aware of our call to be God’s people in our daily lives and work.

Yours in Christ,

Clifton Kirkpatrick  
Stated Clerk of the General Assembly



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## **Iraq: Our Responsibility and the Future**

In approving the study document “Iraq and Beyond,” the 215th General Assembly (2003) requested the task force making a study of Violence, Religion, and Terrorism to examine the moral issues raised by military action against Iraq. Following the announcement that the combat phase of “Operation Iraqi Freedom” was concluded, the United States and other coalition forces have occupied Iraq seeking to oversee the restoration of services and promoting the establishment of a democratic government. They have found themselves increasingly confronting hostile actions by unidentified groups bent on expelling the United States from Iraqi soil. In a certain sense, Iraq has now become a major theater for terrorist activity. While President Bush has heralded the action in Iraq as something that has reduced the threat of terrorist action against the continental United States, the people of Iraq are not necessarily more secure.

While the invasion and occupation of Iraq have been linked to the effort to combat terrorism by the rhetoric of its advocates, military operations launched against a sovereign state on the basis that it might pose a danger to international stability must be analyzed separately and differently from efforts to stop disruptive violence as carried on by terrorists. The moral issues that surround these two different activities are not the same, nor can the basis for supporting one be carried over as a matter of course to legitimize the other. Because these two matters cannot be conflated, the Advisory Committee on Social Witness Policy is addressing this issue in separate discussions. One background paper and set of recommendations deals with terrorism and religiously related violence; this paper and the recommendations that go with it deal with the use of armed force against Iraq as an instance of preemptive intervention.

### REVIEWING THE BACKGROUND OF THE IRAQ WAR

Most present day military action involves crossing the boundaries of other countries in order to accomplish some particular objective. Military activity can be utilized to intervene under a variety of possible conditions, each of which presents its own particular issues.

#### *Humanitarian Intervention*

So-called humanitarian intervention crosses national boundaries in order to either alleviate suffering or establish some sort of stability in situations of great turmoil. This kind of intervention has only developed quite recently and support for it has been slowly forthcoming since it usually involves some overriding of complete national autonomy.

A number of interventions for humanitarian purposes have been undertaken over the last decade. Examples include Somalia (1992), Haiti (1994), Bosnia-Herzegovina (1995), Kosovo (1999), and Liberia (2003). All were approved by the Security Council of the United Nations or by a regional alliance of several countries. Many were undertaken at the invitation of or with the consent of the countries involved. Those interventions that have been successful do not attract public attention as much as those that do not succeed either because they are ill-conceived, not supported, or because the parties originally involved broke their commitments. Although the effectiveness of humanitarian intervention has to be considered on a case-by-case basis, such intervention has not been widely deemed to raise fundamental moral objections, although some do object to these actions on the grounds that they involve the use of military force in undertakings that might be done more appropriately by civilian agencies.

#### *Remedial Intervention*

Another kind of intervention deploys military forces within the boundaries of other nations for the purpose of combating groups whose behavior is threatening. Intervention that seeks to deal with unrest, disturbances, and threatening actions in other countries might be called remedial intervention—though no term to designate it has the prevalent usage that the term humanitarian intervention has. Sometimes the presence of the military in such

nations occurs with the approval of the regimes involved, although this has not always been obtained. For instance, in the case of the pursuit of Al Qaeda in Afghanistan, the alliance between Al Qaeda and the Taliban was understood as a threat to the government in those countries as well as to the world. The United States intervened to support the Northern Alliance in its effort to destroy Al Qaeda. This action was generally supported by the international community and the United Nations.

Actions taken by the United States in dealing with the drug problem in Colombia may be another example of this kind of intervention. However, these actions also demonstrate the potential problems that can attend such efforts, for keeping the task of interdicting drugs separate from taking sides in the civil war has not been entirely feasible.

### *Strategic Intervention*

A third form of intervention is illustrated by the effort of the United States to remove the regime of Saddam Hussein in Iraq. Although often called a war rather than an intervention, this action was taken to remove a head of state and his supporters, not to destroy the Iraqi people (except insofar as some of them supported the head of state). The aim has been to change the ruling regime in Iraq, not to bring its people to submission. Moreover, this action never contemplated bringing Saddam Hussein to a surrender in which he changed his policies yet remained in power. Although this form of intervention has more aggressive features than the two types of intervention mentioned above, it does not have the same intentions as wars fought to subjugate or destroy another nation in its entirety.

Clearly the moral considerations required to legitimize a particular instance of intervention change as one moves from one type of intervention to another. The burden of proof required for humanitarian intervention is less demanding than that required for remedial intervention. The burden of proof required when invited to intervene in domestic conflicts is not as high as that required when intervention is undertaken to remove an unacceptable regime. As one moves from humanitarian intervention to strategic intervention, the burden of proof becomes higher and higher. Moreover, the possibility of disagreement about the wisdom or legitimacy of such action is increasingly likely.

Historically, military action has been undertaken on the sole authority of individual nation-states. Such sovereign entities have long assumed that while they may gather allies for their cause, they are entitled to decide unilaterally what actions they will take. This state of affairs has been gradually changing as efforts have developed to hold the behavior of individual nations up to the standards of international law and to the collective scrutiny of the international community working through the United Nations. It is now common to undertake military action at the behest or with the approval of international bodies. Efforts to provide international warrant for military action have emerged only with considerable uncertainty as to their effectiveness and considerable disagreement as to their legitimacy. Having international sanction for military action has been considered by many groups to be an important safeguard against illegitimate interventions by individual nations. Many religious bodies have emphasized this view in their thinking about world affairs. But others, especially those in the United States now referred to as neoconservatives, have opposed subjugating the sovereignty of our nation to international judgments. We are living in a situation in which the sovereignty of individual nations continues to be regarded by many as complete and autonomous, yet a situation in which many look to the international community as the proper place for the adjudication of reasons for taking military action. This dichotomy constitutes one of the underlying reasons for deep disagreements about the legitimacy of operations like those taken against Iraq.

The action taken in Iraq has also raised an issue regarding what should be done about terrorism. If terrorism is a form of aggression either instigated or aided by the rulers of nation-states, then efforts to combat it can be based on a model of war, which leads to regarding whole countries as responsible for terrorism and attacks upon the ruling regimes of those countries as called for. If, however, terrorism is a crime—as it is often characterized in the documents of the United Nations—then a more focused method of bringing terrorists to justice must be employed in order to deal with the small and unofficial groups that are responsible for it. The second type of intervention—one that assists other governments in efforts to suppress wrongdoing—becomes appropriate and the third type of intervention is rendered problematic.

Three interrelated reasons were advanced for taking action against Iraq when it was ruled by Saddam Hussein: (1) its regime was unacceptably brutal and showed little respect for the human rights of its citizens; (2) it was considered contemptuous of a international mandate calling for it to cease and desist from pursuing plans to create so-called weapons of mass destruction (that is, nuclear, chemical, and biological munitions); and (3) it offered no assurance it would refuse to support terrorists. None of these factors, however, were new developments with the events of September 11, 2001, although the second and third were alleged to acquire new urgency at that time. The brutality of its leader was long-standing and did not constitute a factor directly related to the spread of terrorism. Iraq's effort to create weapons of mass destruction was being scrutinized by renewed inspections carried out under the direction of the United Nations and there was considerable doubt as to whether or not Iraq actually had such weapons. Iraq was not the only nation that could be suspected of supporting terrorists and the alleged link between its regime and that of terrorist organizations was never decisively demonstrated (and possibly could not have been). Iraq was not the only nation that posed problems for world order. It is not the only nation that has refused to conform to the mandates of the United Nations. Both Turkey and Israel, which the United States supports, have on occasion defied such mandates. The reason for singling out Iraq for aggressive intervention while not attacking other nations whose role in supporting terrorists was similarly—if not, indeed, even more—probable was never given definitive clarity. Moreover, questions have persisted as to whether the rationale provided for attacking this particular nation was based upon either the exaggeration or even misconstrual of evidence available from intelligence agencies regarding the extent to which Iraq had proceeded with the development of unacceptable weaponry. It can even be argued that Iraq complied, however reluctantly, with the international mandates placed upon it. Such questions have gained additional importance following the military occupation of Iraq because the weapons of mass destruction have not (or not yet) been found, and the premise that Iraq intended to use them has never been proven.

The impulse for taking military action against Iraq was very likely an outgrowth of a new policy regarding the use of American military power—a policy that advocates using military action to remove potential threats to peace and international stability before they escalate into imminent dangers. This policy, calling for preemptive strikes, works against the posture of restraint that characterizes much traditional teaching about when resort to military action is warranted. The doctrine of preemptive strikes tends to impel decision makers toward military action rather than away from it. To hold that military action should be used to remove dangers before they become major threats is to prompt policymakers to search out such dangers and deal with them as soon as possible. It inclines toward rather than discourages strategic interventions.

#### THE DEBATE OVER THE MILITARY ACTION IN IRAQ

Before the military action in Iraq was undertaken, several groups expressed reservations about its wisdom or possible efficacy. Early on, some of these doubts came from military experts—though those still on active service soon muzzled their views. Senator Robert Byrd of West Virginia attacked the administration's motives for the Iraq war on the floor of the Senate in May 2003. He argued that the reasons for the war were built on lies. Many international affairs experts, regional specialists, and international lawyers also expressed reservations about the intended action. Doubts about the legitimacy of this action were also raised by several nations, such as France and Germany, with a long history of friendship with the United States. Their opposition seriously strained their relationships with our administration.

The problems raised by the intended action against Iraq were aired at length in the Security Council of the United Nations in late 2002 and early 2003. As the Bush administration vacillated between wanting to go it alone and wanting the approval of the international community, it presented the Security Council with a clear proposal to be either accepted or rejected, rather than as a matter for the community of nations to resolve through consultation and deliberation. The signal was clearly given that a rejection of the American agenda would be ignored and the action taken anyway. The result was that a “coalition of the willing” was co-opted by the Americans despite strong opposition from many other nations.

Opposition to the projected action against Iraq was also expressed by a wide range of Protestant, Catholic, and Orthodox leaders in the United States, as well as Pope John Paul II. From August 2002 until February 2003 religious leaders appealed to President Bush multiple times citing opposition to preemptive military action, a fear of destabilizing the region, concern for the erosion of support for combating terrorism, and a desire to work within

the structure of the United Nations. Leaders of the National Council of Churches of Christ, representing thirty-six denominations, called for restraint and a halt to the “rush to war.” The Moderator and Stated Clerk of the Presbyterian Church (U.S.A.) were consistent voices in the call for restraint along with the leaders of other so-called mainline churches. The appeals regularly asked for a meeting between the president or his national security advisor and leaders of the mainline churches.<sup>1</sup> Requests for such meetings were rejected by the administration.<sup>2</sup> For an overview of the opposition that came from religious bodies see Peter Steinfels, “Deaf Ears on Iraq,” *The New York Times*, September 28, 2002.

The extent and emphatic tone of these religious leaders were unprecedented in recent history. By comparison, widespread opposition to the war in Vietnam arose only in the mid to late 1960s, after the conflict was well underway, rather than as an effort to prevent military action in Southeast Asia from beginning. While the recent opposition to taking military action against Iraq represented a significant consensus among mainline religious leaders, that opposition appears to have had no impact on senior leaders in the Bush administration who repeatedly refused to meet with these religious leaders so they could present their concerns.

The religious leaders who opposed military operations in Iraq questioned the proposed action primarily on moral grounds. Some of those who expressed such opposition were leaders fundamentally committed to non-violence. Others used just-war teaching to substantiate their opposition. Such use is significant because it diverges from the way just-war teaching has been commonly used throughout much of western history. Historically, just-war teaching has tended to furnish the basis for supporting military operations, although during the twentieth century instances have become more frequent in which application of the criteria to specific cases has resulted in opposition to proposed military action.<sup>3</sup>

Granted, there was support from some religious leaders for the projected military action against Iraq. This high-profile support came from conservative religious leaders whose strength has emerged as a political factor since the Vietnam era. Some of that support took the form of enthusiastic endorsement of the administration’s plans—even, unfortunately, of suggesting that the Muslim religion is inherently belligerent and therefore a proper target for restraining efforts. Much of the support of that genre came very close to endorsement of a holy war, or crusade. But some of those who supported the planned attack on Iraq used just-war teaching to make their case.<sup>4</sup> They appealed to the same moral criteria as did the opponents of the action but came to quite divergent judgments as to their implications. One commentator has suggested that what has developed as a consequence are two kinds of just-war thinking—a justifying version and a restraining version.<sup>5</sup> This may suggest how indecisive just-war thinking may be in evaluating the legitimacy of particular conflicts.

The wisdom of taking military action against Iraq continues to be debated on pragmatic and policy grounds. Former Secretary of State Madeleine Albright, writing after the initial hostilities had taken place, criticizes the linkage that was used to defend Operation Iraqi Freedom as a crucial part of the “war” against terrorism. She contends that the military action against Iraq has shifted attention away from Al Qaeda and other sources of terrorism and has focused attention and the relegation of resources on the nations designated as the so-called “axis of evil.” Secretary Albright’s analysis uses prudential considerations to make the case that the military action against Iraq was ill-advised and not essential to the effort to counter terrorism.<sup>6</sup>

The opposition from mainline religious bodies continues, as in a statement made by the Central Committee of the World Council of Churches in late August of 2003. The terms used in that statement include these words: “illegal,” “immoral,” and “ill-advised.” The action is condemned as “a breach of the principles of the UN Charter.” The Central Committee of the World Council of Churches brings together Christians from many countries and therefore is a significant barometer of the opinion of the leadership of the worldwide Christianity community, although many Christians in the United States disagree in good conscience.

#### ISSUES FOR THE COMMUNITY OF FAITH

The history so briefly sketched above raises a number of issues for communities of faith. The action taken in Iraq does not enjoy overwhelming approval. The responses to it not only show a rift between two approaches to world order in the society at large, but they evidence a division within Christianity itself between those who hope that religious faith can help to create world community and those who believe religious faith furnishes the warrant

for moralistic efforts and even the unilateral use of military force to combat international malfeasance. How are Christians to be faithful in the face of this situation? Does any place remain for a significant social witness which policy makers will consider helpful and which is germane to the making of public policy, or must the vocation of Christians who find a particular military venture wrong be one of dissent and protest, of noncooperation and/or withdrawal? Will Christianity become deeply divided, either on the parish level or in the higher echelons of denominational and ecumenical affairs, between those who emphasize peace and reconciliation as important means of advancing the well being of the human family and those who advocate vigorous efforts to deal punitively with those who threaten that well being? Will all the thinking that has been done since the Second World War about the importance of international efforts to build a peaceful world—thinking that seemed to be enjoying something of a reasonable consensus—simply become one side of a deeply polarizing division that results from policies that favor unilateral domination of others for the purposes of ensuring reliable order and safety?

With these questions in mind, let us explore some possibilities for thinking that can get beyond destructive polarization. Clearly there is a need for some rethinking and modification of just-war teaching. It is important to recall that the purpose of just-war theory is not to justify war but to make war next to impossible. Just-war theory is a theory of moral exception—an exception to the fundamental Christian stand to be peacemakers. In its practical application, the just-war theory at times does not seem to provide adequate guidance for determining when military action is, or is not, morally justified. Clearly, there is need for constant rethinking of the theory as it applies to particular cases. What, then, in light of the action taken in Iraq, can be said about just-war thinking and its significance for making moral judgments about particular conflicts?

#### *Rethinking Just-War Teaching: Last Resort*

One principle suggested by just-war theory is that military force should only be used as a last resort. The problem comes, not with the principle itself, but with judging when the conditions it sets up have been met. There is no doubt but that considerable effort had gone into making Iraq change behavior before it was decided to take action against it. For months a mandate of the United Nations forbidding Iraq to pursue the development of Weapons of Mass Destruction had been in place, and economic sanctions had been invoked in the effort to enforce the mandate. Moreover, much diplomatic activity had been made to seek a change in Iraq's behavior, including extensive use of inspections under the auspices of the United Nations. Both actions were aimed at bringing Iraq in line, requiring it to conform to certain expectations and demands felt to be warranted by the community of nations expressing its will through the United Nations. A judgment that these various efforts were of no avail was reached by the Bush administration. When the possibility of military action was contemplated, Iraq was given an ultimatum by the president of the United States (concurring in by the prime minister of Great Britain) prior to the unleashing of force against it—but this was basically a unilateral threat rather than an expression of multinational opinion. All of these actions, in the eyes of those who favored taking military action, amounted to meeting the conditions necessary for “last resort.” Those who opposed taking such military action reached different conclusions.

Many of these efforts presumed that Iraq would change only under duress. Economic sanctions are designed to produce duress. In fact, they create a good deal of hardship on the civilians of the nations against which they are imposed. Although sanctions do not involve the use of overt violence, they do use force and they do cause harm. Sanctions impact noncombatants adversely and raise some of the same moral issues as strategies in war that violate the just-war principle of noncombatant immunity. Several of the nations which President Bush identifies as constituting an axis of evil have all been subject to such sanctions and few have changed their behavior as a consequence. Although economic sanctions have possibly been useful in other situations, the imposition of sanctions by itself does not satisfy the necessary conditions for asserting that all efforts short of war to solve an international problem have been undertaken. “Last resort” can be claimed, not only when efforts based on duress have not resolved issues, but also when other efforts to resolve issues—such as diplomatic negotiations—have been employed to the fullest extent.

While the practical difficulties in satisfying the condition of last resort pose one kind of problem, the move to a policy of the preemptive strike formulated by the administration and used as the basis for the military action against Iraq creates a very different premise for guiding actions. This abrogates the very principle that undergirds

just-war teaching rather than merely asserting those conditions have not been met. The idea of preemptive strike is the direct antithesis of last resort. Just-war teaching is founded on the premise that the use of military measures must be clearly restrained and carefully circumscribed. The idea of the preemptive strike is founded on the premise that the shrewdest and most calculating use of military measures is warranted—and the sooner the better. The touchstones are victory and success, not restraint and responsibility. All efforts to resolve differences or to bring about changes in the behavior and policies of nations that might be threats to peace are likely to be cast aside before even being tried. The idea of preemption counters everything for which just-war teaching stands and for which just-war theorists have been working to make that idea more significant in international relationships. It scuttles every possibility of moving further toward making just-war teaching an effective restraint on unwarranted international combat. If this crucial aspect of just-war teaching is abandoned, what is to prevent the other aspects of just-war teaching from being similarly discarded? The implications of this shift are enormous. Military force will become mainly a tool of domination, carried out with power and arrogance even if claiming to be in the interest of advancing world order. Those who believe just-war teaching has importance for international affairs should vehemently oppose the doctrine of preemption.

### *Rethinking Just-War Teaching: Just Cause*

Fundamental to just-war thinking is the recognition that the use of military action must be for a just cause. For a cause to be just, a threat must be real and imminent and the party initiating military action must have been significantly wronged or acting in self-defense. Although the determination of what constitutes a just cause has traditionally been made by a party claiming just-war legitimation for its action, the determination of what constitutes just cause has been moving to the community of nations, now most visibly represented by the United Nations. The charter of the United Nations provides for the redress of grievances and for taking military action in self-defense. When action to redress grievances is contemplated, a nation is to present its case to the international body, or when action has been taken for purposes of immediate self-defense, the party involved is to report such action to that body as soon as possible. Such provisions are designed to give greater weight to the claim to have a just cause. Members of the United Nations are bound by treaty to let their use of military action be subject to such review.

Normally the possession, or attempt to possess, any particular kind of weapon (conventional or mass destructive) has not been considered a just cause for war—neither in international law, by moral consensus or in any decision of the United Nations. Neither has association with (or tacit support) of terrorist groups by an otherwise internationally recognized government been judged to provide a just cause to attack such a government. Finally, though most citizens of the United States and other democratic societies recognize the value of their form of government, the imposition of democracy on another sovereign nation has never been regarded as a just cause for taking military action. These alleged reasons for taking military action against Iraq (several of which have not been entirely substantiated) did not receive the endorsement of the community of nations. Unilaterally asserted to be the basis for just cause they fail. By using them to forge a coalition to take military action without the endorsement of the United Nations the United States has spurned its treaty obligations and is considered by many to have acted illegally.

### *Rethinking Just-War Teaching: Legitimate Authority*

Another principle in just-war teaching is the rubric that requires the use of military action to be declared by a legitimate authority. This can be understood as a simplistic legal requirement that certain proper authorities must make the decision to go to war—as though it has to be done by the king and not a subordinate minister, by Congress and not by the president acting alone. That, however, is a narrow reading of the requirement. A significant historical intent of this requirement has been to prevent private insurrections from claiming moral warrant. The use of force by an individual or small group against the larger public order is always fraught with the possibility of creating chaos. The requirement of legitimate authority seeks to avoid that danger. Even so, this requirement does present some problems. Stringently applied, it can be used, for instance, to preclude the possibility of legitimate revolt against tyranny. But more broadly understood, it would indicate that a revolution can be considered just only if it is undertaken as the effort of a significant band of profoundly motivated persons concerned for justice who are bound in covenant to one another to seek a larger public good rather than their private advantage.

Thinking about what constitutes legitimate authority should be updated. That authority should be as broad as possible. The unilateral use of military force by a single nation today is likely to be as much a threat and repudiation of the common good as the private use of military force would have been when just-war thinking was first developed. Military action today, particularly when that action is an instrument of policy and involves other parts of the global community, should be considered legitimate only if sanctioned by the international community. The present channel for doing this is the United Nations. The Presbyterian church has been committed for many years to the construction of international legal organization and standards.

The United Nations and the charter, which is its framework, are vibrant evidence of this important movement toward international law. Yet this charter makes clear that international law was violated by the recent U.S.-led intervention in Iraq. A brief review of parts of Chapters 1, 6, and 7 indicates the steps that legally should have been taken in making a decision to intervene.

In Chapter 1, Article 3, all member states agree to “refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any other state.” Article 24 of Chapter 6 of the charter states unequivocally that “Member States confer on the Security Council primary responsibility for the maintenance of international peace and security. In this chapter, the security council, not individual nation-states, is given the responsibility to explore all peaceful means of dispute resolution, and is accorded the right to decide what kind of action should be taken in situations that threaten international peace and security.

Chapter 7, which deals with the use of force, reserves for the security council the power to determine: (1) when a breach of security has occurred; and (2) what measures to take to remedy the situation. While Article 42 of this chapter gives the security council the right to decide to use force against a state if a breach of security is found to exist, the subsequent articles give to this council the sole right to put together a coalition of forces, whose plans for the use of military force are, according to Article 46, to be made by the military staff command. All military actions to resolve a threat to peace are to be taken, according to Article 48, by the security council, not by member states.

The strongest case for the illegality of the actions taken in Iraq by the U.S.-led coalition can be made from the terms found in Article 51. Cited often by political leaders as allowing intervention as a form of “self-defense,” the article nevertheless states firmly that measures taken by states in self-defense “shall not in any way affect the authority and responsibility of the Security Council.” Since the action taken in invading Iraq did usurp the authority and responsibility of the council, and never received a motion of support by the council, it is clearly in violation of the rules carefully crafted by the community of states to ensure the safety of security of all other states.

Just as no individual is warranted in starting a war to advance a private agenda, under modern circumstances no single nation should be considered warranted in unilaterally starting a war to advance diplomatic or policy agendas, even if those agendas are well-intentioned. In the case of being attacked, any nation whose defensive military action was accorded the approval of the international community would have a moral advantage. The decision to launch Operation Iraqi Freedom was pursued with the clear indication it would take place regardless of the feelings and judgments of other nations. The agreement of other nations was solicited but not regarded as constituting a condition for proceeding. That action constitutes a serious erosion of the governing premise of just-war teaching that requires the use of military actions to be governed by the authority most concerned for the common good. When the issue is global in its dimensions, the only legitimate authority must be international in character. Some of the most serious problems associated with the action in Iraq stem from the fact that for all intents and purposes it was an action initiated and sustained by the United States acting in concert with its self-interested partner, the United Kingdom, and other smaller members of the so-called “coalition of the willing” but was not undertaken with full support from the world community.

### *Rethinking Just-War Teaching: The Matter of Success*

Another criterion in just-war teaching is the provision that military action must have a reasonable chance of success. This is sometimes felt to be an almost opportunistic provision—which may well be the case if by success

one has in mind only the question as to whether or not it is possible to subdue an opponent in battle. But success needs to be more broadly understood—not as mere victory in combat but as a constructive achievement in the aftermath. Regime wrecking does not automatically result in nation building, and in the case of Iraq success must be understood as involving both. This means that just-war teaching must come to be understood, not as applying merely to the outcome of the immediate military operation, but as including necessary and important responsibilities for creating new relationships and new political order following conflicts.

There are grounds for doubting whether the administration entered into the conflict in Iraq with this broad requirement of success in mind. It was overly quick to claim military operations had been successful even when conflict had not ended and obviously before the political situation in Iraq had been stabilized. Casualties continue to mount, and much disorder is evident. Iraq is now the location of random and unpredictable yet serious terrorist activity, which the presence of American occupying forces seem unable to prevent (if, indeed, American presence does not attract it). It is also apparent that rebuilding the country and leading it to democratic order is going to be a long and expensive undertaking. Although the administration showed little willingness to have its projected action stayed by opposition from other nations, it has now gone to other nations seeking their aid in the aftermath. If this reflects a genuine turning away from unilateralism, this move can be welcomed and should not be dismissed as merely self-serving. It is unfortunate that it arrives so late.

### *Rethinking Just-War Teaching: The Matter of Means*

Just-war teaching offers guidance for the use of armed force as well as guidance as to when resort to war is justified. A just-war must be conducted in ways that can bring about constructive results—by means that are proportional to the evil required to achieve them. Moreover, noncombatants are not to be directly attacked.

As warfare has changed judgments as to what constitutes legitimate means have had to be recast with the aim of keeping the means under controlled restraint and as low as is consistent with the goal of subduing an enemy. Modern weaponry poses these issues in new ways. Instruments of mass destruction—whether chemical, biological, or nuclear—create the possibility of means that are lethal on such a massive scale as to be morally unacceptable. Massive air strikes against centers of population pose similar issues to only a somewhat lesser degree, especially when there may be military targets that cannot be isolated for separate destruction. Just-war thinking has waffled on the moral issues connected with the use of such strikes—not least because any blanket condemnation of air strikes would only encourage the placing of military targets in population centers as a way of granting them immunity.

Efforts to make the use of air strikes more discriminating and thus render them morally less problematic have made some progress. So called “smart bombs” may be preferable to massive obliteration. The use of intelligence to identify military targets so that they may be discretely attacked has possibilities of making military means morally less problematic. The extent to which these developments have been significant in the war in Iraq has been a matter of uncertainty. Clearly, civilian populations have been injured by the conduct of military operations—whether more than necessary is a matter of debate. Many people feel that in the case of the invasion of Iraq by the United States there was not enough known about the location of civilian populations or its government leaders to assure that aerial bombardment could be carried out justly. While great care was sometimes exercised to protect civilians there was not enough known to ensure that collateral damage would remain minimal. Particularly early in the war civilians were grievously hurt, wounded, and killed. Hence, some conclude it would have been better to refrain from this war than to have murdered civilians because of faulty intelligence. However, this is not a judgment that can be rendered with decisive certainty.

But we can speak with moral clarity about the matter of the treatment accorded prisoners of war. Not only just-war thinking but international agreements have been clear and explicit about how those who are incarcerated during a war are to be treated. Once unarmed, prisoners of war are protected by Article 17 of the Geneva Convention of 1949, which states:

No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind. <http://www.unhcr.ch/html/menu3/b/91.htm>

In light of this provision of international law it is possible to make the moral judgment that the treatment of those incarcerated in Iraq has been morally unacceptable.

### *An Overarching Consideration*

Behind just-war teaching in a representative democracy lies a premise so fundamental that it is not even stated as a formal principle. It is assumed that any action proposed will be preceded by public debate and that the reasons advanced for taking those actions will have the substantive credibility required to meet the requirements of open scrutiny. This assumption is indispensable to the principle that the cause for which military action is taken must be legitimate. No cause can be just if it is based on deceptive, fabricated, distorted, or even insufficiently demonstrated considerations. The burden of proof needed for taking military action should be rigorous, excluding both deliberate misuse of information (lying) and the triumph of ideology over reality. The import of this premise increases enormously when military action is considered for preventive or preemptive reasons. Conjectural assertions about the likelihood of a threat, however plausible, are insufficient to satisfy this fundamental premise. To discover after military action has been taken that the reasons given for it were not warranted is to undercut the trust essential for viable international relations. Misperception becomes the functional equivalent of falsehood.

Beyond the question of just-war teaching and international law is the fundamental concern for truth telling as a moral obligation. In his January 2003 State of the Union address, President Bush repeatedly raised the specter of weapons of mass destruction (WMD) in the hands of Saddam Hussein and the threat the dictator posed to states in the Middle East. Later, in a dramatic briefing to the United Nations Security Council, Secretary of State Powell detailed in satellite imagery, communications intercepts, and human intelligence a story of WMD production, deception, and denial. Yet months after these assertions were cited as the just cause for invasion, no significant evidence of WMD production and secret storage has been uncovered.

As citizens and as people of faith we must raise appropriate questions in dealing with the “facts” so emphatically touted to justify military invasion. Has the nation been subject to the misshaping, distortion, and twisting of intelligence information to meet predetermined policy positions? Were senior officials so focused on “regime change” that all potential evidence was molded to support the argument for ousting Saddam?

### ON THE QUESTION OF DEMOCRATIZATION

It is possible to raise serious doubts as to whether or not the administration understands the full dimensions of the task of creating a democratic society in Iraq. Most of its emphasis has been on destroying those who engage in violence. Even the speech of the president delivered on September 6, 2003, although calling for the long-sustained effort to bring democracy to Iraq, was primarily concerned to strike down opposition and thwart terrorist threats. The speech gave almost no indication of what would be needed—other than to free Iraq from violent threats—to establish a democratic society. The assumption that democracy will automatically flow in when oppression is broken and threats are subdued is woefully naive. Success in battle is—at the most—only a first step. Democracy is a unique achievement that is possible only when a people come to understand covenant obligations to each other, the need to abide peacefully with orderly determination of majority wishes, and when its members are assured of at least minimal conditions of material well-being. We need to have a much wiser and more explicit realization of what must be done to bringing such conditions to Iraq than has been as yet forthcoming. Moreover, the role of voluntary associations must not be overlooked. These are important aspects of a viable democratic society; and unless their role is acknowledged and supported, the possibility of creating a free and functional society will be scant indeed. When American leaders suggest “We will stay the course,” they should be prepared to indicate the complex and difficult actions beyond maintaining military superiority that are required to do that successfully.

Democracy is the government of the people, for the people, by the people, and it can be achieved under various models of governance (i.e., various constitutional, parliamentary or presidential systems). Democracy, therefore, is always open to the future and does not presume a priority that a nation will adopt one economic system or another. It would be a mistake to expect that a democratic Iraq would necessarily emerge as an

economic ally of the U.S.—unless democracy means alignment with the U.S. regardless of the will of the Iraqi people (which is, obviously, a contradiction of terms).

It is significant that many of the opponents of the military operation in Iraq understand the need for, and are willing to support, efforts to rebuild the country and to prepare the way for it to embrace democracy. This may be an agenda that can garner the support of all groups and help to transcend the polarization that threatens to keep them divided. No previous position as to the wisdom of taking military action prevents acknowledging the immensity of the task of nation building, the sacrifice that will be necessary in order to come up with the needed resources, and the fact that only insofar as Iraq is brought into the community of nations without punitive and vindictive sanctions does such an undertaking have any chance of success.

Moreover, this undertaking must be planned and carried out by the United Nations on terms that are developed out of the corporate wisdom of all its members. The United Nations must not be used as a front for the pursuit of an agenda developed only on the basis of the wishes of the United States—or even on the basis of the wishes of the “coalition of the willing.” The result should not be expected to please everyone in all respects. Compromises may need to be made and working solutions pursued that do not conform entirely to idealistic hopes. Having been an agent of liberation of Iraq from the grips of a dictatorship does not provide the license to dictate how it will develop a more viable society in the future.

#### ON THE ROLE OF RELIGION

Finally, any understanding of this issue must take into account the positive and negative roles that religion plays in the social process of a country like Iraq. It will take much sensitivity and thought to appreciate these factors. The place of religion in this situation is complex and cannot be ignored or treated superficially.

The diversity of religious expression in Iraq, including Sunni and Shia Muslims, Christians, and others, means that a variety of views are present in that country regarding the ways in which religion and public life should be related. The conflict between European-type modernization and Islamic traditions are not resolved and will not yield to easy accommodation. Listening to the complex and varied religious voices and positions in Iraq and encouraging the engagement of the religious communities there in constructing a politically viable future will be challenging and important work. The religious forces in Iraq are not agreed on a single vision for their country and are not likely to be co-opted to serve a specific political agenda, especially if it is imposed from the outside. The eventual cooperation of groups presently holding sharply contrasting views will be necessary for the success of any rebuilding effort.

One potentially dangerous approach, which would sow further discord and civil strife, would be one that supports the attempt to convert Iraqis to Western Christianity as a path to the resolution of the social issues facing Iraq and its people. We should be aware of those ministries from the United States and other countries that are now poised and ready to undertake just such a major effort in Iraq. Such an outreach carried out in a country, as torn and fragile as Iraq will be for some time, could easily introduce further instability and anti-Western violence.

To be successful in bringing a viable and stable situation to Iraq will require as much expertise, planning, and wisdom from Iraqi civil, intellectual and religious leaders, and from others of good will from the international community as has been utilized to undertake military operations. The task of nation building, or re-building, can only be accomplished at comparable risks, greater costs, and a higher competence than has been expended in regime destruction. The religious communities of Iraq have much to contribute to this process if it is to succeed. International religious communities, such as the Presbyterian Church (U.S.A.), may do well to support the work of our Christian partners and the many other responsible religious leaders of Iraq in this work.

#### *Endnotes*

1. The repeated appeals of international and American church leaders are available in the online archives of the Presbyterian News Service. See [www.pcusa.org/pnews/archive.htm](http://www.pcusa.org/pnews/archive.htm). Stories include “A Call to Stop the Rush to War,” of August 20, 2002; “U.S. Church Leaders Urge Bush to Avoid Military Action Against Iraq,” of September 12, 2002; “Clerk Urges Bush to Avoid ‘Rush to War,’” of January 13, 2003; “46 Religious Leaders Ask Urgent Meeting with Bush on Iraq,” of January 31, 2003; and “PC(USA), Church of Scotland Leaders Appeal to Bush, Blair for Peace,” of February 6, 2003. For

an additional overview of the opposition of religious bodies see Peter Steinfels, “Deaf Ears on Iraq,” *The New York Times*, (September 28, 2002).

2. A group of 49 leaders representing 13 denominations and 5 organizations asked for a face-to-face meeting with the president in January of 2003. ([www.ncccusa.org/news/03news4html](http://www.ncccusa.org/news/03news4html)). Their request was not granted.

3 See Alan Geyer and Barbara G. Green, *Lines in the Sand: Justice and the Gulf War* (Louisville, Ky.: Westminster/John Knox Press, 1992).

4. See George Weigel, “Moral Clarity in a time of War,” in *First Things* Number 129 (January 2003), 20–27.

5. See David P. Gushee, “Just War Divide: One Tradition, Two Views,” in *The Christian Century*, Volume 119, Number 17 (August 14–27, 2002), 26–29.

6. See Madeliene K. Albright, “Bridges, Bombs, or Bluster?” in *Foreign Affairs* (Fall September 2003) pp. 3–19.

# RECOMMENDATIONS

## ITEM 12-05

The Advisory Committee on Social Witness Policy (ACSWP) recommends that the 216th General Assembly (2004) of the Presbyterian Church (U.S.A.) approve the following resolution with recommendations and receive the background rationale to be included in the *Minutes*:

### Iraq: Our Responsibility and the Future

The invasion of Iraq by the United States and those countries belonging to the “coalition of the willing” and the ensuing conflict have created diverse opinions, strongly held, as to whether or not this has been a justified action.

There are many different points of view within the Presbyterian Church (U.S.A.) about war as a moral issue. They include those who believe that war in all circumstances is contrary to the teachings of Jesus Christ, the Prince of Peace. Others feel that resort to arms is a necessary measure to be taken in certain situations when there are gross violations of human rights or where there is an imminent threat to the life and health of all or part of the human community. Both of these positions are supported by the social teaching of our church.

Opposition to the military action against Iraq based on just war principles and other principles of conscience, while not unanimous among Presbyterians, has been sufficiently widespread to indicate much concern. From the beginning, it has been the judgment of many church leaders, both in the United States and elsewhere, that an invasion of Iraq has been unwise, immoral, and illegal. The 216th General Assembly (2004) concurs with this judgment. That judgment has also been evident in widespread public feeling in numerous countries, including countries long friendly to the United States.

Presbyterians affirm, “God alone is Lord of the conscience.” Every member of the Presbyterian Church (U.S.A.) is both entitled, and called upon, to consider this matter prayerfully and lovingly. Every Presbyterian, however, is also called upon to treat those with whom they disagree with respect. We deplore the actions of those who regard persons with positions different from their own as being unpatriotic or un-Christian.

Moreover, the military action taken against Iraq is not directly or necessarily connected to the effort to deal with the threat of terrorism. It raises different issues and must be assessed using different moral considerations.

Despite the moral cloud surrounding the military invasion of Iraq and growing concern about the loss of life on both sides of the conflict, there is widespread agreement that the United States bears a legal and moral burden for the reconstruction of Iraq. Many people feel this burden can only be carried out properly and successfully through full cooperation with the international community, especially the United Nations. The complexities and difficulties in the road ahead must not be the occasion for indecision or for seeking simplistic solutions in the momentous task of nation building. Acknowledging the moral perplexity caused by Operation Iraqi Freedom, the 216th General Assembly (2004) of the Presbyterian Church (U.S.A.) does the following:

1. Affirms the Reformed principle that “God alone is Lord of the conscience,” and that in evaluating U.S. actions in Iraq every Presbyterian has the right to arrive at their own judgment, even if, after prayerful consideration, that places them in opposition to the position of the General Assembly.
2. Reaffirms the Presbyterian Church (U.S.A.)’s solidarity with Iraqi Christians, especially the Presbyterian churches of Iraq, with whom we have had a strong bond of partnership for more than a

century and a half, as they make their witness in their own society to the faithfulness of God and as they seek to have a significant role in the rebuilding and progress of their own country.

3. Calls for pastoral support at every level of the church's life for U.S. military personnel and their families who suffer pain and loss as a result of this military action, and expresses compassion for Iraqis who are also the victims of this conflict.

4. Recognizes that many who are called to arms in this military action are responding out of conviction and others out of obedience to duty, or both, but all of whom do so at great sacrifice, both in their personal and family lives and also in relation to vocational responsibilities at home. The General Assembly further recognizes that there are many military officers and soldiers serving in Iraq who, out of convictions rooted in their faith, are engaged in various constructive activities of social service, such as rehabilitating hospitals and rebuilding schools.

5. Urges the United States government to move speedily to restore sovereignty to Iraq, to internationalize the reconstruction efforts without penalty to those nations that chose not to endorse the U.S.-led invasion, and to recognize the United Nations as the body most suitable to facilitate the transition to peace, freedom, and participatory governance in Iraq. We commend the administration for its recent efforts to work through the United Nations to help the Iraqi people take charge of their own political destiny and urge the United States to recognize that the United Nations should play the leading role in helping the transition to Iraqi self-rule. In light of the transfer of power from the representatives of the United States Government to the Interim Governing Council in Iraq, we urge that further steps be taken to internationalize the reconstruction efforts and to help the people of Iraq to take charge of their own political destiny. Meanwhile, we continue in prayer for peace and stability in that country.

6. Suggests that the United Nations, with more than fifty years of experience of peace-building in more than 170 countries, play a lead role in the recruiting and training of persons who have special skills in establishing the rule of law—police, judges, court staff, and correction officers—to establish peace and stability in Iraq and other areas of the world striving to build post-conflict stability and order. The deployment of military personnel for this purpose should be avoided as much as possible as it places additional burden, responsibility, and need for training that stretches the current forces beyond their expertise.

7. Condemns in the strongest possible terms torture and abuse of prisoners held any place in the world, in United States government, military, or civilian custody, and we oppose any continuation of this practice. As a church in the United States, we acknowledge and repent of our complicity in the culture leading to such acts, confess our collective sinfulness that is at the root of this practice, and ask God's forgiveness.

8. Calls attention to the need to understand and take into account the role that religion plays in the cultural and political affairs of nations, particularly those with large Muslim populations, and encourages Presbyterians to reaffirm their commitment to peacemaking in Iraq through dialogue and engagement in their community.

9. Supports the people of Iraq on a long-term basis in rebuilding their government and nation without prejudice to any ethnic and religious group and urge the United States government to provide assistance to Iraq in the long-term rebuilding efforts, including working for relief of foreign debt.

10. Commends the Stated Clerk of the General Assembly for his strong leadership in representing policies of the General Assembly and brothers and sisters in the church at large, and for his leadership among world religious leaders in calling for interfaith cooperation to address the crisis created by this action for relations between Christians and Muslims.

**11. Expresses deep regret over the failure of the current administration, prior to military action, to meet with religious leaders seeking to offer a full explanation of the basis for their opposition to an invasion of Iraq, and the subsequent unwillingness of the administration to meet with those leaders to discuss the role the churches might play in creating a free and prosperous future for Iraq.**

**12. Approves the report as a whole for churchwide study and implementation (noting that the study developed for Iraq and Beyond, approved by 215th General Assembly (2003), has continuing usefulness for the church: PDS order # 68-600-03-005).**

**13. Directs the Office of the General Assembly to publish the resolution (with recommendations and background rationale) and place the document as a whole on the PC(USA)'s Website, sending a copy to the presbytery and synod resource centers, the libraries of the theological seminaries, making available a copy for each requesting session or middle governing body, and directs the Stated Clerk to notify the entire church of the availability of this paper on the Website.**

**14. Due to the immense sacrifice of our partner churches in Iraq, calls on the PC(USA) to give sacrificially to the real needs of our brothers and sisters in Christ. We call on the General Assembly Council (GAC) to immediately develop and promote a coordinated effort to highlight the Extra Commitment Opportunity titled, "Iraq—The Peace Fund for Solidarity with the Churches" (E051722).**

**15. Calls on the GAC to research and dialogue with our partner churches in Iraq in order to present at the 217th General Assembly (2006) a plan for the use of personnel (mission co-workers, mission volunteers, etc) and other resources that responds to the needs and concerns of our brothers and sisters in Iraq.**