

War in Iraq: Is it Just?

Christopher Hitchens, William Galston, and George Weigel

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In a seminar on February 6, 2003, three prominent commentators offered differing views on whether the U.S. war in Iraq-then on the near horizon-could be pronounced a "just war." Journalist **Christopher Hitchens** says the United States has a moral debt as well as a political responsibility to intervene. Political philosopher **William Galston** takes issue with the notion of "preventive" war. And theologian **George Weigel** looks at three just war criteria that he says have framed the public debate in the United States. **Michael Cromartie** is vice president of the Ethics and Public Policy Center.

Michael Cromartie: Christopher Hitchens is the I. F. Stone Fellow at the Graduate School of Journalism, University of California, Berkeley. Writing about him in the January 2003 issue of *Commentary*, Mark Falcoff says: "Unlike most journalists, a notoriously indolent race, [Hitchens] is remarkably industrious and prolific. . . . He is also widely read in literature, history, and politics. His polemical skills are considerable, and he wields a razor-sharp pen with dexterity." Christopher's latest book is *Why Orwell Matters*.

CHRISTOPHER HITCHENS

Four or five years ago I wrote an article in *The Nation*, for which I was then a columnist, asking readers to contribute money to the Iraqi National Congress and help support and transmit the ideas of the opposition to Saddam Hussein's regime. I've done the same for the Patriotic Union of Kurdistan (PUK) for perhaps ten years now. I would say that as a fusion of the idea of war-I prefer the word "intervention"-with the idea of justice, the case for regime change in Iraq is morally complete on its own. Some might detect what Hegel called the "coming of history" in this war. After a whole series of blunders, crimes, errors, and betrayals, the United States has evolved into the position where it is on the *right* side in Iraq. That's a tremendous thing.

When I say I think that the case for regime change is pretty complete on its own, I am not making a very utopian claim. Regime change has already been demonstrated in the northern sixth or so of Iraqi soil, territory that has been emancipated for the last decade from Saddam Hussein's control. In a large swath of Iraq, people are not just free from this horrific tyranny and from fear and terror but have evolved something like a civil society, with a modern party arrangement. Twenty-one newspapers are published in Sulaymaniyah [capital of the PUK-controlled part of Iraqi Kurdistan]. I get stuff from friends and comrades sitting in Internet cafes in Irbil [a city in the area controlled by the Kurdistan Democratic Party (KDP)]. People are free to travel. The "Oil for Food" program has been good for children; they are not as malnourished now. Roads are being built. With no disrespect to my Kurdish friends, I will say that this is one of the most unpromising areas of Iraq. It's mountainous. In some ways it is very backward. It has been riven with feudalism and tribalism and clan loyalties for a long time. It has also been the area subjected to the most ghastly tactics of ethnic cleansing, collective punishment, and genocidal reprisal by the Saddam Hussein regime. It is the area where the people have been the most punitively treated, with the possible exception of the Marsh Arabs in the southern stretches.

So the case for regime change: there it is. It can be done, ought to be done, and is being done. And it is U.S. and Royal Air Force planes that guarantee the safety and the integrity of these Kurdish areas. In that sense we are already engaged in a war with Saddam Hussein and have been for these ten years. Those no-fly zones do not have a United Nations mandate; their position in international law is very dubious. The Iraqi

ground forces are in fact within their legal rights to try to bring those planes down, though so far they haven't succeeded in doing that. But the fact that we are already in combat, and for this reason-to protect civilians and protect the evolution of democracy-seems to me to have made the case in a sense before this most recent phase began.

Let's not forget that President Bush came to office willing to discuss the lifting of sanctions on the Saddam Hussein regime-perhaps he had been influenced by his many oleaginous friends. The President was also willing to express considerable doubt about the wisdom of the no-fly zones and the nation-building project itself. If that counts as a relentless drive to war, I don't know what a really hawkish posture would look like. It's obvious that the evidence alone is what led the President to change his mind. In fact, I'm sure I'm not the only person who wishes that he had been a bit *more* driven and more decisive and more determined to finish this confrontation to our advantage and the advantage of our Iraqi and Kurdish friends, who would view it as a long-awaited deliverance.

A number of paranoid commentators in the Middle East-those who tend to see the United States as the hidden hand in all that transpires-share with some hubristic intellectuals in Washington, D.C., the illusion that the United States can determine more for other countries than it really can. In truth, we are stuck with war; we wouldn't have wanted to approach it in this way. As I said before, we got to this point because of a long train of blunders, crimes, and betrayals. The argument presented by Kenneth Pollack in his excellent book *The Threatening Storm* is precisely that we are left with the least worst option, and that in some ways we've brought this upon ourselves by previous allegiances with Saddam Hussein that are shameful and disgraceful, and by previous promises made to Iraqi and Kurdish forces that, even more shamefully and disgracefully, were not kept. We are more or less forced into this. We have acquired a moral debt as well as political and international responsibility.

The sheer fact that we happen to be on the right side doesn't by itself license intervention. There are four other headings, I think, under which an intervention in Iraq is justified now and has been justified for some considerable time. The first is the one I think I need to spend the least time on. It's perfectly evident that the Saddam Hussein regime must care a great deal for the pursuit of weapons of genocide, because it is quite plainly willing to stake its whole existence on them. The regime might be able to save itself if it gave them up, but it's quite evidently a matter of life and death to Saddam to have these weapons. And I don't think that anyone who has studied the politics and history of the region and the evolution of the Iraqi Ba'ath party and its leadership could have any doubt what he wants those weapons for. Furthermore, we would be executing an international warrant to locate and destroy those weapons. Secretary Powell communicated an absolutely admirable presentation of that case to the U.N. Security Council yesterday [February 5, 2003], and I think all doubts on that point must now be stilled.

The second justification arises as much from self-interest and international law as from the desire to be morally on the right side in the struggle within Iraqi society. It is the relationship between the Saddam Hussein regime and international gangsterism. Here again I think there is very little room for doubt. There wasn't really much room for doubt *before* the Al Qaeda menace was fully disclosed to us. I myself have sat in Baghdad across the table from Abu Nidal, who was once as well known and as much wanted as Osama Bin Laden and others for his atrocious attacks on civilians at the Rome and Vienna airports, and for his ghastly campaign of assassination against democratic Palestinians. The Abu Nidal Organization was basically a revenge killing outfit to attack Palestinians who had an idea of cooperation and internationalism in the Middle East. So the intervention of Iraq on the side of deepening and prolonging and poisoning the Israel/Palestine dispute is not simply that it is a rejectionist country in itself but that it enlarged the rejectionist faction among the Palestinians. And the Abu Nidal Organization wasn't sheltering underground in Baghdad. It had a telephone number; it had a villa; it was on the official payroll. It was a wing of the Iraqi state.

In every country where the Iraqi intelligence service, the Mukhabarat, has any influence, it has shown enormous interest in supporting gangsterish, destabilizing organizations. If it had been found that the Iraqi

Mukhabarat was not in contact with the Al Qaeda organization, I am fairly sure that those who had failed to make this contact would have been put to death very elaborately by their leader. As they say in Ireland, you don't expect anything from a pig but a grunt.

The third heading under which an intervention in Iraq would be just as well as prudent is: Oil. Whenever I'm in a debate before a peacenik audience, I ask for a show of hands on a couple of questions. First, "How many are in favor of ending the no-fly zones?" Generally people don't want to do that. Then I say, "Well, then we're already at war, aren't we?" Next I ask, "Who here doesn't think oil is worth fighting over, or for?" Some people think the idea of oil is almost obscene-as if it were some ghastly bodily secretion-and that the idea of going to war for something so *base* would be unthinkable. But I think they do get the point that the oil resources of the world are, in a sense, common property. Oil and natural gas are resources to be shared. We have every right, I think, to prevent Saddam Hussein from doing what he did last time: blowing up the Kuwaiti oil fields after he had agreed to evacuate them. I'll repeat that. After the Iraqi armed forces in Kuwait had admitted defeat and were withdrawing under an international guarantee, Saddam Hussein gave the order to blow the heads off the oil wells and set them on fire, flooding the Gulf with burning oil. (When I speak in Berkeley I always mention what this did to marine animals-how the otters and the birds and other creatures suffered!)

This was not only a very bad deed but an irrational one. Someone who would do that quite clearly does not understand the logic of self-preservation. There is a clear and present danger, therefore, to the oil fields. Suppose Saddam Hussein repeated that nasty deed, this time with a dirty bomb. A wide area of oil production could be irradiated- not blown up, but irradiated so that no one could work there for many generations. When we talk about the cost of a war, it seems to me we are obliged to realize what the costs would be of allowing this regime to do such a thing.

My fourth and final point about why intervention would be just is that the Genocide Convention to which this nation is a party mandates all signatory powers to "undertake to prevent and punish" any attempt to destroy in whole or in part "a national, ethnic, racial, or religious group." In other words, then, it would be quite possible to imagine the United States invoking that convention on the clear evidence that Saddam Hussein has more than once not only contemplated but given the order for, and begun the operations for, the extermination of the Kurdish people of Iraq. It is greatly to our shame that some such effort was not made at that time. It is very much to our shame also that at that point we saw Saddam Hussein as a possible strategic ally, which prevented even *criticism* of that terrible action from being properly voiced.

Intervention in Iraq gives us the chance not just to do what must be done to fulfill those international responsibilities that I have mentioned but also to redeem some of our past mistakes and betrayals. It seems to me that the case is made.

Michael Cromartie: Thank you, Christopher. Speaking next is William Galston, director of the Institute of Philosophy and Public Policy at the University of Maryland. His most recent book is *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*. During the first Clinton administration, Bill was the President's deputy assistant for domestic policy.

WILLIAM GALSTON

As someone who wore his country's uniform during the Vietnam era, and as a longtime advocate of a more muscular defense policy for the Democratic Party, I am quite surprised to find myself sitting where I am sitting. I was driven into opposition by a speech that President Bush gave on June 1, 2002, which seemed to commit the United States to a policy of unilateral action based on a doctrine of preemption with an aim of regime change. Since the President's September 12 [2002] U.N. speech, there has been a very different argument on offer: multilateral action based on the doctrine of enforcement with the aim of disarmament. Those are two fundamentally different lines of argument, and I am a lot more comfortable with the second than with the first. But I detect traces of the first showing through the more attractive colors of the second. So I don't view the issue of preemption as by any means dead. I think we have to continue to talk about it.

To continue for a moment on this personal note: I was strongly in favor of the Gulf War when most members of my party weren't. I was equally strongly in favor of our post-9/11 response to the terrorists in Afghanistan and elsewhere. Indeed, I helped draft a public statement of American intellectuals stating the moral case for that response. I am not a member of some ill-defined peace movement. And I firmly believe that U.S. power is in the main a force for good in the world and is not a principal or even secondary cause of the rise of extremist fundamentalism. I hope I'm under few illusions about the nature of the forces we contend against today.

The issue, in my judgment, is not *whether* to resist them but *how*. I think there are two basic options before us: model one, based on traditional concepts of defense, deterrence, and containment, and model two, aimed not just at *preemption* but at what I shall describe as *prevention*. This is the same choice that the United States faced in the late 1940s and early 1950s, when a ragtag band that included Bertrand Russell and Curtis LeMay advocated a strategy of preemptive war against the Soviet Union. Fortunately the forces of sanity prevailed, and we chose a policy of containment, deterrence, and defense against aggression, with overwhelming historical success.

It seems to me that the burden of proof is on those who advocate change to establish that today's circumstances require a shift away from model one to model two, from a policy of containment, deterrence, and resistance against aggression to a policy of prevention. We often hear the argument that twenty-first-century circumstances- in particular, the rise of terrorism with a global reach-render the traditional doctrine, which I am calling model one, obsolete. I cheerfully acknowledge that this argument has considerable merit as applied to non-state or transnational terrorism.

But it is not nearly so meritorious when applied to sovereign states. The proponents of the argument that containment and deterrence are obsolete need to make the case that the mere *possibility* of cooperating with terrorists and of deploying and using weapons of mass destruction somehow renders governments with known addresses *immune* to traditional incentive structures of deterrence. Unlike Christopher Hitchens, I do not believe that Saddam Hussein is immune to that traditional incentive structure. In my judgment, therefore, neither wise theory nor sound practice is well served by a casual collapsing of the logic of stateless terrorism into that of sovereign states.

A couple of other preliminary points: in these remarks, I will occasionally advert to the language of the law. This isn't accidental. I believe that in the long run the United States will best serve its interests by helping to sustain an international system that is as law-like as the nature of international affairs will permit.

I also believe that whatever the United States says and does has enormous precedential force in establishing norms and patterns of behavior in world affairs. When we act, we may act alone, but we do not act in isolation. What we do and say will spill over. We cannot hold ourselves out as an exceptional case, warranted in using tactics and strategies that we try to prevent the rest of the world from using. The world doesn't work that way. When we legislate foreign policy for ourselves, we are legislating foreign policy for the world, and so we must think systemically.

There are, it seems to me, three important kinds of arguments to support the justice of intervening in Iraq, arguments of varying weight and merit. The war in Iraq may well be justified as a war of enforcement. This was the focus of President Bush's September 12 U.N. speech and Secretary Powell's testimony to the Security Council. I don't think any fair-minded person can deny that Iraq has clearly and materially violated numerous resolutions to which it is a party.

But it is not the United States that is the aggrieved party; it is the Security Council of the United Nations. In just war language, the United Nations is the competent authority in this case. The U.N. was the competent authority to issue those resolutions in the first place, and from a legal standpoint it is the competent authority to determine the enforcement of them. Now we may well believe-indeed, I do believe-that the United Nations would make a mistake if it did not proceed to the muscular enforcement of its resolutions.

But suppose it doesn't?

Let me give you a domestic analogy. The police apprehend the perpetrator of a crime, and there is a strong case against him. But the prosecutor, perhaps because of his case load, perhaps because he thinks the transaction costs of prosecuting the case are going to be too high, decides either not to bring the case or to strike a plea bargain. Now, would some member of society be justified in saying, "That is a rotten, immoral outcome, and therefore I am going to do what the prosecutor and the legal system failed to do"? I think the analogy between that and situation we might well face in regard to the Security Council is pretty good.

The second kind of argument we sometimes hear is one that Christopher Hitchens has just pressed, which I will call humanitarian intervention. As Christopher pointed out, we are already engaged in humanitarian intervention- in both the north and the south of Iraq-that is working pretty well. I will have to say, though, that as a matter of basic credibility, the major abuses of human rights occurred a decade or more ago, when we repeatedly failed to intervene to stop them. If we invoke humanitarian or anti-genocidal reasons now, are they really credible? Are people really going to believe that's why we're doing it? I don't think so, and I think that lack of credibility matters.

This brings me to the third and perhaps the most important point, the kind of justification I would want to consider because it gets at the most urgent problems: the justification of an intervention in Iraq as a war of national defense. Now there is an obvious threshold problem in that Iraq hasn't attacked us, and is not clearly implicated in attacks on us by others. So the national-defense argument stands or falls with the case for anticipatory responses to future threats.

The category of anticipatory self-defense does have a place in international law and in just war theory. Let me summarize a lot of legal and philosophical argument by suggesting that at the heart of this doctrine lie four criteria: (1) the severity of the threat; (2) the degree of probability of the threat; (3) the imminence of the threat; and (4) the costs of delay. Testing the Iraq case against these criteria, I think we would have to say that the threat is high, at least in worst-case possibilities such as the transfer of nuclear weapons to terrorists. The probability of such an event is contested, and many experts believe that Saddam does not have an incentive to do anything of the sort. Anyway, in all probability we are not talking about a threat that is imminent, and the costs of delay-at least when measured in months rather than years-are rather low.

This led the most eminent modern student of just war, Michael Walzer-hardly a dove, regarding Iraq-to the following conclusion: In the absence of evidence suggesting not only the existence of Iraqi weapons but also their imminent use, preemption is not an accurate description of what the President is threatening. No one expects an Iraqi attack on the United States tomorrow or next Tuesday, so there is nothing to preempt. The war being discussed is *preventive*, not preemptive. It is designed to respond to a more distant threat. Walzer goes on to note that international lawyers and just war theorists have never looked with favor on this argument, the argument in favor of preventive war, because the danger to which it alludes is not only distant but speculative, whereas the costs of a preventive war are certain and usually terrible.

Now there are two arguments in favor of extending the doctrine of preemption to cover what Walzer calls prevention. Argument number one goes as follows: For certain kinds of states, the traditional trichotomy of capabilities, intentions, and actions loses its analytical and moral force. Let me quote another one of today's symposiasts, George Weigel, who wrote in a very illuminating essay, and I quote, "Can we not say that, in the hands of certain kinds of states, the mere possession of weapons of mass destruction constitutes an aggression- or, at the very least, an aggression-waiting-to-happen?" ["Moral Clarity in a Time of War," Ethics and Public Policy Center, 2002]. To which I would reply, No, I don't think we can say that, at least not without loss of analytical and moral clarity.

Here is why I think that. Aggression is an action; it is not a capability or even an intention. There are many things that bad people *can* do and *want* to do but nonetheless refrain from doing out of fear of the consequences. Indeed, that is the very issue that divides the proponents of deterrence from the proponents of prevention, and it must not be erased by a redefinition of classic concepts.

The second argument in favor of extending preemption to prevention goes roughly as follows: In current circumstances, the classical criteria of imminence and probability of harm lose their relevance. Rather, the appropriate criterion of action is risk, the simple possibility that something very bad can happen. The Administration's stance-articulated repeatedly by President Bush and restated by Secretary Powell just yesterday-is in effect that we do not have to demonstrate that Sad-dam Hussein intends or is likely to transfer weapons of mass destruction to terrorists for use against the United States. The bare possibility that he might do so is a risk that, and I quote, "the United States will not and cannot run."

Now in the fearful post-9/11 climate in the United States, it's easy to understand the political force of this zero-tolerance policy. With reluctance, because I know this is going to get me into great trouble, I have to pose an unfashionable question. Is zero risk a reasonable and feasible basis for armed national defense? Doesn't history suggest that the quest for absolute security carries dangers of its own? Isn't there *always* a perimeter, as the Romans discovered, beyond which lies danger? Shouldn't our policy soberly balance costs and benefits, risks and rewards? Security in my judgment is a matter of more and less, not yes or no. We can't maximize our security unless we are allowed to assess the probability as well as the severity of possible horrors. But the new vocabulary of risk collapses probability into bare possibility. And in so doing, I believe, it impedes clear thinking and honest deliberation about the real choice we face.

In conclusion let me try to state that choice as cleanly as I can. In my judgment, Iraq is not now, and for the foreseeable future will not be, a direct threat to the territory and people of the United States of America. *But* a nuclear-armed Iraq would be able to threaten its neighbors and alter the balance of power and influence in a region of vast and vital importance to the United States and its allies. Preventing this cascade of events is, or ought to be, both the real and the declared purpose of our policy. The question then becomes: How much of a price ought we to be willing to pay, for how long, with what collateral damage to other nations, and with what consequences for local terrorism, to achieve this purpose?

Michael Cromartie: Thank you, Bill. The last speaker is George Weigel, a senior fellow at the Ethics and Public Policy Center and the author of the definitive biography of Pope John Paul II, *Witness to Hope*. George's first major book was on just war theory: *Tranquillitas Ordinis: The Present Failure and Future Promise of American Catholic Thought on War and Peace*, published by Oxford in 1987. A more recent expression of his views on these matters is "Moral Clarity in a Time of War," which he gave in October 2002 as the Center's second annual William E. Simon Lecture.

GEORGE WEIGEL

As you can tell, I've learned something about literary marketing since naming a book *Tranquillitas Ordinis* in 1987! I hope I've learned a few other things as well, and I'll try to bring some of them to bear on our conversation today.

I've been thinking about just war and the world as it has evolved for twenty-five years, and it seems to me that new realities of international public life and new weapons technologies have posed new questions for the just war tradition. That evolving tradition dates back 1,500 years to Augustine in *The City of God* and was refined during the Middle Ages. Interestingly enough, it was the intellectual foundation of the concept of international law as it developed through the work of Hugo Grotius and others.

I think it is an interesting commentary on American society and culture that our debate over Iraq has been cast explicitly in just war terms. However much this tradition may have been forgotten by some of our religious leaders, it's alive in the culture. It's also alive in the U.S. government and in the U.S. military, where it is a regular part of the curriculum in the service academies. Over the past several weeks, as this debate has come to a particularly urgent point, three issues within the classic structure of the just war tradition and its method of moral reasoning have come to the fore, and I'd like to say something about those issues.

But let me add one other thought by way of preface. We misunderstand the just war tradition if we see it

simply as a series of means tests that religious intellectuals and moral philosophers pose to statesmen: once they jump over the hurdles, then a benediction comes down and things move on. That's not what the just war tradition is. The just war tradition is first and foremost a theory of statecraft. It's a way of thinking about the world and about moral responsibility in the world. It's a way of asserting that international public life is not an amoral realm. Nothing that is genuinely human is outside the purview of moral reason. Therefore the just war tradition does not begin-as so many of our religious leaders today insist that it does-with a so-called presumption against violence. It begins with the moral responsibility of legitimate public authority to provide for the security of those for whom it is responsible. So the question of *ends* comes first, and we get to the means test afterwards.

But that is simply by way of preface to my main points here. Let me take up three of the classic *ad bellum* or war-decision criteria within the just war tradition, three criteria that have framed public debate over the past several months. The first of these is, of course, just cause. Over that 1,500-year period of development I spoke about a moment ago, just cause meant one of three things: response to an aggression underway, the recovery of something wrongfully taken, or punishment for evil. In the past fifty years of just war thinking, recovery of something wrongfully taken and punishment for evil have largely dropped out of the equation, although the whole notion of "humanitarian intervention" in cases of actual or potential genocide may be raising that up again. But for the past fifty years or so, most just war theorists have restricted just cause to response-to-an-aggression-underway.

The question that the new realities of international politics and weapons technologies pose to us is, Can that notion of aggression-underway be limited, as it often has been in the past, to classic cross-border attack? I suggest that it cannot-that the lethal equation of rogue states plus weapons of mass destruction plus ballistic-missile capability or links to terrorist organizations equals aggression-underway. The acquisition of weapons of mass destruction by aggressive regimes that have demonstrated- in fact, not simply in theory-utter contempt for the minimal norms of international public life has to constitute an action to which a response can be contemplated.

Now within the just cause category, questions have been raised in recent weeks about what we are doing to the post-Westphalian principle of the sovereign immunity of states when we contemplate the kind of action that is likely to unfold in Iraq. I would argue that sovereign immunity assumes at least a minimal acquiescence to minimal norms of international behavior. That immunity is forfeited when rogues blatantly defy their international obligations, and when they work feverishly to acquire weapons of mass destruction that cannot be assumed to be intended for deterrence. To deny rogues the capacity to create lethal disorder in world affairs serves the cause of world order.

The second of the *ad bellum* criteria that I want to look at is competent authority. One of the most striking things in the public rhetoric over the past six months is that, with very few exceptions, religious leaders throughout the world seem to have decided rather abruptly that the only competent authority legitimating the use of proportionate, discriminate force is the United Nations, which in practice means the Security Council. Now, it is interesting to note that the U.N. itself does not claim that right for itself alone. If you are under assault in a classic cross-border attack, you don't have to wait for the authorization of the Security Council to do something about it.

But let's return to the interesting moral question here. It seems to me a bit problematic to suggest that the Security Council as presently constituted-a Security Council with five veto-wielding powers-*de facto* constitutes a superior and necessary moral authority without which any resort to the use of proportionate, discriminate armed force is dubious. Why? Because three of the powers holding the veto on the Security Council, namely France, Russia, and China, conduct their affairs in the world according to the crudest of *realpolitik* calculations-calculations that among other things helped to disassemble the containment regime of Iraq during the 1990s-and it is not clear to me how, out of these explicitly amoralist calculations, one can produce a superior and necessary moral authority. I don't know how you can connect those two. So it seems to me that whatever its prudential utility, whatever its political utility, whatever its utility in building barriers

against the kind of precedential concerns that Bill Galston noted, the notion that the Security Council as presently constituted is in itself an essential moral authority is very difficult to accept.

Third, there has been a lot of discussion recently about the classic *ad bellum* criterion of last resort. In the history of just war tradition, last resort has never been understood in mathematical terms, as the final point on a line of contingent possibilities. It couldn't be that, because theoretically one could always imagine one more point along that line, one more initiative, one more act of diplomacy, one more summit conference, and so on. So we can't think of last resort mathematically.

Last resort has always been a calculation of prudence, and it seems to me that here the question of weapons technologies becomes very, very urgent. We are not in a situation where we can imagine last resort as being satisfied because we know that at 6 A.M. tomorrow, the Redcoats are coming over the hill. That's not the way this world works anymore, with weapons of mass destruction and rapid means of delivering them.

If last resort is to have any real moral traction, it cannot mean waiting until an aggressor gets these weapons in his hands and then trying to prevent him from using them. Rather, last resort must mean, prudentially, that *no real viable option is left* but taking forceful action to prevent the aggressor from *obtaining* the weapons in question.

The Israeli action at the Osirak nuclear reactor out-side Baghdad in 1981 is a useful case to ponder. Last resort was not reached in some mathematical sense. The justification used by Israeli leaders in taking that action was based on the notion that they had to act *before* Iraq acquired the capability to produce the weapons, because failure after that involved risks too catastrophic to contemplate. That strikes me as moral, as well as strategic, good sense.

Let me mention two other related issues that might fuel the discussion. First, I agree that the phrase "preventive war" is not a helpful one. Preventive war seems to assume that we are living in a kind of temporal vacuum in which we concern ourselves only with the options to be considered at this moment. But we are not living in a temporal vacuum. The conflict with Iraq, as Christopher Hitchens has noted, has been underway for more than twelve years. The record of Iraqi intransigence during that period is manifest to the world. Throughout the past twelve years, the assumption under both UNSCOM and the present inspection regime has been that Iraq possesses biological and chemical weapons of mass destruction and is feverishly seeking nuclear ones. In light of that, talk about preventive war, as if all of this just started, as if we were dealing only with this discreet moment in time, seems misguided.

Second, the question of who makes the call or who owns the just war tradition is a very urgent one right now. Let me read a sentence from the Catechism of the Catholic Church, published ten years ago. After listing the traditional *ad bellum* and *in bello* war-decision and war-conduct criteria, the Catechism immediately says that "the evaluation of these conditions for moral legitimacy belongs to the prudential judgment of those who have responsibility for the common good." It is not bishops, priests, stated clerks, rabbis, imams, councils of churches, and the like who make the call. It is responsible public authorities who do so. To suggest that the clergy *own* the just war tradition is a form of clericalism. And by "clergy," let me be very medieval and include religious intellectuals and moral philosophers. They, too, do not "own" the just war tradition in a unique way. Their responsibility is to teach the principles of the tradition, insist that those principles be part of the public and governmental debate (as they certainly have been in this case), and offer their own best judgments within that debate. But others have the duty to make the call.

The just war tradition belongs to those with responsibility for the common good. Why? Two reasons. First, because (we hope and believe) such officials have a particular quality of political discernment that others do not possess. And second, because public officials with this responsibility for the common good also have relevant information that the public does not have. It has been quite bizarre to see religious leaders around the world comment on possible American action in Iraq as if (a) the U.S. government were controlled by moral cretins, and (b) they themselves had a clearer insight into the risk calculus of contingent probabilities and

possibilities at the end of military action in Iraq.

Now, no one would suggest that U.S. policy in the Middle East and specifically in Iraq has been a model of integrity and good sense for the past fifty years. But what leads certain religious leaders to assume that they have a superior base of knowledge on which to weigh those contingencies today? Surely, one has to give civic leadership-particularly in the case of morally earnest and politically experienced leadership-some benefit of the doubt for having weighed the risk calculus in a serious and prudent way.

Let me finish by going back to the beginning. It says something quite important about the United States of America that our national debate on this very urgent and dangerous matter has been conducted instinctively within just war categories. That does not happen, I daresay, in France and Germany. And it says something important about us, a people given to much moral self-flagellation from time to time, that this tradition still lives as a cultural memory within our country and informs the public debate today. That tradition can, of course, be misused, and some have misused it in the present circumstances. But that these criteria, which emerge from the natural philosophical instincts of the human person to know the true and the good, are still alive and well in the United States bodes well, I think, for the future of the country and for prudent public policy-making.

[NOTE: "Center Conversations" normally include a conversational exchange among the speakers and members of the audience. Regrettably, the discussion that took place in this seminar was lost through technical recording problems.]

Source Notes

Center Conversation Number 20