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“Asymmetrical Warfare” & Just War

A moral obligation.

EDITOR’S NOTE: NRO contributing editor Michael Novak was invited by United States Ambassador to the Holy See Jim Nicholson to deliver remarks to a public audience in the Vatican City on just-war doctrine and Iraq on the evening of February 10, 2003. While in Rome, Professor Novak speaks as a private citizen, a guest of the U.S. State Department as part of its U.S. Speaker and Specialist program, and not as an official representative of the government or as an official representative of American Catholics. While in Rome, Novak is also meeting with Vatican officials. The text of Novak’s lecture is printed below.

The reason why the United States is going to war against Saddam Hussein, unless he fulfills his solemn obligations to international order or leaves power, has nothing to do with any new theory of "preventive war." On the contrary, such a war comes under traditional just-war doctrine, for this war is a lawful conclusion to the just war fought and swiftly won in February, 1991. At that time, the war was summarily interrupted, in order to negotiate the terms of surrender with the unjust aggressor, Saddam Hussein. At the peace table, the United Nations insisted that, as a condition of his continuation in the presidency of Iraq, Saddam Hussein must [a] disarm and [b] provide proof to the U.N. that he had disarmed, accounting with transparency for all his known weapons systems and arsenals. In particular, Saddam Hussein was ordered to destroy his stocks of mustard gas, sarin, botulin, anthrax, and other chemical and biological agents. He was also to provide proof that he had destroyed all his prior work toward the development of nuclear weapons.

During the next twelve years, despite constant warnings, Saddam Hussein brazenly flouted all these obligations. In late 2002, the Security Council again solemnly put Saddam Hussein under edict to prove that he had carried out these obligations, on which his very right under international law to remain in power depended. Again, he provided no such proof. Indeed, he continues to insult the Security Council by his performance.

Meanwhile, in a sudden and violent fashion, another war was launched against the United States — and, indeed, against international civilized order — on September 11, 2001. This unsought and sudden war emerged from a new strategic concept, "asymmetrical warfare," and it threw the behavior of Saddam Hussein into an entirely new light, and enhanced the danger Saddam Hussein poses to the civilized world a hundredfold.

Before elaborating on that, let me recall that authentic Catholic doctrine on the just war, as formulated by St. Augustine and St. Thomas, lays out a clear path of reasoning for public authorities acting in their official capacities in approaching the decision to go to war, or not. Moreover, in evaluating these contingencies, the new Catholic Catechism assigns primary responsibility, not to distant commentators, but to such public authorities themselves. This assignment of responsibility is made for two reasons. First, they are the ones who bear the primary vocational role and constitutional duty to protect the lives and the rights of their people. Second, they are by the principle of subsidiarity the authorities closest to the facts of the case and — given the nature of war by clandestine terror networks today — privy to highly restricted intelligence. Others have a right and duty to voice their own judgments of conscience. But the final judgment belongs to public authorities: "The evaluation of these conditions for moral legitimacy belongs to the prudential judgment of those who have responsibility for the common good" (Catechism, #2309).

What is new in the world of just-war theory in the 20th century, to resume, is the concept of "asymmetrical warfare." This concept has been developed by international terrorist groups that, although dependent on clandestine assistance from states willing to help them secretly, are not responsible to any public authority. In order to demonstrate the inability of elected governments to defend the lives of their own people, these terrorist cells execute dramatic attacks upon innocent civilians. The more dramatic and murderous these attacks, the more likely they are to shake legitimate governments to their foundations.

This new strategic concept, and the new technological, educational, and logistical conditions that make it practicable, have brought about the widespread moral condemnation of such international terrorist groups, as the enemies of civilized order. The Vatican itself voiced this condemnation following the massacres of September 11, 2001.

When it became clear that the main training ground and command center of the perpetrators of the massacres of September 11 were under the protection of the Taliban government in Afghanistan, moral authorities further agreed that a limited and carefully conducted war to bring about a change of regime in Afghanistan was morally obligatory.

During the next months, intelligence services learned that the terrorists had plans for further attacks upon famous targets in European capitals, including Paris, London, and the Vatican. Months later, attacks upon the Moscow Opera House, Christian churches in Pakistan, and a crowded disco in Indonesia indicated the worldwide reach of the threat.

Nonetheless, in the case of Iraq today, *Civita Cattolica* argued recently that war would be unjust, and posited the theory that American motives, in particular, were driven by Iraqi oil: "The fundamental motive seems to be the geopolitical

position that Iraq holds in the Middle East [as one of] the three major oil and natural gas producing states (Iraq, Iran and Saudi Arabia)." (The journal said nothing comparable about French, Russian, Chinese or others' motives.) But America has just reasons for war far more important than Iraqi oil.*

What is uppermost in American national interests is that, at a time we did not choose and in a way we did not will, war was declared upon us in word and deed on 09/11/01. That aggressor had no standing army, whose movements in advance gave notice of an imminent attack. On the contrary, the attack came all unexpected, striking its innocent victims on a soft, warm, blue-skied September day. The weapons employed were not conventional military armaments, but rather American civilian aircraft heavy with fuel for the long trip to California. The targets chosen — tall skyscrapers — left their unsuspecting victims particularly helpless.

Normal criteria watched for by just-war theorists were not literally present: neither conventional military movements, nor visible signs of imminent attack, nor the authority of a hostile nation state. The horror of the damage was immense, just the same.

International war had clearly been launched. Its perpetrators called it an international jihad, aimed not only against the U.S. but the entire West, indeed, against the whole non-Islamic world. (The world had already mourned the destruction of ancient and priceless Buddhist monuments in Afghanistan.)

No major moral authority had any difficulty in recognizing that a war to prevent this new type of terrorism is not only just but morally obligatory.

How does Iraq fit into that picture? From the point of view of public authorities who must calculate the risks of action or inaction vis-à-vis the regime of Saddam Hussein, two points are salient. Saddam Hussein has the means to wreak devastating destruction upon Paris, London, or Chicago, or any cities of his choosing, if only he can find clandestine undetectable "foot soldiers" to deliver small amounts of the sarin gas, botulins, anthrax, and other lethal elements to predetermined targets. Secondly, independent terrorist assault cells have already been highly trained for precisely such tasks, and have trumpeted far and wide their intentions to carry out such destruction willingly, with joy. All that is lacking between these two incendiary elements is a spark of contact.

Given Saddam's proven record in the use of such weapons, and given his recognized contempt for international law, only an imprudent or even foolhardy statesman could trust that these two forces will stay apart forever. At any time they could combine, in secret, to murder tens of thousands of innocent and unsuspecting citizens.

Please note: Were such an attack to come, it would come *without imminent threat*, without having been signaled by movements of conventional arms, without advance warning of any kind.

Somewhere between 0 and 10, in other words, there already is a probability of Saddam's deadly weapons falling into al Qaeda's willing hands. (There are also other branches of the international terror network). Reasonable observers can disagree about whether that risk is at 2 or 4 or 8. But this much is clear: Those who judge that the risk is low, and therefore allow Saddam to remain in power, will bear a horrific responsibility if they guessed wrong, and acts of destruction do occur.

It is one thing for other observers to calculate these risks; it is another for duly constituted authorities, responsible for protecting their people from unprovoked attack.

Of course, those who today choose the path of war will bear responsibility for all the bitter fruits of war to come. The moral question here, as in so many areas in which prudence must be invoked, requires the responsible weighing of risks. To settle this moral question also requires knowledge of information from intelligence services, which monitor terrorist networks and their activities.

In brief, some persons argue today (as I do) that, under the original Catholic doctrine of *justum bellum*, a limited and carefully conducted war to bring about a change of regime in Iraq is, as a last resort, morally obligatory. For public authorities to fail to conduct such a war would be to put their trust imprudently in the sanity and good will of Saddam Hussein.

Saddam Hussein is a leader of proven "megalomania" (a term applied to him by President Mubarak of Egypt), an unusually cruel leader, who has made long and regular use of weapons of mass destruction even against his own citizens.

Should Saddam violate their trust by a violent biological attack in some Western city, public authorities who made themselves hostage to his moral reliability would have inexcusably ignored his record.

A word should be said here about the original Catholic doctrine of *justum bellum*, but especially of those *ad bellum* questions that arise in making the decisions that lead up to war. These questions quite naturally come before the *in bello* questions, those that query the conduct to be followed in waging war. Just-war doctrine has at its root the Catholic understanding of original sin, articulated in this context by St. Augustine in Book XIX of *The City of God*. In this world, Christians will always have to cope with the evil in the human breast that sows division, destruction, and devastation. Augustine had seen many such evils in his lifetime, including the horrors of the Sack of Rome in 410 A.D. Nonetheless, he held that Christians acting as public authorities are bound by laws of charity and justice even in waging war.

Augustine defined peace as the "tranquility of order" represented by a dynamic, changing international order, created by

just political communities, and mediated through law. When public authorities move to defend this order against unjust aggressors, theirs is a just political end. Just-war doctrine in its *ad bellum* considerations sets forth the rules under which public authorities are obliged to move to defend their own peoples, and to restore the minimum conditions of international order, by means of warfare. Warfare under this teaching is a morally appropriate political end, and may be morally obligatory upon public authorities, when circumstances dictate that evil must be stopped.

The aim of a just war is the blocking of great evil, the restoration of peace, and the defense of minimum conditions of justice and world order. For both St. Augustine and St. Thomas Aquinas, thinking about war falls under the principles of charity and justice. In their view, just war does not "begin with a presumption against violence," but rather with a presumption that addresses first the duties of public authorities to charity and justice and, second, that takes seriously a sinful world in which injustice and violence against the innocent will continue for all time. These have certainly continued in the 21st century as in the 20th.

No one today denies that international terrorism is a deliberate assault on the very possibility of international order. That public authorities have a duty to confront this terrorism, and to defeat it, is universally recognized.

This is the context in which the *ad bellum* question concerning a limited and careful war upon Iraq is properly raised today. The primary duty of public authorities in well-ordered democracies is to protect the lives and rights of their people.

Moreover, in assessing the many circumstances that must be weighed in moving toward a decision *ad bellum*, those public authorities who bear the immediate responsibility and who are closest to the facts of the case, have moral priority of place. *The Catechism of the Catholic Church* states this with no ambiguity, as we have seen above (#2309).

The first reason, then, why public authorities in the United States have urged the United Nations to become serious about Iraq is the war preemptively declared upon the United States on 09/11/01. It was obvious from the beginning that 19 graduate students from middle-class families (mostly in Saudi Arabia) did not perform that deed unaided. They had the support of states (Afghanistan in the first place, but also Yemen, Iran, Sudan, and others) willing to act clandestinely but not openly, as international outlaws.

Meanwhile, for 12 long years Saddam has flagrantly violated the conditions laid down by the United Nations for the continuation of his presidency. In the world become far more dangerous after September 11, 2001, either the world community now upholds international order, or it backs down from its own solemn agreements. In the latter case, individual sovereign nations will refuse to be complicit in the policy of appeasement. To do otherwise would join Saddam's conspiracy against international order, and to accrue responsibility for anything he might do.

Many other nations besides Iraq have been obliged to disarm, and to show proof of it, for instance, South Africa, Kazakhstan, and other nations of the former Soviet Union. All have complied fully and openly. Iraq has not. It has not accounted for immense supplies of chemical and biological weapons which on earlier occasions it either admitted that it possessed, or was shown by international inspectors to have possessed.

It is not the burden of the international community to prove Iraq's noncompliance. That fact was publicly and internationally well established years ago. It is Hussein's obligation, as a condition for continuing in his presidency, to present evidence that he has disarmed. This he has so far disdained to do. Hussein has judged that the international community lacks the will to enforce its decrees.

For some years, it seemed reasonable (if shameful) not to force Saddam Hussein to comply, but just to wait him out. However, the maturation of al Qaeda and other highly trained international terrorist groups adds to Hussein's violation of U.N. decrees a new peril. On the record, Saddam is capable of ordering a tremendous loss of life, through a secretive, sudden attack upon major western cities with small amounts of biological or chemical agents.

With less than a teaspoon of anthrax distributed in letters, for instance, thousands of government workers in Washington were obliged to be screened and preventively treated for anthrax poisoning, one Senate office building was closed for many weeks for decontamination, two post-office workers died, and many others fell ill for some time.

Saddam Hussein has failed to account for more than 5,000 liters — five *million* teaspoons — of anthrax which he is known to have possessed just a few years ago.

This does not include the thousands of liters of botulin and other forms of biological weapons, including nerve gas and sarin gas, reported by U.N. inspectors to have been present in his arsenals. Nor does it include the stockpiles of mustard gas the U.N. reported in his possession. "Mustard gas is not like marmalade," Hans Blix famously announced in January. "Governments must know exactly where it is, and what is done with every container of it." It is a deadly gas.

In recent weeks, newspapers have carried reports from European intelligence agencies of serious efforts by highly trained Chechen and other Islamic jihadists preparing for terrorist attacks in European cities, in case there is war in Iraq. Whether or not there is war in Iraq, these hidden cells are active now, and will be active years from now. Probabilities are high that one or more of these cells will get their hands on biological or chemical agents. Nowhere will it be easier for them than in Iraq.

That those chemical and biological agents lie waiting for them must be taken as a fact, until Hussein offers proof that he has destroyed them. For 12 years he has refused to do so, even under the pain of economic sanctions. To believe that he will now present such proof goes beyond common sense. Nonetheless, he has again been given a window of opportunity to

prove that he has destroyed them, and that they pose no danger.

Let us hope that Saddam Hussein as a last resort decides to obey his solemn obligations under the negotiated peace of 1991, and thus at last meets the minimum requirement of international order. In that case, there will be no war. In that case, the policy of the United States will have succeeded without the need for war.

ENDNOTE: *At present, oil companies from France, Russia, and China have contracts to help develop Iraqi oil fields. Europe depends far more upon oil from Iraq than America (only a tiny fraction of U.S. oil comes from Iraq, about six percent). Oil from Iraq, indeed oil from the entire Middle East, ranks higher among European national interests than American. For some years, the United States has been moving to draw the preponderance of its oil from our own hemisphere, mostly from Canada, Mexico, and Venezuela, and to cut back steadily on its use of Middle Eastern oil, to the level now of 26 percent of its annual. Europe is far more dependent on Iraqi oil, and far more involved with the Iraqi oil industry. I believe the U.S. should form a consortium of nations currently under contract to develop Iraq's oil fields, prominently including Italy, France, Russia, and China.

Within 15 years the United States hopes to be running a significant proportion of its automobiles and its heating appliances on hydrogen power. Experimental models are already in fairly wide use, and President Bush announced a major research program to support this effort. The goal of the United States is energy independence and, in the shorter term, continuing reductions in reliance on Middle Eastern oil.

— *Michael Novak, winner of the Templeton Prize for Progress in Religion in 1994, was an expert witness for the defense in Glassroth v. Moore. His latest book is On Two Wings: Humble Faith and Common Sense at the American Founding.*