

‘Trust us’: governments, justice and peace.

“We do not seek peace in order to be at war, but we go to war so that we may have peace. Be peaceful, therefore, in warring, so that you may vanquish those whom you war against, and bring them to the prosperity of peace.”

(Augustine)

Written by Andrew Cameron

A general discontent about the stated objectives of the war in Iraq, particularly with the quagmire that now exists, has left a question mark over the trustworthiness of government. Andrew Cameron, lecturer in ethics, philosophy and apologetics at Moore College, would prefer politicians understand and refer to the ancient body of Christian wisdom called just war thinking. But, how much grace can we afford to give terrorists in this so called ‘war on terror’? Andrew Cameron argues for a lot more.

Little has changed since Augustine: no war is any use if it fails to promote peace. Yet much has changed: for a start, there are terrorists, weapons of mass destruction (WMD), and the awful prospect of them coming together.

It’s like that with moral deliberation. New situations raise different questions and require unique solutions; yet at the same time, the human need for peaceful, just societies endures. History will always judge as wanting any leader who imagines his situation is so new and unheard of that he may invent some version of ‘peace’ or ‘justice’ of his own making.

What will it look like for an Australian leader to govern effectively in the ‘war on terror’? How will peace and justice be found there? Recent discussion has sought to answer this question through the relationship between human rights and national security which some think are complementary, while others think they are to be balanced one against the other.

But underlying this important discussion is a more basic question: can we trust our government? No untrustworthy government can govern effectively for long, nor can a government which offers no reasons why it may be trusted. Nor can there be real peace without such trust. But sadly, the ‘war on terror’ risks corroding this trust more than other wars.

How can leaders grow this trust? Does the

ancient body of Christian wisdom called ‘just war thinking’ give anything to work with? What can be learnt about it from the recent politics and paranoia of terror and WMD? What can be learnt for future conflicts?

Ancient Wisdom

Christians are basically pacifists. We follow the Prince of Peace, and look forward to His world, where military equipment has no further use! But with great sadness, Christians permit war because it is sometimes the only way to peace and justice. Leaders must sometimes do this terrible duty for ‘the object of securing peace, of punishing evildoers, and of uplifting the good’ (Augustine). To this end, ‘just war’ thinking is a set of questions to be answered about any war, in order to limit, restrain and quickly finish the melancholy task of war.

But all leaders will be tempted to think that ‘just war’ thinking is not realistic. According to ‘political realism’, states simply amass power and resources in their own self-interest, with little interest in ethics. Augustine tells of a pirate who explains political realism to Alexander the Great. Alexander asks him what he meant by infesting the sea. The pirate replies defiantly, ‘the same as you do when you infest the whole world; but because I do it with a little ship I am called a robber, and because you do it with a great fleet, you are called an emperor.’²



Interrogation room. Are terrorists prisoners of war or simply criminals?

Is this the proper way for great powers and their leaders to think of themselves? Should Australia simply use power in its own national interest? No, because political ‘realism’ cannot sustain human affairs over the long-haul. Only the arduous attempt to find peace and justice can do so, which in turn will create trust between government and people.

This ancient wisdom is vindicated by the events of the Iraq war. Just war thinking asks if the cause of a war is just, and allows pre-emption of a clear and present danger. Our leaders believed that Iraqi WMD were a clear and present danger, and so they acceded sadly to their decision to go to war. Had WMD been found, then according to just war thinking, our leaders are vindicated and we have good reason to trust them. But Saddam’s WMDs turned out to be an unclear and absent danger. What are we to make of this error?

Trust requires that errors be frankly and openly admitted. Errors in war are more

serious than most, because people die. Such errors raise important questions of competency and accountability. Even so, most people can accept that errors occur. But no such clear admission was ever made by Coalition leaders. Tony Blair pleaded that ‘everyone thought he had them’,³ as if a mistaken prospect of risk and an intention to do good suffice to justify bloodshed.

The subsequent scramble to justify the war in terms of ‘regime change’ was tragic, precisely because regime change was very possibly justified. Since the Kosovo intervention, a welcome development in recent international thought is that an abusive, tyrannical ‘government’ loses the presumption of sovereignty. But a decision to remove such tyrants obviously requires serious moral deliberation. Instead,

Guantanamo Bay Detention Centre. Does the West have the moral high ground in the war on terror?

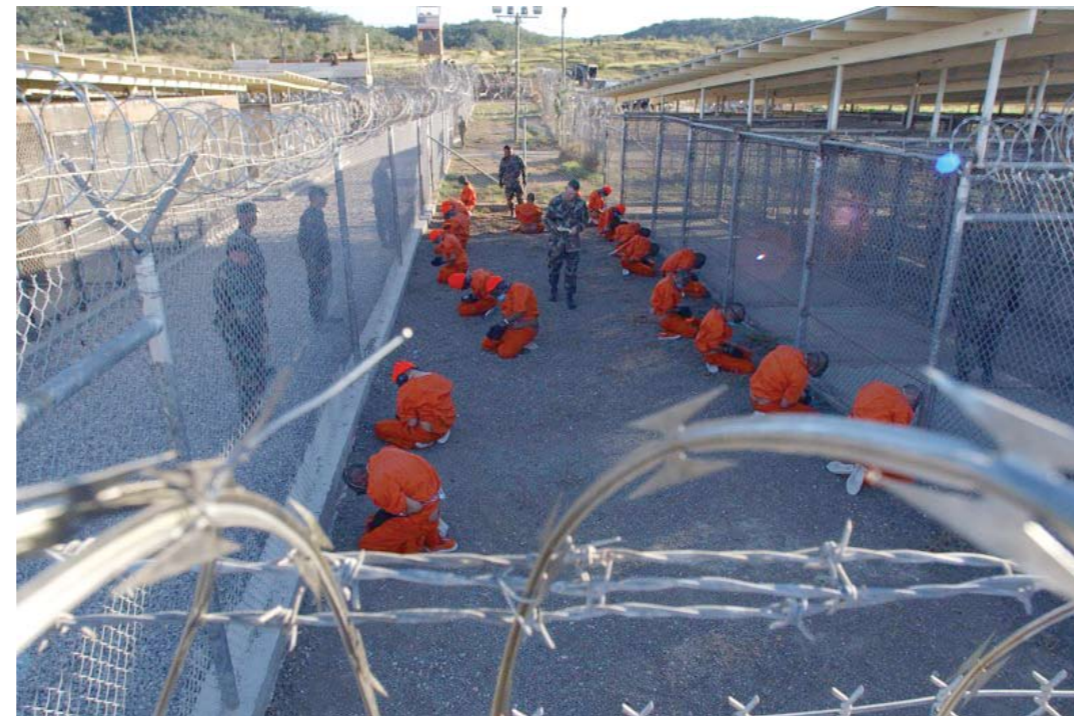


Photo by Scott Epare

the hasty ex post facto justification of the war in Iraq caused many to suspect that political realism about oil, not a longing for peace and justice, drove the war.

Just war thinking also considers whether there is an intention to restore justice, whether the goals are limited, and whether there are reasonable hopes for success. But as Dr Ron Huiskens of the Australian National University’s Strategic and Defence Studies Centre puts it, ‘The decision-making leading up to the invasion was a near classic example of how not to prepare for war ... There was no careful and coordinated correlation of ends and means ...’ The accumulated wisdom of just war thinking was simply ignored, and five years of pointless bloodshed has followed. It is hard to know whether the pessimist’s quagmire, or a strong new Iraq, will now result. We know that the mistakes of the early decade are now history, and we support efforts to find peace and justice in Iraq that have a real prospect of success.

But the point to note here is that recent events have indeed vindicated the ancient wisdom of just war thinking. The absence of an apology for error, the absence of resignations for incompetence, the lack of a proper justification for regime change, and the lack of just goals effectively executed, has meant that the Iraq war struggles to find moral credibility. As a result, governments and leaders involved have damaged their relationship of trust with their people.

Modern Terror

We now find ourselves in ‘asymmetric contexts in which there is no clear-cut distinction between soldiers and civilians and between organised violence, terror, crime and war’,⁴ as military academic Alan Dupont puts it. Tony Blair’s tragically confused Sedgefield speech of 2004 poignantly testifies to the mental panic that plagued his leadership following the World Trade Center attacks. The shadowy unknowns of this new context left Blair thinking that Britain was ‘in mortal danger’, facing ‘a challenge of a different nature from anything the world has faced before’. The prospect of rogue states supplying terror weapons to extremist groups filled his imagination. ‘September 11th was for me a revelation,’ said Blair. ‘[I]t was a declaration of war by religious fanatics who were prepared to wage that war without limit.’⁵

During the five years following, Andrew Lynch and George Williams note that some 37 new Commonwealth laws were introduced to combat terrorism in Australia.⁶ They suggest that these laws abandon some of the basic tenets of Western law, because they:

- are drawn too broadly;
- criminalise activities too far upstream from the committal of a terrorist act;

- threaten freedom of speech;
 - compromise the principle of innocence until guilt is proven by casting a burden of proof upon the innocent;
 - dispense with a need to show an intention to act unlawfully; and
 - may indiscriminately catch the innocent or the silly in laws intended to catch terrorists.
- In a well-intentioned attempt to protect us, the Government may inadvertently have begun to erode the democratic institutions it seeks to protect.⁷ Such laws are perhaps understandable if lawmakers are in the same fearful crucible that Tony Blair found himself in. To confront ‘mortal danger’, a ‘war without limit’, ‘a challenge of a different nature from anything the world has faced before’, will require lawmaking of a type never used before. But a leader puts himself on dangerous ground to presume he faces a situation utterly unlike any other. Justice, peace and trust are indispensable for human affairs; and in the name of this new situation they are now at risk.

We recognise that a new worst-case scenario presents itself, where several million innocent people could die from WMD. This was the scenario Mr Blair could not shake from his imagination. We recognise that leaders will have to promote new vigilance and their agents will need new tools to pre-empt such a scenario. But as Golder and Williams observe,

it is vital for legislators to acknowledge the limits of a strictly legal approach towards combating terrorism. The attractions of legislating against terrorism are obvious—legislation provides a quick, cheap, tangible and relatively easy means [of response].⁸

Interestingly, Christians have long observed the limitations of all kinds of law to bring about justice, peace and trust. More is always needed in human affairs, as Golder and Williams continue:

Policy makers should be encouraged, before adding to the already long list of counter-terrorist legislation, to investigate options such as initiating community education, fostering meaningful cross-cultural/religious community dialogue or critically reviewing the social and economic effects of their foreign policies.

Indeed we should further observe that terrorism has not put entire societies into mortal danger, and terrorists have been unable to prosecute Blair’s ‘war without limit’—due in part, of course, to the protections provided by the law enforcement agencies. Time seems to have shown that terrorism is not ‘a challenge of a different nature from anything the world has faced before’. It is certainly evil and difficult; but what once seemed horrifying, shadowy and new is being ever more clearly discerned as police and governments gain experience and expertise in handling it.

So perhaps terrorism is not a ‘war’ and is still at the point where conventional civil

justice suffices to contain it. Enough time may have passed to repeal at least some anti-terror laws, in the name of peace, justice and trust. At very least, we might ponder whether some kind of regular Summit, or a standing Parliamentary committee which issues recommendations annually, might be used to evaluate the effectiveness and shortcomings of these laws.

Real War

But what if terrorism did increase to the point where the term 'war' is no metaphor? Just war thinking might suggest a course of action that will seem politically unpalatable at first. The British government ultimately treated IRA members not as criminals but as enemy combatants—a policy that was and remains galling for many. But this change, which was a tacit admission that no human government can administer perfect justice, ultimately made peace possible.

To treat someone as a fighter according to the principles of just war implies that we may capture and imprison them as a prisoner of war and hold them without punishment for the duration of the conflict. Their loss of liberty is to disarm them, not to have vengeance upon them. Some prisoners may be tried for war-crimes, but acts of combat would not be prosecuted in civil courts as criminal offences. Removal of combatants for the duration and their careful treatment, creates the conditions where a just peace can be negotiated. The more prisoners, the fewer available fighters; the less death, the more goodwill; the better the war-crimes tribunal, the more likelihood of fighters acting as soldiers.⁹

But in the current context, this proposal is open to two criticisms. Firstly, it will be claimed that Muslim extremism is not rational enough to be dissuaded by such protocols. Only time will tell, after the West treats its opponents with such honour and dignity that a new trust between enemies begins. So secondly, we are confronted by the problem that the West has no track-record upon which trust may grow, if Abu Ghraib, Guantanamo Bay and the case of David Hicks are anything to go by. These show up military detention at its worst—dishonouring prisoners, resorting to secret torture, yet parroting civil law when convenient and always to the detriment of the prisoner. Under such conditions, the Muslim extremist logically concludes that it is his captors that are irrational.

To overcome this recent history, to avoid future failures, and to begin the track-record

of trust, Western detention protocols will need policies that are much more generous than those of current popular political sentiment. It will always remain easier to construe the terrorist as evil and insane. But Christians ask leaders to show how we may accept the humanity of the terrorist while never agreeing with his moral vision which may prove irreconcilable with our own as, for example, when a terrorist thinks that a peaceful community can exist only in a fundamentalist Islamic State. Nevertheless, when he is treated with grace—that is, with a respect that may not be entirely deserved—our society becomes attractive and unexpected.

Limitations of Government

If government did foster meaningful cross-cultural/religious community dialogue (as Golder and Williams suggest), it would implicitly acknowledge that it must work in partnership with others to find the kind of peace and justice that will end terror. The solution to terrorism is not finally civil-criminal or militarist. It might include some kind of respectful Christian evangelism and discussion of a kind that may not yet have been deployed, at very least in order to render intelligible the heritage of Western civilisation to interested others.

In public policy terms, politicians and diplomats can defend the freedom of respectful religious speech as that which best re-skills communities to navigate religious difference without bloodshed. Governments can also support various non-government organisations (whether faith-based or not) to effect goodwill in areas where terrorists are recruited. These policies are no panacea, but may offer surprising new beginnings.

Finally, government cannot offer and should not promise absolute safety. Its laws, strategies and judgments will always be imperfect. '[N]o government can act on all the intelligence it receives without destroying the way of life it is trying to protect; and even when it does act, it cannot always be sure that its actions will work.'¹¹ Occasionally, an apology will be needed for the innocent people that may inadvertently get caught in the middle of a security crackdown. Government can only help to set new conditions under which people will not be afraid; but it is up to the people to discover for themselves that life goes on, and to draw upon spiritual resources (that Christians find in Christ) to deal with the failures, upsets and breakages in our troubling world. In this way, a government's own limitations free its leaders to do what they can—without ever

thinking that they must become the God who saves us.

The Way Ahead

What then is needed if we are to trust our leaders in the 'war on terror' and in conflicts ahead?

Just war thinking. The body of ancient Christian wisdom known as 'just war thinking' remains an indispensable toolset for limiting, restraining and quickly finishing the melancholy task of war. Just war thinking will help clarify the cause, conduct and end-game of war, and will keep the statesman's mind focussed upon peace and justice as its only proper justification.

No company director would take up their appointment without basic accountancy skills. Likewise, statesmen owe it to themselves and their people to familiarise themselves with this body of thinking in times of peace, and then to apply it in the prospect and conduct of war. Only after careful attention to this thinking will leaders be properly equipped to make a lasting resolution in Iraq, or policies on which nations may be permitted nuclear weapons, or whether or not appropriate military pre-emptive action is justified at a potentially irresponsible nuclear state.

Furthermore, just war thinking needs to become a whole-government package, a common language known by politicians, diplomats and soldiers alike if it is to succeed in creating justice, peace and trust. Otherwise, it will always be subverted by whatever arm of government or military subscribes to crass realism.

Preparing for true war. In the very sad event that terrorism does escalate, leaders need to imagine what it will look like to handle terrorist opponents using principles of just war, and even to educate and resist the populist sentiment for an all too predictable vengefulness. Government might need to consider the unpalatable prospect of rendering imperfect justice in response to terrorist events, precisely in order to find peaceful political resolution.

Knowing limits. Good government knows its limits. It can aim for peace and justice. It can be open and accountable in a way that creates trust. But it will make mistakes and need to issue apologies. Its justice can never be perfect, and it is not solely responsible to calm our fears. In the end, it and its leaders can only be servants who help us, not Messiahs who save us.

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