

"A Just War. What is it?" Introduction & Analysis

By Del Birkey June 11, 2006

WAR—"What is it good for? Absolutely Nothing!" Throwing subtly to the wind songwriter/singer Bruce Springsteen explodes his categorical in our face. The Negro spiritual frames it more folksy: "I'm gonna lay down my sword and shield, down by the riverside and "I aint' gonna study war no more."

If WW1 was "the war to end all wars" with 15 million casualties, WW11 quickly buried the mass naivete along with more than 51 million casualties, not to mention the attempted genocide of the Jewish race by torture and gas of 6 million. Spielberg's cinematic "Saving Private Ryan" will ever shock us of the Great War's hell—realities that seem just around the past's corner.

Whatever our thoughts and emotions about war, no one can remain blind to its worldwide proliferation and geo-political desecration within the past few decades—including the genocide in Bosnia-Kosovo, the incomprehensible slaughter of a million Rwandans—the Iraqi occupation of Kuwait and genocide of its own people, the "talibanization" of Afghanistan and Pakistan, the ongoing near silent screams of rape, torture, and massacre of women and children still rampaging in Sudan's Darfur region.

Since 9-11 we strain to come to grips with the raw reality of international terrorism. Though the US invasion of Iraq took only a few weeks, three years later and thousands of innocent human lives including women and children--the chaos and carnage of the insurgency may not be winnable. Last week 8 human heads were delivered by a van in 8 fruit boxes, a symbol of the now more than 600 violent attacks every week and claiming up to 100 casualties. These facts demand our undivided attention to the moral issues of war and the use and abuse of military intervention.

Throughout the past 2,000 years most Christians affirmed some form of "Just War" principles that have been developed since the first century. Today, although a majority of Americans believe some wars may be considered "just," what that means is often misunderstood. To many the terminology seems like a silly oxymoronic notion between "just" and "war."

In attempting to clarify this conundrum, then, we should understand that the fundamental foundation to the just war theory is a common ideal called "natural law." In his recent articulate book *Between Pacifism and Jihad: Just War and Christian Tradition* (InterVarsity 2005), evangelical scholar J. Daryl Charles develops this fact, noting that "The just war thinker holds certain truths to be self-evident. The very premise on which just war rests is that there is a universal moral sense that informs human beings on what is good and just over against what is evil and unjust" (119-124).

Moreover, "natural moral law" is deeply rooted in the Judeo-Christian tradition. It is what Paul the apostle wrote about when he reminded that even every non-Christian has "the just requirements of the law written on their hearts, their conscience also bearing witness" (Rom 2:14-15). Simply put, natural law reflects the way things are and the way we are, from the outer world of natural creation to the inner world of human conscience.

Natural law doctrine was clarified by the post-apostolic church fathers, and on into the writings of Roman Catholic scholar Thomas Aquinas in medieval times. The doctrine continued to be expanded by the sixteenth century reformers and on to the present evangelical and Roman Catholic consensus.

In view of the moral biblical Fall of "everyman" and "everywoman" within humankind's history, personal human rebellion against the Creator didn't obliterate God's image and the ability to perceive and choose right, nor to release anyone from a sense of moral obligation. Natural law is therefore the same as what is theologically known as "general revelation" (as compared to "special revelation" recorded in the Scriptures). Natural law, then, is basic to all humans and doesn't depend on but neither contradicts the special revelation in the Christian canon (It is noteworthy to ask how Cain knew all this early on just outside Eden when he became the first murderer--and then fled trying to assuage his guilt by touting "Am I my brothers/s keeper?")

Before delineating the just war particulars, it is helpful to be familiar with the four basic views on Christians and war developed in modern times (as delineated in *WAR--Four Christian Views* (Robert Clouse, ed., IVP 1981, revised 91)

1--PREVENTATIVE WAR

In the ancient world, if peace was desired--war usually prevailed. The old notion of war as crusade prevailed among some Christians in medieval times. Today, advocates of this view appeal to certain OT "holy war" texts, when God's dealings with pagan nations sometimes included slaughter of innocents. However, this phenomenon took place during the unique and temporary theocracy, when history and its practices have no direct application to today. Providentially, this view has never gained the consensus of Christianity's conscience--yet war as crusade is being advanced anew in modern times—even though it remains in opposition to the following views.

2--THE DOCTRINE OF NONRESISTENCE

Nonresistance is a biblical doctrine particularly emphasized in the NT. It recognizes the biblical teaching of separation of church and state and that each has its place. Biblical texts are cited that stress personal non-resisting. And since Christians are to obey the Word above the world's governments (i.e., God vs. Caesar), nonparticipation in some areas of the world's system is normative and expected conduct of believers.

3--CHRISTIAN PACIFISM

Christian pacifism is taught primarily by the Anabaptist Mennonites, Brethren, and Quakers. Pacifist principles center on Jesus as the final example and on the kingdom of God as his present rule through the church. Critical texts are grounded in the Sermon on the Mount, where the law of love is the controlling factor. Christian pacifism is similar to the nonresistance view, but takes the Scripture and its principles to a more radical or assumed consistent conclusion.

It is commonly asserted that the NT church was altogether pacifist. However, scholars acknowledge that there exists a definitive ambiguity about the issue because of the very limited evidence available. For example, second and third century Tertullian and Origen were known pacifists among the church fathers, but neither denied the God-ordained role of government as "God's servant," while also indicating that a considerable number of Christians were serving in the Roman

legions. In balance, we do well to acknowledge that both strands of pacifism and non-pacifism appear side by side, with inconclusive dogmatic conclusions.

A recent Anabaptist book reviewer concluded that “the just war theory does little toward making war less violent, and at best, the just war theory is a hypocritical excuse for justifying war, often used as an afterthought” (Gerlof Homan in *Illinois Mennonite Heritage Quarterly*, Summer 06, p 4).

Similarly, many think about war as set in opposing perspectives of “just war” versus “radical pacifism.” But professor Charles keenly notes that it is more accurate to understand the just war theory as *the mediating position between pacifism and militarism*.

Anabaptist scholar John Howard Yoder in his early influential book *The Politics of Jesus*, described Christians who go to war as “doing ethics for Caesar.” Still, he respectfully dialogued with mainline evangelical and reformed thinkers on just war. Recently, Mark Thiessen Nation published his biography on *John Howard Yoder: Mennonite Patience, Evangelical Witness, Catholic Convictions* (Eerdmans, 2006). Nation clarifies that while Yoder engaged the just war tradition, at the same time he sought to challenge false notions about it. In particular, it might be surprising to some to learn that Yoder argued against the idea that pacifism and the just war tradition are diametrically opposed. On the contrary, he believed that “*most of the time pacifists and just war adherents should reach similar, if not identical, conclusions about particular wars*” (141).

THE JUST WAR GUIDELINES: HOW DID THEY ORIGINATE?

The following thinkers are noted as most influential framers of the historically developed document in their own historical milieu:

Cicero (106-43 BC) Even before the Christian era, this Roman philosopher-statesman began to organize a just war theory around six sensible conditions. Most of his early principles were incorporated into the growing body of literature.

Augustine (354-430) Augustine was the brilliant and most influential church father and bishop of Hippo in N. Africa. After impregnable Rome was sacked in 410 AD

and Christians were accused of having part in its deterioration, Augustine wrote his most significant work *THE CITY OF GOD*, in which he developed his theology of the two loves—of the Christian's tension living in both the world's society or "city of man," and at the same time being members of the eternal "City of God."

In this classical work Augustine admonishes fellow Christians not to remain aloof from the affairs of the state as they look for the end of the age. After all, "the earthly city" cannot ever be free from the damages of human depravity, bloodshed and war. Thus to preserve the intermediary basis of order and peace, a justly ordered force is necessary. For Augustine, the "lowest common denominator" is justice and love (which are closely related). Justice is concerned with right ordering of society for the sake of social peace, since peace requires the ordering of justice. He framed the issue of when force is justified and what kinds of force are appropriate, affecting both its permission and its limitations.

Augustine referenced Jesus' Sermon on the Mount and of turning the other cheek, concluding that privately one should endure such evil by another because of "a disposition of the heart" (rather than merely an external act). But he noted that the introduction of a third party (ie, the innocent) changes the moral equation, that is, the obligation of Christian love is to defend and protect the innocent third party. Augustine spoke of *applying "benevolent harshness" as a means of just retribution that is rooted in charity with the aim of securing peace*" (41).

Although Augustine became the most influential Christian scholar who influenced "just war" prerequisites, nevertheless, his acceptance of a justified war was reluctant, as he reminded that no war is fully just--but may be legitimate to secure peace and reduce injustice. Reflecting on Christian theology and the fallenness of humanity, he believed that in a just war soldiers "should fight in repentance, lest in the heat of conflict love be turned into hate."

Thus Augustine set the stage for a just war tradition that prioritizes the innocent third party motivated by charity. Justice concerns right ordering of society for social peace even where unjust peace might reign. Christians are obligated to work for just peace that requires the ordering of justice in our relative state—knowing that ultimate peace can reign only in the ultimate eschaton.

Thomas Aquinas (13th C) This medieval Roman Catholic theologian and philosopher was conversant with the intellectual currents of his day. In his work about justified war theory a major concern centered on the question of legitimate authority. Aquinas stressed the necessity of a just cause and right intention for war, while also focusing on the moral consequences of warfare, as recovery of things stolen and the protection of the innocent from harm.

The Reformers Luther, Calvin, and Zwingli of the sixteenth century renewed Augustine's Christian principles and further stressed the necessity and dangers inherent in warfare because of the sinfulness of humanity. Moreover, they developed biblical exegesis on the authority of the state as "God's servants" and as an agent of justice and self-defense, based on key biblical texts of the apostle Paul in Rom 13:1-7, and the apostle Peter in 1 Pt 2:13-17.

John Locke (1632-1704) An English philosopher who stressed that force may only be used against unjust and unlawful force. He argued that no rights of warfare exist over non-combatant peoples or their property. He further defended the right that defeated people must be allowed to form their own new government.

Hugo Grotius (1583-1645) A Dutch statesman, scholar, and legal theorist who is considered "the father of modern international law." He based his theories on the identification of common natural rights and the law of nations, rather than merely an appeal to religion. Grotius argued that how nations relate to each other is to be governed by universally binding, divinely instituted moral principles. Therefore, the principles that constitute just war thinking are accessible to all peoples and societies. He also raised questions about whether the requirements of justice could justify preemptive use of force.

Grotius formulated detailed international laws to control the causes and conduct of war, laying the foundations for modern international bodies as the League of Nations, the United Nations, and the Geneva Conventions. Most Christian moralists commend this advance as a powerful alternative to international conflicts.

WHAT, THEN, IS A JUST WAR?

In his "Prelude to the Debate" about the just war theory, evangelical professor of ethics Arthur Holmes brings into focus several preliminary cautions as to what it does and does not imply: (1) not all evil can be avoided, (2) the just war theory...is an ideal that is normative for all people...[and] is intended to be universally binding, (3) the just war theory does not try to justify war; rather, it tries to bring war under the control of justice, (4) the just war theory insists that private individuals have no right to use force...rather, it is whether government ever has the right...." Moreover, "their immediate impact is to place severe limits on war that would prevent its lapsing into barbarism. Underlying them is a history of ethical, political and legal theory that has developed over the past twenty-four hundred years..." (*War: Four Christian Views*, R. Clouse, ed, InterVarsity 1981).

The following traditional just war criteria can be identified (according to professor J. Daryl Charles) as *theoretical doctrine with moral implications*, consisting of seven "laws" based on "justice going to war" and "justice amidst war."

(OMIT: Charles: in "Just-War Moral Reflection, the Christian, and Civil Society" in the *Journal of the Evangelical Theological Society*, Sept. 05).

I will add to this traditional list of 7 two contemporary criteria with explanation:

1- JUST CAUSE War must clearly be a defense against unjust attack or the just redress of egregious human rights violations--therefore all aggression is condemned. "The intention must be as righteous as the cause," which can exist only when ideological reasons for going to war are eliminated. Such cause can exist when it is conditioned only as "a lesser evil" and when all reconciliation has failed against an unlawful and unjust force. It is significant to note that only recently has the notion been developed that nations that pose a threat on a massive scale can be neutralized (A. Holmes).

2- PROPER AUTHORITY War must be declared and carried out by the military force of properly constituted governmental authorities, rather than by private parties.

3- RIGHT INTENTION War must have as its ultimate intention the establishment of a just peace—therefore its motive must be pure. Augustine asserted that “since no war is fully just, soldiers must fight in repentance, lest in conflict love is turned to hate.” Just causes are not served by unjust motives. So there must be no hatred, no animosity, no thirst for revenge . . .The motive must be pure because in no circumstance does Christianity tolerate hatred, cruelty, envy or greed”—nor revenge, conquest or ideological supremacy.

4- LAST RESORT War may be a last resort only after all peaceful recourse in negotiations and compromise have been exhausted.

5- LIMITED OBJECTIVES This criterion asks “Does the warfare contain the limited and ultimate goal of establishing a just peace and stable political and social life?” It asserts there must be a reasonable probability and calculated prospect for successful victory and establishment of peace. Moreover, there must follow a post-war restoration without the destruction of a nation’s economic institutions. It is noteworthy that in his teaching Jesus told the story about the king who needed to “count the cost” before going to war (Lu 14:31-32).

6- PROPORTIONATE MEANS At the heart of justice is the principle of proportion. Warfare must be conducted in a manner of proportionality to the offense or injustice needing redress. The weaponry used is therefore limited to a just force to repel aggression and secure just peace. “There must be no wanton or unnecessary violence . . . a legitimate use of violence must be 'proportionate' in the sense of a lesser evil, and 'discriminate' in the sense it is directed against enemy combatants and military targets [so that] civilians are immune” (restated by Stott)

7- NON-COMBATANT IMMUNITY Warfare must be conducted only by those official military agents of the government in such a way as to distinguish and preserve non-combatant immunity to all civilian non-participants. The principle of noncombatant immunity was established at the Hauge Conventions (1899, 1907),

in the Geneva Conventions & Protocol (1949, 1977), and emphatically reaffirmed by the General Assembly of the United Nations in 1970.

8- A CURRENT ADDENDUM: IT MUST CONCUR WITH INTERNATIONAL LAWS

The established international laws must curtail and govern all its members regarding war in every generation. Ethicist Arthur Holmes stated it this way: "The role of international law is to govern the activities of an international society. The just war theory provides a basis for laws of war—not because war is good but because it must be restricted and brought more and more under control....In fact, just war ideals shaped the Geneva Convention and other international agreements... [and] at the Nuremberg trials it also exercised a punitive function in regard to war crimes."

9- "JUST WAR THEORY AND THE PROBLEM OF TERRORISM"

Because of modern worldwide terrorism the urgent question being asked is what if any way does the just war theory speak to the horrendous acceleration of terrorism? Professor J. D. Charles faces the pressing question, noting that the word "terror" comes from the root "to cause to tremble." He describes terrorism as "a form of nihilism, a moral abomination in that it violates the universal moral standard of natural law. It transgresses justice at the most fundamental level for its wanton disregard for human sanctity. In addition to breaking the law at multitudinous civil and legal levels—violations of territorial sovereignty, theft, kidnapping, piracy, to name but a few—it transgresses natural moral law in its degraded and deliberate attacks on innocent human life. It is fueled not by idealism but by hatred" (161).

The author believes just war thinking loses none of its relevance to modern terrorism, rather, the maturing of the terrorist threat underscores the abiding relevance of the just war tradition. Moreover, how a society responds to the challenge will be determined by how that society defines and understands justice (29). Therefore, he offers a much needed analysis on "Just War's Response to Terrorism" as follows:

1- As to "just cause," he clarifies that religious terrorism assumes its own just cause without moral consideration since terrorists assert to have divine validity in doing God's will. In contrast, just cause is predicated on punishing evil as well as defending and restoring what has been injured. Therefore our response is morally and pedagogically necessary (159).

2- Regarding the law of "right intention," terrorism is driven by hatred, and religious terrorists' goal is total destruction at all costs (160).

3- On the law of "proper authority," terrorism cannot legitimately declare war as an international violent drama operating as a non-state apart from and beyond territorial sovereignty. Therefore, our responsibility is moral more than ideological in seeking justice. "Fighting terrorism is a public act...there is no higher authority to which one might appeal than government. Both national sovereignty and international law permits a nation to respond to armed conflict and mass murder" (160).

4- On the principle of non-combatant discrimination," the author notes that when we do commit ourselves to respond to terrorists we commit ourselves to take the moral high ground by targeting the slayers of the innocent. And, we do not fear the potential retaliation because we act justly. Terrorism must be resisted to the utmost and defeated soundly.

5- Finally, as to the law of "proportionality," just force is measured. We use force that is proportionate to the evil intended—no more and no less than is minimally necessary. Charles asks, "Is it just and proper to fail to take preemptive action or to fail to protect the innocent or to punish those who commit crimes against humanity? Again, our goal is to end aggression and oppression and bring a justly ordered peace (Charles, Ch. 7 149-168).

Perhaps the most down-to-earth-heart-rending-reason to respond to terrorism is "for the sake of our children, the next generation." To do the right thing has

pedagogical value--that evil exists and must be constrained, and that justice is virtuous and matters (164).

Summarily, as a leading figure at the crossroads of religion and politics in America today, Jim Wallis rightly asserts that "war is a deeply theological matter." He reminds that (1) the tradition of Christian nonviolence and pacifism rules out war as a way to resolve conflict, and (2) that the just-war doctrine which the vast majority of churches accept, demands that a decision for war be subject to rigorous criteria and conditions. Wallis concludes that "[these] are the only two Christian traditions regarding war (unless we want to bring back the understanding of war as a crusade). *Both the just-war and pacifist traditions agree with that.*"

(GOD'S POLITICS: Why the Right Gets It Wrong and the Left Doesn't Get It-- A New Vision for Faith and Politics in America—Harper, San Francisco, 2005)