

# What Is 'Just War' Today?

by Thomas A. Shannon

**M**any people, both those who remember it and those who have read about it, consider World War II as the last "just" war. The phrase almost always associated with this war is "If WWII was not a just war, what could be?" And while it rightly could be said that the Allies entered the war justly, two critical events emerged from WWII that shape how we now judge the morality of war. Those were the practice of obliteration bombing (by both the Germans and the Allies) and the use

of nuclear weapons by the United States. Neither of these practices was just, because they involved the intentional deaths of perhaps hundreds of thousands of noncombatant civilians.

The question of harm to innocent civilians has grown in conflicts around the world today. In this *Update* we'll look at the challenging teaching of the Church about Just War, how and why it developed, how it progressed and how the teaching of the gospel informs our choices in this most practical way.

## Protecting the innocent

**T**he protection of innocent people (noncombatant immunity) has been a core principle of the Just War theory almost from its inception in Catholic theology in the fourth century. Yet it was flagrantly violated by all participants in WWII. The development and use of nuclear weapons also introduced a new reality: the possible destruction of the world if there should be a massive exchange of nuclear weapons. So-called limited use of nuclear weapons on the battlefield also introduced the possibility of long-term environmental, social and personal damage. Both possibilities were part of the strategic planning of the USSR and the US. This was the reality of the Cold War and deterrence theory.

Such strategies forced a variety of questions: the sufficiency of the number of nuclear weapons (the US, for example, had enough weapons to kill everyone in the world more than 40 times), the cost (could one afford to fund the weapons for this strategy and still provide basic human services) and the psychological costs associated with living under this nuclear threat ("nuclear numbness").

The Church reflected on these themes at Vatican II in the early 1960s. A new peace constituency began to develop in the Catholic Church in the 1970s and '80s. In Vatican II's *The Church in the Modern World*, the council Fathers had asked the citizens of the world to consider the question of war with an entirely new attitude. They also condemned the bombing of population centers (one of only two



Pope John Paul II, in January 2003, appeals for peace as several doves are released above the crowd at St. Paul Outside the Walls in Rome.

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ST. FRANCIS IMAGE BY FATHER ROBERT PAWELL, O.F.M.

condemnations in all the documents of Vatican II) and affirmed the legitimacy of pacifism as a legitimate option for Catholics. The Catholic Worker Movement, founded by Dorothy Day and Peter Maurin, had been a continuous presence advocating for peace. Pax Christi was founded in France at the end of WWII as an international peace movement. Individuals such as Thomas Merton, Daniel Berrigan, Eileen Egan and Gordon Zahn contributed to the growing Catholic movement by their commitment and their writings. Now bishops were added to this developing movement in the United States.

Archbishop Hunthausen of Seattle, where nuclear submarines were built, strongly criticized both the shipyard and the policy of nuclear deterrence. As part of his commitment to peace, he became a tax resister by refusing to pay half of his federal income tax. Bishop Mathiessen of Amarillo, Texas, the town where nuclear bombs were assembled, urged Catholics not to work there and made efforts to help with alternate employment. Bishop Thomas Gumbleton of Detroit was a persistent critic of deterrence policy. Many other bishops wrote pastoral letters on peace for their dioceses requesting that Catholics carefully consider the pressing questions of peace and war.

It came as no major surprise that in 1983 the Catholic bishops' conference began to take a new look at the morality of war in the 20th century, particularly in the light of nuclear weapons. The resulting document, *The Challenge of Peace: God's Promise and*

*Our Response*, published in 1986, was the result of three years of intense work that included a wide process of consultation of experts, three drafts that were widely circulated and commented upon, and a comprehensive review of the best theological and military literature of the day.

## Just War theory evolves

**T**he Church developed its teaching on the Just War as war victimized more and more people. WWII, while considered a Just War on the whole by most people, was also a transition war. It carried many horrors including the millions of victims of the Holocaust, the hundreds of thousands of civilians killed, the high number of military casualties, the development and use of nuclear weapons, and the arms race that immediately followed. How did the theory of the Just War fare in the light of these events?

Pope Pius XII (1939-1958) made a variety of comments about war during his pontificate, but it was the American theologian John Courtney Murray, S.J., who brought together these various strands of teaching into a coherent whole. His summary, presented in his 1960 book *We Hold These Truths* is an important starting point and is also a critical point of reference for the discussions that led to *The Challenge of Peace*.

The first point of his summary is that all wars of aggression are prohibited. Violence unleashed by war is a disproportionate means to achieve justice—if individual states continue to engage in aggressive wars, international structures will be much more difficult to develop.

The second point is that a defensive war to redress injustice is possible only if four conditions are fulfilled: a) the nation must have been attacked; b) war is the last resort; c) there is a proportion between the harm suffered and the violence released by war; and d) there are limits to the use of force, namely, civilians are off-limits and no weapons (such as the proposed neutron bomb) that would destroy all human life within their range are permissible.

The third summary point is that preparations for a country's self-defense are legitimate because the right of self-defense cannot be denied to any nation and there is no international body that controls arms. Finally, Murray holds in common with Pius XII a position that

later theologians rejected: that once war has been justly declared by the proper authority of a country, no Catholic can be a conscientious objector.

The four conditions and the right of self-defense are relatively traditional within the discussion of the Just War theory. But the other two points are newer. For example, the prohibition of wars of aggression is a traditional part of the Just War theory, but in the 20th century the Church seeks to narrow the reasons that would justify a nation's going to war to self-defense only. This teaching emerged, I suspect, from the moral and physical wasteland that followed WWII. The teaching points the Catholic community away from war.

Limiting one's status as a conscientious objector, point four, took the moral decision-making authority from the individual and put it in the hands of the state. Historically, authors discussing this problem were reluctant to let private citizens make such a decision because the decision is complex and because the citizen should assume that his or her government acts morally. There was also the practical problem, however, that if too many people exercised the conscientious objection position, there might not be enough recruits for the army.

Murray's *We Hold These Truths* is an important summary of the Just War teaching from WWII through the 1980s. It served as a guide for discussions of the wars in Korea and Vietnam as well as other conflicts involving the United States. Yet changing times and events—a growing number of nuclear weapons, the military and moral complexities of deterrence theory, and the growing realization of the global consequences of nuclear war—began to force new questions. The need for a reevaluation of the Just War theory became apparent.

## A new moment

**T**he 1980s' *The Challenge of Peace: God's Promise and Our Response* was an attempt by the U.S. bishops to bring teaching up to date again. The bishops examine the signs of the times, consider the gospel mandate, evaluate and test the application of moral principles and consider the implications of these reflections. They develop a perspective that suggests certain conclusions and actions that they think are coherent with a rightly formed Christian conscience.

The bishops recognize the complexity of the issue before them and recognize that a rigorous consideration of the moral issues regarding nuclear war does not lead to one obvious moral conclusion or completely rule out different points of view. They propose a framework for thinking through the problem and recognize that on some issues there will be a plurality of solutions.

They recognize, of course, that there are universally binding moral principles such as civilian immunity, but also that there will be prudential judgments that are based on specific circumstances. Thus the bishops acknowledge that even though all might hold the same principles, there will be a diversity of moral judgments reached about nuclear war.

The document restates long-held Catholic teaching on war and its moral conduct. First is the traditional *jus ad bellum*, the criteria for justly declaring war. These are *just cause, competent authority, comparative justice, right intention, last resort* and *probability of success*. A final reason is *proportionality*, assessing a relation between the violence of war and the good to be achieved. These criteria seek to ensure that the proper authority assesses the situation and seeks other remedies before declaring that the situation demands the use of force.

The second set of criteria has to do with what is called the *jus in bello*, moral norms for conducting war. The two traditional criteria here are *proportionality* and *discrimination*. Proportionality in this sense says that the response to aggression must not exceed the nature of the aggression. The criterion of discrimination prohibits direct attacks on civilians or noncombatants and seeks to limit as much as possible any harm even if unintended. War's damage must be limited, particularly its harms to civilians.

## Theology develops

**T**he document is remarkable for a number of reasons. First, it is clear in its support of pacifism and conscientious objection as legitimate positions for a Catholic. This was important because Pius XII argued that once war was legitimately declared by the state, no Catholic could be a conscientious objector. His position, passed over by Vatican II, was strongly rejected by this letter. The *Catechism of the Catholic Church* presents this newer development but also argues that such objectors must serve the community in some other way.

Second, there is a major shift in the U.S. bishops' 1986 letter, a shift not fully

articulated in the *Catechism*. The traditional assumption was that violence was justified to restore a violation of justice. This goes back to St. Augustine, who taught that war is justified as an act of love to remedy an injustice that has been done to one's own country or to a neighbor's country. Love may resort to force to restrain an enemy who harms another, the U.S. bishops teach. But the bishops also assert that peace is preferable to war. One has to have serious reasons to override this presumption in favor of peace, they say.

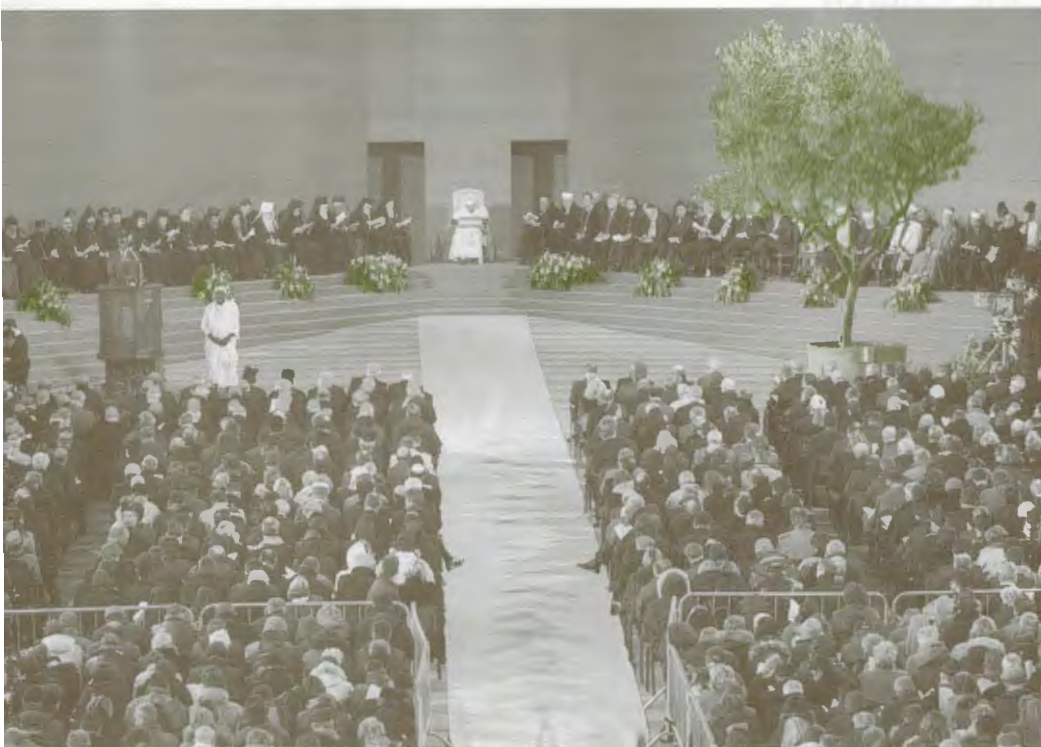
This seems to suggest a rejection of the traditional position of Augustine that violence is an appropriate means of vindicating injustice. This suggestion becomes even stronger when coupled with the praise given those who seek to vindicate injustice through nonviolent means. One could argue, based on this, that the bishops are making it exceptionally difficult for a moral case for war to be established.

Third, the 1986 document affirms that each state must recognize that it does not have absolute justice on its side. The purpose of this criterion is to temper one's claims to a just cause and thus also exert a restraint on the use of force.

## Problem of deterrence

**A**t the time of this letter, the mid-1980s, the primary moral problem of war was nuclear weapons. They were part of a deterrence defense strategy: If the Soviets either appeared to be ready to attack us or actually did attack us, the United States would respond with its entire nuclear arsenal. The fear of the significance of an event of this magnitude was supposed to deter any such actual attack.

The problem with this type of deterrence is that in Catholic moral theology, if one intends to do an evil, one has committed the sin. Thus if it is morally evil actually to kill millions of innocent civilians even as part of a legitimate response to an attack, it is immoral to plan to do so. This creates significant moral problems for the key method of defense and so the bishops carefully evaluated this. They concluded that if one understood the strategy of deterrence as a way station on the road to disarmament, then one could give a strictly conditioned acceptance of it. That is,



The pope (center) gathers with world religious leaders in Assisi, Italy, in January 2002 to pray for world peace. The olive tree in the foreground is a symbol of peace.

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## The Catechism of the Catholic Church and the Just War theory

The Just War theory is presented in the treatment of the Fifth Commandment that focuses on respect for life, respect for the dignity of persons, and safeguarding peace (#2302-2317). The core elements of the Just War tradition are there: War must be a last resort; there must be a proportion between the harms inflicted and the good achieved; a serious prospect of success, a declaration of war by the proper authority, and the observance of the moral law during armed conflict. But the *Catechism* abandons the traditional distinction between *jus ad bellum* and *jus in bello*.

The *Catechism* notes that "Non-combatants, wounded soldiers, and prisoners must be respected and treated humanely" (#2313). Traditional presentations of the Just War theory give much more emphasis to non-combatant immunity, not just protection. And while affirming conscientious objection, the *Catechism* affirms that "public authorities have the right and duty to impose on citizens the obligations necessary for national defense" (#2310). Pacifists are obliged to serve the community in other ways.

The *Catechism* notes, importantly, that the arms race does not serve the cause of peace and "over-armament multiplies reasons for conflict and increases the danger of escalation" (#2315). Public authorities have a duty to regulate the production and sale of arms in light of the common good so that war can be avoided and peace built up.

deterrence could be accepted provided that it was accompanied by serious and meaningful efforts to engage in disarmament and to seek peaceful resolutions.

### The Iraq war

The U.S. bishops have relied on *The Challenge of Peace* in drawing up two statements about the war in Iraq. In their statement of November of 2002, the bishops express their grave concerns over the expansion of just cause to include preventive wars. In terms of legitimate authority, the bishops request that both the U.S. government and the United Nations be involved in the decision making.

The U.S. bishops, with strong support from Pope John Paul II, express serious concern about the problem of unpredictable consequences in Iraq and in the rest of the Middle East. They are deeply concerned about wider conflict and unrest in that area of the world. They raise significant moral concern about the cost and burdens to be borne by the civilian population of Iraq. The statement concludes with the request to continue to seek peaceful resolutions.

The bishops spoke again in February 2003, immediately prior to the U.S. initiation of war, once again with the strong support of the pope. Their statement is highly critical of "preemptive, unilateral use of military force...[because this] would create deeply troubling moral and legal precedents." Then the bishops make this remarkable statement: "Based on the

facts that are known, it is difficult to justify resort to war against Iraq, lacking clear and adequate evidence of an imminent attack of a grave nature or Iraq's involvement in the terrorist attacks of September 11." Church leaders have not changed their position during the course of the war nor have the unfolding events of the invasion invalidated their position.

### An ongoing role for the Church

Will Just War theory continue to evolve? One development was suggested many years ago by theologian Michael Schuck: a *jus post bellum*—rules of conduct after war ends. The three principles of this are: 1) the principle of repentance to express remorse for the death and suffering inflicted by war; 2) a principle of honorable surrender to ensure that the

peace does not turn into retribution or revenge; and 3) the principle of restoration to ensure that the damage done by the war be repaired. Such principles should not only make us hesitate to enter a war but also encourage a government to plan carefully for the aftermath of the war so that the last state is not worse than the first.

The international issues are serious and the consequences of war, no matter how just the cause or honorable the means with which it is waged, are deadly and long-lasting. A critical gift to our nation from the Church will be continually holding the country and its leaders to the highest moral practice possible. ■

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**NEXT: Convalidation of Civil Marriages (by Msgr. Joseph Champlin)**

## UPDATE

### Question Box

- 1) How do Just War and Christianity go together?
- 2) Do you find Just War theory challenging? Why or why not?
- 3) Why does our understanding of Just War change or develop?