

ON PUTING JUST WAR THEORY IN ITS PLACE

An Anglican Perspective

Just War Theory was developed over many years and it has had a variety of formulations. It was most extensively developed by Thomas Aquinas a Christian theologian in order to try to put down some Christianly inspired principles to temper and moderate the conduct of wars.

Just war theory appeared recently in the media in relation to the invasion of Iraq by the so called “coalition of the willing”, led by the United States of America. It appeared regularly on the pages of the New York Times and in Time Magazine. It was also deployed in the Australian media. The impression given by these treatments is that when you tick through the points in Just War Theory in relation to the statements of our governments then the proposed invasion of Iraq could be declared to be a just war, or not according to your judgement as to how the various criteria apply in the particular circumstances.

This is because assessing each of the principles of the Just War Theory calls for judgement about the particular case. However, the principles presume a clear understanding of and commitment to a Christian moral tradition. The full force of this tradition is not always apparent in the public use of Just War Theory language, and that is one of our problems. If the criteria are regarded as universal tests to be used without presuppositions then it soon becomes apparent, or it should do, that the application of the criteria to any particular case requires a range of ethical values. It is at that point that the roots of the theory in Christian tradition and its values become unavoidable.

1. THE CONTEXT OF JUST WAR THEORY

Just War Theory is concerned with why and how wars are fought. It was developed to temper and to restrain. One of the objects of restraint in these considerations was restraint against some of the extremities of the Crusades in which Christians fought violent battles with the Muslim occupiers of parts of the Holy Lands and massacred prisoners in the name of Christ.

The terms of the Just War Theory principles mainly refer to war between more or less balanced opponents in the context of a multi national or group of nations. Even two balanced super powers could be thought to provide something of this context. One of the very great difficulties is that at the present time we do not have such a degree of military balance between nations. Furthermore we are not likely to have such a situation for the next twenty or thirty years. Our situation is that there is only one super power, the United States of America, and there is no effective power balance to provide the means of restraint when the force of moral language has been evaporated, or colonised in the interests of one or other of the parties.. That is a crucial problem for us in the recent case.

In the simplest terms just war theory has eight points.

Why Wars Are Fought [Jus Ad Bellem]

1. The cause must be just

In general the initiation of physical force as war is regarded as unjust

2. War must be declared or undertaken by proper authority

What is proper authority may differ according to the arrangements that exist in different states or groups

3. The intention should be for the cause of justice

Rather than say self interest or aggrandisement

4. There must be reasonable probability of success

Human resources should not be wasted on a manifestly uneven match

5. The desired end should be proportional to the means used

Wars should not be conducted on pretexts

How Are Wars To Be Fought [Jus In Bello]

1. It is unjust to attack indiscriminately

Used in relation to attacks of civilians

2. A war must remain strictly proportional to the objective

3. Agents in war are responsible for their actions

These are good principles in themselves. How far the invasion of Iraq meets these principles is not easy to say. That would probably require more information than has so far been made publicly available, at least in Australia. It seems to me difficult to see how these principles could all be met on the basis of public information at the time when decisions to invade were being made. The problem of access to reliable information is now a very great problem in part because in democratic societies more people have an interest in knowing.

However, that is not my point. My point is that the Just War Theory is not adequate for Christians and especially for Anglicans because it does not go far enough to meet our Christian obligations and in the present circumstances its terms are too susceptible to manipulation.

2. THE CONTEXT FOR TODAY

There are a number aspects of our present situation which make for a very different context from that which these principles essentially presuppose.

The loss of a constraining balance.

There is no really effective military power which can provide the physical or imagined balance to restrain the military power of the United States of America. Before the invasion the United Nations was being used as the vehicle for some restraint. In the end the United Nations was bypassed clearly on the grounds that a definitive resolution for the invasion was not going to be available in the Security Council. The moral constraint of the United Nations was not a little compromised by the presence of commercial interests with the Hussein regime of the two European nations most opposed to the US led invasion. It is beyond imagination to think that the United Nations could put together a military force which could be a restraint on the actions of the United States. I am not an expert in this field but a friend who does know about these things responded to my enquiry as to just how powerful was the United States military than other nations. His response, which startled me, was that in conventional military terms the United States could take on the rest of the world and win by half time.

It is clear in the present circumstances that we do not have the kind of balancing forces which are necessary to give the principles of the Just War Theory real bite. That is a major weakness in the use of the Just War Theory especially where the Christian moral imperatives do not have overwhelming persuasion or substantial content in the argument.

We have not in my view found a way of dealing with this new phenomenon of a world with just one unstoppable super power. That is a challenge for someone from a small country like Australia. We can very easily be trodden underfoot without much notice, and it dramatically affects all sorts of relations, especially trade. But it is also a challenge for citizens of the USA. Indeed at one level Christian citizens of this great power have more responsibility than anyone else. How do Christian citizens of the US vitalise the resources from within their own liberal democratic traditions to secure a role for that country that adequately meets this challenge for all our sakes. We should not be mistaken on this point. If this challenge is not met from within the traditions and processes of civic life in the US then the consequences will last longer and be more profound than otherwise. Not only so these consequences will affect citizens of the US as well as the rest of us and will affect them in ways which will be and to some extent already are profoundly corroding of their national life and values. It has been a remarkable feature of our recent pre-invasion circumstances, both in Australia and the US, that there was so little serious and effective analysis and criticism of government policy until quite late in the day. As a consequence the possibility of effective political pressure and restraint on governments was much diminished and governments in both places were frankly dismissive of public protests.

Language in this area has been devalued.

We have grown accustomed to the use of the term war to describe what are properly campaigns. We have been taught to speak of a war on poverty, a war on drugs, a war on crime. Part of the reason for this is that our means of communication through instant television and to a lesser extent radio, require attention grabbing language, language which must be continually escalated in order to capture the viewer. The more technically smart presentations have become, the more language has escalated. We have come to think of war not as the bloody killing and maiming of mostly young

people, but as a kind of video game in which smart bombs are guided to selected targets from safe distances and viewed by distant spectators in the comfort of our lounge rooms. As yet another Star ship vaporises, we can easily miss the reality that this is not a plastic model or a video image, but real people in a real land who have children and aunts and uncles just like us.

War is not a video game. It is a horrible brutal dehumanising thing. War is not a campaign against some currently serious social issue. It is a matter of the killing and maiming of human beings. We live at a time when the language of war trips too easily off our lips and we have lost the sense of what it is.

Terrorist are not soldiers they are criminals. The right response to terrorist attacks is a sustained internationally coordinated and determined police action so that murderers are brought to justice. I do not doubt that such activity is going on, but the invasion of Iraq and the declaration of war on terror mis-describes and mis-directs the reality of the events.

We in Australia were greatly shocked and affected by the horrendous terrorist attack on September 11. I was there at the time and shared in that horror. We in Australia have also been deeply affected by the bombing in Bali when hundreds of Australians were brutally murdered. What has happened in Indonesia is that a sustained and internationally supported police action has led to the arrest of the ring leaders and main perpetrators of the bombing and they are treated as common criminals and being brought to justice through the legal system.

In a situation where the language of war has been debased and where there is no possibility of physical external constraint on the one super power Just War Theory is not tough enough to deal with the issues and because of the devaluation of language it is too open to manipulation.

Anglicans In The Social Debate

Like Anglicans in Australia Episcopalians in the United States are not the chaplains to the government but are players in a plural conversation. In that context we need to be

able to deploy as advocates and activists the whole of our Christian responsibilities and resources. Those responsibilities include but are not comprehended by addressing the precise question of invasion as a way to deal with these issues.

If it is possible for members of the United States Congress to go to Iraq as part of their political action, then it is certainly possible for Episcopalians to be going to Iraq to use their religious relationships to inform the rest of us and to serve the Iraqi people and their fellow Americans. If we focus solely on the invasion and on Just War Theory as the only thing we concern ourselves with, then we will have failed. In that sense Just War Theory is not a good idea for Episcopalians or Anglicans. It has limitations in the present circumstances and by occupying centre stage in the argument it narrows our vision of what as Christians we should be considering.

For example should we be advocating not just against a war in Iraq, nor just advocating for peace. Given the evaporation of language in this area should we not be trying to rehabilitate the horror of war. One way to do that would be to embark on a campaign to outlaw war, a campaign like that which was conducted in the nineteenth century against slavery. The anti slavery campaign did not remove slavery from the world, but it radically changed our perception of its acceptability. If a sustained anti war campaign had a similar result then we would all be a lot better off. A group of Theologians are sponsoring an appeal which has originated in Ireland for such a campaign. In their appeal they say amongst other things;

To many theologians this call for the abolition of war will appear presumptuous on our part (who are these people anyhow?). To others it may seem theologically flawed and practically futile. Yet with John Paul II's phrase from Centesimus Annus "War Never Again," ringing in our ears and Tertullian's succinct summary of early Church teaching before our eyes, "The Lord in disarming Peter henceforth disarms every soldier," we are driven back to that basic conviction that in the death, resurrection, and ascension of Jesus Christ, the destructive powers of this world, prominent among them, War, were radically overcome.

Whether we adopt such a programme or not, it remains the case that the recent public debate about Just War Theory has yet again highlighted some underlying issues about our Christian vocation in this country. Such substantial matters were raised in the USA by Stanley Hauerwas after the earlier Gulf War in a 1994 essay *Whose "Just" War? Which Peace?*¹ The essay was a reflection on the first Gulf War addressed to US citizens by a US citizen. The theological method of the essay is ad hominem, in the sense that it is cast in the terms of the American debate, but done in a way to express a Christian account and therefore to have an edge to it. Hauerwas uses the framework of Alistair MacIntyre's account of narrative virtues for making judgements. From this perspective he looks at the origins of the role of Just War Theory in the US and critiques the interpretation given by the US government and also by the theologian John Neuhaus who took part in the public debate on the side of the government.

Hauerwas makes an important point in terms of the engagement of Christians in public debate about war in terms of the Just War Theory.

The so-called just war theory, rather than helping Christians discern where their loyalties should be, in fact made it more difficult for Christians to distinguish their story from the story of the United States of America. As a result, appeals to that theory led to an uncritical legitimization of the Gulf War by most American Christians.²

Whether American Christians were in fact led in the way he claims is not so much the point for us in the present. However the issue of the way in which Australian Christians construe their identity as they participate in public discourse about such things as the recent invasion of Iraq, or for that matter any aspect of public policy is certainly fundamental. The attempt to engage is not only a laudable part of the Christian, and especially the Anglican tradition, it is part of the imperative in the Christian gospel. But the terms on which that engagement takes place and the reasons for doing it should not be just subliminal currents in the back of our minds, but rather

¹ S. Hauerwas, 'Whose "Just War? Which Peace?' in S. Hauerwas, *Dispatches from the Front. Theological Engagements with the Secular*, (Durham: Duke University Press, 1994).

² Whose "Just War? Which Peace?", p. 137

they should be at the heart of the way we actually formulate the engagement. There are two intersecting issues here which influence each other and with which we can run into clouds of confusion for the very best of reasons and very easily without noticing it.

The first issue is that of the terms in which the policy debate takes place. In reading Hauerwas and others from the USA it is apparent that while there are many points of similarity between our two cultures and societies, there are also some quite significant differences. It seems to me that American institutional life is based on assumptions of individuality to a much greater degree than is the case in Australia. It is that individuality which appears as individualism and which provides many of the ambiguities for social polity and understanding in the US. It seems to me that Australia has a more communitarian social tradition. The Westminster parliamentary system makes for a much more coherent governance than does the US pattern of separated executive. The constitutional place of religion is apparently similar, but actually significantly different. We can easily be misled by the absence of religious language from our politicians and its striking presence on the lips of American politicians, and also by the enthusiasm for church attendance in the US compared with our more indolent approach to church participation. These things are apparent. But it is also the case that the institutional frameworks are significantly different. In the US the constitution does not allow the establishment of religion and there is a clear legal doctrine of non entanglement which goes with that constitutional position. On the other hand in Australia we do not have such a separation. Rather we have a constitution which prohibits the establishment of any religion, which has been consistently interpreted as meaning any religion in preference over another religion. Going with that we have a doctrine of equitable entanglement rather than no entanglement.

What this means for Australian Christians, especially Australians Anglicans, is that the terms of engagements are somewhat different from those in the US and in some respects more difficult. Our traditions have not encouraged, especially in Anglicans, a strong dissenting tradition on public engagement. For historical reasons Roman Catholics in Australia has been much clearer and stronger on this point. When we come to the terms of our engagement then we work in an environment which is at

once more inclusive and at the same time more dangerous because it is so much easier to elide the other side of the engagement dynamic, namely our own Christian identity as Australians.

Which brings us to the other side of the question, namely how do we form our virtues and an understanding of the nature of our vocation as Christians and as Christian churches in this country in relation to public policy. This is an especially critical issue where the public policy is argued in terms of a theory which has clear Christian antecedents, such as the Just War Theory. The question of the meaning of the terms involved and the assumptions tacit in the deployment of the arguments become of critical importance. The narrative virtue approach given recent public profile by MacIntyre and Hauerwas, has much to assist the Australian context, especially for Anglicans. Because of our history in Australian Anglicans have found it very difficult in the last forty years to formulate not just their relation to the changing social institutions and culture of Australia, but also the nature of their own ecclesial identity. Failure at this level weakens our capacity to identify the dimensions of our witness to this country and its people. In different ways we have lurched from perceived independence to perceived connection, the so called evangelical liberal divide. But in both cases we have often simply reflected the underlying assumptions of society because we have struggled unsuccessfully for a pattern which is marked by both engagement and critical distance.

It is this context that makes the MacIntyre Hauerwas approach so helpful, though perhaps not in the precise terms by which they address their American situation. In approaching the use of the Just War Theory for Australian Christians it would be very helpful to keep it in its place because of its limited effectiveness in the current geopolitical context and the equivocal nature of its language as used in the public domain. It would also be helpful to keep it in its place because it can crowd out our wider and more profound obligations as Christians. Those obligations are not that we should show better policies in the terms which such policies are offered to us by the government, though that clearly might be a good idea in some circumstances. Rather our key responsibility is to bear witness to the meaning of our own Christian profession in realistic and critical engagement with those policies and with the social realities which they are supposed to be addressing. If we don't keep Just War Theory

in its place then we are very likely not only to miss the wider questions but also to render our use of the Just War Theory less than adequately Christian.