

Just War Tradition: An Assessment

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Introduction

War has a long and bloodied history. As long as there has been human communities, even if the communities were primitive and tribal, there has always been some sort of disputes which have, at times, escalated into full-blown wars. The Bible has many stories about wars involving God's people and the people of the West Asian world.¹ Sometimes wars were fought against certain tribes. At other times wars were fought against established nations, not just between two powers, but also between different political alliances. No matter how one may view war, it is a topic which is not foreign to the Christian faith, nor is it a subject which we can ignore, even if we do not accept war as an option for Christian involvement.²

But because war has been used to describe a range of hostility from petty tribal squabbles to international threats, war, in this paper, is understood as a state of military conflict between countries or political communities. This definition will exclude occasional border skirmishes between two sovereign countries or social unrest and riots in a given country, although it could include civil wars.

The Making of a Tradition

Taking up arms and going to war was not an issue for Christians in the first 300 years of church history. We should remember that the early church was politically disadvantaged, marginalized and persecuted. Christians then were mainly ostracized by the Jewish

¹Peter C. Craigie, *The Problem of War in the Old Testament*, (Grand Rapids: Eerdmans, 1978).

²For a short but helpful book on different Christian views on war, see Joseph L. Allen, *War: A Primer for Christians*, (Dallas: Southern Methodist University Press, 2001).

authorities and the Roman colonial power. In that kind of social milieu, engaging in war or joining the army was not something which the pre-Constantinian Church had to be bothered with.

It was only after the Church had found political favour and became part of the political establishment after the conversion of Constantine that the issue of war, and Christian involvement in it, was forced upon early theologians. The threat of barbarians against the empire was regarded as a threat against Christian interest, which by then had become too intertwined with the interest of the state. The issue of military conflict after the constantinization of the church forced Christian theologians like Ambrose and Augustine to think hard into whether Christians should support military action and on what grounds might the Church justify such support.

Augustine, influenced by the thoughts of Plato and Cicero, offered the initial framework of what is now known as the Just War theory or tradition. Since his time, the tradition has undergone tighter definition in the hands of Aquinas, Vitoria, Suarez, and reformers like Calvin.

What we have inherited today is a set of criteria for a Just War tradition which has taken at least 1500 years of clarification and refinement spelling out the conditions in which Christians may engage in or support military action.

The criteria are usually placed under three broad categories. We can simplify them in this way: Before committing to war, a) *Jus ad bellum* helps decision-makers to weigh the options and look at justification for engaging in it. Once at war b) *Jus in bello* seeks for ways to ensure a just conduct of war. What tends to be neglected is c) *Jus post bellum*. Here the involved parties have to consider how wars should be terminated justly, and what should be done to restore order and rebuild the affected communities.

The Just War Criteria

Just War advocates would demand that certain criteria are met before giving support to any party declaring war on others or before they

decide whether they should take up arms themselves. The number of criteria varies. We shall list eight widely accepted criteria.

1) *Last Resort*

Advocates insist that no military action should be launched unless all other viable options have been explored and exhausted. It would have been preferred if conflicts can be resolved through mediation, diplomacy, political pressure or even economic sanction. But if all else failed, then war becomes an option of last resort.

2) *Just Cause*

War is permitted if it is done to redress clear and present wrongs perpetrated by despots. War is declared to protect the well-being of the innocent victims trapped in the cycle of violence of an oppressive regime. Just cause aims to repel and discourage aggression while protecting human rights which might have been blatantly violated.

3) *Legitimate Authority*

No war should be declared by anyone or any group. Only a competent legitimate political authority can authorize military action. In modern time the most likely authority to sanction war is a government which has been properly constituted and internationally recognised.

4) *Right Intention*

The intention for military intervention must be clearly spelled out and its objectives made known. It is critical that intention must be made transparent or else an undeclared agenda might hide other contentious and questionable reasons for military actions.

5) Reasonable Chance of Success

No one goes to war without weighing the chances of success. It is critical therefore that the probability of success should be reasonably high, taking into consideration the possible cost of collateral damages and the inevitable loss of human lives.

6) Proportionality

In a utilitarian sense, the good to be achieved should outweigh the harm which an engagement in military action might bring about. In another sense, it is required that those engaged in war do not use weapons with forces which are disproportionate to legitimate military goals.

7) No Evil Means

This is a concern of *jus in bello*. Raping, torture, ill-treatment of prisoners, wanton destruction of life and properties are not allowed. Such acts are *mala in se*, or “evil in themselves” and therefore cannot be tolerated.

8) Discriminatory Targets

In the arena of war, utmost care must be taken to avoid civilian casualties. Just War theorists are adamant that targets in war should be military hardware and personnel. Non-combatants should be spared.

It is not difficult to identify *Jus ad bellum* in criteria 1 to 6, and *Jus in bello* in criteria 7 and 8. *Jus post bellum*, however, is an area which still requires more thoughtful consideration than has been given to date. There is no doubt that cleaning up the mess after a war is an extremely tricky and expensive affair. Not only is there a need to redevelop the ravaged country, there is also a need to heal emotional and social wounds, and to seek peace with justice. The East Timor example of restoring peace, with the help of the United

Nations, offers a way forward for managing cessation of war in a country which has insufficient resources to do it alone. But what seems like an interesting development is the South African experiment with the *Truth and Reconciliation Commission*, where victims of conflicts and the vanquished perpetrators of crimes against humanity meet in the presence of the commissioners, to hear complaints and offer apologies, not so much to exact punishment and revenge, but to bring about forgiveness and reconciliation. The East Timor and South African experiments are worth developing as part of the requirements of *Jus post bellum*.

Just War Tradition and the Complexity of Modern Warfare

The problem with Just War tradition is that no war can be fought clinically. Most of the time, in spite of what may seem like sound criteria in the Just War tradition, issues surrounding intentions, reasons, choice of weapons and strategies of wars are extremely convoluted. Wars are fought by sinners and no one enters war guided by shared criteria or with the same level of concern for justice, the way we understand justice to be.

In so far as wars are often fought with mixed motivations and convoluted reasons, there will always be critical questions to which the Just War tradition has not been able to provide satisfactory answers.

We want to know, for example, how one can exercise the criterion of discrimination when the world continues to produce, in peace time, and threatens to use during war time, weapons of mass destruction like land mines, cluster bombs, blanket bombs, and nuclear bombs. Why, we wonder, is there a need to stockpile expensive and murderous biological and chemical weapons if we are concerned about fighting a just war?

The idea of justice and just cause is problematic when there is no common understanding of what is just. That conflicting idea of

justice is a serious problem has been well articulated by Alasdair MacIntyre in *Whose Justice? Which Rationality?*³

For a long time, a significant section of Japanese has always viewed the Second World War as their contribution to the liberation of Asia from the Western colonial powers who had overstayed their welcome. Had the Japanese been victorious, might not the Second World War in Asia be read the way Japanese school children continue to read in their history text books, and that is, the imperial army merely made military “advances” throughout Asia for a just cause?

While the Just War tradition suggests that only a legitimate authority, usually the government, can declare war, it assumes that there is only one legitimate authority which has the power to mobilize people for war. But that is not the case in real life. People do look beyond their government for instruction and sanction for war. History has enough episodes of people going to war, not necessarily because they were summoned by a legitimate political authority to do so, but because they have willingly responded to what they saw as a higher authority.

Wars have been fought in the name of gods and deities. Such wars are better known as crusades. When God’s name is invoked, war takes on a dimension which cannot be easily understood, nor is it easily brought to an end. Some of the cruelest and long-drawn wars have been fought in the name of God.

The suicide bombers who hijacked commercial airplanes and used them as missiles to destroy the Twin Towers of the New York World Trade Centre on September 11, 2001, did so in response to what they considered and believed as their just cause informed and blessed by their own religious tradition.

In many ways, while we may not condone mindless destruction of innocent lives and non-military property, it seems clear that those who were involved in the tragic events of September 11 did not share the same Just War tradition which most Western countries, even those with diluted Christian influence, are familiar with. As we have indicated, Just War tradition has its origin in Greek philosophies. It

³ Alasdair MacIntyre, *Whose Justice? Which Rationality?* (London: Duckworth, 1988).

is therefore not strictly a religious tradition belonging to the church. It is not surprising therefore that as the tradition developed over the centuries, especially in the Euro-North American world, it has impacted the thinking of the political establishment and intelligentsia, so that public discourses and rhetorics in the Western world that address military issues often use the language of the Just War tradition. There is now an unspoken and, one can assume, a widely accepted support for the criteria set out in the tradition. However, it does not take long for one to realize that the support for the Just War tradition has often been selective and inconsistent. It is this selectivity and inconsistency which has sometimes added suspicions and deepen conflicts instead of resolving them. If the Western world had been quick to justify the Gulf War, informed by a version of Just War tradition, why, people do ask, are they slow to use the same tradition to intervene in Bosnia and why are they reluctant to intervene in the Israeli/Palestinian conflict?

There are other complications which raise more questions about the efficacy of Just War tradition for our modern world. A major problem is in differentiating the real intention from public relation pronouncements and spins. We may ask, did America get involved in the Gulf War motivated by a deep sense of responsibility and a desire to free the poor and helpless Kuwaitis from the clutches of Saddam Hussein's invading forces? Perhaps they were so motivated, and we shall grant that. Still, people do wonder, how much of the decision to be involved in liberating Kuwait was also influenced by national interest and commercial consideration, knowing that Americans are the world's largest consumers of fossil fuel and they depend a lot on a free flow of inexpensive petroleum from the oil wells of Kuwait and Saudi Arabia?

Decisions for declaring war and participating in war depend on trustworthy and accessible information. But are these available? More likely than not, there is a lack of reliable information and that makes informed judgment extremely difficult. As if that is not problematic enough, when nations are at war and if they are concerned about *jus in bello*, what exactly are military infrastructures which can be destroyed? Is a bridge a military target? How about hospitals and factories? Are we permitted to bomb military bases and

operation centres including those purposely situated in heavily populated civilian residential areas?

Justifiable War and Just War

It may seem odd, but the idea of Just War, problematic though it is, still has some merits and serious supporters.⁴ On balance, despite its weakness and despite our reservations about whether any war can be just at all, there are important justifying factors to help us decide whether we should support or engage in military action. The choice, in a world tarnished and permeated by sin, is usually a choice of the lesser of evils. If there is no sin, then there will be no injustice, no fear, no tyranny, no aggression, no violation of basic human rights, no dictator, no bullies, no evil, and everyone would have been a happy pacifist.

But that is not the world we live in, though we do have an eschatological hope of a better future. On this earth, there will always be wars and rumours of wars. No war is just and no war is without casualties, even in a highly technologically sophisticated war, conducted from a distance, through “smart bombs” and cruise-missiles.

Perhaps “Just War” is a misnomer and an inappropriate term if we concede that no war is just.⁵ A clearer and better term is “Justifiable War” because there are justifiable grounds offered by the Just War tradition which do allow for military action. Military action, on justifiable grounds, is like police intervention in a localized conflict and in apprehending trouble-makers for the sake of protecting peace and upholding justice. The test is in following the Just War criteria scrupulously, even if the adversaries do not believe in following the same rules of engagement.

⁴ There are other options like “crusade” and “pacifism”. But it is outside the scope of this paper to assess them. See Allen, footnote 2, for a helpful comparison of the various options.

⁵ A critique of the Just War tradition is offered by John H. Yoder, a renowned theologian who is a pacifist, in *When War is Unjust*, rev. ed., (Maryknoll: Orbis Books, 1996).

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