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**Concepts of God: Biblical and
Philosophical Perspectives**

Andrew Wright

Kantian Respect

Richard Norman

Is good ethics good business?

Julian Baggini

God's Action in the World

Keith Ward

Arguments for Design

Michael Lacewing

Recent Approaches to Virtue Ethics

Julia Annas

Just War

Joe Jenkins

Joe Jenkins



"Warfare is the greatest affair of state, the basis of life and death, the way to survival or extinction. It must be thoroughly pondered and analyzed"

(The Art of War - Sun Tzu, 5th century BCE Chinese scholar)¹

On 1st December 2009, at the Military Academy in West Point, New York, US President Barak Obama spoke about the future of military engagement in Afghanistan and announced the deployment of an additional 30,000 US troops to Afghanistan. Nine days later, on 10th December, President Obama was awarded the Nobel Prize for Peace and, in his acceptance speech, made reference to a theory known as 'just war':

For most of history, the concept of just war was rarely observed. The capacity of human beings to think up new ways to kill one another proved inexhaustible and the distinction between combatant and civilian became blurred. Terrorism has long been a tactic, but modern technology allows a few small men with outsized rage to murder innocents on a horrific scale. The resurgence of ethnic and sectarian conflicts; the growth of secessionist movements, insurgencies and failed states... require us to think in new ways about the notions of just war and the imperatives of a just peace.²

So what are these 'notions of just war' and what are the 'imperatives of a just peace'?

The Just War tradition

In the New Testament, Jesus Christ is depicted as the Prince of Peace, a spiritual leader who preaches a gospel of non-violence, and, despite the murderous persecution of his followers by the Roman state for the 300 years following his death, early Christians followed his example and remained pacifists. However, as Christianity became the state religion of the Roman Empire - which at the time was coming under attack from the barbarian hordes - the church turned away from pacifism and developed a theory known as Just War theory. The main proponent, St Augustine, thought long and hard about the kind of conditions that must be met for a war to be deemed 'just' and the circumstances that would be right for a Christian to join the army:

It's only with the desire for peace that wars can be waged. True religion looks upon as peaceful those wars that are waged, not for the cruel thirst of vengeance, nor for the lust for power, but with the object of securing peace, of punishing evil-doers, and of uplifting the good. Therefore, be peaceful in warring so that you may vanquish those whom you war against and bring them to the prosperity of peace³
(St Augustine, 334-430 CE, City of God)

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In the 13th century St. Thomas Aquinas developed and codified St Augustine's ideas, with the principles of Just authority, Just cause and Just intention:

In order for a war to be just, three things are necessary. First, the authority of the sovereign, by whose command the war is to be waged... it is not the business of a private individual to declare war. Secondly, a just cause is required, namely that those who are attacked should be attacked because they deserve it on account of some fault. Thirdly, it is necessary that the belligerents should have a just intention so that they intend the advancement of good or the avoidance of evil.⁴

While St Augustine and St Thomas Aquinas taught that wars should only be fought as a last resort and with great sadness, Christian rulers down the centuries were less conscientious, often seizing on the church's justification of violence to pursue their own political and strategic ends: the crusades in the Holy Land which lasted for 200 years when thousands of "warriors and knights of Christ" fought and killed in the name of God; the mutilation and torture of hundreds of thousands of heretics during the 13th century Inquisition; the 15th century witch-hunts when tens of thousands of innocent women were burned alive; the genocidal attacks on the indigenous peoples of the newly discovered Americas; the 16th century European wars of religion between Catholics and Protestants – wholesale violence – usually authorised by the church or the sovereign, and always portrayed as 'just'.

International Law and Just War

In the 16th century the Dutch jurist and scholar, Hugo Grotius (1583-1645), in *On the Law of War and Peace*, described how the wars of his day were being fought under false pretexts and unjustifiable

causes to cover up robbery, religious wars, land theft, private power, promotion of slavery – a host of justified pre-emptive wars resulting in anarchy and untold suffering:

Throughout the Christian world today I observe a lack of restraint in relation to war; acts that even barbarous races should be ashamed of. I observe that men rush to arms for slight causes, or no cause at all, and that when arms have once been taken up there's no longer any respect for law, divine or human; it's as if in accordance with a general decree, frenzy had openly been let loose for the committing of all crimes.⁵

In an attempt to stem the brutality and advance a system of laws binding on all people and all nations, Grotius (often called the Father of International Law) added to Aquinas' just war criteria so that any violence inflicted by war must be proportionate to the good expected; and war should only be declared after all attempts to resolve the conflict peaceably have been tried yet failed, and any war undertaken must have a reasonable chance of success so that peace and justice can be restored quickly afterwards – criteria which have become known as 'Proportionality', 'Last resort' and 'Reasonable chance of success'.

Over the centuries these principles have helped shape United Nations Charters, influenced international and military law and continue to inspire legislators, statesmen, and churchmen today.

Richard Harries, a former Sandhurst officer and Bishop of Oxford, and a leading authority on Just War theory, recently highlighted the relevance of Just War theory for the modern world:

Just War theory is as relevant today as it ever has been because even if you say that a particular war is unjust the criteria you'll use are the criteria of the Just War tradition, whether you know it or not. Now of course these

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criteria have to be thought through afresh in circumstances with modern weaponry but they are relevant today. First of all there must be lawful authority and in the modern world this means military action must be authorised by the United Nations. Secondly, there must be a just cause. Thirdly, you must have explored every possibility of resolving the conflict by peaceful means. Then you must believe that more harm won't be done by going to war than is having to be endured under, let us say, the injustice – you have to weigh consequences and as an extension of that you actually must believe that there is a reasonable chance of achieving your aim – of actually being victorious.

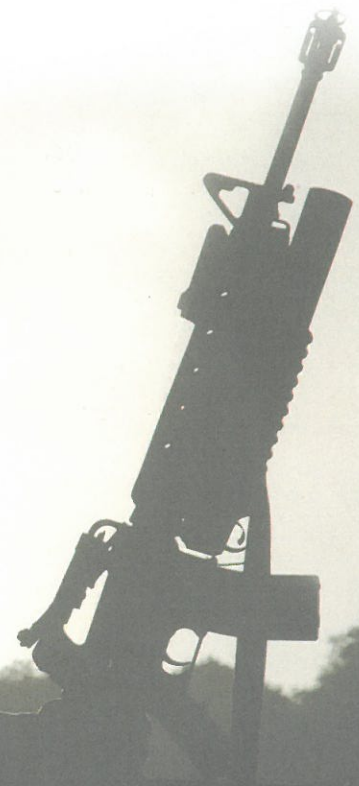
Those are the criteria which belong to what is called *jus ad bellum*, the criteria which must be met before there is any military action if that action is to be regarded as just. But the Christian tradition has also emphasised no less

strongly that the conduct of the war must be just and that's called *jus in bello* and the most important principle is that civilians, those not directly contributing to the war effort, must never be directly attacked".⁶

Afghanistan and Just War

The terrorist attacks of September 11th 2001 in America killed nearly 3,000 civilians. On the 7th October 2001, and in response to the attacks, the US government launched a military operation called "enduring freedom" against Afghanistan, beginning with an intensive bombing campaign. The war was launched with the expressed intention of bringing the perpetrators of the terrorist attacks to justice and removing the Taliban regime which had given them refuge in Afghanistan.

Although the United Nations didn't initially authorise the military campaign, in December 2001 it did authorise the use of force and other countries,





justifying their actions as being in defence of western lives from terrorist acts, joined the war. Authorised by a just authority, with a just cause, military action in Afghanistan was deemed by many as being a just war.

Once it's been accepted that a war is just any further analysis of the war has to be tempered by the fact that it's not always possible to predict the consequences of something as volatile as war, and the war in Afghanistan, which has gone on for nearly as long as both world wars combined, raises some important questions.

Will it succeed in bringing regional and international peace or will it magnify the very threat that it's trying to eliminate? Will the price of any peace restored, be proportionate to the deaths, destruction and debts inflicted? Were diplomatic and non-violent alternatives to war pursued as rigorously

as they should have been or is the intent to secure strategic interests in a resource-rich region of the world?

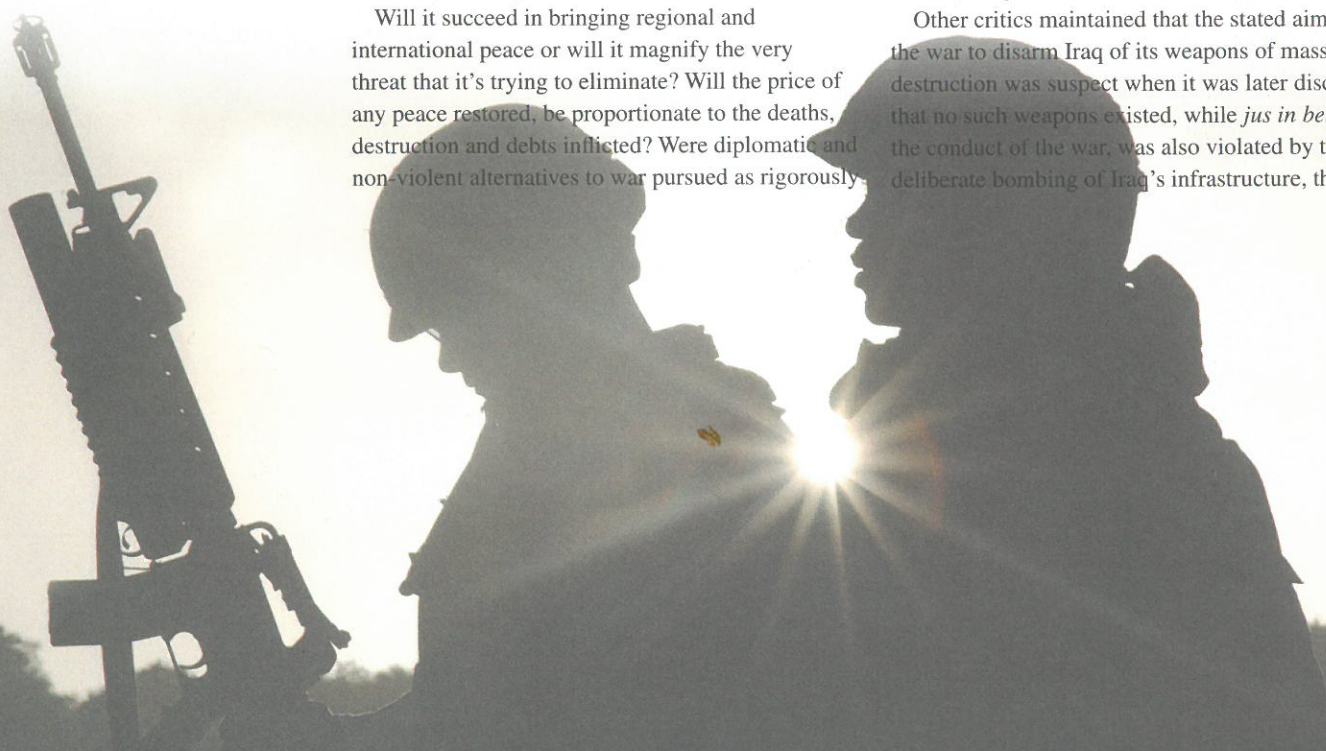
On the other hand, some ethicists argue that even if states engage upon an unjust course of action, ultimately they acquire responsibility for any events set in motion that would otherwise not have occurred, and this responsibility requires *seeing through a course of action* that it would have been better not to have started.

Iraq and Just War

There was considerable public opposition to the invasion of Iraq in March 2003 and one of the most outspoken critics was Bishop Richard Harries, the then Bishop of Oxford:

First of all the war was not properly authorised by the United Nations. Clearly there was no real consensus - France and Germany were totally opposed, just to take two nations. Secondly, there would have been less destructive ways of containing Saddam Hussein. Of course it's a wonderful thing that he's gone but we all know the amount of conflict and destruction and death that has ensued as a result of the war and there were alternative possibilities, what has been called deterrence and containment; with the no fly zones so that Saddam Hussein couldn't do any mischief outside his country or even within - either to the Shiites in the South or the Kurds in the North. A policy of deterrence and containment would have caused less destruction and death than we have seen as a result of the war.⁷

Other critics maintained that the stated aim of the war to disarm Iraq of its weapons of mass destruction was suspect when it was later discovered that no such weapons existed, while *jus in bello*, the conduct of the war, was also violated by the deliberate bombing of Iraq's infrastructure, the



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use of indiscriminate weapons systems, the abuse of prisoners, the lack of regard for post invasion planning and the ensuing violence and chaos that tore Iraq apart leaving tens of thousands of civilians dead and millions more homeless.

Evaluating Just War theory

Just War Theory offers a series of principles that aim to retain a plausible moral framework for war in the modern world. The rules that govern the justice of war, *jus ad bellum*, and those that govern conduct in war, *Jus In Bello*, are by no means mutually exclusive, but they offer a set of moral guidelines for waging war that are neither unrestricted nor too restrictive.

However while acknowledging the historical importance of Just War theory, geo-political realities today raise a plethora of new challenges: increased ethnic, sectarian and nationalist conflicts, secessionist movements, insurgencies, failed states,

resource wars, international terrorism - challenges that demand a thorough analysis of Just war criteria.

Just Cause: Possessing just cause is the first and arguably the most important condition of *jus ad bellum*. Most Just War theorists hold that initiating acts of aggression is unjust and gives a state on the receiving end a just cause to defend itself. But unless 'aggression' is defined, this prescription is rather open-ended; does 'just cause' resulting from an act of aggression, include an insult to national pride or an aggression against national honour or a trade embargo or aggression against economic activity?

Just authority: While just authority obviously resides in the sovereign power of the state, the concept of 'sovereignty' itself raises important questions. If a government is just, i.e. it is accountable and doesn't rule arbitrarily, then giving officers of the state the right to declare war is reasonable. However, the more removed from a proper and just form a government is, the

more reasonable it is that its 'just' sovereignty disintegrates. A historical example illustrates the problem: when Nazi Germany invaded France in 1940 it set up the Vichy puppet regime. What allegiance did the people of France under its rule owe to its precepts and rules?

Just intention: A nation waging a just war should be doing so for the cause of justice and not for reasons of self-interest or aggrandizement. According to Kant, possessing just intention constitutes a central condition of moral activity, but *when does right intention separate itself from self-interest?* A nation may possess just cause to defend an oppressed minority group and may rightly argue that the proper intention is to secure their freedom, yet such a war may 'justly' be deemed too expensive or too difficult to wage i.e. it's not ultimately in their self-interest to fight the just war. For example, the west did not intervene in recent conflicts in Congo or Rwanda or Sudan in which hundreds

of thousands of Africans died because western economic or strategic interests were not at stake - as they perhaps are in Iraq and Afghanistan.

Reasonable success: It is sometimes necessary to fight against a much larger force, either for the sake of national self-esteem or to protect a threatened minority even if there's not much chance of success. However, this condition could be translated as a 'bullies' charter', and powerful countries could trample on smaller ones, because the smaller ones can't 'justly' retaliate, because they can't win. For example there was no doubt about the chances of 'reasonable success' in the recent invasion of Iraq, when a powerful and huge military machine invaded a country that had faced a decade of poverty and crippling sanctions. The principle of 'reasonable success', too, may cause a weak country to surrender on the grounds of no "*reasonable grounds for success*" - a war that in fact it might actually win - e.g. Britain in 1940 could have surrendered

Notes

¹Sun Tzu, *The Art of War*, Translated by Samuel B Griffith, Duncan Baird Publishers, 2005, p.91

²President Barak Obama, Nobel Peace Prize, Acceptance Speech, Norway, 10th December, 2009

³St Augustine, *City of God*, Translated by Marcus Dodds, in *Nicene and Post-Nicene Fathers*, Series One, Volume 2. Edited by Philip Schaff, American Edition, 1887

⁴St. Thomas Aquinas, *Summa Theologica*, Translated by Fathers of the English Dominican Province, Benziger Bros. edition, 1947

⁵Hugo Grotius, *On the Law of War and Peace*, translated by AC Campbell, Batoche Books, 2001

⁶Richard Harries, quoted in *Just War*, a film written and directed by Joe Jenkins, 2010. Available at www.ethicsonline.co.uk

⁷- *ibid* -

⁸President Barak Obama, Nobel Peace Prize, Acceptance Speech, Norway, 10th December, 2009

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when faced with the seemingly overwhelming might of the Nazi military machine.

Proportionality: A policy of war requires a goal and that goal must be proportionate to the other principles of just cause. Whilst this commonly entails the minimizing of war's destruction, proportionality overlaps into the moral guidelines of how a war should be fought and fundamental to this are the principles of discrimination and non-combatant immunity. Any authority waging war is morally obliged to seek to discriminate between combatants and non-combatants. While civilians, tragically, may come in harm's way, a government may never deliberately target them. Whilst the principle of discrimination demands the immunity of 'innocents' from war, the fact that 80% of war casualties today are civilians, raises challenging questions about the efficacy of Just War theory in the modern world.

The doctrine of double effect offers a justification for killing civilians in war, so long as their deaths are not intended and are accidental. Targeting a military establishment in the middle of a city is permissible according to the doctrine of double effect, for the target is legitimate. Civilian casualties are a foreseeable but unintended, accidental effect.

Whilst this doctrine provides a useful justification of 'collateral damage', it raises a number of issues concerning the justification of foreseeable breaches of immunity, as well as what balance needs to be struck between military objectives and civilian casualties. For example do people's jobs effectively militarise their status? Is a worker in a munitions factory or an unarmed merchant seaman bringing supplies to a starving enemy a 'legitimate' target? What about civilians who approve of the war but take no direct part? Arms manufacturers who have no direct involvement in the war but make the weapons? Medics who heal combatants to return to the fighting? Journalists who write pro-war propaganda? Tax payers who oppose the war but are

forced to fund it? In terms of status of individuals it is pertinent to consider at what point the proportion between military and non-combatant status tips? Is a hospital of 300 patients containing 30 soldiers a legitimate target of war? The challenge facing any ethical analysis of these issues must explore the logical nature of an individual's complicity in aiding and abetting the war, with greater weight being imposed on those logically closer than those logically further from the war machine.

Conclusion

Just War theory sets out such high moral standards that any breach of the conditions lays a state open to the sort of injustices it purports to be fighting against and, given the historical and political complexities of our modern world, the justifications for waging war in terms of a single 'just' cause today aren't always clear cut, nor are the consequences of war easy to predict; and, in an age of hi-tech weapons systems with awesome destructive power, it is civilians who suffer most from war today.

While today's politicians and rulers, just like their predecessors in days gone by, will *always* justify their wars as being 'just' and their enemies as unjust, President Obama reminds us in his recent Nobel Peace Prize speech that it's imperative that internationally agreed principles to govern the waging of war are in place; and Just War Theory is perhaps the nearest we'll ever get to reconciling the fact that while the taking of human life is wrong, states have a duty to defend their citizens, protect innocent human life and defend important ethical values:

"The instruments of war have a role to play in preserving the peace. And yet this truth must coexist with another: that no matter how justified, war promises human tragedy" (President Barak Obama, Nobel Prize for Peace Acceptance Speech, 10th December, 2009)