

Just War

FIT FOR VIEWING by persons aged 15 YEARS OR MORE

Contains images of victims of war: please warn your classes
That they might find some images upsetting

Length: 19 minutes

TEACHERS

The film is 19 minutes in length but has been designed for teachers who might prefer to use it in three shorter sequences. These sequences {with time-codes} are:

{**Time-code: 00:00 – 07:41**} Introduction, St Augustine and St Aquinas' Just War Theory

{**Time-code: 07:44 – 08:50**}The **development** of Just War Theory through the centuries with reference to Hugo Grotius the Father of International Law

{**Time-code: 08:53 – 17:30**} Just War Theory in the modern world – Afghanistan, Iraq

To also assist your lesson plans here are some key questions, with time-codes

{1} What was the attitude of Jesus Christ and early Christians to violence?
{**Time-code: 03:01 -03:23**}

{2} Why did institutionalised Christianity turn away from pacifism? {**Time-code: 03:24 – 03:39**}

{3} Who first put forward Just War Theory in the Christian tradition? {**Time-code: 03:41 04:12**}

{4} Briefly explain the meaning of St Thomas Aquinas criteria: 'Just authority', 'Just cause' and 'Just intention' {**Time-code: 04:55 -05:45**}

{5} Briefly explain the meaning of the Just War criteria: 'Proportionality', 'Last resort' and 'Reasonable chance of success' {**Time-code: 07:51 – 08:26**}

{6} What was the justification for the war in Afghanistan? **{Time-code: 08:53 – 10:48}**

{7} What questions arise when applying Just War criteria of ‘reasonable chance of success’, ‘proportionality’, ‘last resort’ and ‘just intention’ to the war in Afghanistan? **{Time-code: 10:49 – 12:03}**

{8} Key phrases *jus ad bellum* and *jus in bello* appear on screen at **13:59** and **14:09**. Ask your students to keep a look out for these phrases and note down what they think they mean and how critics maintain they were violated by the Iraq?

AFTER SCREENING

When *Just War* finishes ask
Your pupils/students to engage with

TASK 1

WRITE or **SKETCH** down the most memorable image or statement that sticks in their mind. **SHOW** a friend their image or statement and explain the reason why they chose it. **DISCUSS** what they consider to be the most important message of the film. **EXCHANGE** their findings with the rest of the class.

TASK 2

RECALL what they’ve just watched. If they were able to interview any **ONE** of the people mentioned in *Just War*, **WHO** would they most like to cross-examine? **WRITE DOWN** the main question they would want to ask that person? The people mentioned in *Just War* were:

Jesus Christ, Founder of Christianity

St Augustine, early church father, {334-430 CE}

St Aquinas, leading 13th theologian, {1224-1274 CE}

Hugo Grotius, Father of international law, author of, *De Jure Belli Ac Pacis*, {1583 – 1645}

Richard Harries, AKA Baron Harries of Pentregarth, ex-Sandhurst Officer, Bishop of Oxford & Just War Theorist

Barak Obama, US President

TASK 3

Split up into groups of three/four. Nominate a scribe from your group to take notes. You have 20 minutes for each group to discuss the following before exchanging your group's thoughts and feelings to the rest of the class:

DISCUSSION ONE

Throughout history acts of violence and war have been carried out in the name of progress, freedom, justice, liberation, nationalism, democracy, religion – countless millions of lives lost to war – and still being lost today. For followers of the world religions, often caught up and involved in conflict, war poses a difficult question: is it ever right to kill?

DISCUSSION TWO

Just War theory forbids the deliberate targeting of innocent civilians but in a war, who is innocent? {a} politicians who direct wars {b} civilians who approve of the war but take no part {c} arms manufacturers who have no direct involvement in the war but make and sell the weapons {d} medics who heal combatants to return to the fighting {e} journalists who spew out propaganda {f} munitions workers who are forced to make bombs but who disagree with the war {g} taxpayers who are forced to pay for the war but disagree with it?

DISCUSSION THREE

At what point does the proportion between legitimate military and non-combatant status tips? Is a hospital of 300 patients containing 30 injured soldiers a legitimate target of war? What if there are two soldiers in the hospital?

DISCUSSION FOUR

Can any modern war be morally justifiable if it's waged by a society in which only a tiny proportion of the population is expected to bear the burden, e.g. the US army attracts most of its recruits from sectors of the population for whom the military represents the only realistic economic opportunity - a disproportionate number of racial minorities, the sons and daughters of the poor and by people from areas of the country where there are no decent civilian jobs except in the US army – we could

call them economic conscripts. Is this true in other western democracies?

DISCUSSION FIVE

The day before Britain joined America in invading Iraq, UK Prime Minister Tony Blair said: *“11 September has changed the psychology of America. It should have changed the psychology of the world.”* After the terrorist attacks, in a world when a few fanatics can take advantage of the complex fragility and vulnerability of advanced modern technology, is Just War theory still relevant?

DISCUSSION SIX

On 10th December 2009, only days after deploying an additional 30,000 US troops to Afghanistan, President Barak Obama was awarded the Nobel Peace Prize. In his acceptance speech he spoke of Just War Theory, suggesting that the war in Afghanistan is a just war. While speaking as an heir to the long and noble tradition of Just War, President Obama warned:

“For most of history, the concept of just war was rarely observed....A decade into a new century, this old architecture is buckling under the weight of new threats. 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 or sectarian conflicts; the growth of secessionist movements, insurgencies, and failed states; have increasingly trapped civilians in unending chaos.... I do not bring with me today a definitive solution to the problems of war. What I do know is that it will require us to think in new ways about the notions of just war and the imperatives of a just peace....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”

HANDOUTS FOR STUDENTS

Presentations

- Presentation is a key skill in today’s world and this exercise aims to enhance the way you present powerful ideas to an audience in SEVEN MINUTES and in the process improve IT, research and expressive skills, and most importantly experience directly the complexities of working with others

- You will work in small groups in which *everyone* from your allocated group will be expected to address the rest of the class during your presentation, *without notes*, and *all members* of the group will be active in producing a visual/dramatic/ musical presentation/short film/ power-point/ debate/drama/dance/‘epic’ poem/piece of artwork/ textile/ montage/ ‘graffiti wall’/ poem/play/comedy routine/historical reconstruction/opera/choir/song/ musical/ or rap; relating any presentation back to the Just War Theory and producing a programme to enhance audience understanding
- Each group will be marked for knowledge, understanding and evaluation in the same way as an individual is marked for an essay. So take it seriously, but above all be creative and express yourselves and enjoy the search for the “X” factor
- Your Presentation will take place in.....
- The most highly marked groups of presenters will be encouraged to perfect their presentations with a view to recording them as a resource for future use in the classroom.

Planning Suggestions

Each group has three lessons to create a dramatic and dynamic seven minute presentation on their allocated task to the rest of the class.

Each group will have over three hours to prepare and its suggested that you spend the 1st hour ensuring that *everyone* in your group knows and understands their allocated subject; the 2nd hour planning a strategy for a dynamic and informative presentation, and the 3rd hour in creatively putting your ideas into practice, ensuring that you have a dress rehearsal before the big day.

GROUP ONE: Explain St Augustine and St Aquinas’ views on a Just War

GROUP TWO: Explain Hugo Grotius’ view of a Just War.

GROUP THREE: Was the Second World War a Just War?

GROUP FOUR: Was the Iraq War a Just War?

GROUP FIVE: Is the Afghanistan War a Just War?

GROUP SIX: Is Just War Theory relevant today?

Statements

Below are fourteen statements. READ THEM ALL and CHOOSE a statement you consider to be the most challenging. After you’ve made your choice, compare, contrast and share your chosen statement with TWO other people in your class. Be prepared to support your choice, with reasons. Are there

statements your friends have chosen that are different from yours? Argue the case for the importance of YOUR chosen statement, above theirs.

Now exchange your views with the rest of your class.

Here are the statements:

{1} *"What difference does it make to the dead, the orphans, and the homeless, whether the mad destruction is wrought under the name of totalitarianism, or in the holy name of liberty and democracy?"*
{Gandhi}

{2} *"The response to 9/11 should be as simple as it is swift-- kill the bastards....blow them to smithereens, poison them if you have to. As for cities or countries that host these worms, bomb them into basketball courts."* {Steve Dunleavy, Journalist, {New York Post, 12th September 2001}

{3} *"It's only with the desire for peace that wars can be waged"* {St Augustine}

{4} *"The United States had to do something after 9/11...but not recklessly and not thoughtlessly, after all, would we approve of a police chief who ordered a whole neighbourhood to be bombed because there was a vicious criminal hiding somewhere there?"* {Howard Zinn, American Historian, October 2001}

{5} *"Every war fought is a just war, except of course those waged by the enemy"* {Wyndham Lewis, English Writer}

{6} *"War is the greatest plague that can afflict humanity, it destroys religion"*
{Martin Luther King}

{7} *"In light of the horrors of war I'm-convinced that there exists common law a among all nations, which is valid alike for war and in war".*{Hugo Grotius, 1583-1645, Dutch Jurist, Statesman & Father of International Law}

{8} *"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, as did our capacity to exempt from mercy those who look different or pray to a different God".* {Barak Obama, US President, Nobel Peace Prize Acceptance Speech, 2009}

{9} *"Christianity stands or falls with its revolutionary protest against violence... Christendom adjusts itself far too easily to the worship of power. Peace must be dared. It is the great venture".* {Dietrich Bonhoeffer, 1906-1945}

{10} *"Everybody's worried about stopping terrorism. Well, there's a really easy way: stop participating in it"* {Noam Chomsky, American commentator}

{11} *“International law? I’d better call my lawyer. I don’t know what you’re talking about international law”*. {President George W Bush, December 11th 2003}

{12} *“The use of weapons of mass destruction is a crime against God and man and remains a crime even if they are used in retaliation or for what is regarded as a morally justifiable end. It is forbidden to do evil that good may come of it”*. {Father Denis Geraghty, Letter to *The Independent* newspaper, February 6th 1991}

{13} *“Violence never brings permanent peace. It solves no social problem: it merely creates new and more complicated ones”* {Dr. Martin Luther King}

{14} *“When there is genocide in Darfur; systematic rape in Congo; or repression in Burma, there must be consequences. And the closer we stand together, the less likely we will be faced with the choice between armed intervention and complicity in oppression”*. {President Barak Obama, Nobel Peace Prize, Acceptance Speech, December 2009}

SOURCE MATERIAL FOR FURTHER WORK

A. The Script

Part One

Time-code: 00:00 – 07:41

“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

Throughout history acts of violence and war have been carried out in the name of progress, freedom, justice, liberation, nationalism, democracy, religion – countless millions of lives lost to war – and still being lost today. For followers of the world religions, often caught up and involved in conflict, war poses a difficult question: is it ever right to kill?

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.

Bishop Richard Harries: “Just War Theory in the Christian tradition really begins with St Augustine in 4th/5th century. At that time Christianity was the official religion of the Roman World and Christians were prepared to join the army and St Augustine thought hard about the kind of conditions that must be met for a war to be counted 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 peace”

St Augustine
{334-430 CE}

NOTE references to {1} Just authority, {2} Just cause and {3} Just intention

In the 13th century St. Thomas Aquinas, developed and codified St Augustine’s ideas about Just war theory

“In order for a war to be just, three things are necessary. {1} First, the authority of the sovereign, by whose command the war is to be waged...it’s not the business of a private individual to declare war. {2} Secondly, a just cause is required, namely that those who are attacked should be attacked because they deserve it on account of some fault. {3} 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”

St Thomas Aquinas
{1224-1274 CE}

While St Augustine and St 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 wars of religion between Catholics and Protestants – wholesale violence –usually authorised by the church or the sovereign and always believed to be just.

"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"

Hugo Grotius, {1583 – 1645}
De Jure Belli Ac Pacis
Father of international law

Part Two

Time-code: 07:44 – 08:50

Note references to {1} Proportionality, {2} Last resort and {3} Reasonable chance of success

In an attempt to stem the brutality and advance a system of laws binding on all people and all nations, 16th century thinkers like the Dutch statesman Hugo Grotius added to Aquinas' just war criteria {1} so that any violence inflicted by war must be proportionate to the good expected, {2} and war should only be declared after all attempts to resolve the conflict peaceably have been tried yet

failed {3} and any war declared must have a reasonable chance of success so that peace can be quickly restored afterwards – principles that over subsequent centuries have helped shape international and military law and continue to inspire statesmen, legislators and churchmen today.

Part Three

Time-code: 08:53 – 17:30

The terrorist attacks of September 11th 2001 killed nearly 3,000 innocent civilians.

On the 7th October 2001, and in response to the terrorist attacks, America launched a military operation called enduring freedom against Afghanistan beginning with an intensive bombing campaign followed by aircraft carrier fighter – bombers hitting Taliban forces with cluster bombs and daisy cutters.

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 joined the war – justifying their actions as being in defence of western lives from terrorist acts. Authorised by a just authority, with a just cause, the war was regarded as being a just war.

NOTE references to {1} Reasonable chance of success {2} Proportionality {3} Last resort and {4} Just intention

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 some critics question: {1} will the war in Afghanistan, which has gone on for as long as both world wars combined, succeed in bringing regional and international peace or will it magnify the very threat it's trying to eliminate? And at what price will that peace be restored and will {2} it be proportionate to the deaths, destruction and debts inflicted by military force?

Other critics question whether in fact the war *is* a just war and ask whether {3} possible diplomatic alternatives to war could have been more rigorously pursued or {4} has the war ulterior strategic motives in a resource-rich region of the world?

“The United States had to do something after 9/11...but not recklessly and not thoughtlessly, after all, would we approve of a police chief who ordered a whole neighbourhood to be bombed because there was a vicious criminal hiding somewhere there?”

Howard Zinn
American Historian
October 2001

Others argue however that even if states engage upon an unjust course of action, 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.

“Our policy in Iraq is a policy of shock and awe, a simultaneous effect rather like the nuclear weapons of Hiroshima, not taking days or weeks, but minutes - to shatter Iraq – physically emotionally and psychologically”

Harlan Ullman
US military planner
February 2003

Bishop Richard Harries: “First of all I did not believe that the war was properly authorised by the United Nations clearly there was no real consensus – France and Germany were totally opposed just to take two nations. Secondly, I believe that there would have been less destructive ways of containing SH – of course it’s a wonderful thing that Saddam Hussein has gone but we all know the amount of conflict and destruction and death that has ensued as a result of that and there were alternative possibilities, what has been called deterrence and containment, with the no fly zones so that Saddam Hussein could not do any mischief outside his country or even within either to the Shi’ites in the South or the Kurds in the North so I myself argued then that a policy of deterrence and containment would have caused less destruction and death than we have seen as a result of the war”.

NOTE references to “*jus ad bellum*” {13:59} and “*jus in bello*” {14:09}

Other critics maintain that the stated aim of the war {1} to disarm Iraq of its weapons of mass destruction was suspect too when it was later discovered that no such weapons existed, {2} while the conduct of the war also violated just war criteria - the deliberate bombing of Iraq's infrastructure, the 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.

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 its civilians who suffer most from war today. While difficulties like these give critics reason to believe that Just War theory is outmoded, others disagree.

Bishop Richard Harries: “It's as relevant today as it has ever has been because even if you say that a particular war is unjust the criteria you'll use are the criteria of the JW tradition used by people whether they know it or not....Now of course they have to be thought through afresh in circumstances with modern weaponry but they are relevant today and certainly not outmoded”.

While today's politicians and rulers - just like their predecessors in days gone by - will *always* justify their wars as being just wars and their enemies as unjust it's vitally important that internationally agreed principles to govern the waging of war are in place, and, the 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 Peace Prize, Acceptance Speech, 10th December, 2009}

B. Richard Harries, Bishop of Oxford, ex-Sandhurst Officer and leading exponent of Just War Theory, who appears in the film, explained in an article he wrote for *The Observer* in August 2002, why he believed that the invasion of Iraq would not fulfil the fundamental requirements of 'just war' theory

"The threat of military action against Iraq is now beginning to dominate Western politics. So what light does the long history of Christian thinking on the morality of warfare shed on this? Some dismiss the 'Just War' tradition as outmoded. But although the context has dramatically changed, with nuclear weapons and terrorism, the principles remain unchanged. Others, understandably but wrongly, see this tradition only as a spurious device for justifying military action which would be undertaken anyway. What it provides, however, is a set of criteria by which a potential military action might be judged morally licit or illicit. If a potential military incursion into Iraq is judged morally unjustified, it will in fact be on the basis of criteria which have long been part of Just War thinking.

The first criterion is that there must be lawful authority: and this, in fact, means authority at the highest possible level. The logic of this is that in disputes between lower authorities appeal can always be made to a higher one for a resolution without recourse to war. Where there is no higher authority, as in a world composed only of nation states, the state has to be judge and jury in its own cause. In our world, however, there is the United Nations. However imperfect the UN may be, it is a crucial sign that we are groping our way towards a truly international authority. There were clear UN resolutions to use force to expel Iraq from Kuwait; to preserve the no-fly zones in Bosnia; for the United States to act under Article 51, the right of self defence, in Afghanistan; to intervene in Sierra Leone and, more ambiguously, in Kosovo. But what of an invasion of Iraq now? President Bush and our own Prime Minister will no doubt appeal to the UN resolutions already in force about the terms of the original ceasefire and argue that a build-up of weapons of mass destruction is a breach of the ceasefire which justifies military action being taken. I do not believe this is authorisation enough to justify an invasion aimed at toppling Saddam Hussein. For such military intervention to meet the criterion of lawful authority, a new mandate needs to be sought and agreed by the United Nations.

Second, there must be just cause. When the UN inspectors were expelled from Iraq in 1998, it appeared that Resolution 687 relating to weapons dismantlement had been partly implemented. There was no indication of any weapons-usable nuclear materials remaining in Iraq. There was no evidence that Iraq was manufacturing or testing

indigenous ballistic missiles. Most of the prime chemical weapons development and production complex had been dismantled. Much less progress had been made in relation to biological weapons. International experts reporting in 1998 said that Iraq disclosures on biological weapons were 'incomplete, inadequate and technical flawed'. Inevitably, it is very difficult to discover what has happened since 1998. Defectors earlier reported a network of bunkers where chemical and biological weapons have allegedly been made and where attempts were underway to create a nuclear bomb. More recently the US Congress was told that Saddam Hussein has enough weapons-grade uranium for three nuclear bombs by 2005. Tony Blair has said that a full report will be published of the threat posed by Iraq's weapons of mass destruction but so far nothing has been forthcoming, allegedly because it would not be seen to justify military action. But is the presence of weapons by themselves, however destructive, even in the hands of someone who certainly cannot be trusted, sufficient cause? A policy of containment and deterrence has worked up until now. There is no evidence that has yet been produced which would justify a change in policy.

Third, every effort must have been made to resolve the dispute first by peaceful means. This suggests a clear moral obligation to go on pressing for the re-admittance of UN Weapons Inspectors into Iraq. We should not yet give up on this. Even if Saddam Hussein's present initiative to discuss the issue further does not bear fruit, we should persevere.

Fourth, a judgment has to be made that the war will not unleash more evils than are already being endured. Here it is possible to paint an apocalyptic scenario, with the whole Middle East in flames, as King Abdullah of Jordan has recently stressed, despotic regimes in Islamic countries being toppled and Iraq dismembered and in a state of civil war. Some predicted such dire consequences over an attack on Afghanistan - and were proved wrong, as the doyen of military commentators, Sir Michael Howard, had the grace to acknowledge. But most of the factors which made success possible in Afghanistan are missing in relation to Iraq.

Fifth and arising out of the fourth criterion, there must be a reasonable chance of success. But if we are to evaluate success then the war aims must be crystal clear. This is far from being the case, with endless possible scenarios being played out in Washington. Although the Just War criteria were formulated by Christian thinkers in a Christian culture, they do in fact appeal to basic moral considerations shared by all human beings. It is this that accounts for the fact that they provided the basis for international law and the military law of most countries. It is also clear that moral principles and political judgments are inextricably intertwined. Political and military judgments are also moral judgments and moral judgments cannot be separated from an assessment of the consequences of any proposed course of action. The main task of the Churches at a time like this is to put forward and press these criteria,

probing and testing whether or not they might be met. In the end political and military judgments have to be made and those who hold power have the awesome task of making them. Churchmen do not hold power and do not have to make those decisions. But on the basis of what we have and know at the moment those criteria are not being met.”

C. Was World War Two a Just War?

World War Two (1939-1945) was a ‘just war’ according to Bishop Richard Harries an ex-Sandhurst officer turned Bishop and Britain’s leading exponent of Just War Theory. It was fought between Germany and her allies and countries such as Britain, who were all legal authorities. Germany was attacked for invading other countries. The intention was to correct the evil Germany was doing. The Allies felt that they had a reasonable chance of success, and they did win. All forms of negotiation with Hitler {who had invaded sovereign states and struck pre-emptively} had failed. Much of the fighting was limited to the armies concerned. It appears that all the conditions of a Just War were met.

However, actions such as the Allied bombing of German cities like Dresden, certainly violated Jus in bello {the bombing of Dresden by over two thousand allied bombers lasted continually for two-days, burning to death 135,000 civilians for virtually no military purpose}. Likewise, the dropping of two nuclear bombs in 1945 by the Allies on the Japanese cities of Hiroshima and Nagasaki violated Jus in bello {the bombs totally destroyed the cities, killing nearly a quarter of a million civilians and maiming thousands more. Thousands have since suffered terrible radiation-linked illnesses}.

It has been argued that the bombing of Hiroshima and Nagasaki was justified because it led to the final surrender of Japan and the end of World War Two thus saving countless lives. However, in terms of the Just War Doctrine, the action was not justified because for a war to be considered “just” **all** of the conditions must be met. The use of nuclear weapons is not an act of moderation, nor was much charity or justice shown to the tens of thousands of non-combatants slaughtered or maimed during and after this act {a “the worst terrorist act in Christian history” according to some Christians - see another film in this series, *The Priest who blessed the bomb*}. Additionally, one could ask, why did the Americans not use the significant diplomatic channels that existed and warn the Japanese government of their new found terrifying

fire-power by conducting a test detonation instead of killing 250,000 people?

This said, we cannot begin to imagine the cost of *not* fighting Nazism – slave camps, genocide, totalitarian state control, medical experimentation, torture, repression, eugenics for generations to come - and what would have happened to the Jews, the disabled, the homosexuals, the socialists, the non-Aryan races of Europe and elsewhere?

D. On 10th December 2009 President Barak Obama was awarded the Nobel Peace Prize and in his acceptance speech he spoke of Just War Theory:

“War, in one form or another, appeared with the first man. At the dawn of history, its morality was not questioned; it was simply a fact, like drought or disease - the manner in which tribes and then civilizations sought power and settled their differences.

Over time, as codes of law sought to control violence within groups, so did philosophers, clerics, and statesmen seek to regulate the destructive power of war. The concept of a "just war" emerged, suggesting that war is justified only when it meets certain preconditions: if it is waged as a last resort or in self-defense; if the forced used is proportional, and if, whenever possible, civilians are spared from violence.

For most of history, this concept of just war was rarely observed. The capacity of human beings to think up new ways to kill one another proved inexhaustible, as did our capacity to exempt from mercy those who look different or pray to a different God. Wars between armies gave way to wars between nations - total wars in which the distinction between combatant and civilian became blurred. In the span of thirty years, such carnage would twice engulf this continent. And while it is hard to conceive of a cause more just than the defeat of the Third Reich and the Axis powers, World War II was a conflict in which the total number of civilians who died exceeded the number of soldiers who perished.

In the wake of such destruction, and with the advent of the nuclear age, it became clear to victor and vanquished alike that the world needed institutions to prevent another World War.

And so, a quarter century after the United States Senate rejected the League of Nations - an idea for which Woodrow Wilson received this Prize - America led the world in constructing an architecture to keep the

peace: a Marshall Plan and a United Nations, mechanisms to govern the waging of war, treaties to protect human rights, prevent genocide, and restrict the most dangerous weapons.

In many ways, these efforts succeeded. Yes, terrible wars have been fought, and atrocities committed. But there has been no Third World War. The Cold War ended with jubilant crowds dismantling a wall. Commerce has stitched much of the world together. Billions have been lifted from poverty. The ideals of liberty, self-determination, equality and the rule of law have haltingly advanced. We are the heirs of the fortitude and foresight of generations past, and it is a legacy for which my own country is rightfully proud.

A decade into a new century, this old architecture is buckling under the weight of new threats. The world may no longer shudder at the prospect of war between two nuclear superpowers, but proliferation may increase the risk of catastrophe. Terrorism has long been a tactic, but modern technology allows a few small men with outsized rage to murder innocents on a horrific scale.

Moreover, wars between nations have increasingly given way to wars within nations. The resurgence of ethnic or sectarian conflicts; the growth of secessionist movements, insurgencies, and failed states; have increasingly trapped civilians in unending chaos. In today's wars, many more civilians are killed than soldiers; the seeds of future conflict are sewn, economies are wrecked, civil societies torn asunder, refugees amassed, and children scarred.

I do not bring with me today a definitive solution to the problems of war. What I do know is that meeting these challenges will require the same vision, hard work, and persistence of those men and women who acted so boldly decades ago. And it will require us to think in new ways about the notions of just war and the imperatives of a just peace”.

E. The Father of International Law

The father of international law, **Hugo Grotius** {1583 – 1645}, Dutch jurist and scholar whose masterpiece *De Jure Belli ac Pacis On the Law of War and Peace* {1625} is considered one of the greatest contributions to the development of international law. In *On the Law of War and Peace* Grotius explores what rules govern the conduct of war once it has begun - arguing that all parties to war are bound by such rules, whether their cause is just or not.

The arguments of this seminal work constitute a theory of just war. The second book takes up questions of *jus ad bellum* {justice in

the resort to war} and the third, questions of *jus in bello* {justice in the conduct of war}.

The way that Grotius conceived of these matters, together with Francisco de Vitoria's *De potestate civili*, had a profound influence on the tradition after him and on the later formulation of international law. Living during the time of the brutal Thirty Years' War between Catholic and Protestant European nations, it is not surprising that Grotius was deeply concerned with matters of conflicts between nations and religions.

His most lasting work, begun in prison and published during his exile in Paris, was a monumental effort to restrain such conflicts on the basis of a broad moral consensus. In this extract from *On the Law of War and Peace* Grotius explains the root meaning of the word "bellum":

"Cicero styled war a contention by force. But the practice has prevailed to indicate by that name, not an immediate action, but a state of affairs; so that war is the state of contending parties, considered as such. This definition, by its general extent, comprises those wars of every description that will form the subject of the present treatise. Nor are single combats excluded from this definition. For, as they are in reality more ancient than public wars, and undoubtedly, of the same nature, they may therefore properly be comprehended under one and the same name. This agrees very well with the true derivation of the word. For the Latin word, Bellum, war, comes from the old word, 'duellum'".

F. ADVANCED DISCUSSION STARTERS

Is it appropriate to intervene pre-emptively and how do we determine if that point is reached? Is there a level of threat that is so great that military pre-emption is justified, and if so what is that level of threat? When is it appropriate for a nation to use military force? What is the appropriate justification for declaring war?

Are there times when oppression and injustice rise to the level of a humanitarian crisis that justifies military intervention by another country in order to alleviate such suffering?

What are non-violent alternatives to warfare for solving disputes and what non-violent methods exist for countering repression and

injustice? How have people overthrown dictators and repelled military occupations non-violently and what can we learn from these examples?

How can states work to protect or increase security? What are ethical ways for governments to pursue strategic interests? What are the requirements of the laws of war {the Geneva Convention, etc.}?

What are war crimes? In recent decades we have entered a new period in the history of warfare. Powerful modern weapons have led to an increase in the percentage of civilian casualties. Yet, might hi-tech precision-guided missile systems create the potential to decrease civilian casualties in war?

G. Just War Evaluation

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 challenges: ethnic, sectarian and nationalist conflicts, secessionist movements, insurgencies, failed states, resource wars, mass emigration, international terrorism, poverty - challenges that require thorough analysis.

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's

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; e.g. the west didn't intervene in the recent bloody wars in Congo or Rwanda or Sudan in which millions of Africans died because western economic and strategic interests weren't at stake as they perhaps are in Iraq and Afghanistan.

Reasonable success: it's 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' so powerful countries could trample on little ones, because the little ones can't 'justly' retaliate, because they can't win. For example there was no doubt about the chances of military success in the recent invasion of Iraq by American and British forces, when the most powerful and sophisticated military machine in the world invaded a country that had faced a decade of poverty and crippling sanctions. The principle of 'reasonable success' too, may in some circumstances cause a weak country to surrender on the grounds of no '*reasonable grounds for success*' a war that in fact it might actually win. For example Britain in 1940 could have surrendered when faced with the apparently overwhelming might of the Nazi military machine.

Proportionality: a policy of war requires a goal and that goal must be proportional 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 obligated 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. But, as Barak Obama in his Nobel Peace Prize acceptance speech acknowledges the concept of just war has been "*rarely observed*". During the First World War 20% of casualties were civilians; during the Second World War 55% of casualties were civilians and during the Gulf War in 1991, 90% of casualties were civilians.

"What difference does it make to the dead, the orphans, and the homeless, whether the mad destruction is wrought under the name of totalitarianism, or in the holy name of liberty and democracy?"
 {Gandhi}

Given the nature of modern weapons systems, particularly 'shock and awe' bombing techniques from 30,000 feet, the use of cluster bombs, daisy cutters, depleted uranium and white phosphorus, in Iraq, Afghanistan and Lebanon, it's *civilians* who die more in war today than ever before. Whilst the principle of discrimination demands the immunity of 'innocents' from war, modern weapons systems provoke the need for a different ethical model.

The **doctrine of double effect** offers a justification for killing civilians in war, so long as their deaths are not intended but 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 peoples' 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 that have no direct involvement in the war but make and sell the weapons? Medics who heal combatants to return to the fighting;

journalists who spew out propaganda; peace activists and tax payers who oppose the war but are forced to pay it?

In terms of status of individuals involved in war it's pertinent to consider at what point the proportion between military and non-combatant status tips? Is a hospital of 300 patients a legitimate target of war? What if there are two soldiers {uninjured} in the hospital? What if there is a platoon of soldiers in the hospital {some injured}? What if a company command post is camped in the grounds of the hospital? 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 machine, 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 its 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 wars and their enemies as unjust, as Barak Obama reminded us in his Nobel Peace Prize acceptance speech, it's imperative that internationally agreed principles to govern the waging of war are in place, and, the 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”

US President Barak Obama
Nobel Peace Prize Winner
Acceptance Speech

10th December, 2009

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