

Hard Questions About Just War

By Kenneth R. Himes

At the closing of a worldwide assembly of Catholic moral theologians in Padua, Italy, in July, the participants gathered in the handsome courtyard of the city's major seminary for a candlelit banquet. Amid this joyful and serene setting, however, came news of violence: the series of terror bombings on commuter trains to Mumbai, India, that killed and maimed hundreds. We stood at our places for a long moment of silence. Then one of our colleagues, an Indian theologian, came to the microphone to offer a heartfelt prayer for the victims and their families and to ask God's help to stop the spread of terrorist violence.

The incident brought home the truth of a statement made two days earlier by another Indian speaker, that violence and terror are daily events in parts of our world. No surprise, therefore, that a number of scholars spoke to the issues of violence, terror and war during the sessions. Throughout the discussions participants raised questions about new issues within the just war theory and even about the utility of the just war tradition itself.

The Language of Just War

There was a growing discomfort with the language of the just war tradition. A Polish moralist, for example, pointed out that the expression "just war" is used only once in the *Catechism of the Catholic Church* and that it is put within quotation marks, as if to say the so-called just war. The *Compendium of Catholic Social Doctrine* does not use the expression either except to quote the brief catechism passage, quotation marks included. An Australian moral theologian, who has taught in Rome for more than a decade, observed that he did not know a single Italian ethicist who used the expression "just war," the preferred phrase being "just defense."

This is not simply a matter of semantics, for it signaled a concern voiced by an Irish theologian that the language of just war lends a moral legitimacy to violence that ought not be given easily. To her mind, talk of a "just war" draws attention to military solutions, when the church should be the community that promotes other possibilities. Participants suggested that just war theory makes war "thinkable" in an era when the devastation of war is particularly great. Certainly, the dramatic growth in the proportion of civilian to military casualties raises questions about modern warfare and the language of collateral damage or indirect killing of noncombatants.

An American moral theologian reminded listeners that combatants must not be overlooked. More than 18,000 members of the U.S. armed forces have been wounded in the war in Iraq. Many have suffered multiple wounds that would have killed them in previous wars, without today's dramatic advances in battlefield medicine. Military casualties returning from Iraq frequently have lost more than one limb, and more than 1,700 have suffered brain injuries.

Since the United States has an all-volunteer army, other issues of justice come into play. Many enlist in the military for economic reasons—to escape poverty, acquire an education, move beyond a marginalized status. What ongoing support will the government provide for veterans who become seriously disabled? What does an affluent society owe to its "warrior class," who take up arms to protect fellow citizens who may be unaware, even uninterested, in the human costs of battle?

Many of those wounded are effectively hidden from view. Perhaps the real danger of such hiding is that it sanitizes evil. War entails killing and harming others; soldiers with permanent disabilities are visible proof of war's cruelty. Humans have wreaked this havoc; one person has devastated the life of another person.

If we are not able to see our wounded, we are able to forget how evil war actually is and what our action or inaction means to the fortunes of others.

Gender Issues

Another speaker raised a gender issue in relation to war, asking if greater incorporation of women's perspectives might enrich moral discourse about warfare. Because women, historically, have been largely excluded from the councils of war as well as from the battlefield, they may hold a perspective different from that of men, who are the main actors in matters of war. The question of what might change if the voices of women, orphans and exiles were heard in the debates about war is not easily answered, but many at the conference believed the Christian community must help such "outsiders" find their voice and then attentively listen to it.

Throughout the discussions the moralists expressed their desire to work out a framework of moral analysis that would place greater emphasis on the challenges of peacemaking and peacebuilding than on warfare—what some called the need for a shift from just war to just peace thinking. Participants were obviously uneasy about one point: that the distinctiveness of the church's witness is not well served when just war norms are invoked by national leaders engaged in morally dubious policies.

New Challenges Within the Tradition

The interest in peacebuilding among critics of the just war theory struck a resonant note with recent writing by just war thinkers who are working on a set of norms for what is called the *jus post bellum*. This category of ethical criteria addresses the post-conflict situation and examines the rights and duties of previously warring parties as they work to establish a just peace. Concern for "winning the peace" or building peace can bring together both those committed to a just war framework and those searching for a different lens to use in Catholic moral reflection.

Wars do occur, of course, and conference participants recognized wars must be subject to moral scrutiny. Therefore many moralists were not prepared to forgo just war categories. Both the decision to go to war (*jus ad bellum*) and the means employed in fighting (*jus in bello*) remain significant moral questions. For example, humanitarian intervention, at least in the extreme cases of genocide and ethnic cleansing, was generally supported as a regrettable option in a world where human dignity and human rights are too often imperiled. Several voices from developing nations, however, urged caution that a humanitarian claim might mask imperial ambitions. That warning led to the frequent preference for multilateral activity over unilateral initiatives or suspect coalitions of nations joined in alliance to curry favor with a major power.

Humanitarian Intervention

Humanitarian intervention in particular, and human rights concerns in general, push the topic of sovereignty to the foreground. What are the obligations that might lead states to meddle in the internal affairs of other states? What is the balance between the risks of shirking obligations of solidarity or too quickly overriding national sovereignty? No simple consensus emerged on this topic. It was acknowledged that Catholic social teaching disavows any notion of sovereignty that would permit either despotic behavior by a government against its citizens or a lack of international care for the oppressed on the grounds of absolute non-intervention.

At a time when humanitarian intervention has gained significant support as a legitimate cause for armed force, another rationale for just cause to go to war is being proposed. Participants were aware that some governments are making a case for armed intervention to prevent the proliferation of nuclear weapons. Because restricting access to highly enriched uranium or plutonium is the best and easiest way to limit nuclear armament, counter-proliferation is an argument for preventing a nation from developing nuclear capability.

Debate on this topic introduced a number of related issues: defining a genuine threat to peace, considering the risk of preventive wars, determining the meaning of a "rogue state," exploring how

terrorism affects the idea of imminent attack and examining the duties of nations to continue to observe the Nuclear Nonproliferation Treaty when the major powers demonstrate little interest in nuclear disarmament.

The sad news of the terrorist attacks in Mumbai reminded us of the need to protect innocent people from evil, while the ongoing tragedies of the Middle East testify to the evil that war inflicts. Struggling with both realities—the need to resist injustice and the aim of avoiding war—has led some just war adherents to talk about a presumption against injustice as the proper starting point of the tradition. Others suggest that a presumption against war is the appropriate beginning for ethical reflection.

One scholarly analysis proposed that both presumptions are part of contemporary just war theory and are needed to reflect the tension within which we find ourselves. It is a tension sharpened by the renewal of Catholic moral theology since the Second Vatican Council. That renewal has been greatly influenced by the biblical message and the eschatological dimension of Christian existence. Disciples must reconcile our fallen humanity with the promise of God's reign, which even now is transforming the world. In the context of the ethics of war, it appears that there must be multiple strategies for witnessing to the Gospel even by just war thinkers. When the pacifist tradition is added to the equation, the result includes a wide range of Catholic responses to war.

But whatever the breadth of ethical opinion, the diverse gathering in Padua stood united at that summer banquet. In silence, the group prayed that God's spirit of justice and peace might be more manifest in this violent world.

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