Just War Theory

Introduction

I would like to thank Frank Purcell and Chris Parnell for inviting me to speak on this topic. I think the Shepparton Interfaith Network has made a very challenging decision by holding a forum on Just War Theory as part of remembering the centenary of the landing of Australian and New Zealand troops at Anzac Cove.

There was a time when some people argued that the Anzac tradition glorified war. Far from that it honours people who were prepared to sacrifice their lives by volunteering to save the British Empire. Australian troops landed at Anzac Cove on April 25th, 1915, and were evacuated early the following December. Around 8,000 Australian troops were killed and 18,000 were wounded in those seven months fighting Turkish troops who also saw themselves as defending their country from an unjust aggressor.

Participation in the Western Front from 1914 until 1918 was numerically a vastly more significant undertaking for Australia than the Gallipoli campaign. Although the population of Australia at that time was less than five million, 320,000 people left Australia for active service in the war. By the end of hostilities on November 11, 1918, Australia had suffered 60,000 war dead and 150,000 casualties. Those years in France and Belgium are significant and tragic but the seven months in Gallipoli has captured the imagination of Australians in a unique and enduring way.

Defining Just War Theory

Against that background I would like to briefly define Just War Theory. It is a theory whose aim is to identify principles that can help to determine whether declaring war against another country is justified. In a developed form it has three essential dimensions.

The *first* aim of the theory is to **clarify grounds for going to war**. It is generally agreed that the decision to take up arms in order to save lives under threat from an aggressor is justified. Nonetheless Just War Theory regards taking up arms as a last resort.

The *second* aim of the theory is **to try to set ethical standards that will be observed in the conduct of war**. This aim is to ensure the safety and security of citizens, meaning by that women, children, elderly people and the full range of non-combatants. It also attempts to ensure that the conduct of troops will be governed by prevailing moral standards. In this way it precludes such behaviour as the mistreatment or torture of prisoners of war.

The *third* aim is **to settle hostilities in a way that ensures a return to peace** and to prevent further outbreaks of violence.

It is worth emphasizing the insistence of the Just War Theory that moral responsibility for war does not end when war ends.

Any decision to justify war must be backed up by such factors as

- defence against aggression,
- the safety of non-combatants,
- the intention to restore peace,
- the intention to correct injustice,
- the intention to punish‘ offenders,
- the intention to avoid unnecessary destruction,

- the intention to ensure the well-being of the defeated nation, and currently,
- the need to intervene when necessary to protect people against terrorism or atrocities such as genocide or ethnic cleansing.

Difference of religion has led to numerous wars but is never a justification for war.

One easy way to start looking at the limitations of Just war theory is simply to consider the differences between the First and Second World Wars in the last century. These included changing political ideas such as Fascism, Nazism and Communism. Other relevant changes included advances in weaponry, especially weapons of mass destruction, and access to destructive technology in particular nuclear devices. In the Second World War these were coupled with factors such as lack of moral restraint in the targeting of non-combatants beginning with the bombing of Britain, followed by the bombing of Germany and culminating in the firebombing of Dresden and Tokyo and the nuclear bombing of Hiroshima and Nagasaki. The last four were really strategies for punishing the defeated. That outlook remains alive and well in the moral imaginations of modern societies, even if diplomats and lawyers carefully scrub it from official justification of armed conflict.

The History of Just War Theory

In discussing the history of just war theory it is important to be aware that whilst idealism has shaped just war theories, the propensity of our humanity for violence and evil is always a dominant factor in warfare.

Evil, like goodness, is part of human nature and this side of our humanity is always relevant to a realistic understanding of war and its consequences. War brings out the best and worst in people.

The history of just war theory goes back to pre-Christian philosophers like Plato and Aristotle. In the days of the Roman Empire Cicero argued that war could be justified only for defence and that mercy should then be extended to the defeated.

Those two principles have endured through the history of just war theory even though they were written when the Roman Republic was conquering the known world by force of arms.

Early Christian Saints wrote about war, saying that the teachings of Jesus about loving your enemy did not preclude Christian people from defending themselves and others against unjust aggressors.

At the same time many Christians believed that pacifism and non-violence were the right response to the Gospel.

Later Saint Augustine justified **resorting to arms to restore justice to oppressed people**. It is interesting that his thinking in the fourth century is a live issue today.

During the centuries of Barbarian invasions of Europe little further theorising about the morality of war took place.

It is important, however, to recall that the prophet Mohammed preached peace, compassion and mercy for all people from early in the seventh century. Mohammed preached the Holy Word on behalf of Allah, the one true God. The Koran was Allah's gift of his Holy Word to his prophet.

In those very violent times in Arabia and for that matter in the rest of the known world his followers soon came to see that only force could bring to reality Mohammed's vision of a day when everyone would worship Allah, the one true God.

From the twelfth century onwards Just War Theory was an accepted part of Christian thinking for about five centuries. The basis for it was natural law philosophy that was widely accepted at that time and that was sourced from Muslim scholars.

It argued that there is a natural law inherent in people and the world and that this law provides a rational basis for moral decisions, including decisions about war.

This perception was taught by Muslim Scholars long before it was taken up by Christian scholars like Aquinas.

In the year 1095, however, one of the most unfortunate decisions in world history was taken by Pope Urban II. He launched the first Crusade to rescue the Christian holy places from Muslim rule.

The Crusades in the Holy Land continued for a further two hundred years and then for a further three hundred years elsewhere as commanded by direction of the ruling Popes of the time who frequently waged war against heretics and infidels. Just War Theory was relegated to text books by this approach.

Furthermore religious wars became a dominant factor in European history with numerous wars being waged between Christians and Muslims; but in the 17th century some alternative thinking about war began to emerge partly due to the influence of Luther and Calvin.

This thinking took universal human values as a starting point and over time refused to accept that religious difference could ever be a justification for war. Pope John Paul II endorsed this approach by writing in 2002, "*To kill in the name of God is a blasphemy and a perversion of religion.*" It has taken our humanity a long time to come to that conclusion and it remains a live issue.

To sum up, Just War Theory "*according to which war is permissible only in response to an actual or imminent attack*" is an idealistic attempt by our common humanity over many centuries to extend moral principles to the outbreak and conduct of war.

The Relevance of Just War Theory Today

Definitions of war over the centuries are usually something like, "armed combat between two or more countries or between different groups of people within a country."

Looking for solutions to current outbreaks of violence throughout the world, it is immediately apparent that conflict today can rarely be described in those terms.

Consequently the real question we are dealing with in the forum today is this. How can our humanity

1. deal with terrorist activities,
2. deal with undeclared attacks on one state by another state,
3. deal with armed conflict within states for purposes of imposing a particular interpretation of a shared faith,
4. deal with suicide bombing and targeted killings such as by drone attacks,
5. deal with non-uniformed combatants who mingle with the ordinary population whilst fighting the enemy,
6. deal with the fear that nuclear weapons will get into the hands of state sponsors of terrorism or even terrorist factions?

It is essential that we take a **positive global approach** to these challenges.

Then it is important that we **work to establish basic human values** for dealing with them. This means approaching these challenges from humanitarian perspectives.

The first of these is **respect for people and their rights** even when their world view and culture is fundamentally different from our own.

The second is that **respectful communication** determines the quality of inter-personal and inter-national relationships. Working co-operatively towards a moral basis for social order from these perspectives can actually lead to cohesion. **It is our best hope for the future**.

Nonetheless the world needs global institutions capable of dealing with politically or religiously inspired violence within and between nations.

For this reason it is worth reflecting for a moment on the United Nations Charter formulated in 1945 and updated as recently as July 2014.

It reads,

We the people of the United Nations are determined –

1. to save succeeding generations from the scourge of war, which twice in one lifetime, has brought untold sorrow to mankind,
2. to reaffirm faith in fundamental human rights and in the dignity and worth of the human person
3. to reaffirm faith in the equal rights of men and women of nations large and small
4. to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained
5. to promote social progress and better standards of life in larger freedom

And to achieve these ends

1. to practice tolerance and to live together as good neighbours
2. to maintain international peace and security
3. to ensure, by the acceptance of principles and the institutions of methods, that armed force shall not be used, save in the common interest
4. to employ international security for the promotion of the economic and social advancement of all peoples.

The United Nations Charter of Rights was an immense step forward. It incorporates but moves beyond Just War Theory whose place is now taken "*by new, multi-lateral and at most quasi-military methods of international law enforcement.*" The development of International Law gave impetus to this process as did the United Nations structures:-

- The General Assembly,
- The Security Council set up for the maintenance if international peace and security,
- The Economic and Social Council set up to achieve and maintain higher standards of living, and finally the International Court of Justice.

The strategies universally used by these institutions to resolve problems are negotiation, enquiry, mediation, conciliation, arbitration and judicial assessment.

One very important determination of the Charter is that people have the right to defend themselves from unjust aggression but the right to intervene for humanitarian reasons must win universal consensus and be verified by the United Nations Security Council. This refines

the point made by Saint Augustine who justified resorting to arms to restore justice to oppressed people.

Despite the essential humanity of United Nations approach to justice and peace for each and every person and country its strategies have been tested to the limit over the past 70 years.

In negotiations through the whole of that time the prevailing dimensions have been

- national self-interest and struggles for power;
- a tendency to systematically assault those with opposing views;
- a tendency of Western Nations to shore up their own sense of moral integrity by inventing reasons to scapegoat those countries whose moral values and culture are different from their own;
- a tendency of Western Nations to believe it is their right to impose democracy on other states by quasi-military methods or economic sanctions;
- the anti-western views of virtually all the middle eastern states;
- the racist and religious extremism of factions within most states and cultures, as recently shown in Australia by the movement "to reclaim the country from Islamism".

To conclude this part of the discussion I would like to draw attention to the emphasis in the United Nations Charter -

First on promoting social progress and better standards of life for all people then on promoting the economic and social advancement of all peoples as strategies for ensuring that armed force shall not be used, save in the common interest.

The current tendency is to speak in terms of quasi-military intervention as the proposed alternative to direct use of armed force. The first of 300 troops left Australia today for a training mission in Iraq as part of this strategy.

Promoting social progress, promoting better standards of living for all people and promoting the economic advancement for all people will be recognized as the true pathways to justice and peace as this century progresses.

A Brief Summary

Just War Theory is essentially an idealistic commitment to justice and peace. It aims to balance that ideal with political realities that predominate when deciding on and conducting war. It has never really found that balance but it has kept the possibility just war alive.

The alternative is to seek more flexible means of reducing confrontational issues within and between nations than traditional just war theories have managed to achieve. This means building global institutions committed to peace-keeping and peace-building and ensuring that they have the capacity to achieve by negotiation a resolution previously dependent on a resort to force of arms.

Yet day by day we are made aware of the difficulties facing people in societies in which violence seems to be endemic. Why is this violence still with us? Whatever our religious, or philosophical, or scientific, or political beliefs we don't really know the answer to that; but we do know that nothing is of more value in modern life than working constantly towards justice and peace. Let us all be diligent and united in reaffirming faith in fundamental human rights and in the dignity and worth of each and every human person.