

# **Between Pacifism and Jihad: The Just-War Tradition and Terrorism – Part 1**

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## **Introduction**

With the collapse just over a decade ago of Soviet hegemony and its particular brand of Communist ideology, many – from the average lay person to the policy-maker -- considered the use of military force as a question lacking urgency. Few people would have envisioned the need for U.S. military intervention following the dissolution of the Soviet empire. But it is precisely those developments *since* the end of the Cold War that call forth the need for reexamining the merits and moral substructure of armed conflict. Try as we might, in the few years since the crumbling of the Soviet imperium we simply have been unable to close our eyes to the gravity of geopolitical developments around the world – among these, Iraq’s occupation of Kuwait and genocidal treatment of its own people, notably Kurdish population, the starvation of civilians in Somalia, exile and enslavement of Coptic Christians in Sudan, the talibanization of portions of Afghanistan, Pakistan and northern and western portions of Africa,<sup>1</sup> the slaughter of between half a million and a million people in Rwanda,<sup>2</sup> genocide in Bosnia/Herzegovina/Kosovo, the need for massive humanitarian efforts in Burundi, Rwanda, Liberia, Sudan and Afghanistan, the chemical weapons program in Libya, the production of chemical and biological weapons in Iraq, drug-trafficking on several continents, and the breathtaking rise of maturing international terrorism on several continents. All told, the social, political and moral challenges before us are daunting, revealing our biases against the need for military intervention to be naïve.

These diverse crises, with repercussions for Americans both at home and abroad, force lay persons, educators, politicians and policy-makers alike to reflect on the morality of war, justified use of force, and military intervention. Should we intervene in Iraq, former Yugoslavia, Rwanda and Afghanistan? Why or why not? By what criteria and in what measure? How do we reconcile the need for intervention with the principles of non-intervention and a nation’s sovereignty? What is the relationship between ends and means? Do various types of intervention – e.g., against genocide and egregious human

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<sup>1</sup> See Paul Marshall, *Their Blood Cries Out: The Untold Story of Persecution against Christians in the Modern World* (Dallas: Word, 1996).

<sup>2</sup> Reliable estimates are in the 800,000-850,000 range.

rights violations by a non-democratic regime – call for different kinds of moral criteria? What about the place of private conscience regarding war? Conscientious objection? What is the role of the church in the national debate over war and military intervention? In moral discourse in general? Does the church have a “worldly” mission? What is the proper relationship between the church and the world? Between Christians and moral evil?

The problem of war and the use of force is a perennial question – a question that is not new, even when in *renewed fashion* we must confront it. We should be encouraged and comforted that Christians from the beginning have struggled with ethics of this issue. The church’s fathers – ancient, medieval and modern – formulated what they understood to be a Christian response to the problem. Therefore, we are not without resources – enduring resources – to help us think about these matters. This is not to say that Christians have always agreed, nor that we all will agree. Nor is to say that this issue is a test for fellowship; it is not. It is, however, to acknowledge that (a) lay people and bishops alike have struggled throughout the centuries with a Christian response and (b) a consensual understanding of Christian thinking emerges. Thus, Christian reflection on the ethics of war is rooted squarely within the mainstream of the Christian moral tradition. The purpose of Part 1 of my address (i.e., today’s paper) is to reacquaint us with this tradition, to “clear the underbrush” as it were and consider how Christians through the ages have reflected on war and force. Part 2, then (in the Spring), will be devoted to examining the particular criteria of this consensual tradition and making contemporary application of these moral criteria to the problem of terrorism.

### **Revisiting the Tradition in a Skeptical Cultural Climate**

I use the term “underbrush” to depict obstacles that becloud not only our understanding of the “just-war” tradition (or more accurately, the tradition of “justified war”) but the way in which we view war and force. Several specific obstacles might be cited – two are cultural, one is ecclesiological, and one is theological. First, the theological.

Protestants – and conservative Protestants in particular – have acquired a tendency, in contrast to Roman Catholics, to think ahistorically, to depreciate the past (at worst) or be indifferent to it (at best). Why is this? Part of the answer, it seems to me, lies in our identity and the fractious nature of Protestant churches. We are by nature and by confession “protesters,” aren’t we? *Protestantes*. We protested in the 16<sup>th</sup> century, and as Luther’s children we are *still* protesting. (Witness, for example, the way that Texas Baptists fight!) This narrow view of the church leads to a rather dim view of God’s operation prior to the sixteenth century.

To be fair, we protested *inter alia* what we thought to be an obscuring of the doctrine of theological justification. Protestants by nature have an aversion to any teaching or emphasis that seems to undermine grace and faith and smell of works. We give primacy to Paul and give James short shrift! Paul and James, it must be emphasized, should *not* be set in opposition. James *may well* be addressing in the Christian community a *misunderstood* Paul. James 2 seems to make this clear: faith without deeds is “useless” (2:20) and “dead” (2:26). When he says, “You see that a person is justified by what he does and not by faith alone” (2:24), he is not make a *soteriological* statement (i.e.,

regarding our justification before a holy God); it is an ethical statement. “True religion,” he observes, is to take care of orphans and widows in their distress (1:27). Our Protestant tendency, then, has been to pit faith against works, and ethics always comes away the loser.

A personal illustration, somewhat comical, might suffice. I was driving home from a basketball game one Friday night in my second year at the University. My university’s team had won a nail-biter in the final seconds of the game after a remarkable come-back in the fourth quarter. So here I am, at 11:15 pm, cruising home on a deserted rural road singing at the top of my lungs, driving something in excess of 70 mph, oblivious to a car parked along the side of the road facing me – oblivious, that is, until I see the vague form of something doing a U-turn in the road behind me followed by lights whirling. Well, I was indignant. Not just because we had won a thriller and this turkey was spoiling the feast, but also because, after all, I was a *Christian!*

Do you know what I said to the officer as he stood there? I said, “Officer, do you realize who I am?!? No, I didn’t say that, but I wanted to. I wanted to say, “Don’t you know that I’m a Christian, washed in the blood, redeemed by the Lamb, and therefore, *forgiven?* Jesus *paid* my debt, so *put that silly ticket-book away!!!*” Now, isn’t that how some religious people approach ethics? The salvific negates the ethical. People – at least Christians -- shouldn’t have to bear the consequences of their actions – whether for speeding or strangulation. Murder? Well, blame it on *the knife* – if not a defective gene or traumatic childhood!

For this reason, in my view, not many Protestants, at least conservative Protestants, become professional ethicists. This is why, in my humble opinion, there is no such thing as a Protestant social ethic. Hence, the burden of my book, recently published by IVP: *The Unformed Conscience of Evangelicalism*.

This conviction finds confirmation in my experience working on Capitol Hill during the early and mid 1990s, doing policy research in the realm of criminal justice. Who was having the greatest impact among thinkers, theorists and policy-makers? Mostly Roman Catholics. Not coincidentally, my own intellectual and moral formation is indebtedly primarily to Catholic social thinkers. At least in the past century, they are the ones who have reflected mostly responsibly on critical social issues. Catholics more so than Protestants have possessed the equipment – the intellectual wherewithal – to develop a public theology, or public philosophy. Protestants have tended toward two extremes in their relationship to culture – either retreatism or wholesale accommodation, isolation or capitulation. Why? Perhaps because we are not as accustomed to think about culture and wrestle with our mission to the world (outside of “evangelism” narrowly defined). In the familiar phrase “in the world but not of the world” we prefer to focus on one half, to the expense of the other, thereby refusing to hold the two in a necessary tension.

That’s the theological obstacle. Now to the two cultural obstacles. Our national experience as a result of the way World War II ended (at least in the Pacific theater) and our experience in Vietnam in particular have indelibly molded the way we think about war, especially in the church and in the academy. This is true of both Protestants and Catholics. Add to this the proliferation of nuclear weapons in the last forty years and their potential for mass destruction, many religious people (not all) believe that war and the use of military force are intrinsically immoral. Thus we have today – overwhelmingly so in academic circles and in many religious quarters – a *presumption against force* rather

than a *presumption against injustice*. We see this thinking on display in many corners -- for example, in Pope Paul VI's 1965 address to the United Nations, in which the pontiff declared, "Never again war, war never again!";<sup>3</sup> in the 1983 National Conference of Catholic Bishops' statement *The Challenge of Peace*<sup>4</sup> as well as the 1986 United Methodist bishops' statement *In Defense of Creation*<sup>5</sup>; and in some of this disheartening statements by religious leaders following 9/11. The distinction between a presumption against force and a presumption against injustice is crucial, to which we will turn in a minute.

This deep-seated skepticism about force as a moral enterprise is exacerbated by a second cultural obstacle. I speak here of the climate of postmodernity that encourages radical moral skepticism and refuses (stubbornly so) to identify moral markers at all. This is the social environment in which we live, even if we do not affirm that at all. Not only does our culture not assist us in making moral judgment, it *discourages* us from doing so. Why is it, given the omnipresence of evil around us, that people are not more concerned to wrestle with the problem of evil? Why do people flatly and resolutely refuse to acknowledge evil as an entity? To call it by its name? Isn't that strange?

Rather, our culture comes up with numerous brilliant strategies for not identifying evil and for evading moral judgments. Some, for example, will deny that evil exists. This, of course, is the tactic of the materialist/atheist. Some will minimize evil in order to make it more manageable.<sup>6</sup> Others will engage in moral equivalence, that is, a sort of moral calculus that via comparison fails to make moral discriminations; no action is better or worse than another. Yet another, exceedingly common tactic, is to accuse anyone who does make moral judgments of being "judgmental." This very effective strategy in our day has the effect of paralyzing most people into non-action, for after all, what is the cardinal postmodern sin? That's right, it's *judgmentalism*, with the cardinal virtue being "tolerance." Anyone today who makes moral pronouncements is an imperialist, a bigot and narrow-minded in the extreme. People in contemporary American society would rather be branded as criminals than bear the mark of Cain that is "judgmentalism."

The final obstacle to take note of is "ecclesiological." Which is to say, there is a huge chasm in the church (as in culture) between "professionals" and the laity. Where, for example, are professional ethicists, legal theorists, economists, social scientists or policy analysts who are working with their own congregations? In the realm of ethics, this gulf is exceedingly tragic. The average congregant is crying out for teaching and any sort of assistance to help know how to respond to the pressing ethical issues of the day. What's more, the sheer intimidation of most ethical topics -- like the ethics of war -- is overwhelming. After all, who is adequate to guide us in these matters?<sup>7</sup>

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<sup>3</sup> For the full text of this address, see John Paul VI, *Never Again War!* (New York: United Nations Office of Public Information, 1965).

<sup>4</sup> *The Challenge of Peace: God's Promise and Our Response* (Washington, D.C.: U.S.C.C., 1983).

<sup>5</sup> *In Defense of Creation* (Nashville: Graded Press, 1986).

<sup>6</sup> Two strategies can be used in this regard. One is to reduce evil to a few select notorious examples in history -- Hitler, Mao, Stalin, Jeffrey Dahmer, Timothy McVeigh and the like. The other is to redefine deviant behavior, thereby reducing the proportions of deviancy in the population and giving the appearance that things are not that bad. Former New York Senator Daniel Patrick Moynihan quite usefully described this tactic in his essay "Defining Deviancy Down," *The American Scholar* (Winter 1993): 17-30

<sup>7</sup> A wonderful antidote to this professional/laity cleft is the class "Christians Teachings on War" being taught by Prof. David Corey at St. Paul's Episcopal Church in Waco, Texas. This class meets every

The good news is that the fathers of the church, working consensually, are.

### Rethinking Justice

The state of our present cultural climate necessitates that we re-orient the way in which we think about justice. Given the exaltation of rights over responsibilities in American culture, coupled with the aforementioned cultural climate of radical permissiveness and moral skepticism, few terms have been prostituted to the extent that “justice” has. Every cultural sub-group, it would seem, has co-opted the language of “justice” in order to make claims on the public square. Rights are no longer rooted in “self-evident truths” and the “law of nature and nature’s God”; rather, they extend to personal lifestyle preferences, so that a “right” to abort the unborn now resides in the Constitution and is axiomatic; the “right” to same-sex marriage and to commit suicide are about to follow.

Once upon a time, however, justice was unencumbered of such cultural baggage and understood in more pristine, non-fluid terms. Justice is developed philosophically both in the Judeo-Christian moral tradition and in pre-Christian philosophy (Plato's *Republic* is dedicated to this theme); hence, it is a "cardinal" virtue.<sup>8</sup> The language of justice fills the entire Bible, giving one the clear impression that it is a hallmark of biblical ethics. And correctly so, since justice describes how people associate with one another, and therefore, how society functions. While Scripture agrees with the pre-Christian philosophical tradition that justice is that which is due to others, it also provides the rationale of *why* this is so. In Scripture the people of God are commanded to execute justice precisely because God himself does so. Justice possesses both “vertical” and “horizontal” qualities.

While the Hebrew term for justice, *mispat*, occurs in numerous Old Testament contexts, it generally refers to God-given principles that govern how humans related to one another. These rules are of a moral nature. They discriminate between righteousness and wickedness as well as between guilt and innocence,<sup>9</sup> they erect protection for the innocent and those without a voice,<sup>10</sup> they seek to prevent injustice from arising,<sup>11</sup> and they rectify injustice.<sup>12</sup> This justice, moreover, is to be impartial.<sup>13</sup> The Pentateuch defines the contours of justice, the Psalms extol God for His inherent justice, and the prophetic literature call Israel back to repent and do justice. The cardinal virtue of justice, then, may be defined as the capacity to fulfill one's moral duties, both privately and

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Wednesday evening with Prof. Corey to examine critical issues related to war and discuss readings from the Christian fathers – ancient to modern. Prof. Corey teaches political philosophy at Baylor University.

<sup>8</sup> Historically, justice has been defined as that which is due each person – a definition affirmed from Aristotle (*Nic. Eth.* V.1-11 [1129a-1138b]) to Cicero (*De Off.* 1.5.15) to Aquinas (*Sum. Theo.* II-II q. 58).

<sup>9</sup> Hence, the outcry of Abraham in the Genesis 18 narrative: “Will not the Judge of all the earth do right (*mispat*)?” (Gen. 18:25). Cf. also the prophetic outcry in Isa. 5:20ff: “Woe to those who call evil good and good evil, who exchange darkness for light and light for darkness...”

<sup>10</sup> E.g., Ex. 23:6-9; Lev. 19:9-10.

<sup>11</sup> E.g., Lev. 19:11-14.

<sup>12</sup> E.g., Is. 10:1-2.

<sup>13</sup> It is worthy of note that a perversion of justice occurs when there is partiality to *either* rich or poor (Exo. 23:3; Lev. 19:15).

publicly, and thus is a wider moral condition of right relations. It is that moral tissue by which and in which a moral society coheres.

Justice is cognizant of the fact that humans bear the image of God. Thus, despite the reigning paradigms in the social sciences to the contrary, the Judeo-Christian tradition, assuming the “natural moral law” of which all people everywhere and at all times are aware, affirms certain unchanging moral realities – for example: (1) every person is endowed with a “moral sense”; (2) as evidence of this “sense,” all people respond when they are objects of injustice (“judicial sentiment”); (3) thus, justice and its absence are non-fluid entities, rooted in universal norms for behavior that transcend culture and time; (4) all people intuit personal accountability to this “natural moral law,” even when that knowledge can be suppressed (see the Pauline argument in Romans 1); and (5) the inherent morality of human actions, therefore, justifies the morality of discriminate punishment, retribution and restoration. For to be created in the image of God is to be endowed with moral agency, and to be held *proportionately accountable for our actions* is to be treated with dignity *precisely because one is a moral agent*. (This basic assumption, intuited by all parents, we call criminal justice.<sup>14</sup>)

Understood accordingly, there can be no moral goods apart from justice in its non-fluid conceptualization. All rights and responsibilities inhere in this non-fluid understanding. Otherwise, justice is not a “cardinal” virtue and can be manipulated by the will to power and human selfishness.

What many religious people are prone to forget, or fail to comprehend, is that love and mercy in no way eliminate the need for justice; they do not remove the consequences of ethical violations and the need for restoring a moral balance. In the earthly realm, consequences still must be paid -- for violations ranging, as we noted, from speeding to stealing to strangulation. The biblical term for this state of affairs is “restitution.”<sup>15</sup>

Sobering geopolitical examples from the 1990s witness to this need for justice as restitution. Consider the important address delivered by South African Justice Richard Goldstone at the U.S. Holocaust Museum on January 27, 1997. Goldstone, who had previously been Chief Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda, underscored in his lecture, titled “Healing Wounded People,” the typically false notion of justice that people have. Goldstone lamented that far “too infrequently,” justice is acknowledged as necessary “therapy for victims who cannot really begin their healing process until there has been some public acknowledgement of what has befallen them.”<sup>16</sup> Noted Goldstone:

The one thing I have learned in my travels to the former Yugoslavia and in

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<sup>14</sup> The Christian moral tradition, following Thomas Aquinas, has generally maintained that biblical justice can manifest itself in differing ways -- it can be punitive or vindictive, it can be distributive, and it can be restorative, compensatory or creative.

<sup>15</sup> While, practically speaking, most Christians would never think of arguing on the basis of theological justification through Christ that a highway patrolman *not issue the speeding ticket they had just earned*, many Christians have a tendency to conflate justification and ethics in the sphere of law and public policy. Criminal justice is impossible if standards of justice are not fixed. In the ethical realm, biblical justice requires that payment always be made for a violation and that this payment be proportional to the offense; hence, the catchword “restitution” that occurs frequently in the Pentateuch. Biblically speaking, the only category of ethical offense for which no restitution exists is premeditated murder (cf. Num. 35:1-33, esp. vv. 29-33).

<sup>16</sup> The transcript of the address was published in *The Washington Post*, February 2, 1997, p. C4.

Rwanda and in my own country is that where there have been egregious human rights violations that have been unaccounted for, where there has been no justice, where the victims have not received any acknowledgement, where they have been

forgotten, where there's been a national amnesia, the effect is a cancer in the society. It is the reason that explains, in my respectful opinion, spirals of violence that the world has seen in the former Yugoslavia for centuries and in Rwanda for decades, to use two obvious examples... So justice can make a contribution to bringing enduring peace...<sup>17</sup>

Given that which he has witnessed worldwide, what specific contributions for Goldstone can the application of justice make? Goldstone identifies four moral principles: (1) exposing the truth of specific guilt and avoidance of general collective guilt;<sup>18</sup> (2) recording the truth for the historical record;<sup>19</sup> (3) publicly acknowledging the loss endured by the victims (who, as broken and terrified people, want and need justice); and (4) applying the deterrent of criminal justice (since human nature and potential criminals are deterred by the fear of apprehension and punishment).

### **Just-War Thinking in Christian Social Ethics**

#### ***The Development of Just-War Theory***

Although a formal defense of just-war thinking, undergirded by an ethics of protection, was developed by St. Ambrose (AD 340-396) and his convert St. Augustine (AD 354-430), well before their time Christians who wrestled with their duties to organized society had begun serving in the Roman Legions.<sup>20</sup> The conventional portrait of early Christians as uniformly pacifistic, followed by the church's early fourth-century "compromise" with the Empire, does not bear up under close scrutiny.<sup>21</sup> Both strands – pacifist and non-pacifist – can be detected. Moreover, the two chief pacifist church fathers, Tertullian and Origen,<sup>22</sup> neither denied to government the moral duty of self-defense nor denied that Christians actually served in the military. In fact, Tertullian

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<sup>17</sup> Ibid.

<sup>18</sup> An example of which is the trial of Nazi criminals at Nuremberg for specific, and not general, crimes against humanity. A more current example might be identifying – and addressing -- specific terrorist atrocities (which, granted, requires incurring the wrath of Islamic nations) and resisting the tendency to blame Western foreign policy first (a tendency that more often than not results from *political* differences, not *moral* distinctions).

<sup>19</sup> This will counter attempts by the guilty or their defenders – Holocaust deniers or terrorists, for example - - to fabricate and avoid guilt.

<sup>20</sup> Writing in the second century, Tertullian concedes this in his work *On Idolatry*.

<sup>21</sup> See in this regard Paul Ramsey, *Basic Christian Ethics* (New York: Scribner's, 1950), 166-84. Given the breadth and penetrating insight into political and medical ethics displayed by Ramsey, it is to their credit that William Werpehowski and Stephen D. Crocco have collected and edited a number of invaluable essays into a recent volume, *The Essential Paul Ramsey: A Collection* (New Haven/London: Yale University Press, 1994). Ramsey's reflection on just war, love of one's neighbor, faith-based resistance and the limits of power are reproduced in chapters 3-8 of this useful volume.

<sup>22</sup> Origen, it should be noted, mentions nothing about idolatry, as Tertullian did. Cyprian, writing in the mid third century, laments the degeneracy and savagery of his own day, and specifically that both the numbers and the efficiency of soldiers were in decline. He acknowledges Christian acquaintances who are serving in the military (*Ep.* 39).

indicates that considerable numbers of Christians were already serving in the Roman legions, and he concedes certain conditions under which he believes a Christian could serve as a *magistrate*.<sup>23</sup> It can be legitimately argued that the two primary representatives of patristic pacifism, the Montanist Tertullian and Origen, are not representative of the church's mainstream. Such is certainly evidenced by Tertullian's answer to the age-old question, "What does Athens have to do with Jerusalem?" for his response is a categorical "Nothing!" – a response that has hamstrung the Christian community (and the Christian academy, in particular) ever since.<sup>24</sup> Finally, the letter of Pliny to the emperor Trajan (AD 112) regarding the problem of Christians, significantly does *not* mention anything about their unwillingness to serve in the military. Given the tenor of the letter, non-service would have been conspicuous – and scandalous – to Pliny, since, as Origen writes,<sup>25</sup> the emperor required service.

This view of the early church, which runs against typical accounts, finds support in the fact that while they formulated a theory of just war, both Ambrose and Augustine continued to teach that an individual has no right to *self-defense*, and therefore, should not resist "one who is evil." Their singular concern is *public* protection. They argue that it is the obligation of *Christian love* to defend and protect the innocent; not to do so is as much an evil as to cause it.<sup>26</sup> (Luther, it should be pointed out, took them to task on the public-private dichotomy, and rightly so.<sup>27</sup> But the Reformers joined their patristic forebears in the conviction that Christian vocation, as we have noted, means secular occupation, regardless of how mundane or odious its duties, as public service to others motivated by love.<sup>28</sup>)

In its essence, the just-war tradition emanates from two fundamental concerns in Christian thought: when the resort to force is justified (*jus ad bellum*) and what kinds of force are appropriate in conflict (*jus in bello*). The *public* nature of warfare and the necessity of legitimate political authority are critical when viewed against the backdrop of medieval society, in which princes, nobles and criminals all engaged regularly and aggressively in combat, and this for *private* ends. Hence, it is not difficult to understand why for Thomas Aquinas the matter of just war hinges first and foremost on legitimate authority. Insofar as war is a *public* and not *private* matter, it must be adjudicated by political-legal means. Without question, authority can be abused, but this very possibility

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<sup>23</sup> *De idol.* 17. Eusebius tells us that before the beginning of the fourth century, there were Christian governors in the provinces (H.E.

<sup>24</sup> A fine antidote to the sectarianism of Tertullian is John Crosby, "Education and the Mind Redeemed," *First Things* (December 1991): 23-28.

<sup>25</sup> *Adv. Cels.* 8.73,75.

<sup>26</sup> The argument of Ambrose is found in *On the Duties of the Clergy* 3.4.27, wherein he poses questions such as: "In the case of a shipwreck, should a wise person take away a plank of wood [on which to float] from an ignorant sailor [who cannot swim]?" Augustine uses the examples of highway robbery, assassination and soldiering to develop his argument in *On the Freedom of the Will* 1.5, *De libero arbitrio* 1.5, and *Contra Faustum* 22.70.

<sup>27</sup> *Luther's Works* (Muhlenberg ed.) 3.249-50. Paul Ramsey (*Basic Christian Ethics*, p. 182) makes the interesting observation that modern pacifists have reversed this: that is, they reflect a debt to secular, non-Christian thinking by insisting that individuals should resist injustice by going to court and legal means while at the same time refusing to acknowledge the morality of resisting injustice in the context of the military.

<sup>28</sup> Indeed, both the primitive pacifism of the early church as well as the gradual shift to resistance can be understood as rooted in Christian love.

constitutes a primary reason why Christian thinking over the centuries developed (and found reaffirmation) in the form of a just-war tradition.<sup>29</sup> At the center of this thinking, Thomas explains, lie three fundamental moral guidelines: sovereign authority, just cause and right intention.<sup>30</sup>

Relying on Augustine, Thomas emphasizes that a war is justified if it seeks to avenge wrongs, that is, when a nation or state must be punished for wrongs it has inflicted. Moreover, the requirements of *jus ad bellum* must pass several prudential tests: it must work for good and not evil; it should have some prospect of succeeding; its anticipated outcome should promote peace, and it should be a last resort. Correlatively, the conditions for *jus in bello* are equally measured. The use of force must be such that it discriminates between the guilty/enemy and the innocent/noncombatant. Also, it must be proportionate, i.e., necessary rather than gratuitous or arbitrary, whereby restraint rather than revenge is intended.

Like Augustine before him, Aquinas responds to the common objection that war is contrary to Jesus' teaching in the Sermon on the Mount not to resist evil (viz., Matt. 5:38-39). And like Augustine,<sup>31</sup> he answers that, yes, we must be willing to resist the self-centered impulse when it is authentically selfish. "Nevertheless," he observes, "it is necessary sometimes for a man to act otherwise for the common good," and here he quotes Augustine: "Those whom we have to punish with a kindly severity, it is necessary to handle in many ways against their will. For when we are stripping a man of the lawlessness of sin, it is good for him to be vanquished..."<sup>32</sup> Foundational to Thomist just-war thinking is the premise that it is the responsibility of the magistrate to protect the common weal of society. The responsibility to use armed force is the other side of promoting the common good.

The Protestant Reformers, with their attempts to abolish the medieval distinction between clergy and laity, taught that all vocations rank the same before God in terms of dignity; there is no difference between monk or magistrate. Luther and Calvin were one in this regard, and they shared the Pauline conviction that magistrate, not the church, wields the sword for the purpose of resisting evil. Moreover, due to the integrity of all vocations, Christians can carry out obedience to God as magistrates or soldiers; hence, his *Whether Soldiers, Too, Can Be Saved* (1525). Luther, like Augustine and Aquinas, also believes that military service can be a service of charity. In his work *On War against the Turk*, he writes: It is... a work of Christian love to protect and defend a whole community with the sword and not let the people be abused" (121). "Why does anyone go to war except because he desires peace and obedience?" Luther elsewhere asks rhetorically.<sup>33</sup> His answer is striking: not only should the Christian not shun military service, he should consider it a duty and means by which to order peace and justice.<sup>34</sup>

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<sup>29</sup> The just-war theorist agrees with the pacifist that *some* resort to violence is morally wrong. It rejects, however, the notion that violence is *always* wrong.

<sup>30</sup> Aquinas' argument regarding war is developed most fully in Question 40 ("On War") in the *Secunda Secundae* of his *Summa*.

<sup>31</sup> *De Serm. Dom. in Mont.* 1.19).

<sup>32</sup> *Ep. ad Marc.* 138.

<sup>33</sup> *LW* 46.

<sup>34</sup> Luther writes: "It looks like a great thing when a monk renounces everything and goes into a cloister, carries on a life of asceticism, fasts, prays, etc... On the other hand, it looks like a small thing when a maid cooks and cleans and does other housework. But because God's command is there, even such a small work

An important adaptation of the just-war idea for the early modern period by theorists such as Francisco de Vitoria, Francisco Suarez and Hugo Grotius is the identification of natural law and the law of nations (*ius gentium*) rather than a mere appeal to religion. This extension of just-war thinking renders application of its moral principles accessible to all peoples and societies, not merely those that are narrowly Christian. Vitoria, it should be noted, was writing at the time of the Spanish encounter with the new world. Just-war principles as he framed them were not uniquely reserved for European Christians; rooted in reason and natural law they are common to all of humanity and apply to all cultures. Suarez, significantly, addresses the subject of war not unlike Augustine and Aquinas – as a duty of love – but also argues that the laws of war are binding on all nations.<sup>35</sup>

The Dutch legal theorist Grotius, contemplating rules for war at about the same time as Suarez (early 17<sup>th</sup> century), argued that limitations placed on warring were binding upon all people, irrespective of their religious beliefs.<sup>36</sup> A significant contribution of Grotius to just-war thinking was his wrestling with the particular requirements of justice, and hence, his acknowledgment of preemptive use of force. What specific occasions justify preemption, and what situations do not qualify? What measures are unwarranted, and how grave must the impending threat be that warrants a preemptive strike of force? For Grotius, not a presumption against *force* per se but a presumption against *injustice* must be the focus of just-war thinking.<sup>37</sup> Together, the work of Vitoria, Suarez and Grotius reminds us that just-war principles are not the exclusive domain of Christians; their applicability is universal.

The eighteenth and nineteenth centuries are not marked particularly by reflections on the *morality* of war. Rather, they are characterized by idealistic and utopian dreams – dreams that eventually would find a response by people like Reinhold Niebuhr, writing in the late 1940s and early 1950s, and Paul Ramsey, scarcely a generation later. In the 1960s, ethicist Paul Ramsey was one of few theorists who contended for the viability of the just-war tradition in the nuclear age, an age marked by a pervasive presumption against war and the use force in general. The shift from a presumption against *injustice* to a presumption against any use of force represents an inversion – indeed one might argue, a perversion – of classic just-war thinking. This shift of thinking, which is pervasive even as we enter the twenty-first century, appeals both to the religious-minded as well as the secularist. It comes to expression in Pope Paul VI's famous 1965 speech to the United Nations General Assembly ("Never again war!"), in the aforementioned pastoral statements by Catholic and United Methodist bishops, and to a certain degree, in recent objections by religious leaders to U.S. military plans for Iraq.

Ramsey offers us time-tested wisdom in that he occupied himself with the same question as Ambrose and Augustine: What does Christian love requires us to do? Just-war thinking, as Ramsey conceived of it, is the fruit of Christian charity, an expression of

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must be praised as a service to God... For here [i.e., concerning secular and mundane vocations] there is no command" (*LW* 4.341 and 5.102).

<sup>35</sup> Suarez develops this argument in *The Three Theological Virtues*, written in 1621.

<sup>36</sup> Arthur F. Holmes has stated the dilemma with acuity: "A Christian ethic...has to find a universally applicable basis for placing moral limitations on war. One can hardly plead the rights of pagans to those convinced that Christians should rule the world, or appeal to Protestants on Catholic grounds" (*War and Christian Ethics: Classic Readings on the Morality of War* [Grand Rapids: Baker, 3<sup>rd</sup> ed., 1991] 193).

<sup>37</sup> *The Law of War and Peace* 3.1; 2.1; 2.25-26; and 3.3.

moral and political responsibility toward one's neighbor. Without the third party, the situation may reduce to self-interest; therefore, we turn the other cheek. The introduction of a third person, however, changes everything. This he described in *Basic Christian Ethics* as an "ethics of protection." For the sake of illustration, Ramsey adduces the Parable of the Good Samaritan in which he asks the reader to suppose what might have been Jesus' response, had the Samaritan actually come upon the criminals in the very act. Would Jesus have required non-resistance? For Ramsey, the response of charity, rooted in covenantal loyalty to God and one's neighbor, is clear and in no way incompatible with Jesus' commands or Christian ethics: we use morally-guided force to disarm and incapacitate the offender and thus protect the neighbor. Such is our duty, reasoned Ramsey, even in a nuclear age. Just-war principles retain their validity because they are established by universal moral strictures that are known through reason and natural law.

The writings of one other individual need to be recognized, since over the last twenty years he has been something of a voice crying in the academic wilderness. James Turner Johnson, who teaches at Rutgers, has followed Augustine and Ramsey in arguing that the just-war tradition, in its consensual and qualified understanding, is an expression for Christian charity and moral-political wisdom that beckons us in our modern and post-modern climate.<sup>38</sup>

### ***The Catholic Catechism on the Use of Force by the Authorities***

Under the heading of "Avoiding War," the *Catechism* of the Catholic Church states: "All citizens and all governments are obliged to work for the avoidance of war."<sup>39</sup> The *Catechism* continues, "However, 'as long as the danger of war persists and there is no international authority with the necessary competence and power, governments cannot be denied the right of lawful self-defense, once all peace efforts have failed.'"<sup>40</sup> Following in the *Catechism* are prudential tests, enumerated by Thomas Aquinas,<sup>41</sup> that constitute "strict conditions for *legitimate defense by military force*"<sup>42</sup> and that require "rigorous consideration." These are said to render "moral legitimacy" to *ius ad bellum* (i.e., justifiable recourse to war):

- the damage inflicted by the aggressor on the nation or community of nations must be lasting, grave, and certain;
- all other means of putting an end to it must have been shown to be impractical or ineffective;<sup>43</sup>

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<sup>38</sup> The writings of James Turner Johnson continue the Augustinian-Ramseyian line of thinking which emphasize just-war principles as an expression, rather than a negation, of Christian social ethics. See, e.g., his *Can Modern War Be Just?* (New Haven/London: Yale University Press, 1984); *Ideology, Reason, and the Limitation of War* (Princeton: Princeton University Press, 1975); *Morality and Contemporary Warfare* (New Haven/London: Yale University Press, 1999); *The Quest for Peace: Three Moral Traditions in Western Cultural History* (Princeton: Princeton University Press, 1987); and *The Restraint of War: A Moral and Historical Inquiry* (Princeton: Princeton University Press, 1981).

<sup>39</sup> CCC para. 2308.

<sup>40</sup> Ibid. This citation here is from GS 79, para. 4.

<sup>41</sup> See the discussion of "Just War Theory" below.

<sup>42</sup> Emphasis is present in the text.

<sup>43</sup> Clarification of "last resort" is in order. Last resort does not mean that we may only assist or attack *after* an aggressor has initiated attack. This would give the aggressor the upper hand. Rather, last resort requires that all *reasonable* attempts to resolve political conflict via diplomacy be first exhausted. Therefore, preventative strikes to limit catastrophe are morally legitimate.

- there must be serious prospects of success;
- the use of arms, must not produce evils and disorders graver than the evil to be eliminated. The power of modern means of destruction weighs very heavily in evaluating this condition.<sup>44</sup>

The *Catechism* also reiterates the two requirements for *ius in bello* (restraints on the prosecution of war) as taught in the just-war tradition: discrimination and proportionality. That is, civilians, wounded soldiers and prisoners (non-combatants) are to be treated humanely, while disproportionate means of warfare, such as extermination and genocide, are illicit.<sup>45</sup> Significantly, the *Catechism* qualifies these conditions with an important statement – one that religious activists tend to disavow: “The evaluation of these conditions for moral legitimacy belongs to the prudential judgment of *those who have responsibility for the common good*.”<sup>46</sup> This has particular relevance for the criterion of last resort. Because the Church does not participate in diplomacy, gathering of military intelligence and similar activity, in the end she is not in a position to establish “last resort.”

Simply put, the just-war notion – with its criteria of just cause (protecting the innocent third party), right intent (aiming to secure the peace), legitimate authority (proscribing private vengeance), last resort (having exhausting all reasonable alternatives), discrimination and proportionality -- in its classical Christian and consensual expression contains no presumption against war or the use of force.<sup>47</sup> Rather, the Christian moral-political tradition recognizes that force can be legitimate. Armed conflict is construed as a *moral enterprise* to the extent that moral criteria govern *whether* and *how*.<sup>48</sup> It consists of “the use of the authority and force of rightly ordered political community (and its sovereign authority as minister of God) to prevent, punish and rectify injustice.”<sup>49</sup> Significantly, Christian theologians of the past discuss justified war under the heading of charity, since one may choose war in pursuit of peace.<sup>50</sup>

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<sup>44</sup> CCC 2309.

<sup>45</sup> Ibid. 2313.

<sup>46</sup> Ibid. 2309 (emphasis added).

<sup>47</sup> Thus, the trend in Protestant ethics and Roman Catholic moral theology that condemns any offensive use of force, whatever the justifying reason, constitutes a departure from Aquinas and other mainstream representatives of the classic just-war tradition. Able critiques of this departure are found in John Courtney Murray, *We Hold These Truths: Catholic Reflections on the American Proposition* (New York: Sheed and Ward, 1960); James Turner Johnson, “The Broken Tradition,” *The National Interest* (Fall 1996): 27-36; and Gregory M. Reichberg, “Is There a ‘Presumption against War’ in Aquinas’s Ethics?” *The Thomist* 66 (2002): 337-67.

<sup>48</sup> This, of course, is not to deny that war is horrible, harsh and severe. It is only to emphasize that those who use force and prosecute war stand accountable before the Law-Giver and Sovereign of the nations. The pacifist argues that the sheer horror of war renders it *incapable* of being a moral enterprise (an underlying premise, for example, of Hauerwas’ *Should War Be Eliminated?* [see n. 21]). But this position fails to make necessary discriminations: one can be horrified at particular evils associated with war and yet morally confront them for the purpose of preventing or delimiting a greater evil. Police officers, to their credit, do this all the time. Moreover, if the sheer horror of war renders it immoral, then the God of the Old Testament is *beyond* horrible. In truth, however, no God-given “rights” to life are absolute or unconditional.

<sup>49</sup> Thus Johnson, “The Broken Tradition,” p. 30. Elsewhere I have sought to underscore the critical distinction between retribution and revenge/retributivism in the context of criminal justice. See J. Daryl Charles, “The Sword of Justice,” *Touchstone* (December 2001) 12-16. In his attempt to question historic

## Between Pacifism and Jihad: Just-War as a Mediating Position of Resistance

### *Neighbor-Love and the Ethics of Protection*

In the command of Jesus, “Do not resist the one who is evil” (Matt. 5:39), we do not encounter any sort of contextualization. And while the hair-splitting exegesis of this text by Augustine and others that seeks to show it addressing *insult* and not *assault* may or may not be helpful, Jesus does not indicate how we might respond in situations that entail a third party. Does Christian ethics require that we “turn the cheek” of another person’s face in the direction of an aggressor’s blows? Surely not.<sup>51</sup> Indeed, the introduction of a third party transforms the entire moral situation, and thus, Christian ethical obligation. Nevertheless, the motivation remains the same: neighbor-love.

But let us return to the example of the Good Samaritan, with whose help we might extrapolate a bit concerning neighbor-love and an “ethics of protection.”<sup>52</sup> Were the Samaritan to have come across the actual assault and robbery, would Jesus have advocated waiting until after the thieves’ assault and departure before coming to the victim’s aid? And what sort of “aid” might be appropriate? Is neighbor-love always non-resisting?<sup>53</sup> A further question: Would Jesus have supported the apprehension of the

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justification of the just-war tradition, John Howard Yoder contends that Ambrose, at the one end, and Vitoria, at the other, used the tradition as “leverage” to exonerate their respective emperors. But this is an overstatement. It overlooks, for example, Ambrose’s vehement denunciation to the emperor Theodosius of military atrocities done in the city of Thessalonica (Letter 51, “To the Emperor Theodosius,” in *The Nicene and Post-Nicene Fathers*, p. 10). And it fails to take seriously the sophistication of Augustine’s burden in *The City of God*. At the very least, Yoder’s sweeping statement needs some moderation, for at a basic level it fails to acknowledge that the just-war tradition in its varieties down through the ages represents an attempt to *restrain and regulate* violence. In the end, Yoder’s pre-commitment to Anabaptism and absolute pacifism, with its bias against “the powers,” inhibits wrestling with the complexities of neighbor-love and statecraft. It also prevents him from doing moral theology within the mainstream of the historic Christian *tradition* -- a tradition that includes many different variations, cultures and eras. Unhappily, the subtitle of Yoder’s reissued *When War Is Unjust: Being Honest in Just-War Thinking* (Maryknoll: Orbis, 1996) suggests (whether rightly or wrongly) that those who do not share his “radical critique of Constantinianism” are displaying a lack of Christian integrity in affirming the moral possibilities of force. Yet in truth, they, like Yoder, wish to take neighbor-love seriously.

<sup>50</sup> So Augustine, *De civ. Dei* 19.12, and Aquinas, *Summa* II-II Q. 40, art. 1 and 3..

<sup>51</sup> A similar caveat is posed by John Knox in his essay “Christianity and the Christian,” in H.P. Van Dusen, ed., *The Christian Answer* (New York: Scribner’s, 1945), p. 173. Knox argues that affirmation of the good will at times entail the restraint of evil, even coercive restraint (p. 174).

<sup>52</sup> Ethicist Paul Ramsey (*Basic Christian Ethics*, pp. 156-57) speaks in terms of a “preferential ethics of protection,” while Thomas Kennedy (“Can War Be Just?” in Wayne G. Boulton et al., eds., *From Christ to the World: Introductory Readings in Christian Ethics* [Grand Rapids: Eerdmans, 1994] pp. 436-42) concurs that neighbor-love may exhibit itself in the protection of others. A fuller treatment of Christian social ethics and the ethics of war is found in Ramsey’s later works, *War and the Christian Conscience: How Shall Modern War Be Conducted Justly?* (Durham: Duke University Press, 1961), and *The Just War: Force and Political Responsibility* (New York: Charles Scribner’s Sons, 1968).

<sup>53</sup> A principal problem with pacifism is that it misidentifies the morality of the individual as justification for the behavior of the state (thus Cmdr. Timothy Demy, instructor of the “Faith and Force” course taught at the Naval War College in Newport, RI, in personal conversation with this writer). Christian nonresistance needs some qualification even of the Son of Man himself, who on occasion is depicted by the gospel writers as showing wrath and indignation, using vitriolic speech, and taking up weapons (e.g., whips) to denounce injustice.

criminals who beat and robbed the victim?<sup>54</sup> While non-resisting love is free not to defend *itself*, it must decide whether or not to defend others.<sup>55</sup> On occasion neighbor-love may require a willingness to harm/incapacitate the aggressor, in order to protect the innocent.

### ***Christian Vocation and Resistance***

One of the byproducts of the Protestant Reformation was to collapse the distinction between clergy and laity. No vocations, argued the Reformers, are more sacred (or secular) than others; all carry the same worth and rank.<sup>56</sup> Entering the monastery is no higher calling than serving on the police force, whether locally or nationally. The upshot of the Reformers' thinking about vocation is this: as a Christian one need not withdraw from the mundane tasks that contribute to the ordering of society.

That Christian ethics does not remove us from our secular duties – even “untidy” duties -- is mirrored throughout the New Testament. What is striking about John the Baptist's message, at least according to the Lukan account, is that the Baptist, in his strident emphasis on repentance, did *not* call tax collectors and members of the Roman legion away from their vocations. Rather, he demanded that the former “collect no more than was due” and that the latter not “extort from anyone by threats or false accusation” (Luke 3:13-14). What's more, soldiers should “be content with their wages” -- hardly a call to religiously-based non-resistance.

Fully aside from the genre of apocalyptic, in which the authorities are always depicted as evil, the New Testament presents an at times shockingly uncritical view of the magistrate – indeed, one that rather afflicts our modern and postmodern sensibilities. St. Peter seems to reflect the seemingly uncritical view of governing authorities (1 Pet. 2:13-17) that we witness in Paul (Rom. 13:1-10). “Respect” is the watchword in 1 Peter – a truly remarkable attitude when one considers the conditions against which the author may have been writing.

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<sup>54</sup> One is simultaneously challenged and enriched by this sort of ethical reflection on the Good Samaritan that is found in Ramsey, *Basic Christian Ethics*, pp. 153-57 and 166-84.

<sup>55</sup> John Howard Yoder repudiates any Christian participation in armed force because God and not humanity is responsible for history (*The Original Revolution: Essays on Christian Pacifism* [Scottsdale: Herald Press, 1971] 132-47). While just-war proponents share this conviction of providence, they believe, contra Yoder, that such conviction, anchored in love for one's neighbor, takes seriously the need to protect the innocent – in the home, in the neighborhood, at the workplace, and in international relations. Stanley Hauerwas (*Should War Be Eliminated?: Philosophical and Theological Essays* [Milwaukee: Marquette University Press, 1984] 1-9) follows Yoder's line of thinking. The Yoder-Hauerwas perspective on force and war is susceptible to criticism on several levels: (1) it mistakenly (though quite wittingly) rejects natural law; (2) due to war's horrors it mistakenly presumes that to participate is to “cooperate with sin” (thus Hauerwas, *ibid.*, p. 21); (3) its “radical” critique of Constantinianism fails to give a sufficiently biblical account of the “powers” and misses the nuance of the Augustinian critique of the powers; and (4) its “radical” perspective on Christian discipleship only permits Christian love to express itself in an ethics of non-violence, never in an ethics of protection. The statement by Hauerwas that “the church is God's sign that war is not part of his providential care of the world” (*ibid.*, p. 56) overreaches and is more a commentary on jihad than the just-war position.

<sup>56</sup> Calvin in particular emphasized that the mundane and the “churchly” were equally noble in the sight of God (e.g., *Institutes of Christian Religion* 3.10.6). In the words of ethicist Paul Ramsey, the difference between monk and magistrate, gardener and garbage-collector, is one of vocational utility, not merit (*Basic Christian Ethics*, p. 153).

Pauline instructions on the magistrate take on a more theological cast – governing authorities are “appointed” by the Sovereign Lord and serve as a divine “servants” (*diakonos* in 13:4 twice; *leitourgos* in 13:6) in the “executing wrath on evil-doers” (*Theou gar diakonos estin ekdikos eis orgen to to kakon prassonti*, 13:4). The reference to “bearing the sword” would have been patent to the first-century reader: the Apostle is here speaking of the *jus gladii*.

It is rare that Christian commentators take together the material beginning in Rom. 12:17 (“Repay no one evil for evil”) and extending through 13:10 (“Love does no wrong to a neighbor”), and yet the context requires that we place *side-by-side* the proscribing of vigilante justice (12:17ff) and the prescribing of justice meted out through the authorities (13:1ff). There is no contradiction in Pauline thought, just as there is none in the teaching of Jesus: “justice” is illegitimate in one context – at the personal level (by which Rom. 12:17-21 = Matt. 5:38-42) – and legitimate in another – in the hands of the magistrate. From the standpoint of public policy, both criminal justice and national justice are on firm footing on the basis of New Testament teaching. The important distinction to be made is this: Christian ethics dare not conflate the personal and the political.<sup>57</sup> While Christians may have differing convictions regarding the specifics of how domestic or foreign policy is carried out, *that* the governing authorities are authorized by heaven to carry out justice is not in question.<sup>58</sup> This applies both to the realm of domestic policy (criminal justice) as well as foreign policy (military conflict).

### ***The Spectrum of Resistance***

Whereas most people tend to think of war or the use of force in terms of two opposing perspectives, pacifism and the just-war position, it is more accurate to posit a spectrum of positions that understands the just-war tradition as a mediating position between the two poles of pacifism and jihad/crusading.<sup>59</sup> At one end, the pacifist position assumes that participation of any kind in military force, whether direct or indirect, is immoral.<sup>60</sup> This view has both religious and non-religious advocates. The strengths of the

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<sup>57</sup> Unhappily, this basic fallacy undergirds the exegesis of not a few Christian ethicists. Consider Richard Hays, for example, who, remarkably, bases his somewhat limited critique of the just-war tradition on one New Testament text – Matt. 5:38-48 (*The Moral Vision of the New Testament* [San Francisco: HarperSanFrancisco, 1996] pp. 319-46). For a helpful and sustained critique of Hays’ exegesis, see James Skillen and Keith Pavlischek, “Political Responsibility and the Use of Force: A Critique of Richard Hays,” *Philosophia Christi* 3/2 (2001) 421-45.

<sup>58</sup> Helmut Thielicke is one of the few Christian theological-ethicists to see the application of Jesus’ words “Render to Caesar that which is Caesar’s” in the sphere of civic duty: in light of its obligation to protect its citizens and preserve the social-moral order, the state has a right to require military service from its citizenry (*Theological Ethics – Volume 2: Politics* [Philadelphia: Fortress, 1969], pp. 519-38, esp. 532-33).

<sup>59</sup> John Courtney Murray (*We Hold These Truths: Catholic Reflections on the American Proposition* [New York: Sheed and Ward, 1960], p. 258) described the just-war position as “a way between the false extremes of pacifism and bellicism.” The important anthology edited by John Kelsey and James Turner Johnson, *Just War and Jihad: Historical and Theoretical Perspectives on War and Peace in Western and Islamic Traditions* (New York/Westport/London: Greenwood Press, 1991), also places the just-war position as intermediate to pacifism and jihad.

<sup>60</sup> It is worth noting, however, that historic religious pacifism, in its Anabaptist expression, while it did not recognize that a Christian could bear the sword or serve as magistrate, nevertheless confessed that the sword was ordained by God in the hand of the secular magistrate for the twin purposes of punishment and protection (*Schleitheim Confession*, Art. 6). It is also worth noting that in our day, pacifism tends to be most widespread among the religious “elite” and not the laity.

pacifist perspective are multiple. It recognizes diverse – and in many respects, creative – avenues for political and social action. It is sensitive to the effects of violence that all too often pervade the human experience. And in its religious form, it takes seriously the demands of Christian discipleship, while sensitive to the distortions of faith that can attend an uncritical view of the state.

The weaknesses that undermine the pacifist position require a measure of critique. In giving insufficient account of human depravity, in practice it bestows upon evil and tyranny an advantage in the present life.<sup>61</sup> Relatedly, it tends to have an excessively apocalyptic view of governing authorities. It underestimates, when it does not deny, the fact that an ethics of protection issues out of Christian charity, thereby overestimating the effectiveness of non-violence and non-resistance. Even when unintended, it conflates the realms of personal and political obligation. It posits a non-existence divide between the sacred and the secular. And it contributes, wittingly or not, to a withdrawal of the church from the world, thereby preventing responsible Christian involvement in cultural institutions. Much contemporary pacifism is grounded in a basic horror and revulsion at the notion of violence and bloodshed. While these are unquestionably “horrible,” policemen and emergency medical technicians, to their credit, voluntarily engage horror and bloodshed as a greater public service every day. Where is the outcry. Violence and bloodshed, hence, are not the worst of evils. The *worse evil* is *not to engage* social-moral evil when it manifests itself and innocent people are its victims.

While pacifism may be the dictate of the private conscience, as it was in my father’s faith (a Mennonite “conscientious objector” who, to his credit, performed alternative service in a Veterans Hospital during WWII), the Catholic theologian John Courtney Murray was correct to argue that it cannot be public policy.<sup>62</sup> The use of the military is a matter of social policy, and society ultimately bears moral responsibility for the policy that is made. Hence, Christians must be involved in the process of policy-making, even when it is not the church that *enacts* policy.<sup>63</sup>

At the other end, the jihad<sup>64</sup> or crusade position views war as justifiable, absolute and unlimited in its scope and means. Typically fueled by religious conviction, this position, whether in its medieval or present-day Islamic expression, rests on the conviction that God/Allah wills its existence and success.<sup>65</sup> While it may be difficult for most people to acknowledge strengths in this position, it nevertheless understands – in its own skewed way -- that fundamentally moral and religious reasons stand behind the conflict of nations. Among its weaknesses are its failure to distinguish between religion

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<sup>61</sup> This, of course, was the critique of Reinhold Niebuhr, who noted somewhat caustically that had Christians demonstrated more “love” in his day, Hitler would not have invaded Poland (*Christianity and Power Politics* [New York: Scribner’s 1940], pp. 1-32). Indeed, there *did* come a point at which Nazi evil reached a critical mass and warranted retribution by the nations. To deny such is ethically untenable.

<sup>62</sup> John Courtney Murray, *We Hold These Truths*, p. 279

<sup>63</sup> The Anabaptist and pacifist attitude of “Let the Gentiles do it” is insufficient to the mandate to render to Caesar what belongs to Caesar.

<sup>64</sup> I am using the term “jihad” in its more derivative sense – divinely-sanctioned warfare – and not in its narrower sense of “striving in the path of God.”

<sup>65</sup> While it may be difficult for most people to acknowledge “strengths” in the crusade position, it nevertheless understands that fundamentally moral and religious reasons stand behind the conflict of nations. Among its weaknesses are its failure to distinguish between religion and statecraft, its inadequate understanding of God, its disregard for natural law, its overly simplistic approach toward morality by which it reduces all things to a conflict of good over evil, and its indiscriminate attitude toward human life.

and statecraft (i.e., between duties of the individual and of the state), its inadequate understanding of God, its disregard for natural moral law,<sup>66</sup> its overly simplistic approach to morality by which it reduces all things to a clear conflict of good over evil, and its indiscriminate attitude toward human life.

Far from being a contradiction of the Christian primacy of charity and peace, just-war thinking represents a moderating position on this spectrum, as clarified by its fundamental assumptions:

- evil exists and must be resisted this side of the eschaton<sup>67</sup>
- there is a “peace” that can be immoral
- buttressed by natural law, the just-war position is universally applicable as an ethical guide to all peoples in all eras
- war is a public function of the state and not the domain of private individuals, groups or of the religious community
- both going to war (*jus ad bellum*) and prosecuting war (*jus in bello*) are governed by moral limitations

John Paul II himself, it should be remembered, has repeatedly echoed the words of John Courtney Murray and others: there is no peace without justice, law and order.<sup>68</sup> Peace itself is the fruit of justice, and not vice versa. Therefore, governing authorities bear the responsibility of countering evil when it is manifest; it is the role to which they have been appointed by the Sovereign God.

### **Conclusion: Revenge or Retribution? A Necessary Qualification**

A common objection, both in the sphere of criminal justice and in the realm of foreign policy and “international justice,” is the following: Isn’t justice as retribution merely a pretext for vengeance and retribution? The Christian moral tradition distinguishes the retributive act from revenge in important and unmistakable ways. At its base, the moral outrage that is expressed through retributive justice is first and foremost rooted in moral principle, not mere emotional outrage and hatred.<sup>69</sup> Whereas revenge strikes out at real or perceived injury, retribution speaks to an objective wrong. Whereas revenge is wild, “insatiable”<sup>70</sup> and not subject to limitations, retribution has both upper and lower limits, acknowledging the moral repugnance both of assigning draconian punishment to petty crimes as well, as light punishment to heinous crimes. Furthermore, retribution has as its goal a greater social good and takes no pleasure in punishment.

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<sup>66</sup> By disregard for natural moral law, I mean that it does not accept that some actions are wrong in themselves, not right or wrong as God wills it. For example, the killing of the innocent is always wrong; therefore, God will never order it.

<sup>67</sup> This we may call a “Christian realism.” Christian realists take evil quite seriously. For this reason, they do not interpret international conflict or terrorism as mere deficiencies in politics, diplomacy, foreign policy, or economics.

<sup>68</sup> So, e.g., *We Hold These Truths*, p. 258.

<sup>69</sup> It should be emphasized that it is *virtuous and not vicious* to feel anger at moral evil. In truth, something is wrong with us if we do not express anger and moral outrage at evil. Yet, moral outrage alone is not enough.

<sup>70</sup> Vengeance has a thirst for injury and delights in bringing further evil upon the offending party. The avenger will not only kill but rape, torture, plunder and burn what is left, deriving satisfaction from its victim’s direct or indirect suffering

Finally, whereas revenge, because of its retaliatory mode, will target both the offending party as well as those perceived to be akin, retribution is both targeted yet impersonal and impartial, not subject to personal bias.<sup>71</sup>

Understood properly, retributive justice serves a civilized culture, whether in domestic or international context. It isolates individuals or parties who endanger the community for their wanton disregard for the social good. It controls the extent to which the citizenry is victimized by criminal acts. It rewards the perpetrator proportionately with consequences befitting the crime. And it forces both the offender(s) and potential offenders to reflect on the grievous nature of the crime. Each of these elements is critical in preserving the social order.<sup>72</sup>

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<sup>71</sup> For this reason Lady Justice is depicted as blindfolded.

<sup>72</sup> To affirm retribution, which is integral to the history of Judeo-Christian moral thinking and foundational to any self-governing society, is not to abandon one's belief in mercy and forgiveness. Rather it is to acknowledge several critical distinctions: it acknowledges (1) the difference between the criminal and the punitive act, (2) the difference between private and public spheres of recourse, and (3) the fact that mercy does not release the public demands that justice imposes.