

Justice for Terror

Christian conversations on eliminating the support base of terrorist movements.

The Traditions of Just War and Non-Violence

Prayer

Our Father in heaven,
Glory and honor be to your name.
Establish your authority and
Enact your will, this day, this hour, in this place and throughout the earth,
Just as you have done in heaven.
Provide for us today according to our need.
Forgive us our transgressions in the same way we forgive others.
Guide us through our trials and deliver us from evil.

Scripture

*In those days:
The spirit from on high
will be poured out on us.
Then will the desert become an orchard
and the orchard be regarded as a forest.*

*Right will dwell in the desert
and justice abide in the orchard.
Justice will bring about peace;
right will produce calm and security.
My people will live in peaceful country,
in secure dwellings and quiet resting places.*

Isaiah 32:15-18

Background

The Tragedy of September 11 and the War on Terrorism that has followed press upon us the need to examine what our faith teaches about the ethics of war and peace. There is a need to review the moral guidelines for war. For if our goal is to eliminate terror, then we do not want to breed more terror through the very means we have chosen to combat it.

Our bishops write in "The Harvest of Justice", "The Christian tradition possesses two ways to address conflict: nonviolence and just war. They both share the common goal: to diminish violence in this world." The experience of the earliest Christians can basically be described as pacifism. Later, during the first four centuries, as Christians came into civil and political power, a non-violent approach was employed to deal with territorial conflict. The nobility and their armies handled the conflicts while the Church dealt

with its own inner struggles. The earliest thinking about the justification of war was simply to address these noble men and their armies who were guilty of killing people. The justification principles made it clear that soldiers could return to the table to partake of the Eucharist after a period of penance, if they killed for a just cause. This process set the first "Just War" principles as early as 397 AD by Ambrose.

Augustine, writing in the fifth century, further developed the principles using more precise moral guidelines. His thoughts basically stand today in the introduction of the Just War Tradition. Namely, that there should be a presumption against the use of force. Non-violence should take precedence until it is clarified that force should be considered. If force is determined then it must be limited and the damage done during military conflict must be restrained. Much later Aquinas enlarged upon the discussion of when force is proper and how force can be applied.

Beginning in the sixteenth century we find the development of the secular, Machiavellian principle, whereby the prince or authorized ruler of a country could be the sole judge of the validity or justification of war without reference to the details of just war. That is, if it is just for the national agenda or cause, then it is just for us.

Church Statements

The Harvest of Justice Is Sown in Peace 1993

Two Traditions: Nonviolence and Just War

An essential component of a spirituality for peacemaking is an ethic for dealing with conflict in a sinful world. The Christian tradition possesses two ways to address conflict: nonviolence and just war. They both share the common goal: to diminish violence in this world. For as we wrote in *The Challenge of Peace*, "The Christian has no choice but to defend peace . . . This is an inalienable obligation. It is the how of defending peace

which offers moral options." We take up this dual tradition again, recognizing, on the one hand, the success of nonviolent methods in recent history, and, on the other, the increasing disorder of the post-Cold War world with its pressures for limited military engagement and humanitarian intervention.

Throughout history there has been a shifting relation between the two streams of the tradition which always remain in tension. . . .

The devastation wrought by these recent wars reinforces and strengthens for us the strong presumption against the use of force, which is shared by both traditions. Overall, the wars fought in the last fifty years show a dramatic rise in the proportion of noncombatant casualties. This fact points to the need for clear moral restraints both in avoiding war and in limiting its consequences. The high level of civilian deaths raises serious moral questions about the political choices and military doctrines which have had such tragic results over the last half century. The presumption against the use of force has also been strengthened by the examples of the effectiveness of nonviolence in some places in Eastern Europe and elsewhere.

Our conference's approach, as outlined in *The Challenge of Peace*, can be summarized in this way:

1. In situations of conflict, our constant commitment ought to be, as far as possible, to strive for justice through nonviolent means.
2. But, when sustained attempts at nonviolent action fail to protect the innocent against fundamental injustice, then legitimate political authorities are permitted as a last resort to employ limited force to rescue the innocent and establish justice.

Despite areas of convergence between a nonviolent ethic and a just-war ethic, however, we acknowledge the diverse perspectives within our Church on the validity of the use of force. Many believe just-war thinking remains valid because it recognizes that force may be

necessary in a sinful world, even as it restrains war by placing strict moral limits on when, why and how this force may be used. Others object in principle to the use of force, and these principled objections to the just-war tradition are sometimes joined with other criticisms that just-war criteria have been ineffective in preventing unjust acts of war in recent decades and that these criteria cannot be satisfied under the conditions of modern warfare.

Likewise, there are diverse points of view within the Catholic community on the moral meaning and efficacy of a total commitment to nonviolence in an unjust world. Clearly some believe that a full commitment to nonviolence best reflects the Gospel commitment to peace. Others argue that such an approach ignores the reality of grave evil in the world and avoids the moral responsibility to actively resist and confront injustice with military force if other means fail. Both the just-war and nonviolent traditions offer significant moral insight, but continue to face difficult tests in a world marked by so much violence and injustice. Acknowledging this diversity of opinion, we reaffirm the Church's traditional teaching on the ethical conditions for the use of force by public authority.

Ten years after our pastoral letter, recent events raise new questions and concerns which need to be addressed:

1. **Nonviolence: New Importance.** As *The Challenge of Peace* observed, "The vision of Christian nonviolence is not passive about injustice and the defense of the rights of others."⁶ It ought not be confused with popular notions of nonresisting pacifism. For it consists of a commitment to resist manifest injustice and public evil with means other than force. These include dialogue, negotiations, protests, strikes, boycotts, civil disobedience and civilian resistance. Although nonviolence has often been regarded as simply a personal option or vocation, recent history suggests that in some circumstances it can be an effective public undertaking

as well. Dramatic political transitions in places as diverse as the Philippines and Eastern Europe demonstrate the power of nonviolent action, even against dictatorial and totalitarian regimes. Writing about the events of 1989, Pope John Paul II said,

It seemed that the European order resulting from the Second World War . . . could only be overturned by another war. Instead, it has been overcome by the nonviolent commitment of people who, while always refusing to yield to the force of power, succeeded time after time in finding effective ways of bearing witness to the truth.⁷

These nonviolent revolutions challenge us to find ways to take into full account the power of organized, active nonviolence. What is the real potential power of serious nonviolent strategies and tactics — and their limits? What are the ethical requirements when organized nonviolence fails to overcome evil and when totalitarian powers inflict massive injustice on an entire people? What are the responsibilities of and limits on the international community?

One must ask, in light of recent history, whether nonviolence should be restricted to personal commitments or whether it also should have a place in the public order with the tradition of justified and limited war. National leaders bear a moral obligation to see that nonviolent alternatives are seriously considered for dealing with conflicts. New styles of preventative diplomacy and conflict resolution ought to be explored, tried, improved and supported. As a nation we should promote research, education and training in nonviolent means of resisting evil. Nonviolent strategies need greater attention in international affairs.

Such obligations do not detract from a state's right and duty to defend against aggression as a last resort. They do, however, raise the threshold for the recourse to force by establishing institutions which promote nonviolent solutions of disputes and nurturing political commitment to such efforts. In some future conflicts, strikes and people power could be more effective than guns and bullets.

2. **Just War: New Questions.** The just-war tradition consists of a body of ethical reflection on the justifiable use of force. In the interest of overcoming injustice, reducing violence and preventing its expansion, the tradition aims at:

- clarifying when force may be used,
- limiting the resort to force and
- restraining damage done by military forces during war.

The just-war tradition begins with a strong presumption against the use of force and then establishes the conditions when this presumption may be overridden for the sake of preserving the kind of peace which protects human dignity and human rights.

In a disordered world, where peaceful resolution of conflicts sometimes fails, the just-war tradition provides an important moral framework for restraining and regulating the limited use of force by governments and international organizations. Since the just-war tradition is often misunderstood or selectively applied, we summarize its major components, which are drawn from traditional Catholic teaching.

First, whether lethal force may be used is governed by the following criteria:

- *Just Cause:* force may be used only to correct a grave, public evil, i.e., aggression or massive violation of the basic rights of whole populations;
- *Comparative Justice:* while there may be rights and wrongs on all sides of a conflict, to override the presumption against the use of force the injustice suffered by one party must significantly outweigh that suffered by the other;
- *Legitimate Authority:* only duly constituted public authorities may use deadly force or wage war;
- *Right Intention:* force may be used only in a truly just cause and solely for that purpose;
- *Probability of Success:* arms may not be used in a futile cause or in a case where disproportionate measures are required to achieve success;
- *Proportionality:* the overall destruction expected from the use of force must be outweighed by the good to be achieved;
- *Last Resort:* force may be used only after all peaceful alternatives have been seriously tried and exhausted.

These criteria (*jus ad bellum*), taken as a whole, must be satisfied in order to override the strong presumption against the use of force.

Second, the just-war tradition seeks also to curb the violence of war through restraint on armed combat between the contending parties by imposing the following moral standards (*jus in bello*) for the conduct of armed conflict:

- *Noncombatant Immunity:* civilians may not be the object of direct attack, and military personnel must take due care to

avoid and minimize indirect harm to civilians;

- *Proportionality*: in the conduct of hostilities, efforts must be made to attain military objectives with no more force than is militarily necessary and to avoid disproportionate collateral damage to civilian life and property;
- *Right Intention*: even in the midst of conflict, the aim of political and military leaders must be peace with justice, so that acts of vengeance and indiscriminate violence, whether by individuals, military units or governments, are forbidden.

During the last decade, there has been increasing focus on the moral questions raised by the just-war tradition and its application to specific uses of force. We welcome this renewed attention and hope our own efforts have contributed to this dialogue. We also recognize that the application of these principles requires the exercise of the virtue of prudence; people of good will may differ on specific conclusions. The just-war tradition is not a weapon to be used to justify a political conclusion or a set of mechanical criteria that automatically yields a simple answer, but a way of moral reasoning to discern the ethical limits of action. Policy-makers, advocates and opponents of the use of force need to be careful not to apply the tradition selectively, simply to justify their own positions. Likewise, any application of just-war principles depends on the availability of accurate information not easily obtained in the pressured political context in which such choices must be made.

The just-war tradition has attained growing influence on political deliberations on the use of force and in some forms of military training. Just-war norms helped shape public debate

prior to the Gulf War. In addition, the military's call for civilian leaders to define carefully objectives for the use of force is in keeping with the spirit of the tradition. At the same time, some contemporary strategies and practices seem to raise serious questions when seen in the light of strict just-war analysis.

For example, strategies calling for use of overwhelming and decisive force can raise issues of proportionality and discrimination. Strategies and tactics that lead to avoidable casualties are inconsistent with the underlying intention of the just-war tradition of limiting the destructiveness of armed conflict. Efforts to reduce the risk to a nation's own forces must be limited by careful judgments of military necessity so as not to neglect the rights of civilians and armed adversaries.

In light of the preeminent place of air power in today's military doctrine, more reflection is needed on how traditional ethical restraints should be applied to the use of air forces. For example, the targeting of civilian infrastructure, which afflicts ordinary citizens long after hostilities have ceased, can amount to making war on noncombatants rather than against opposing armies. Fifty years after Coventry, Dresden, Hamburg, Hiroshima and Nagasaki, ways must be found to apply standards of proportionality and noncombatant immunity in a meaningful way to air warfare.

Moral reflection on the use of force calls for a spirit of moderation rare in contemporary political culture. The increasing violence of our society, its growing insensitivity to the sacredness of life and the glorification of the technology of destruction in popular culture could inevitably impair our society's ability to apply just-war criteria honestly and effectively in time of crisis.

In the absence of a commitment of respect for life and a culture of restraint, it will not be easy to apply the just-war tradition, not just as a set of ideas, but as a system of effective social constraints on the use of force. There is need for greater public understanding of just-war criteria and greater efforts to apply just-war restraints in political decision making and military planning, training and command systems and public debate.

Ten years after *The Challenge of Peace*, given the neglect of peaceable virtues and the destructiveness of today's weaponry, serious questions still remain about whether modern war in all its savagery can meet the hard tests set by the just-war tradition. Important work needs to be done in refining, clarifying and applying the just-war tradition to the choices facing our decision-makers in this still violent and dangerous world.

The Traditions of Just War and Nonviolence
Part I of *Justice for Terror*
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Discussion/Action

1. Based upon the above principles, do you think our nation's present military course qualifies as a "just war"? Why or why not?
2. Is a person who criticizes the war as being unjust being unpatriotic? What is the place in a democracy for debate and protest during wartime? What are some ways a person of non-violence might support the goals of the war on terrorism, i.e. the elimination of terror, without engaging in or supporting military action itself?
3. Form your conscience and take a stand. Communicate your views to the President and legislators. Hold our leaders to just war standards in the conduct of the war. Practice non-violent resolutions to conflicts in your daily life.