2015

The Search for Justice in a War-Filled World: Implementing the Just-War Theory

Hannah Schaefer
Augustana College - Rock Island

Hannah Schaefer

Dr. Hartman

RELG 203-01

20 May 2014

The Search for Justice in a War-Filled World:

Implementing the Just-War Theory

Throughout all of human history war is a common connection that can be drawn to any society, no matter how primitive or well-developed. A group of people will fight to defend its beliefs, territories, and citizens, and many times it cannot be stopped until a victory is made. Depending on whether or not the offensive side defeats its opponent, one war might not even be enough to settle an issue; an oppressed or wronged society might continue to fight for years before developing some sort of settlement, if the issue becomes resolved at all. We are all affected by war, though not all of us experience its casualties on a personal level. Because of this, and the fact that war as a means to resolve issues will most likely continue in the future, it is important that we are all educated in the criteria for a just-war. Similarly, we must know when and how war can be implemented in our methods to gain peace. Some might argue that wars are always violent and only lead to destruction, but if a war is conducted in a humane and dignified way, then it can actually be used to create peace. Nonviolence strategies should always be employed as a first attempt in resolving a conflict, but if negotiations cannot be made and war is a last resort, then the war that ensues should follow all of the requirements to ensure justice before, during, and after the war rather than simply jumping into a war with no civility or reason.

Before a war is started, one first observes the injustices taking place. This could involve a group of people being wronged, the presence of an unjust law, or lack of law altogether.

According to the great and famous nonviolence leader Martin Luther King Jr., we must seek and stand against these acts of injustice because wherever injustice is present, justice for all people is affected (1). By acting against injustice in one area, we help to preserve justice for everyone. In order to know whether or not people are being treated unjustly, we first need to understand the dimensions of a just law. According to King, a just law is one that supports human dignity and affects everyone equally (3). This means everyone must be treated with respect by law. Using King's definition of a just law we can see why he felt obligated to stand up for African Americans, as there was significant injustice taking place.

While King's movements towards justice were centered around nonviolence, oftentimes we see acts of war taking place to seek the same results, although slightly more aggressive. Therefore, we can understand that both strategies seek the same ends through different means. Philosopher and theologian James Childress gives an example of this as he argues that a just-war also aims for peace (356). For us, this means that there are two very different options to consider in a fight for peace. Do we stand up for our rights in numbers, boycott businesses that treat us unfairly, and march through the streets demanding change? Or do we gather weapons and take charge aggressively, perhaps with the intention to seek an immediate reaction?

I think that in our fight for justice, we must first follow the teachings of many of the great nonviolence leaders, including Dr. King and Mahatma Gandhi. According to a reference to *Humanity: A Moral History of the 20th Century* in an article written by pacifist Ron Sider, "Jonathan Glover estimates that 86,000,000 people died in wars fought from 1900-1989". When this statistic is averaged it reveals that approximately 2,500 people would be killed every day for ninety years (430). This is a striking statistic. What makes these numbers even more unbelievable is when Sider makes the comparison that during Gandhi's nonviolent movement for

independence, only about one in every 400,000 Indians were killed (430). By looking at these numbers alone, nonviolence seems like an obvious first step in the search for peace.

When considering the argument between acting through nonviolence or jumping to acts of war, it is important to consider what both sides have in common, as well as where their intentions may split. Childress explains that pacifists and just-war theorists have much more in common than they may think due to the fact that both sides believe nonviolence is better than violence and that war must be justified (369). Therefore, it can be generally agreed that actions of nonviolence should first be sought out in order to put an end to injustice. In our attempt to follow this concept, Walter Wink, another theologian, encourages us to use nonviolence to end domination without consequentially forming a new form of domination in effect (42). In fact, he believes nonviolence is the only way to stop oppression without inevitably creating more oppression as a result. And perhaps this is true. There are many examples of countries taking over a group of people and forcing them to adapt the culture and beliefs of the victorious country. Is it possible that this might actually create a new form of injustice in an attempt to stop the original injustice? In contrast, nonviolent movements such as marches and sit-ins force a community to recognize an issue by creating tension rather than attacking the people themselves; it works to make the issue unable to be ignored a moment longer (King 2). This strategy is more effective because it causes the wrongdoers to see the injustice of their actions.

In the discussion of nonviolent movements, there are three primary categories of protest that were pointed out in our class notes. The first category is the show of strength. Examples of this can include marches and boycotts, and historically we see much use of this from Dr. Martin Luther King. This form of protest works to show that there are many people standing up for a cause, and that if whoever is leading the injustice does not respond soon then there will be

consequences. I think this method can be very effective in highly populated areas where people are forced to acknowledge that a group of people is feeling wronged by society. The second category of protest is the morality play. People who implement this method might choose to engage in hunger strikes, sit-ins, and even allow themselves to be arrested by law-enforcement. This is a strategic form of protest because it paints a clear black and white image of what is right and what is wrong. An important historical example of this is, of course, Mahatma Gandhi and his hunger strike. Gandhi was able to connect his starvation to the oppression of the Indians, and this showed that as long as his people remained oppressed then he would continue to starve; the only way for peace to be obtained would be for his people to be independent. I think this method is effective when important or popular people are helping to take a stand because they would be more influential in the public eye.

The third form of protest is fairly new and is called alternate visions. It involves the use of events like cash mobs, guerilla gardening, and even critical mass bike rides. The whole message behind these movements is to create a world that one wishes to see. Those who are part of the group want to support a business or an idea that helps make the world a better place. I think the guerilla gardening is a really cool idea because it promotes the health of the environment by planting flowers or vegetables in places like empty lots in order to make valuable use of an abandoned location. This form of protest might also be seen as a little odd because it is so out-of-the-box, but then again that might just be another strategic way to seek attention.

Nonviolent movements are actually very effective in working towards and obtaining peace without waging war. In fact, the success of nonviolent actions is not solely determined by having the opposing side agree to certain terms, but instead can be found in other smaller

victories. As Wink states in his article "Reclaiming Jesus' Nonviolent Alternative," by demonstrating a way to resolve an issue without resorting to violence, nonviolent protesters can celebrate a victory no matter what the outcome may be (42). Even if a final agreement cannot be made after a nonviolent protest, the people supporting injustices were still subject to observe a group of people standing up for their rights in a peaceful manner, and this should always be something of which to approve. Dr. King recognizes how valuable nonviolent movements are by stating that if these negative emotions that have been bottled up in an oppressed people are not released through nonviolent actions, then they will certainly be released in the form of violent actions (4). Those who seek peace in nonviolent ways can be seen as much more thoughtful and maybe even more motivated than those who first seek out war as an answer.

Nonviolent groups know how to be patient, and this can of course be seen through both Dr. King's and Mahatma Gandhi's movements. One form of nonviolent action that Sider suggests is the use of Christian Peacemaker Teams; these CPTs enter areas engaging in violence, such as war, and protest by means of sitting in houses under threat of the war, and even walking children to school as they metaphorically, and most likely literally, dodge bullets. He has personally been a part of these nonviolent protesting teams and strongly encourages that they be used as a first step towards peace, especially because he believes war must be a last resort (431). Only when any of these forms of nonviolent actions and negotiations fail should war be considered as a means for reaching peace.

When war must be conducted, those involved are responsible for following the requirements for a just-war. Even before entering a war, certain criteria called jus ad bellum, or justice before war, must be followed, according to Childress. These criteria include reasonable hope of success, right authority, just cause, last resort, formal declaration, proportionality, and

just intention (357-360). Therefore, before warfare is engaged both sides must ensure that all of these requirements are met. The reasoning behind satisfying these criteria has to do with the overriding of the prima facie obligation of not injuring others. This means that each individual has the responsibility to follow an unspoken rule of not harming other people (Childress 353). Because this obligation is being broken, there must be a justifiable reason for going against it; as long as jus ad bellum is followed, then war is an acceptable means for peace. If a more important prima facie obligation is being implemented, such as protecting innocent people from an unjust attack, then it becomes acceptable to break the prima facie obligation of not hurting others (Childress 358). I would agree with Childress' view that it is more important to protect the rights and lives of innocent people rather than refusing to harm another person.

Some people, such as Quakers for example, might disagree with the view of conducting war because they are primarily pacifists and do not believe in participation in warfare. They might think that there can always be a way to solve something nonviolently, and if not then they would remain uninvolved. While it is ideal to never have to fight in a war, I do not think this belief is completely realistic. Human beings tend to react with violent behaviors, especially during disagreements. How can a group be forced to see reason if all forms of nonviolent action are not working? It might also be the case that one side of the disagreement does want to solve things nonviolently, but the other side wants to go to war. It is during these times of inability towards agreement that just-war is necessary.

The most important aspect of a just-war is the conduct of both sides during the war; if certain criteria are not followed to ensure justice during the war, then a justified peace cannot be obtained. These criteria for justice in war are called jus in bello and are once again stressed by Childress. The requirements include capturing an enemy before killing or injuring, leaving

noncombatants unharmed, refraining from torturing, and following proportionality with regard to injured civilians (361-363). Most of these requirements involve leaving innocent people unharmed, which I think is understandable. One criteria which might be questioned by some is capturing an enemy before killing or injuring him, and I can see how one can argue both for and against this idea. On the one hand, if you are fighting against someone who you feel is an extreme threat to you or one of your people, you might just forget about tying this person up and kill this person instead. It would seem more beneficial in war to kill as many threatening enemies as possible, however, the just-war theory requires that you put as much effort as possible into having few casualties. This is understandable because nonviolent methods are the first tactics sought out, therefore we should implement them as often as we can in our warfare.

In a way, Sider's strategy of using the CPTs to protest against war can have some overlap with the requirements of justice in war. For example, A Peacemaker team might enter the middle of an area involved in a war in order to advocate peace, and yet the two groups of people at war might just ignore their cause and kill them where they stand. Those involved in the war would be expected to show jus in bello by not harming the innocent protesters as they show their support for peace through nonviolent means. However, even if the people at war do choose to kill the CPTs, their message continues to grow; these protests are often filmed or make coverage on the news, and if the peacemakers suddenly became victims of war it would most likely only make things worse for the countries fighting the war (Sider 431). Either way, it would be more beneficial for everyone to follow the justice in war requirements. If both sides had not decided to attempt all forms of nonviolent strategies before starting the war, these protestors might cause them to see that they might not need to fight anymore.

The final category of action in a just war is jus post bellum, or justice after war. These criteria are laid out by Mark Allman and Tobias Winright, and they list the requirements for having a just cause by first seeing your worthy objectives accomplished, reconciliation, punishment where a third party judges war crimes, and restoration where political, economic, social, and ecological systems are restored such that citizens can once again flourish (428-429). This last requirement is the most likely of the list to raise an argument with those who oppose the just-war theory. Those whose sole desired outcome in a war is victory might question the act of restoring the enemy's society back to the state it was in prior to the war. Perhaps they might see this as completely undoing everything they just fought for. I do not see this as the case. By restoring the opponent's systems back into a functioning state, the victorious side is showing that everyone who was affected by the war deserves peace. This makes sense because peace is the ultimate prize of all war according to many great scholars, including St. Augustine as previously mentioned. While combat may cease once a war ends, the actual war and its aftermath continue on after the fighting, and it is during this time that everyone must be sure to act justly so that war was not conducted for nothing and both sides find peace.

If the requirements of justice are followed from the beginning to the end of the war, then it is likely that peace can be obtained for both parties of the conflict. Childress compares war and peace by saying the two concepts are actually deeply connected; both must follow specific moral regulations that often overlap, showing that war tends to coincide with the defining features of peace (356). War is necessary for peace just as peace can most often only be found through war. Because everyone desires some form of peace, sometimes war must be fought in order for peace to be made. In fact, St. Augustine states "For even the wicked when they go to war do so to defend the peace of their own people, and desire to make all men their own people, if they can,

so that all men and all things might together be subservient to one master" (868). He is describing how we all hope for the best kind of peace we can have, especially in regard to the peace of a community.

Although one side of a war may see its enemy as evil and ill-hearted, both sides of the disagreement are seeking out the same prize for its own people. Because of this, the importance of following justice in war and justice after war is exemplified. If both sides want peace then they should work together to find a solution that benefits everyone. Just-war supporters Allman and Winright agree with this idea through their discussion of reconciliation after war. They describe how the main objective for a just war is to leave both sides in a better state than they were in while the war was taking place; this can happen through creating stable conditions that are less likely to fall back into chaos (428). In this way both sides are less likely to declare a second war against each other. The only real reason for going to war is to create better conditions or even a better relationship between two countries after a solution for the dispute has been decided.

Once a war comes to a close, there are certain behaviors that are to be expected. With any victory, whether it is war, a sports rivalry, or a game of monopoly, we feel obligated to openly celebrate, and maybe even gloat in the face of our losing opponent. According to Ronald Osborn, however, this is not the type of behavior we should have after a war. He describes how we should mourn the death of our enemies because according to the just-war tradition we must wage war with a pure heart and moral introspection (31). Osborn would agree with the idea that attitudes of justice must be continued even after the war has ended. In fact, he even describes the event of the death of Osama bin Laden and how, although we can be grateful of his passing, we

must still remember all of those that were lost from both sides; according to the just-war theory we cannot forget to apply the requirement of proportionality to give justice to all who died (31).

I can faintly remember watching the news when bin Laden's death was reported, but what I clearly remember is groups of people having parties and celebrating the death of the notorious leader. Personally, I did not participate in any of the celebrations. Now that I think about it, I was indirectly considering the just-war theory in the way that Osborn describes; I thought about all of the people who were murdered in part because of this one man, and I did not think it would honor the deceased to celebrate bin Laden's death. I do not find it respectful to either side to celebrate a death. Their lives and our lives alike are worth more than one man's actions. Following justice after war requirements might be the most important because they demonstrate the trust and respect that we should have shown from the very beginning. If we do not show respect towards those we just ended a war with, then the time, resources, and even lives spent on the war lose meaning.

In Walter Wink's article "Reclaiming Jesus' Nonviolent Alternative" there is a quote by Spinoza that reads "Peace is not an absence of war; it is a virtue, a state of mind, a disposition for benevolence, confidence, justice" (42). This speaks directly to the just-war theory and what it stands for. We are all in search of peace, and in order to find it we must encounter disagreements, confrontations, and battles to strengthen us and show us we are worthy enough to reach it. We all struggle, but there is a reason for our struggles; ultimately we have the capabilities to be at peace. While we should first seek out ways to solve issues nonviolently, we must accept that war will always be a possibility in obtaining resolution. Nonviolent movements are very successful and will continue to grow and modernize. However, when nonviolence fails, a just-war must be employed so that peace can be restored to all.

Bibliography

Allman, Mark J. and Tobias L. Winright. "When the Shooting Stops: Criteria for a Just Peace." in: Jung, Patricia Beattie and L Shannon Jung, *Moral Issues and Christian Responses, 8th Edition*. Minneapolis: Fortress Press, 2013. 68-72.

Augustine, *City of God*, Bettenson, Henry, Trans. New York: Penguin Books, 1984.

Childress, James. "Just War Criteria," from Miller, Richard B., ed. *War in the Twentieth Century: Sources in Theological Ethics*. Louisville, KY: Westminister John Knox Press, 1992. 351-372.

King, Martin Luther, Jr. "Letter from a Birmingham Jail," from: http://web.cn.edu/kwheeler/documents/letter_birmingham_jail.pdf

Osborn, Ronald. "A Death to Celebrate? The Just-War Tradition and the Killing of Osama Bin Laden." in: Jung, Patricia Beattie and L Shannon Jung, *Moral Issues and Christian Responses, 8th Edition*. Minneapolis: Fortress Press, 2013. 68-72.

Sider, Ron. "Courageous Nonviolence." in: Jung, Patricia Beattie and L Shannon Jung, *Moral Issues and Christian Responses, 8th Edition*. Minneapolis: Fortress Press, 2013. 68-72.

Wink, Walter. "Reclaiming Jesus' Nonviolent Alternative," *The Living Pulpit*, October-December 1998, pp 40-42.