

“Thinking about War and Justice”

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From our pulpits these days the word most frequently on the lips of pastors, ministers, and priests is “peace.” This is, perhaps, unsurprising. Christians are taught that the Kingdom of God is a peaceable one in which the lion lies down with the lamb. But there is a problem. We do not live in that peaceable kingdom. We can discern intimations of it. We can pray for it. We can strive to embody moments of it in the earthly city. But we must take heed. We live in a fallen world, something Christians too often seem to forget. We live in a world that knows sin. We need to be reminded, from time to time, that:

...It is hard for those who live near a Bank
To doubt the security of their money.
It is hard for those who live near a Police Station
To believe in the triumph of violence.
Do you think that the Faith has conquered the World
And that Lions no longer need keepers?....

These mordant lines from T.S. Eliot’s “Choruses from The Rock” remind us that, on this earth, Lions do need keepers for, as Martin Luther quipped: “If the lion lies down with the lamb, the lamb must be replaced frequently.”

If an end-time ethic cannot be an all-determinative guide to the prudential judgments required of us during our earthly sojourn, what can? The answer is: there is no such all-determinative ethic; no ‘covering law’ model of ethical life we can repair to in each and every situation. There is *no* normative blanket spread over any and all situations in which Christians find themselves and within which they are called upon to act.

Holy Scripture, the teachings of our respective Churches, the words of great moral guides and exemplars of past and present—surely we should pay heed. But there is such a thing as the concrete, free responsibility of the Christian. That is why St. Augustine, in a famous passage from *The City of God*, urges upon a Christian, if he or she is called, the inherently tragic vocation of the judge. There is a “darkness that attends the life of human society,” Augustine writes, and few should sit comfortably on “the judge’s bench....” But sit there the judge must, “for the claims of human society constrain him and draw him to this duty; and it is unthinkable to him that he should shirk it...” (*City of God*, Book XIX, Chapter 6, p. 860, of Penguin Unabridged Edition). The Christian must not shirk earthly responsibility because temporal order is a great good. It permits children to grow up. People to provide for one another. The faithful to worship. All of these, in turn,

require a structure of government. We charge leaders with the solemn tasks of tending to earthly justice and earthly peace.

The statesman and stateswoman, in common with the rest of us, work in a twilight zone, in that perpetual fog that hangs over human society. We see through a glass darkly. It is not so easy to determine what is the 'right' thing to do, particularly when two great goods clash with one another. The moral deontologist of a Kantian sort would say to what I have just said that I am simply confused. Categorical imperatives, moral norms, can never clash in principle. Perhaps not in the rarified air that hovers over the work of the great sage of Konisberg. But for the rest of us struggling in the vineyard, the thicket is fairly dense and we do our best to hack our way through to what Augustine calls a "semblance of justice."

The "peace of Christ" exchanged by believers on Sunday morning has never and will never descend on our fallen world short of the eschaton. That is why it is a mistake, and frequently a corrupting one, to speak and act as if that world is fully unattainable and fully redeemable here and now. How so? Because the requirements of justice may sometimes call us to the use of force. The use of force may be necessary, though it is always an occasion for moral regret. But we cannot become paralyzed, wringing our hands about what is the 'right' thing to do. Dietrich Bonhoeffer taxed the "man of virtue" who does precisely this and winds up spurning his concrete responsibilities here and now, responsibilities for which he may well incur guilt before God—as did Bonhoeffer when he chose to participate in the conspiracy to assassinate Hitler.

This leads me to the heart of the matter. The tacit assumption that seems to prevail these days ranks peace above all other goods and assumes that we had "peace" before the current war against Iraq commenced. This is a deeply flawed, indeed a suspect, view. It too easily invites complacency with profoundly disturbed and disturbing situations—the sin of sloth. Sometimes not acting incurs guilt, too. What peace do protestors have in mind? A return to the *status quo ante*? That, presumably, was peace in the sense that, since the Persian Gulf War of 1991, the regime of Saddam Hussein had not violated the borders of another country.

In the meantime, and on the best available evidence, the most dangerous weapons of all—those called weapons of mass destruction—were being produced and stockpiled in direct defiance of the truce that concluded the Persian Gulf War, a war conducted under U.N. auspices. Weapons of mass destruction are indiscriminate, cruel, and lethal. They have limited battlefield efficacy unless—as for the Saddam Husseins of the world—a regime is prepared to see large numbers of their own troops wiped out or harmed by chemicals such as mustard gas, the gas used so devastatingly against the Kurds and the Iranians during the Iran-Iraq war. Biological weapons have no conceivable use

other than to decimate tens of thousands of innocents. Is a regime's build-up of such weapons "peace"?

What about the Iraqi people themselves? Why haven't we heard more about their suffering—about families decimated, about "rape rooms" where mothers and daughters are brutalized in the presence of fathers and sons in order to make them suffer and capitulate? As Prime Minister Tony Blair argued on the day of the mass "peace" demonstrations in London: Where were the signs for the victims of Saddam's regime? What is our concrete responsibility to them? I have spoken to persons in the Iraqi diaspora. Unless I am prepared, cynically, to discount their testimony—as the testimony of victims of Nazism was discounted, and Pol Pot was discounted, on and on through the horrible annals of twentieth century genocide—they fled a regime brutal even by the world's low standards. Have they no claim on us? Are we just going to provide iodine and Band-Aids or might it be necessary, as Bonhoeffer put it, to "cut off the head of the snake," to "put a spoke in the wheel."

Perhaps justice requires disturbing a peace of cruelty. Those who say they are for a "just peace" have no concrete arguments about how a dictatorial police state, with a deeply embedded secret police apparatus and a record of brutality that includes massacres, is to be brought to heel. They only know that "peace" is always better than the use of force. In 1991, at the conclusion of the Persian Gulf War, the Iraqi regime was given fifteen days to inventory fully its weapons of mass destruction and to begin to present them for elimination. Twelve years and some seventeen resolutions later, nothing had been done. Those who argue—give the inspections more time—seem to forget that the inspectors returned this time around *only* because President Bush went to the U.N. and because Security Council Resolution #1441, passed unanimously, threatened serious consequences if Iraq remained in material breach. Even if you could make a case that aggressive inspections backed up by the threat of force could "contain" Saddam—and this is not primarily what I hear from "peace" advocates—this would do absolutely nothing to abate the suffering of the Iraqi people.

Proponents of just war differ on this war as they differ on many others. But all agree that justice may require the use of force. They have devised complex ways for making this determination. Rather than rehearsing just war yet another time—something I have done at length elsewhere—let me put on the table the following claim: justice demands accountability. There is no political accountability where there is no structure of law and authority. A paradigm example of the ills attendant upon political instability is the disaster of so-called 'failed states' in which human beings are prey to the ruthless and the irresponsible.

But states themselves, like Iraq under Saddam Hussein, may become agents of injustice and disturbers of the civic peace. Ossified dictatorial orders keep 'the peace' all right, but it is the peace of the desert, the peace of fear and terror. If you are a victim of such a regime, or caught in a failed-state horror, there is an

elementary justice claim that can be lodged in your behalf: you have an equal claim to have coercive force deployed in your behalf in order to stop the Lions before they crush and devour all the lambs.

We should be ashamed of the inaction in Bosnia for too long. When the half-hearted U.N. Peacekeeping effort finally got underway, 'peacekeepers' stood by and watched, unable to intervene under the reigning rules of engagement (disengagement would be more like it) as Bosnian men as young as eleven and twelve were beaten, mauled, and hauled off by Serb irregulars never to be seen again. Bosnian Muslims flooded into UN-declared "safe havens" there to be shot to pieces. Nothing was done as 800,000 perished in Rwanda. In the aftermath, lots of regret from the U.N. The Kosovo operation saw the United States by-pass the U.N. Security Council altogether because the U.S. knew the Russians would veto any action. Instead, we acted under NATO authority to stop the aggression against the Kosovars. The problem was, however, that we saw the Kosovars as beleaguered people in need of humanitarian relief rather than as people making a fundamental justice claim based on equal moral regard. Seeing ourselves as those relieving their distress, it means—or it meant in Kosovo—that the Clinton administration was unwilling to risk a single U.S. ground combatant. If we had approached this situation, and Bosnia, and Rwanda, as 'just war' situations, risk to our own combatants would be recognized as one of the regrettable aspects of just war fighting. As well, we would have approached each instance as one of injustice rather than simply humanitarian catastrophe.

In its fullest development, just war cannot consist simply of a tick list—have the criteria for a just cause been met? Are we abiding by the *in bello* rules that limit means to be deployed even in a just conflict? It also involves a powerful sense of moral obligation that at least partly melts down what I will here call the "neighbor-stranger divide." That is, it is unsurprising that we feel most deeply obligated to family and friends, first and foremost; second, to members of our own culture, clan or society, with foreigners and strangers coming in a distant third. An injustice meted out against one of our own pains us more keenly than does injustice perpetrated against those far removed from us by language, custom, and belief and separated from us by borders and geographic distance. This is only human and the fact that this 'only human' intuition got solidified into political practice over the centuries, sometimes severely so, should not surprise us. More surprising by far is the Christian challenge to this intuition.

Christian universalism requires that the boundaries of moral concern be expanded. Where the matter of international justice is concerned, the most important boundary-crossing issue is the just war tradition. Many will find this a surprising claim. How can a method of assessing whether a resort to war is justified, and going on to evaluate the means used to fight a war, bear directly on debates about international justice?

The argument, simply put, is this: the just war tradition is not just about war. It is a theory of comparative justice applied to considerations of war and intervention. Among other things, this means that the post-World War II universalization of human rights deepens and enhances the importance and reach of the just war perspective rather than running counter to it. Just war argument and universal human rights are not only not incompatible, they should be placed within a single frame.

Because the origins of just war thinking, now absorbed into numerous international conventions and embedded in non-theological language in most contemporary discussions, lie in Christian theology, a view about human beings as equal in the eyes of God underscores what is at stake when persons are unjustly assaulted, namely, that human beings qua human beings deserve equal moral regard.

Equal regard means one possesses an inalienable dignity that is not given by governments and cannot be revoked arbitrarily by governments or other political bodies or actors. It follows that the spectacle of people being harried, deported, slaughtered, tortured, or starved en masse constitutes a prima facie justice claim. Depending on the circumstances on the ground as well as the relative scales of power—who can bring force effectively to bear—an equal regard claim may trigger a movement toward armed intervention in behalf of the hounded, tortured, murdered, and aggrieved.

There are times when the claims of justice override the reluctance to take up arms. This is a principle sanctified over the centuries in the case of aggrieved states that are the victims of aggression. As a principle applying to all peoples without distinction, however, this claim is by no means universally affirmed. What I am calling for is bound to be controversial, namely, the use of force as a remedy under a justice claim based on equal regard and inviolable human dignity. The upshot is a presumptive case in favor of the use of armed force by those with the means to intervene, to interdict, and to punish in behalf of those under assault.

Victims in such situations have a responsibility, too. Aggrieved groups are obliged to make the case that there is a *just cause* of substantial gravity. Genocide or ethnic cleansing is the most obvious case in point. But how often in the past have such cries gone unheard, such claims unheeded? We find the stories too fantastic. It cannot be *that* bad. And besides, we don't want war. We want peace. When the aggrieved speak we don't think of justice. Instead, we think primarily of the moral burdens attendant upon the use of force and shrink from the task. This leads to too many situations where, in St. Augustine's words, "Peace and war had a competition in cruelty. And peace won the prize."

It is important, finally, to note what equal moral regard and the use of coercive force do not require. The theory does not require that any one nation or group of

nations can or should respond to every instance of violation of the innocent, including that most horrific of all violations—genocide or ethnic cleansing. It is important to note that the just war tradition incorporates a cautionary note. Be as certain as you can, before you intervene even in a just cause, that you have a just cause. Don't barge in and make a bad situation worse.

Considerations such as these take us to prudential warnings that intervention in a just cause should not exacerbate harm to those already being harmed and should not itself create unacceptable injustice—like massive damage to the civilian population of a country or group being harmed by another country or group. In such sad situations, those called upon to intervene are obliged to affirm the equal regard norm even as they spell out how and why they are unable or unwilling to undertake the risks attendant upon intervention with force. This is far better than crying “peace” when there is no peace.

It is too late in the day for strategies of evasion and for the asymmetrical valuing of human life constitutive of such strategies. “Peace” can cover a multitude of sins and peace people need to face up to this task honestly rather than repetitiously reaffirming their own superior moral virtue by contrast to those who favor “war.” In each case, we must ask: What is this peace? And what sort of war? The categories of “peace” and “war” are far too blunt, in and of themselves, to be very helpful. Each must be parsed, nuanced, interpreted. Above all, whether from the pulpit or the pew, there should be no a prior assumption that peace is always preferable to war. It isn't.