The Future of (Catholic) Just War Theory: Marginal

LISA SOWLE CAHILL
Boston College

Introduction
I envision that just war theory will continue to have a place in Catholic Social Teaching (CST) and social ethics, but that its role will become increasingly marginal to the positive advocacy of peacemaking or peacebuilding. This is already evident in the “growing edges” of just war theory, such as *jus post bellum*, *just ante bellum*, just policing, and the reinvigorated nuclear disarmament movement. All of these iterations of just war theory make its role restrictive, stringent, and even prohibitive in relation to the use of armed force. They push its function away from the justification of war and toward alternative methods of avoiding or resolving conflicts, with an emphasis on the moral imperative of protecting or reconstituting just and peaceful social life. Even more indicative is the increasing emphasis of CST since Vatican II on the Christian responsibility and the realistic possibility of finding diplomatic and other nonviolent ways to avoid and end conflicts. Recent popes in particular have made extremely strong statements against the political use of armed force.

An important historical factor is that the dominant type of conflict in today’s world is no longer “war” in the sense of conflicts between or among nation-states. These have declined since World War II. Today most conflicts occur within nation-states, or across their borders, including civil wars, insurgencies, religious and ethnic conflicts, and terrorism. Of course, such conflicts can be fueled by and become proxy wars for national governments, including those of the nations in which they occur. Nevertheless, “just war” criteria formulated for use by heads of states and their advisors are no longer adequate to this changed situation, both because national governments have diminished control of armed force and because those who do control it are not always motivated by concerns of justice as just war theory defines it.

Due to the proliferation and intransigency of sub-state and trans-state conflicts, the salient area in which CST still retains a place for armed force is humanitarian intervention. However, even in cases in which it is clear that massive human rights abuses are resulting from the inability or unwillingness of a state to protect its citizens or resident aliens, the use of force by outside powers
has only a tenuous ability to bring long-lasting peace. Outside force may be the only alternative to stop killing, for example in Rwanda (where a failure of international will permitted ongoing genocide), East Timor (where force stopped military violence against civilians and led to independence), and potentially in Myanmar (where military violence has, as of early 2018, killed over 7,000 and displaced over 600,000 people belonging to the Rohingya Muslim minority). On the other side, however, the 1999 NATO bombing of Kosovo in response to Serbian ethnic violence against the Albanians exacerbated ethnic tensions and led to more violence; the 2003 U.S.-led invasion of Iraq destabilized the entire society and increased anti-Western terrorism; and more recent interventions in Libya and Syria were in important ways misguided and ultimately failures.

For these practical reasons, as well as because of the formative, long-standing, and gospel-based commitment to forgiveness, reconciliation, and peace, Catholic social teaching since the Second Vatican Council, especially papal teaching, has constantly reiterated the immorality and self-defeating character of violence. It has urged nonviolent solutions to political conflicts and to armed violence actually occurring. Catholic social ethics and activism increasingly highlight the importance and promise of constructive peacemaking or peacebuilding toward the goal of a just peace. This trajectory is captured in the title of Pope Francis’s 2017 World Day of Peace Message: “Nonviolence: A Style of Politics for Peace.” While the popes do not completely eliminate the idea or possibility of justified use of armed force, they minimize its effectiveness and moral acceptability. Instead, they train their attention on nonviolent conflict transformation as a concomitant of Christian identity, a moral obligation, and a social-political strategy that can be effective and successful.

**Restrictive Just War Theory**
The Christian just war ethic (and most of its secular counterparts) has evolved over sixteen centuries to include two categories of criteria: *jus ad bellum* (justice in going to war) and *jus in bello* (justice in war). The criteria within these categories can be formulated in somewhat different ways, but standard versions include, within *jus ad bellum*, defense of the peace and common good, last resort, right intention, proportionality of destruction caused to good results, and legitimate authority in declaring war. Within *jus in bello*, the primary criteria are noncombatant immunity and proportionality of means used to the objective. In a “classic” assessment, John Courtney
Murray defines the purposes of the just war ethic, especially as a Christian ethic, as the condemnation of war as evil, the limitation of the evil war entails, and the humanization of the conduct of war as far as possible. Regarding this definition, two fairly obvious points may be made. First, the premise of the entire just war tradition and its criteria is that war is a tremendous evil, to which the fundamental moral response is not “justification,” but limitation and restraint. Second, in reality, neither this premise nor the limiting functions of just war criteria that Murray envisioned have always governed the popular conception of just war theory or its use by war-making governments. Many would aver, to the contrary, that what passes for just war theory and criteria is often a thinly veiled rationalization of national or group self-interest.

A keynote for the emergence, since World War II, of a more skeptical Catholic stance toward the justifiability of war and the possibility of keeping war’s conduct within just parameters is certainly John XXIII’s Pacem in terris (1963). Asserting that international disputes “must be resolved by negotiation and agreement, and not by recourse to arms,” the pope warns that “it no longer makes sense to maintain that war is a fit instrument with which to repair the violation of justice.” A special threat for this pope, writing at the height of the Cold War, is the danger of nuclear weapons (including the economic burden of the arms race), plus “the terrifying destructive force of modern weapons” in general. To these we can add the unrestrained violence and atrocities that inevitably accompany all war and have been among the intentional means of means of war in conflicts such as those in the former Yugoslavia, the Democratic Republic of Congo, Guatemala, and Cambodia.

Following John XXIII’s lead, the United States bishops, in their 1983 peace pastoral, The Challenge of Peace: God’s Promise and Our Response, maintain that pacifism and just war theory are united by a presumption in favor of peace and against war. This means that the burden of proof is on those who would justify war, and that such justification must meet a very high bar. Militarism and the militarization of international problems are thus ruled out. As Gerard Powers maintains, “War is the failure of politics, not its extension […]. The resort to military force is sometimes necessary, to be sure, but it is not a primary means of achieving even a negative peace.” A negative peace is one in which violent conflict has ended or subsided, but access to basic needs, and just and participatory institutions of civil society and government, may be lacking. A positive peace is peace with justice: rule of law, human security, and equitable social institutions and structures. In the perspective of CST today, war or more limited types of armed force can be
justified only if, as a last resort, they are the most viable way to achieve a just and sustainable peace. However, since war ordinarily destroys the social trust, infrastructures, and material goods necessary to a just peace, it also ordinarily is not “just.”

According to Powers, the presumption against war creates a “hermeneutic” for the use of just war criteria in which they do not “readily justify war,” but instead “severely limit it.” The restrictive just war hermeneutic “reinforces the notion that just war criteria are strict restraints on when, why and how to use force, and it creates a heavy obligation to find and pursue nonviolent means of resolving conflict—i.e., to develop an ethic and praxis of peacebuilding.”¹³ In fact, Powers even regards just war theory so conceived as an essential part of preventing war and building peace, insofar as it both provides rationales against the use of force that does not meet strict criteria such as last resort, proportionality, reasonable hope of success, and protection of civilians and also requires securing the conditions of just and peaceful social life going forward.

The Growing Edges of Just War Theory

It is precisely such considerations that have led to the recent development of new categories of just war theory, especially jus post bellum, but also jus ante bellum.¹⁴ These categories support and extend the restrictive hermeneutic of just war criteria, and serve as a set of brakes on the advance toward war, rather than as a further impetus or set of rationalizations. The foremost theological proponent of jus ante bellum is Maureen O’Connell.¹⁵ Jus ante bellum envisions whether a particular use of force will or will not be conducive to a later just peace. Yet, similarly to the criterion of last resort, it also demands that pro-active peacemaking measures are adopted before war occurs, with the purpose of averting resort to force in the first place. Jus ante bellum, more than last resort, calls attention to structural violence and ongoing lower-level conflict and the need to find creative solutions. Thus jus ante bellum can be seen as a positive approach to building relationships, practices, and structures of peace.

Jus post bellum has been developed for Christian social ethics preeminently by Mark Allman and Tobias Winright.¹⁶ Allman and Winright remind us that just cause and just intention have an inherent relation to the effects of any particular use of armed force. If defense of the common good and a lasting peace are really the cause intended by the wagers of war, then the relevant decision-makers will also be invested in ensuring that post-conflict conditions will be conducive to social restoration. For example, the means of war must not destroy sources of livelihood and material
and social infrastructures requisite to the later building of a just peace. In addition, the war must be concluded on just terms (in brief, no victor’s justice). Just punishment that avoids an ethos of impunity, but does not feed back into cycles of vengeance, is imperative. Social processes of reconciliation must be consciously and formally undertaken so as to heal the wounds and rifts of war. This involves the repatriation, reintegration, and rehabilitation of former combatants, even in cases in which atrocities have been widespread. In light of these criteria, it is obvious that the justice of war is always an imperfect justice. For, how rarely will the criteria of justice after war be met! With this in mind, the criteria of jus post bellum serve as a warning that it is extremely difficult to meet the criteria of just war. Therefore, this new just war category likewise works as a warning light against justifying war.

**Humanitarian Intervention**

Humanitarian intervention was validated by the United Nations in 2005 under the rubric “the responsibility to protect” (R2P).17 Although sovereign states have the right and the duty to protect their own populations, other nations and the international community as a whole have a responsibility to intervene fairly and effectively in the face of atrocities such as occurred in Rwanda and Kosovo. John Paul II was the first pope to acknowledge this obligation when in 1993 he declared that state sovereignty “cannot constitute a screen behind which torture and murder may be carried out.” In the face of unjust aggression against innocent civilians, “States no longer have a ‘right to indifference.’”18

Such interventions must be subject to the same criteria as any other use of armed force, including noncombatant immunity and reasonable hope of success and, by implication, the ability to secure the ongoing safety of the populations at risk.19 Again, this sets a high bar. The U.S. bishops warn that humanitarian intervention could devolve into an excuse for “imperialism” or lead to “endless [and often fruitless] wars of altruism.” What the bishops call “effective nonviolent means” are always preferable and better the serve the end goal of establishing a just peace.20

Elias Omondo Opongo, S.J., is a scholar and practitioner of transitional justice and post-conflict reconstruction. He heads the Hekima Institute of Peace Studies and International Relations in Nairobi, Kenya. Taking the example of intrastate conflict in Africa, he shows some of the pitfalls of humanitarian intervention, which he does see as justified in cases of “gross violation of human rights.”21 But what may be justified in theory is not easy to put into practice. The use of force by
external parties with limited familiarity with the complexities of local situations will have limited success in the challenge “to settle grievances and disputes; end political, ethnic, and economic marginalization; and prevent genocide.” These are no doubt huge challenges for any would-be interveners, so Opongo recommends local alliances of intervention, for instance, forces sponsored by the African Union, as preferable. At the same time, “the historical evidence of military intervention indicates that there are limited success stories to demonstrate their effectiveness,” no matter who undertakes them.

Papal Teaching
The possibility of using armed force has not been entirely excluded, with Popes Paul VI, John Paul II, Benedict XVI, and Francis all leaving the door open to limited justifications of humanitarian intervention or self-defense. However, this permission is far from central to their outlook. Instead they are motivated by the hope, expressed by *Gaudium et spes*, that positive peace and justice can result from human cooperation inspired by the gospel and humanity’s highest values. The integral connection of peace and justice was affirmed in the landmark exhortation of Paul VI, who declared that, “If you want peace work for justice,” and that “the new name for peace is development.”

In fact, and even paradoxically, the popes frequently make statements that seem to rule out armed force entirely. This serves to underline the immense priority of peacebuilding and reduce the likelihood that armed force will be considered a reasonable option. In a line repeated by every successive pope up to and including Francis, Paul VI exhorted the United Nations, “No more war, war never again! Peace, it is peace which must guide the destinies of people and of all mankind.”

Ultimately, “the Church cannot accept violence, especially the force of arms.” Benedict XV, Pius XII, John XXIII, and Paul VI all had experienced war and were extremely critical of “the utility of widespread violence,” even “at the service of defending or restoring an order of justice.” They reinforce the presumption against war as a just and effective means to gain political objectives. They stress the self-defeating nature of violence and the vocation of peace.

This trend gains momentum under John Paul II, Benedict XVI, and Francis. John Paul II insists that “[v]iolence is evil,” “a lie,” and “the enemy of justice.” He titles his 1987 World Day of Peace Message “Development and Solidarity: Two Keys to Peace.” Yet, like the popes of the two World Wars, John Paul II is influenced by specific experiences of violence in his own era. He
validates the new concept of “humanitarian intervention,” and allows for a nation’s right of defense against terrorism.

Following John Paul II, Benedict endorses humanitarian intervention under the rubric “responsibility to protect.” Yet *Caritas in veritate* (2009) adds that the responsibility to protect must be implemented “in innovative ways.” He calls “love your enemies” the gospel’s “magna carta.” “Violence never comes from God.” Benedict insists that peace cannot exist without justice, as confirmed in his World Day of Peace Messages (2009, 2010, 2011). Pope Francis likewise calls international parties in conflict to seek peace by dialogue, reconciliation, negotiation, and compromise, for war is the “suicide of humanity.” Taking forward themes of *Pacem in terris*, he denounces not only the use of nuclear weapons, but also their possession.

Given the possibility of a 2013 military intervention in Syria by U.S. and French “superpowers,” Francis is insistent that “War brings on war! Violence brings on violence.” In a potent symbolic move, he led a peace vigil for Syria at the Vatican that attracted over 10,000 people. Francis is strong on the importance of putting all possible efforts into nonviolent methods of addressing conflict. Even in the case of the so-called Islamic State or ISIS, he calls for stopping aggression through less than lethal force. “The means by which [the unjust aggressor] may be stopped should be evaluated. To stop the unjust aggressor is licit, but we nevertheless need to remember how many times, using this excuse of stopping an unjust aggressor, the powerful nations have dominated other peoples, made a real war of conquest.”

Pope Francis’s most important statement on peace is his 2017 World Day of Peace Message, which underlines the futility of violence in bringing just and sustainable peace. Active nonviolence, faithful to the gospel, is “a way of showing that unity is truly more powerful and more fruitful than conflict.” “The name of God cannot be used to justify violence. Peace alone is holy. Peace alone is holy, not war!”

**In Conclusion**

The presence yet marginality of the just war framework in post-Vatican II papal teaching is evident from the fact that, without prohibiting armed force as immoral in every case, the popes do not dwell on or amplify the criteria of just war, nor do they present any specific use of force as justified. Instead, the emphasis is unequivocally on peace, nonviolence, justice, and peacebuilding. It is undoubtedly the case that some Catholic theologians and social ethicists will continue to refine
just war thinking and criteria, but the direction in which such work is heading is clearly toward more vehement critiques of war and more energy around peacebuilding, even when advanced under “just war” criteria, such as *jus post bellum*. In fact, it is debatable whether the best way to characterize these developments is as refinements of just war theory, rather than as ethical collaboration under a bigger umbrella, such as just peace or peacebuilding. It is certainly conceivable that some Catholic ethicists will propose armed force as an appropriate and necessary response to specific atrocities, now or in the future. Even so, it might be better (or at least more consistent with the direction of recent papal thought) to understand such arguments, not as expanding “just war theory,” but as applications of positive concepts of CST such as human dignity, the common good, and sustainable just peace.

It is difficult to imagine that either the popes or mainstream theologians would in the foreseeable future justify “war” in the sense of the full-scale military engagement of nation-states, especially given the danger of nuclear weapons. For now, just war theory is not totally out of the magisterial or social-ethical picture. But it is marginal to the enterprise of reducing global violence and establishing justice, peace, and internationally cooperative societies in the present volatile and dangerous century.

In fact, as exemplified by Francis’s 2017 World Day of Peace Message, the vocabulary and framework of CST’s approach to intranational and international conflicts centers on just peace and nonviolence, not just war. This positive, constructive, peace-oriented social-ethical vision is key to the promotion of nonviolent conflict transformation and peacebuilding as realistic political possibilities and not only ecclesial ideals. The Catholic Church has a countercultural message about military force, but it is not a sectarian “peace church.” The purpose of CST, including its peacebuilding profile, is to contribute to more just societies and to increase justice in civil society and governance globally.

Notes


10. Ibid., §51.


22. Ibid., 146.

23. Ibid., 154.


31. Cahill


44. Ibid., §4.