



Research Article

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## How justifiable are Just-Wars? A critical review

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**Abstract:** This paper is a critical review of the theory of just war. The paper attempts to explain what Just-War Theory is. An overview of the history of Just War Tradition is given. There are some cited assumptions and approaches of Just-War Theory. The paper also gives some strengths and weaknesses of Just-War. The paper also gives some strengths and weaknesses of Just-War. The paper concludes with the fact that Just War Theory provides balances that must be taken into consideration when there is any necessitated war that results from inevitable conflicts. Furthermore, the paper concludes that the strengths of the theory should be built on when there is such war.

**Keywords** – Christian History, Conflicts, Just War Theory, Pacifism, Peace, Wars

### 1. INTRODUCTION

The world is full of many persecutions, evils, conflicts and wars. A war is premeditated violence and conflicts that usually resulted in the killing of people and wanton destruction of properties in order to conquer a place. Maguire (2007: vii) gave a particular definition of war simply as “a form of state-sponsored violence.” Many of these wars are state sponsored or approved by the state to defend the entity of the state or silence a rebellious faction in/against the state. Many of such wars are civil wars like the American civil war, Biafra War in Nigeria, the Liberia civil wars, and the likes. There are some wars approved and supported by the international organizations such as United Nations (UN), and regional organizations such as African Union (AU), Economic Community of West African States (ECOWAS), and The North Atlantic Treaty Organization (NATO), or some world powers like the United Kingdom, the United States, Russia, France to defend weaker countries from an oppressive rule or to serve as peace-keeping force in war-torn areas. There are also some international wars that cut across borders like the Israel-Palestine conflict and the Gulf War. There have been two world wars in history. The thrust of this paper is to examine the legitimacy of a theory known as just war theory, the assumptions and approaches of just war theory, and evaluation of the strengths and weaknesses of just war theory.

### 2. WHAT IS JUST-WAR THEORY?

A just war is simply an armed exploit by a state that is justified as being permitted for lawful or ethical causes. It is also known as just war theory or just war tradition. A just war involves the justification of how and why wars are carried out (Moseley, n.d). Usually, just wars are described as “those which avenge injuries, if some nations or state

against whom one is waging war has neglected to punish a wrong committed by its citizens, or to return something that was wrongly taken" (Fisher, 2011: 64).

### 3. HISTORY OF JUST WAR TRADITION AND THE CHRISTIAN FOUNDATION

As a matter of fact, the just war tradition is as old as war itself. However, the modern theory can be traced back to Roman law, especially the writings of Marcus Tullius Cicero that many scholars conventionally point to as the starting point (Delahunty & Yoo, 2012: 7). However, the just war tradition started to take on a more organized form only in connection with various religious discussions of war in terms of fairness and the morality of violence during the Middle Ages (Sussmann, 2013: 432). Wood (2013: 6) opined that the beliefs of Christians about love, justice, and the tasks of human governments were joined with classical Greek and Roman thoughts to create the first major contributions to just war theory. Jokic (2012: 92) recorded that St. Augustine was the first to give its first formulation in *Contra Faustum*. Sussmann (2013: 427) quoted Jeff McMahan that posited that just war theory is exceptional in modern practical ethics in that it is generally and uncritically acknowledged and varies very little in content from what Western religious philosophers have believed from the Middle Ages to the contemporary time. St. Augustine wrestled with the recurrent question of whether a Christian may engage in war without sin. There have been two responses to this: one, engaging in war is a sin, therefore, a Christian should not engage himself in war, and two, a Christian could engage in war to defend himself and protect the innocent from assault. These two positions will be explained further as both contribute to the evolution of just war tradition.

However, to understand these positions better, it is pertinent to go back to the Jewish history to early Christian history. According to the Bible in Genesis 1:27, 31, God made human beings in His image, so, "All people carry something of God in them. Therefore, life is greatly valued in Jewish tradition, and this has profound implications for Jewish thinking (Kleiderer et al., 2006: 80). In fact, the Bible says, "Whoever sheds the blood of man, by man shall his blood be shed; for in the image of God has God made man" (Genesis 9:6 NIV. See also Leviticus 24:17; Exodus 21:12-14; Matthew 26:52). In spite of this, conflict and war were part of Jewish history as evident in the Bible. In citing the Talmud (an authoritative Jewish source), Kleiderer et al. (2006: 81) noted the assertion that "...in some cases, war is legitimate. The rabbis outline two kinds of legitimate wars. The first kind is obligatory war...wars commanded by God.... Defensive wars – wars fought to protect the Jewish people.... The other kind...is discretionary, or optional war...wars fought to expand the boundaries of Israel...."

Jesus Christ redefined the concepts of peace and war in the New Testament. He said in the Gospels,

You have heard that it was said, 'Eye for eye, and tooth for tooth.' But I tell you, Do not resist an evil person. If someone strikes you on the right cheek, turn to him the other also. And if someone wants to sue you and take your tunic, let him have your cloak as well. If someone forces you to go one mile, go with him two miles. Give to the one who asks you, and do not turn away from the one who wants to borrow from you. You have heard that it was said, 'Love your neighbor and hate your enemy.' But I tell you: Love your enemies and pray for those who persecute you, that you may be sons of your Father in heaven (Matthew 5:38-45, NIV. See also Luke 6:29-31. Apostle Paul also echoed similar view in Romans 12:17-21).

Despite this and the huge evil of war, Jesus agreed that it is unavoidable that wars will continue until the end of the world (Mark 13:7-8), and He did not stand against worldly governments or their obligation to keep armies which made Him to heal the servant of a Roman soldier (see Matthew 8:5-10; Luke 7:1-9). In fact, He made some statements that make it seem He is in support of war. Examples of such statements are: "Do not suppose that I have come to bring peace to the earth. I did not come to bring peace, but a sword"; "...and if you don't have a sword, sell your cloak and buy one," and "Greater love has no one than this, that he lay down his life for his friends" (Matthew 10:34; Luke 22:36; John 15:13 NIV). His statement, "Give to Caesar what is Caesar's and to God what is God's" (Mark 12:17 NIV, see also Matthew 22:21; Luke 20:25), also suggests that He approved that His followers should support the government even if it means going to a state-declared war. His action in making a whip of chords to drive away people that were trading in the temple (see Matthew 21:12-13; John 2:13-16; Luke

19:45-48; Mark 11:15-18) has made some people to see Jesus as a man of violence. This might have made Fahey (2005: 80) to, conclude, "Perhaps, as a small group of scholar assert, Jesus was in fact a violent revolutionary (a Zealot)...."

These statements and actions of Jesus influenced the thoughts of His followers, especially St. Augustine. St. Augustine was the bishop of Hippo between 395 and 430 AD. He was the most famous advocate of just war in Christian history (Fahey, 2005: 87). He was a disciple of Ambrose, the bishop of Milan (between 374 and 397 AD) who was the first thinker to approve the concept of just war in Christian history during the period when Christianity became state religion in Roman Empire. Four statements summarize his contributions to just war theory: war should protect the weak and exploited; guiltless people should not be murdered; war must be lawfully declared; and priests and monks should not shed blood (Fahey, 2005: 87).

St Augustine opined that a peaceable rule cannot be attained in human history, that, such can only be in the hereafter. Because of this, one has to acknowledge the certainty of sin, force, and the prospect of war. In spite of this certainty, St Augustine had a deep hatred for war, therefore, he wanted to develop a tool to evaluate the morality of wars so as to curtail their occurrence and cruelty, and thereby safeguard the ethical order of the world (Dawson, 2013). The paramount goal of St Augustine is peace which he defined as "'the tranquillity of order,' an order in which the just prosper and the unjust suffer. So, for him, a war may be fought for the restoration of the just order, which is peace" (Kleiderer et al., 2006: 21).

Thomas Aquinas was another reputed Christian theologian who built on the opinions of St. Augustine. Aquinas, as cited by Fisher (2011: 65), said, "For a war to be just three things are required: authority of the princes...a just cause...and a right intention." He added that not everyone, especially "the bishops and clerics," should participate in war (Kleiderer et al., 2006: 22). Aquinas' thought became the common framework of the initial just war theory as being debated in contemporary institutions of higher education. Just war theory has gone through revitalization in the twentieth century mostly in response to the discovery of nuclear-powered arms. In fact,

Since the terrorist attacks on the USA on 9/11 in 2001, academics have turned their attention to just war once again with international, national, academic, and military conferences developing and consolidating the theoretical aspects of the conventions. Just war theory has become a popular topic in International Relations, Political Science, Philosophy, Ethics, and Military History courses (Moseley, n.d).

The 9/11 incident (that is, September 11, 2001: the day that Islamic terrorists killed thousands of innocent individuals in the United States that is considered by Brook and Epstein [2016] as the nation that is freest, wealthiest, happiest, and most powerful on earth) has made many scholars to rethink about the claim that Islam (a religion that started in the seventh century AD and has become a force to be reckoned with in terms of wars in the world) is a "religion of peace". In spite of conflicting teachings of the Quran and other Islamic traditions, some Islamic scholars are of the opinion that Islam "also has rules governing conduct during war, and they do not differ much from those of international law or other religions" (Kleiderer et al., 2006: 90). However, Wood (2013: 2-5), having differentiated between three stages of jihad – Islamic holy war (that is: stage one: stealth jihad; stage two: defensive jihad; and stage three: offensive jihad) and compared the teachings of the Christians' Bible and Muslims' Quran, concluded that "...jihad is utterly inconsistent with both the spirit and the principles of just war theory" (Wood, 2013: 6).

#### 4. ASSUMPTIONS AND APPROACHES OF JUST-WAR THEORY

The theory of the *justum bellum* should be better translated "justified war" rather than the most common translation, "just war" (Ramsey, 1961: 15). Generally, the just war theory is summarised in these three principles. These principles are: i) right to go to war (*Ius ad Bellum*) which means that it must be for a just cause declared by an appropriate authority with right objective and as a last resort; ii) comportment in war (*Ius in Bello*) which means

that the war must be winnable through a just conduct and whereby the proportion of the good that will be achieved through it will outweigh the evil that will be perpetrated during the war; and iii) justice after war (*Ius post Bellum*) which means that a “conditional” rather than an “unconditional” surrender should be sought and there should be restitution of rebuilding the nation and transforming the lives of innocent people affected by the war (Fahey, 2005: 72). In comparing classical just war tradition with contemporary just war tradition, Kleiderer et al. (2006: 26) added these distinctive qualities among others: “A strong presumption against the use of force, based on consciousness of the destructive power of modern weapons, especially nuclear weapons.”

Kleiderer et al. (2006: 31-44) classified just war theory into three traditions and explained each. These traditions are the nonviolent pacifist position, the contemporary just war position, and the classical just war position.

#### 4.1. The nonviolent pacifist position

Pacifism has been defined as “a spiritual and social philosophy that seeks to abolish war and to reconcile enemies through the power of love and the work of social justice” (Fahey, 2005: 29). Kleiderer et al. (2006: 31) differentiated between pacifism and nonviolence by citing definitions from a project:

Pacifism is generally taken to mean moral opposition to war, refusal to bear arms or adopting a policy of non-resistance. Non-violence is an active confrontation of injustice which excludes violence for principled and/or pragmatic reasons. The critics of nonviolence, and some of its more naive advocates, often falsely equate nonviolence with passivity or non-resistance.

Being born and raised as a Jew who was familiar with the Jewish concept of peace, Jesus Christ promoted peace (see Matthew 5:9, 43-48; 26:51-52; Luke 24:37; John 14:27; 20:19-21), and following His sayings, the Christians were reluctant to join the military in its early history. They were even seen as peaceable. They were persecuted for this, and when it was expedient of them to go to war, they saw it as a way of making peace. Pacifism is, therefore, a special way to express the age-long commitment of Christians to make peace as taught and exemplified by Jesus (Kleiderer et al., 2006: 32). Because of the inevitability of war, pacifism is becoming less popular.

#### 4.2. The contemporary Just War position

This is a new tradition or modification of the classical just war position. It is not a move back to the more strictly nonviolent position of the early Christians as discussed above. Kleiderer et al. (2006: 26) gave the distinctive qualities of this tradition as: a strong opinion against the use of power; just cause; genuine authority; right objective; last option; cogent opportunity of success; and proportionality. These will be explained more under the classical just war position.

#### 4.3. The classical Just War position

This position that emanated from the teachings of St. Augustine can be explained in three ways: *Jus Ad Bellum* (“Right to War”), *Jus In Bellum* (“Justice in War”) and *Jus Post Bellum* (“Justice after War”).

##### 4.3.1. *Jus Ad Bellum* (“Right to War”)

The philosophies of “*Jus Ad Bellum*” are made to people who have the authority to declare a war. That is, wars must be waged only on appropriate right. This appropriate authority can only be the government. There must be a just cause to declare war, like self-defence or defending the targets of tyrannical leaders. There must also be just intent or right reasons to wage the war. Furthermore, the war must be the last resort, having first explored all other peaceful attempts to avoid the war. Another thing to be considered here is that there must be a rational anticipation of justice, or a sensible opportunity of success. Lastly, the good outcome expected from the war must be greater than the indispensable killing.

#### 4.3.2. *Jus In Bellum* ("Justice in War")

In the eventuality of war, some principles must be applied. Care has to be taken that civilians are treated specially, especially in not unnecessarily shedding the blood of innocent and harmless people. There must be a balance between the good attained as opposed to the damage done during the war. Since prisoners of war are no longer a direct risk, they should not be maltreated more than what is needed for security concerns.

#### 4.3.3. *Jus Post Bellum* ("Justice after War")

There are three possibilities at the end of a war: the armed forces have been conquered, the armed forces have been victorious, or the armed forces have settled for an end of hostilities (Moseley, n.d). Therefore, two things have to be taken into consideration: balancing terms of peace by (a) rectifying the injustices that caused the war with (b) having regard for the human rights of the conquered (Dawson, 2013). There must be distinction in dealing with people that were responsible for the cause of war and transforming the lives of the people that are affected by the effects of the war.

### 5. STRENGTHS AND WEAKNESSES OF JUST-WAR

From the explanations above, just war has its strengths in that it is considered a just cause as last resort declared by a legitimate body carried out with right intention and putting innocent harmless civilians into consideration and weighing the outcome of the war in proportion to its effects.

However, its weakness can be summarized by Maguire (2007: 24-25)'s words:

There is much in ["just-war" theory] that is admirable. The problem...is that given the passions of wars, these well-meant restraints are easily and regularly trashed.

Noble effort that it was, "just-war" theory's main sin was its contribution to normalizing war, making war seem morally manageable and almost routine.... The rules of "just-war" theory in practice regularly gave a moral patina and sheen to activities that any ethics should condemn.

In as much as murder itself is greatly awkward, just war theory has to give a purpose for why soldiers become authentic targets of killing initially, and whether their position changes if they are waging a just or unjust war. Does any war really justify the right to take another person's life? Furthermore, just-war theory has given more credence to political violence which in many cases have resulted into full blown terrorism. This negates the principle of discrimination in favour of civilians during war. It is difficult, if not impossible to protect civilians during intense wars (Maguire, 2007: 46-53; Sussmann, 2013: 437-439).

O'Donovan (2003: 109-123) pointed out another weakness of just-war theory, especially in respect to dealing with people that were responsible for the cause of war under *Jus Post Bellum* ("Justice after War") by trying to answer this question: "Can war crimes trials be morally satisfying?" He gave three explanations that, one, "...the vices of implacability and vengefulness, attitudes inconsistent with the judicial frame of mind fundamental to a just war;" two, it may be difficult to differentiate from good and bad in dealing with the people that caused the war; and three, "judicial zeal might provide further fuel for conflict" (O'Donovan, 2003: 109-110).

### 6. CONCLUSION

Having considered the assumption, strengths and weakness of just war theory in this paper, it is the deduction of this writer that the just war theory was never an intention to justify war. The intention of just war theory was to curtail war, control war, and avoid war. It is an undeniable fact that conflicts are inevitable where there is more one person. Unfortunately many of these conflicts (especially in larger societies) result to wars. As a result, there must be some balances to how a war is waged. Just war theory provides such balances. Consequently, when there is necessity for war, the strengths of just war theory should be built on. In conclusion, while many people, regardless



of their conviction, come to an agreement that war is not desirable, and that the world would be a better place with peaceful society without wars, nonetheless, when war breaks out, it should be fought with the mindset of bringing it to an end as soon as possible with minimal destruction of lives and properties. Therefore, just war theory is justifiable to some extent.

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