

# **Dr. James S. Spiegel, Christian Ethics, Session 16, War**

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This is Dr. James Spiegel in his teaching on Christian ethics. This is session 16 on War.

Okay, our next issue is war.

And the question is, when, if ever, is war morally appropriate? So, what is war? Let's begin with that question. War, generally understood, is an armed conflict between nations. But that definition may be problematic since it rules out war against revolutionary or terrorist groups.

Certainly, revolutionary wars themselves are real wars, though they're not wars, properly speaking, between nations. But this is how war is generally understood. Karl von Clausewitz defines war as a duel on an extensive scale.

War, he says, is, quote, an act of violence intended to compel our opponent to fulfill our will. Here are three general perspectives on war, beginning with just war theory, which says that under certain conditions, war is morally justified. And there's the necessary evil view, which says that sometimes war is necessary to prevent a greater evil, but it is itself always evil.

And then there's pacifism, which says that war is never morally justified. So, we're going to focus on just war theory and pacifism, as well as arguments for and against. There aren't many proponents of the necessary evil view, mainly because, for good reason, people don't want to take a position where they're admittedly defending evil.

So, the great majority of scholars on this topic would say either that war is the morally right thing to do in some cases, that it's sometimes just, or the denial of that and saying that war is never morally justified. So we'll begin with that latter view, pacifism, and start by distinguishing different kinds of pacifism. Not all pacifisms are alike.

There is anti-war pacifism, which condemns the national use of violence while preserving a personal right of self-defense. And then there's private pacifism, which renounces violence in the personal sphere but not as used by political authorities. There are two forms of private pacifism.

There's anti-killing private pacifism, and then there's the strongest view of anti-violence private pacifism, which opposes violence of any kind personally. And then there's universal pacifism, which is the most extreme of them all, which opposes all

violence and killing in the private sphere and by political authorities. In terms of philosophical arguments for pacifism, there's the moral exemplar argument, which notes that it would be a better world if everybody was a pacifist.

Everybody acknowledges that. If nobody exercised the use of violence in any case, wouldn't the world be great? So, if that's the case, if universalizing a pacifist point of view or pacifist kind of practice would make the world ideal in this sense, then doesn't that show that that's the correct position? That's the moral exemplar argument. It's essentially Kantian.

We can universalize pacifism, but we can't universalize violence. For that reason, we should never act violently. It's not the kind of conduct that you could will to be universally practiced.

Next, there's the Gandhian argument, which emphasizes the role of suffering, especially for the sake of justice, as a way of purifying the soul. It is not just one's own soul; it can transform the souls of one's opponents as well. Gandhi, in the Hindu tradition, emphasized ahimsa or nonviolence, refraining from causing pain or injury out of selfish purpose.

He says the spiritual weapon of self-purification, intangible as it seems, is the most potent means of revolutionizing one's environment and loosening external shackles, end quote. And, of course, Gandhi became famous internationally for advocating for Indian independence and refraining from any kind of recourse to violence. It's a kind of use of this willingness to suffer to make a powerful point and impact on, you know, even the actions of whole political regimes.

And then there's a utilitarian argument, the idea that wars produce more harm than good. In the end, you know, some pacifists argue, it's always a net loss, whatever war one enters into, even if it's a war of self-defense, even if it's a war that's defending an innocent nation. Whatever good is supposed to be achieved through acts of war, it's always going to be a net loss.

This is an argument that can be hard to defend in certain contexts, such as, say, in World War II, where you have a tyrant like Adolf Hitler killing millions of innocent people. It's hard to convince, you know, a lot of us that it would be the right thing not to respond with any kind of aggression against this genocide. But I've heard pacifists make the case that even here it would be, it was a net loss to enter into World War II, as we did for various reasons.

That is a hard case to make, but it's interesting to see pacifists stick to their guns, so to speak. Maybe that's the wrong metaphor. Stick to their position on this utilitarian argument when it comes to World War II.

In terms of biblical arguments for pacifism, some appeal to the sanctity of life, that human beings are made in God's image, and all people, therefore, have a right to life without exception, even if they are killing people. We should respect their life and not kill them. Now that rules out killing, notice, but it doesn't rule out other forms of violence, stopping the person through violent means that only injure rather than end their life.

Another biblical argument for pacifism appeals to biblical prohibitions of violence. In particular, we can note Jesus's emphasis on non-resistance in Matthew 5, where he says, you've heard it said, eye for an eye, tooth for a tooth, but I tell you, do not resist an evil person. If anyone slaps you on the right cheek, turn to them on the other cheek.

And if anyone wants to sue you and take your shirt, hand over your coat as well. If anyone forces you to go one mile, go with them two miles. So, do not resist an evil person.

Pacifists will note that it seems to point in favor of their view. We also find Paul apparently teaching something similar in Romans 12, verses 19 to 21. He says, do not take revenge, but leave room for God's wrath.

Do not be overcome by evil, but overcome evil with good. And in Peter, we find a doctrine of non-resistance as well. In 1 Peter 2, he says, if you suffer for doing good and you endure it, this is commendable before God.

So, these sorts of passages are used by Christian pacifists to defend their position. Notice, however, that these passages apply to personal violence but not necessarily to national military force. So even if we have a moral duty to not behave violently, even in defending ourselves, it doesn't follow from this that national military force is immoral.

So, let's talk about just war theory. There are several aspects to just war. *Jus ad bellum* regards the conditions necessary to justify going to war, and *jus in bello* regards the principles that limit conduct in war.

The conditions for *jus ad bellum*, *jus in bello*, have been elaborated by a number of thinkers in the just war tradition, such as Thomas Aquinas, Francisco de Vitoria, Hugo Grotius, and others. And so, we'll unpack certain ideas under the headings of *jus ad bellum* and *jus in bello* in a moment. But first, here are some general arguments that are used to support the idea that there can be a just war.

One is an argument for justice. It's the idea that when a nation is attacked by another nation, this is an unjust thing, and it warrants a response in kind. There's also the argument from peace, where the aim of war is to affect a certain kind of peace.

It's not violence for its own sake, and it's not killing for its own sake, but bringing about a better situation of peace. That's a strong emphasis that St. Augustine made, and others have as well, with regard to war. And then biblical arguments, God's endorsement of Israel's use of military force, direct divine commands, in many cases, in the Old Testament, that Israel destroy certain people groups.

Then, in Romans 13, Paul makes an approving reference to the government's use of force. So, let's move on to some analysis of the various conditions for *jus ad bellum*, or justice in going to war, that has been noted by just war theorists. There are several of these.

One of them is that war must be declared by a proper authority, which rules out vigilante or paramilitary groups because those aren't proper authorities for declaring war. Only the highest government bodies have this authority. Now, there are certain problems that attend this criterion, as we'll see.

In most cases, there are some significant aspects of each criterion that can be debated. Here, this requirement of a declaration by a proper authority seems to rule out all revolutionary wars because revolutionaries are challenging the reigning government authority. How could they be a proper authority for gaining or for declaring war? Also, why insist on a formal declaration? Certainly, in the history of American wars, there have been many wars in which the U.S. has been involved, and Congress has not declared war.

But we've been involved in these wars, nonetheless, at the command of our commander-in-chief, our president, without congressional approval and without any formal declaration of war. Secondly, there must be a just cause for war. Traditionally, the just causes have been taken to include, especially, self-defense and punishment for civil injuries, as well as protecting the innocent, like in the case of the Middle Eastern nation of Kuwait, which was annexed by Iraq in 1991 under the first Bush administration.

The United States went in and defeated the Iraqi army in order to liberate Kuwait, and that was taken to be a just act of war by nearly everyone. Some problems are associated with this criterion, however. What counts as a just cause for war? Is it defense against military attack only? Or what about other forms of attacks? And how severe must the attack be? What about espionage? What about digital attacks? What about significant interference in our computer networks that could threaten us in that way? Or economic attacks, which can threaten a population even more so than a few bombs.

So, working that out is very difficult, and it's increasingly a challenge with electronic technologies these days, which in so many cases are far more threatening than

bullets and bombs. So, what exactly counts as a just cause for war? That's one of the most debated subtopics here in this whole issue. Thirdly, there must be a just intention, such as to secure an outcome of peace and fairness in order for a nation to be justified in going to war.

This one isn't debated as much as these other criteria. Fourthly, war must be a last resort. This is often emphasized by just war theorists, that all peaceful means of resolving a conflict have to have been exhausted before you're justified in taking that step of national military force.

A problem here is, how do we know when all reasonable peaceful means of resolving the conflict have been exhausted? How do you know when you've reached that threshold? I know in 2003, before we, you know, the U.S. went back into Iraq in the second Gulf War, the Iraqi leadership, Saddam Hussein, had refused to abide by, I think, 17 different national security or security council resolutions. And, you know, there had been all sorts of economic sanctions that had been imposed on Iraq. And so, it was judged by the overwhelming majority of American leaders throughout Congress, both houses, that it was, this was the right next step.

There were just a few who were outstanding in their refusal to approve of the U.S. going into Iraq at that time. They judged that, okay, this is an appropriate step now. And any just war theorists, which I'm sure there are many in Congress, concluded this is a reasonable step because all other means of resolving this conflict have been exhausted.

But, still, there were some who said, no, we could have taken other steps. We didn't need to resort to war. It wasn't really an appropriate next step at that time.

Fifthly, there must be a reasonable chance of success. You don't want to go to war if your chances of winning are slim. Or not very good.

That's only going to cause more harm than good. But the problem is that it's often very difficult to assess. In some cases, it's not entirely clear what your chances are because you don't know what the military capacities are when it comes to the nation you're fighting.

I remember it was discussed at length before we went in in 1991 how Iraq had the fifth most powerful army in the world. We're looking at an extremely protracted endeavor here. Well, it wasn't.

And the U.S. military defeated the Iraq military in just a couple of days. And then in 2003, because of that experience, it was thought, well, you know, this will be easy. We've done it before.

We'll do it again. And we'd go throughout Iraq and set up a republic and no problem. And the opposite was the case there.

Even if the early stages of war were comparatively easy, the long-term effort was extremely difficult and problematic. So, there are so many factors involved in war that you can't anticipate that prognosticating and doing this cost-benefit analysis is extremely difficult. So that's *Jus ad bellum*, justice in going to war.

Now let's turn our attention to the conditions for *Jus in bello*. What sorts of criteria are there, morally speaking, that we should abide by in the actual waging of war? One of these is the principle of proportionality, which says that the kind and extent of force used must be proportionate to the nature of the threat. So many would argue that nuclear weapons, for this reason, are always inappropriate because they're always excessive.

Whatever the threat is, it's never appropriately dealt with through a weapon of mass destruction, such as a nuclear weapon. But this is difficult to determine, not just with regard to nuclear weapons. Maybe that's the easy case.

But what counts is a proportional response using conventional weaponry. That's difficult. Then there's the principle of discrimination, which says that only military machinery and combatants may be intentionally targeted.

It's wrong to target civilians. This is often highlighted in news reports when there is a war going on, when one nation or another bombed a city, and a school with children was hit, even though it isn't necessarily explicitly stated in the news report. The idea that you would intentionally, or even just as a matter of negligence, kill so many civilians is generally recognized to be an immoral act of war.

So, only military machinery and combatants may be intentionally targeted, even though it's understood that there may be collateral damage, as it's so clinically put. But this principle is difficult to apply, just because it's not clear what counts, in any case, as a combatant. Is it just the soldiers who are actively working in the war effort? Or does it also include people who are, say, working in factories that are making bombs? Most would say, well, yeah, the machinery of war, say in World War II, that the Nazis or the Japanese were making their fighter planes and their artillery, that those were appropriate targets as well.

Well, what about those who are another step removed from that, who are involved on the business side, making deals with, say, the government in the production of steel and other raw materials that they're shipping to these factories? Those who are another step removed in their involvement with those businesses, how far out do those tentacles go such that the people involved are appropriate targets? There are people working in businesses who may not even recognize that their business has a

government contract with the production of military machinery. And the fact that collateral damage is, in the killing of civilians, is sometimes unavoidable. However surgical you make the strike, in many cases, it's likely that some innocent people or civilians are going to be killed.

A third context for considering just conduct related to war is *juice postbellum*, and that regards the conditions for just conduct after war. This isn't discussed as much as *juice ad bellum* and *juice in bello*, but this is a significant dimension here. Once a war is over, and some conditions of surrender have been signed by the nation that was defeated, what responsibilities, if any, does the victor have in their conduct towards or regarding the defeated nation? A scholar named Brian Orand recommends a number of conditions for just peace settlements following the war.

He says the peace settlement terms must be public, measured, and reasonable, and guided by principles of discrimination and proportionality. One of these is the principle of respect, which states that the rights and traditions of the vanquished must be respected. It's inappropriate to try to completely alter a whole culture just because you've defeated them in war and to insist that, say, they have to teach and learn your language, for example, or adopt your cultural traditions.

The rights and traditions of the vanquished need to be respected. Just discrimination. This pertains to the idea that leaders, soldiers, and civilians need to be distinguished.

The leaders and soldiers within the nation that was waging war unjustly may be subject to criminal trials and war trials, while civilians are immune to those charges, and unless someone within that society has been actively contributing to the injustice of the war, they should be left alone. Just compensation. This pertains to the idea that the claims of victory must be commensurate with the character of the war.

In the case of World War II, one of the consequences, in that case, was that Germany had to make all sorts of compensation because the character of the war, in that case, was just so devastating to so many people throughout Europe that they had to pay, pay for a long time, and also not have their own army. You have demonstrated to Germany your lack of responsibility, to say the least, in terms of having your own military force, so no military for you for a long time, and we will guard you. The U.S. military has been the guardian of Europe for a long time, something that our current president has taken some exception to.

When you look at our military budget, it is a ton of money that the American military has to devote to the protection of some European states, but this is a consequence of World War II, particularly with regard to Germany and their misuse of their military. Interesting question with regard to that is how long, how many years, how many decades, how many generations should this continue? That's just one example

of questions related to what it means to respect this criterion of just compensation post bellum. Then finally, due security.

The vanquished must be given certain security against future attacks, particularly if they are not allowed to develop their own military, as was the case with Germany or Japan if that's a stipulation following a war that the defeated nation cannot have their own military, that renders them quite vulnerable to attack by another nation. So, the victor needs to ensure that the vanquished is properly protected in that case, which is something the U.S. has done.

So those are Orange conditions for jus post bellum, and that concludes our discussion of the ethics of war.

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