Just War Theory
• **Just War** theory is a doctrine of military ethics of Roman philosophical and Catholic origin studied by moral theologians, ethicists and international policy makers which holds that a conflict can and ought to meet certain conditions.
The Just War Theory was asserted as an authoritative Catholic Church teaching by the United States Catholic Bishops in their pastoral letter, *The Challenge of Peace: God's Promise and Our Response*, issued in 1983. More recently, the *Catechism of the Catholic Church*, in paragraph 2309, lists four strict conditions for "legitimate defence by military force":

- the damage inflicted by the aggressor on the nation or community of nations must be lasting, grave, and certain;
- all other means of putting an end to it must have been shown to be impractical or ineffective;
- there must be serious prospects of success;
- the use of arms must not produce evils and disorders graver than the evil to be eliminated. The power of modern means of destruction weighs very heavily in evaluating this condition.
• While proponents claim such views have a long tradition, critics claim the application of Just War is only relativistic, and directly contradicts more universal philosophical traditions such as the Ethic of reciprocity. Secular humanists may accept just war theory based on universal ethics without reference to Christian morality.
Just War theorists combine both a moral abhorrence towards war with a readiness to accept that war may sometimes be necessary. The criteria of the just war tradition act as an aid to determining whether resorting to arms is morally permissible. Just War theories are attempts "to distinguish between justifiable and unjustifiable uses of organized armed forces"; they attempt "to conceive of how the use of arms might be restrained, made more humane, and ultimately directed towards the aim of establishing lasting peace and justice."
• The idea that resorting to war can only be just under certain conditions goes back at least to Cicero. Augustine of Hippo, Thomas Aquinas and Hugo Grotius later codified a set of rules for a just war, which today still encompass the points commonly debated, with some modifications.
The Just War tradition addresses the morality of the use of force in two parts: when it is right to resort to armed force (the concern of *jus ad bellum*) and what is acceptable in using such force (the concern of *jus in bello*). In more recent years, a third category — *jus post bellum* — has been added, which governs the justice of war termination and peace agreements, as well as the prosecution of war criminals.
Criteria of Just War theory

• Just War Theory has two sets of criteria. The first establishing *jus ad bellum*, the right to go to war; the second establishing *jus in bello*, right conduct within war.
**Jus ad bellum**

- Just cause - The reason for going to war needs to be just and cannot therefore be solely for recapturing things taken or punishing people who have done wrong; innocent life must be in imminent danger and intervention must be to protect life. A contemporary view of just cause was expressed in 1993 when the US Catholic Conference said: "**Force may be used only to correct a grave, public evil, i.e., aggression or massive violation of the basic human rights of whole populations.**"
Comparative justice - While there may be rights and wrongs on all sides of a conflict, to override the presumption against the use of force, the injustice suffered by one party must significantly outweigh that suffered by the other. Some theorists such as Brian Orend omit this term, seeing it as fertile ground for exploitation by bellicose regimes.
Jus ad bellum

• Legitimate authority - Only duly constituted public authorities may wage war.
**Jus ad bellum**

- Right intention - Force may be used only in a truly just cause and solely for that purpose—correcting a suffered wrong is considered a right intention, while material gain or maintaining economies is not.
**Jus ad bellum**

- Probability of success - Arms may not be used in a futile cause or in a case where disproportionate measures are required to achieve success.
Jus ad bellum

• Last resort - Force may be used only after all peaceful and viable alternatives have been seriously tried and exhausted or are clearly not practical. It may be clear that the other side is using negotiations as a delaying tactic and will not make meaningful concessions.
**Jus ad bellum**

- Proportionality - The anticipated benefits of waging a war must be proportionate to its expected evils or harms. This principle is also known as the principle of macro-proportionality, so as to distinguish it from the *jus in bello* principle of proportionality.
Jus in bello- (How should combatants act?)

• Once war has begun, just war theory also directs how combatants are to act.
Distinction - Just war conduct should be governed by the principle of distinction. The acts of war should be directed towards enemy combatants, and not towards non-combatants caught in circumstances they did not create. The prohibited acts include bombing civilian residential areas that include no military target and committing acts of terrorism or reprisal against ordinary civilians.
**Jus in bello**

- **Proportionality** - Just war conduct should be governed by the principle of proportionality. An attack cannot be launched on a military objective in the knowledge that the incidental civilian injuries would be clearly excessive in relation to the anticipated military advantage (principle of proportionality).
**Jus in bello**

- **Military necessity** - Just war conduct should be governed by the principle of minimum force. An attack or action must be intended to help in the military defeat of the enemy, it must be an attack on a military objective, and the harm caused to civilians or civilian property must be proportional and not excessive in relation to the concrete and direct military advantage anticipated. This principle is meant to limit excessive and unnecessary death and destruction.
• According to the Pope John Paul II, however, the Iraq war was clearly not a just one.
YOUTUBE Video – The Six Day War

- Click on the image to the right. You will need to be connected to the internet to view this presentation.
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In the run up to the 2003 invasion of Iraq, the question of whether the invasion would be a just war was posed. Many of those on both sides of the debate framed their arguments in terms of the Just War. They came to quite different conclusions because they put different interpretations on how the just war criteria should be applied. Supporters of the war tended to accept the US position that the enforcement of UN resolutions was sufficient authority or even, as in the case of the Land Letter, that the United States as a sovereign nation could count as legitimate authority. Opponents of the war tended to interpret legitimate authority as requiring a specific Security Council resolution. They also asserted that the US had neither exhausted its diplomatic options nor allowed international efforts to run their course and take effect.
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