

## Thinking about war

- Starting point: the will of God for humankind is peace. He made it for that, and history is going towards that.
  - We should not hold up any cultural value of war, or heroic glorification of it for the advancement of civilization.
  - We should deny any '*right*' to pursue war. We should deny any claim anyone makes that we may sacrifice our neighbour for our own survival or prosperity. The gospel says we renounce goods that can be won by cost of our neighbours' goods.
  - In the mean-time before Christ comes and brings ultimate peace, we have secular form of judgment. It's God's provision of common grace. Now, in society, we have believers and disbelievers, and government is given to bring justice and judgment, to bring peace. Armed conflict is an aspect of this judgement. Therefore armed conflict should be restricted by the same limits of normal judgement (in the law courts). Therefore, in assessing, and going to a war, and conducting war, it will involve the concept of 'justice' /
  - Some people will lean towards 'pacifism', and not want any war, but rather say we need peace as a gift of God, that is not done by a political act. Sometimes pacifist will agree that there is the need for government to bring justice *within* a society, but claim there is no warrant for *international* politics i.e. we are not to try and have politics fix international relationships.
  - In Church history such as with Augustine, *love* has been the doctrine used, to attempt to understand armed conflict. This will affect the method of thinking of war as 'self-defense'. Self defense is not based on love. Because we are to love, a Christian must be willing to have suffering and martyrdom, so that 'just war' doesn't broaden out to unjust ways, where excessive violence happens. War is not to be a license to avoid defeat by all possible means. However, a Christian doesn't *start* with suffering and martyrdom when thinking about war. Suffering and martyrdom and the end point, when everything else that is 'just' has already been tried.
- In current politics, there is often thinking that 'just war' is oriented to 'self-defense' as the only acceptable justification for war. This leads to noble/humane/interventionist action being less imaginable. That is, a nation will only enter war to defend itself, but less likely to intervene to help/love others and other nations.
- When considering 'just war' we are not trying to make a perfect judgement on wars and whether they are just, b/c there are no just people, and there is so much complexity to people's motives, our ability to know what it's like 'on the ground'. Rather, as we reflect on wars and their justice or not, it helps us be warned of the dangers of self-defense, over confidence, mass emotion, cruelty, partial sympathy, indifference, timidity, etc.
- It is important to include the concept of 'penalty' in just war. As said above, war is an extraordinary extension of ordinary acts of judgment. Judgement involves justice ie good judgement is to act fairly, impartially, reasonably. it's to give people what is due. Justice involves the scope of *authority* and in such a manner to *establish justice*. See more below
- For citizens of a country, we should take care in condemning or agreeing with being for or against our government's policy of going to war. We should be engaged with it, asking questions, having an open mind, hearing explanations, knowing we don't know lots of the details. We should also be aware that in any war, things may change during the conflict and there may be different decisions along the way to agree/disagree with in seeing if each step of judgement was just or not. It is not as simple as 'we should go to war or not,' and that is the end of discussion. It is important to note that often the worst crimes in war tend to be committed later in war when patience and discipline have worn thin, and the public are tired of the war and let injustice go more easily.
- *Authority*
  - Armed conflict extends beyond its sphere of authority. If a government of a country has authority given to it by its people whom it governs, and it follows a judicial process to rule justly. And there is no judicial process i.e. a group attempts to impose its decision on a community, not lawfully subject to it. In war, the group is

not trialed, found guilty and charged. Note e.g. Adolf Eichmann, a German citizen was tried and executed in *Jerusalem*. A German war criminal, who committed crimes on German soil against German citizens (Jews). What if the German govt objected to that?!

- o War also damages society on a greater scale than ordinary acts of judgement usually done by govt. because of the wide reaching affects of war.
  - o Civil war: when a government has lost its authority, when it acts against its own subject without judicial process.
  - o How can a govt act outside its scope of authority and be authorized? e.g. British bombers limited Iraqi's freedom of flights *over Kurdish* regions.
  - o In medieval ages, there was the Pope and holy roman empire to authorize if something was just. Today we have the United Nations Organization and its Security Council. However, courts can lose authority where by constant malfunction or inability to enact their judgements. UNO has often been paralyzed by super-power stand offs, regional politics, or unwillingness of members to support its decisions. 'Public opinion' can act, imperfectly, in ascertaining the rightness of international conflict, especially when there is no third institutional party to make a judgement. It acts to be arbiter of two parties to conflict.
  - o When international intervention occurs, it must not be in 'self-interest', but in the interest of neighbours being loved.
  - o Sometimes a government will invite others to help fight off internal aggressors. But this depends on the appropriateness of the people inviting others. e.g. Kurds in Iraq who lacked legality to invite others to help its fight against others in Iraq
  - o When a judgement/war is made, consideration of who will rule once conflict ceases, is needed. The future rulers, don't need to be those who are making war. But those making war need to take steps to ensure the emergence of a form of rule occurs after the war, since this is an aspect of 'doing justice', as it provided for the good order of future relations within that community and among communities. God wills that communities are governed by law.
- *Establish Justice*- occurs with 'discrimination' and 'proportion' are considered
    - o *Discrimination*
      - It is to separate the innocent from the guilty in judgement. It also forces us to see that the 'we' and 'they' in any conflict are not absolute terms. A collective of people is not a herd or mass. It is to ask: who acts for whom, and how. The aeroplane makes this harder, b/c bombs dropped don't discriminate against civilians or soldiers. The Geneva convention of 1949 (post Hiroshima bomb) found this difficult. 1977 conventions required people to distinguish between civilians and combatants and to only direct war operations against *military* objectives. Nuclear weapons were argued against because of their indiscriminate value. Also it is significant what weapons were. To discriminate better, it is more important to not just have enhanced power, but great precision in targeting. This was seen in the Gulf War in 1991.
      - The lack of discrimination has been made harder in Gaza recently, with Hamas headquarters situated near/under hospitals.<sup>1</sup>
      - To discriminate, there is a need to consider the *intention of the attack*. *Intent* should be to *discriminate* between the guilty and innocent in its attack.<sup>2</sup> Questions of who is guilty and who is

---

<sup>1</sup>

<https://www.smh.com.au/world/middle-east/hamas-studies-ceasefire-proposal-after-deadly-israeli-hospital-raid-in-west-bank-20240131-p5f18g.html>

<sup>2</sup> Complexity with this. e.g. soldier is less guilty than a criminal gang as the soldier represents his/her govt. Corporate responsibility is diff to personal guilt. Yet the civilian at home and soldier in the field incur liability. But will be different once surrendered.

innocent need to be considered. Politicians, mechanics, computer operators, drivers could be technically 'civilians' but are all involved in enabling the war to happen. Yet a military doctor or military provider of food for the army, is involved in the war, but seems to have less guilt? Yet it is clear that the soldier in his tank is more involved and therefore guilty, than his wife and children sitting in the air raid shelter. Intention of war is to primarily target those who are primarily guilty, who are those with direct material cooperation with the war. This is acting with good intent, for just war.

- As discrimination happens, it's not to act against the society/the people, but against the state/govt (as it acts in a hostile way). One could target the society, by decreasing society's functionality e.g. stop food, and ability to make electricity, which would hamper the government in its hostility. However this denies the right of peaceful social existence, which we and the enemy are due.

But there is complexity again with this: sometimes a social thing in society becomes such a key aspect for direct military use. But when it is attacked it causes massive *social* damage it should be avoided. e.g. stopping water supply. This will decrease the ability to make electricity, which is used to fight in war, but water supply also supplies water for people to drink. Because of the massive social impact, water supply should not be target (even though it would be a strategic advantage in war).

- Intention means it is to *aim* at combatant objects, rather than non-combatant objects. It doesn't mean non-combatants will not be killed. they may do. as collateral damage. But the intention is breached when noncombatants are attacked directly. Non combatants are not to be attacked directly.
- Intention also needs to consider the *amount* of noncombatant damage that will result from it's action. If the damage is disproportionate to the crime/problem, and it fails to intend to avoid disproportionate damage, those making for war, in effect, really do intend to do disproportionate damage. e.g. say the allied forces bombing Hiroshima claimed to intend to aim at military places only, but if that was the case, they should have used other suitable means at their disposal. The fact is, the non combatant damage was massive.

Again there is complexity. Good question to ask to understand intentionality, is: if the attack, by some means, didn't end up killing noncombatants, would the attack still go ahead? If yes, then it is rightly intentional. e.g. say if all citizens miraculously heard of the upcoming atomic bomb to be dropped in Hiroshima, fled Hiroshima, would the attack have lost its point for the USA? If yes, the intention was to harm noncombatants. And their deaths were not just collateral damage.

- However the above also means that the party being attacked, has a part to play. Putting military structures near civilian sites is immoral. The First Geneva Protocol requires all parties to 'endeavor to remove the civilian population from the vicinity of military objects and abide military objectives in densely populated areas'. This is a current issue in Gaza with Hamas military sites being close to noncombatants like hospitals.

Guerrilla warfare creates this problem, as it mixes the civilian and military. The enemy is permitted to move in normal civilian areas. This puts noncombatants in danger. Moreover, the civilians in that situation are under stress b/c the guerrilla warfare soldiers demand allegiance from them.

- We are to discriminate in order to bring justice. Justice is not just a proportional response to the threat in front of us, and the ability to repel that. But justice requires that we discriminate combatants and noncombatant

- Weapons that can often be indiscriminate include nuclear weapons, some biological weapons, or even anti personnel mines. Again the primary concern for discrimination has to do with the concept of intention

o *Proportion*

- An act of war is disproportionate of the damage it does, if it is excessive damage in comparison to the amount of peace it can reasonably hope to achieve.<sup>3</sup>
- To describe the wrong being done we must refer to: the guilt of the offender; the danger the wrong poses; the actual disorder affected.
- Currently we have wars that are just if they are purely defensive- trying to keep the status quo (see Security councils in 20 century do not to go to war if it was *punitive* (punishment of the offender to restore what is right. e.g. where humanitarian problems exist) or *reparative* (a war like US invasion of Panama in 1990 to restore power to legitimate authorities after they were illegally deposed). But this often means 'just war'(in contemporary usage) is focused on protecting self-interest, but not willing to engage in a noble war for others. Rather war could be to free an oppressed society..
- As O'Donovan says: 'In our own time the notion of punishment, though hardly aired, is an important tacit support for wars of humanitarian assistance, for only penal desert can justify intervention into a foreign state's jurisdiction and responsibility out of its hands. Without it, international justice is pushed back upon the 'perimeter fence'. But the notion [of justice as proportion] also has a critical role in keeping war objectives limited. The pursuit of safety can run to indefinite lengths, and the pursuit of right without regard to guilt can be a cruel thing. When Palestinian guerrillas cross the border from the Occupied Territories into Israel and perform isolated acts of terrorism, in reprisal for which Israel launches massive military bombardment, we call it 'over-reaction'. What we mean is simply that there is a *penal* disproportion between offense and response. Whatever the guilt of the attack, it strikes us that the Palestinians have 'not deserved' all that they are forced to take. Israel may appeal to its need for safety; but that need is infinitely elastic. To require a penal objective guards against the resort to war as a response to non-culpable injury, and prevents the subtle expansion of defensive war-aims into further goals, such as colonisation. Common prejudice is inclined to suppose that punitive objectives make for unbridled war; but the truth is more or less the opposite; they impose the tightest of reins, since punishment is measured strictly by desert.' O'Donovan pg. 58

In other words, if war is disconnected from concerns about justice as desert/punishment, war loses important limits. We can claim 'defense' as a justification for all sorts of expanding *precautionary* measures. But war pursued with respect to penal desert can only go so far. Some actions may indeed make us safer, but do our opponents actually *deserve* them?

- Example of defensive war is teh US against iraq because of weapons of mass destruction. it is good to consider of a preemptive strike to occur and be just, that the danger must be immediate. If the danger of not going to war become so imminent and grave, then war is justified. eg if an accumulation of biological wepaons pprohibited by internation trated and designed to use against populations. the threat would need to be real, certain and inescapable.

---

<sup>3</sup> Complexity of prospective possibilities e.g. getting lots of arms, to be ready for war.

- The duty of a government deferring to an international authority is only possible if that authority has the capacity to act decisively in a crisis. Just as private citizens may take and detain a mugger in the absence of the police, improving a form of government where the official form is not around, so a nation may improve internal justice where international maturity is not capable of enacting it.
- The aim of proportional justice is to achieve peace, i.e. a stable political order and not just 'victory'. So when a war is to be considered, it is to consider this. A country is not to rush to arms, nor is it not to refuse to count the cost. But it is also to consider if there is good to begin from fighting, or to continue fighting. Has so much been gained already or so much has been lost, that this war should stop.
- Destruction must not outrun the requirements of establishing peace. What measures secure *peace*, as opposed to merely securing *victory*. e.g. a nuclear war – what would that leave for habitation after the war? it is unlikely to lead easily to peace and an ability for the country to function, and so should cautiously be entered into. This affects the method of fighting and the type of weapons to be considered when entering war. However, it doesn't mean that war should not be entered into. What would happen to peace of a nation, if the enemy was allowed to continue. Would the society be much worse off? then war could be started. e.g. if Nazis were left to go through Europe

Related concept of penal justice. i.e. is it deserved

- C.S. Lewis made a roughly analogous point in his classic essay, "The Humanitarian Theory of Punishment." His main conceit was that merely deterrent or rehabilitative accounts of imprisonment, capital punishment, and so forth, lose the characteristic trait of justice by dispensing with desert, and ironically become more oppressive:
 

The reason is this. The Humanitarian theory removes from Punishment the concept of Desert. But the concept of Desert is the only connecting link between punishment and justice. It is only as deserved or undeserved that a sentence can be just or unjust. I do not here contend that the question 'Is it deserved?' is the only one we can reasonably ask about a punishment. We may very properly ask whether it is likely to deter others and to reform the criminal. But neither of these two last questions is a question about justice. There is no sense in talking about a 'just deterrent' or a 'just cure'. We demand of a deterrent not whether it is just but whether it will deter. We demand of a cure not whether it is just but whether it succeeds. Thus when we cease to consider what the criminal deserves and consider only what will cure him or deter others, we have tacitly removed him from the sphere of justice altogether; instead of a person, a subject of rights, we now have a mere object, a patient, a 'case'.
- 'Let us rather remember that the 'cure' of criminals is to be compulsory; and let us then watch how the theory actually works in the mind of the Humanitarian. The immediate starting point of this article was a letter I read in one of our Leftist weeklies. The author was pleading that a certain sin, now treated by our laws as a crime, should henceforward be treated as a disease. And he complained that under the present system the offender, after a term in gaol, was simply let out to return to his original environment where he would probably relapse. What he complained of was not the shutting up but the letting out. On his remedial view of punishment the offender should, of course, be detained until he was cured. And of course the official straighteners are the only people who can say when that is. The first result of the Humanitarian theory is, therefore, to substitute for a definite sentence (reflecting to some extent the community's moral judgment on the degree of ill-desert involved) an indefinite sentence terminable only by the word of those experts—and they are not experts in moral theology nor even in the Law of Nature—who inflict it. Which of us, if he stood in the dock, would not prefer to be tried by the old system?' CS Lewis

We see here how relevant and necessary the punitive question of desert becomes in the prevention of tyranny or injustice in the name of supposedly more enlightened accounts. In the hands of the humane social engineers, a crime deserving of a two-year sentence might be treated for five and with electro-shocks “for the sake of the patient”. Or again, if deterrence is the sole motivation for action, that someone be guilty is not strictly necessary for an example to be made. An innocent accused of the crime, or simply held up as an example of what will happen if you do step out of line, will do just as well.

#### War by other means

- War is an act of judgement, serving the international community for just order. we’ve seen this is done by the 3-fold constraint of *authority, proportion and discrimination*. However, there are intermediate means to try and achieve peace that stands between political conflict and outbreak of war.
- These include ‘diplomacy’. These exercise power beyond the sphere of political authority. they seek to avoid directly intending fatalities. eg tear gas. or economic sanctions
- Economic sanctions are not the same as a selective refusal to trade with or invest with an immoral business or sector of business. eg refusing to deal with an exporter of addictive drugs, or stolen artifacts or slaves or ivory trade. to do this does not mean this government is acting in a hostile way to that exporting nation. the reason not to trade is because of the nature of the business itself. not the nature of society or the state
- Sanctions are acts of war, they use the power of the state as a *reprisal*. ie the state holds sanctions against another state because of its immoral action. it is an act of war b/c it is considering the *justice* of the offending nation’s actions. It is therefore important to note that the sanctions should be discriminate and also proportionate. General sanctions can be indiscriminate, in affecting society in general and often the poor. yet sanction could be directed against investment- which allows a ascot to continue, but not prosper as much. this was tried with Iraq.
- will the sanctions be proportionate. it is difficult as general sanctions could cripple a country \*eg Rhodesia sanctions in 1965 by Britain . And a military war may have less effect. pg 105. It is good to remember that sanctions are not an alternative to war, but another means of war (bringing justice). Yet there is a reluctance to engage in wars of intervention based on the respect for the authority of each stat to govern its people. The UN security council is entitled to to concern it with any ‘dispute, the continuation of which is likely to endanger the maintenance of international peace and security’. Yet another mode of war is the sanction.
- If sanctions fail, it is important to consider what the next step is: to abandon the attempt altogether, or for military activity (taking into account if this would achieve better peace or not, than is currently there. There can be danger if military action is never likely, to leave sanctions there indefinitely , but that could bring severe consequences to the country, as happened in Iraq, where thousands died of starvation.

As war is considered: what kind of war, how it is authorized (UN involvement?), with what participants (multiple nations?), on what grounds, and what aims?

When we consider war, the above gives guidelines to consider, but the details, which only the government will know, will need to put flesh on the above. It is hard for the church and those in the church, to say what should happen, b/c we don’t have those details and so can’t make conclusions.

Church leaders are to educate the flock on how to think about war. it is the government to make decisions about it. yet they may not listen to biblical advice. The church is to be careful of being critical in such complex situations. It’s easier to critique than to provide the right solution.

There is usually harm that will be done in war. but to pile all the harms together to necessarily bring paralysis in action is not right. the harms of action and inaction are to be weighed and then decided upon.