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# THE VIRTUE OF JUSTICE AND JUSTICE IN WAGING WAR

**I**n an apt metaphor, C. S. Lewis begins his discussion of morality with the image of a fleet of ships to explain what he calls the different parts of morality. He claims that several things need to happen in order for the fleet to function effectively.

The voyage will be a success only, in the first place, if the ships do not collide and get in each other's way; and, secondly, if each ship is seaworthy and has its engines in good order. As a matter of fact, you cannot have either of these two things without the other. If the ships keep on having collisions they will not remain seaworthy very long. On the other hand, if their steering gears are out of order they will not be able to avoid collisions.<sup>1</sup>

Lewis goes on to describe a third part of morality. To continue the fleet analogy, we must know where the fleet is trying to go and be sure it is getting there. "However well the fleet sailed, its voyage would be a failure if it were meant to reach New York and actually arrived at Calcutta."<sup>2</sup>

Lewis is trying to make the point that morality is not, contrary to what many people think, simply about relationships between people. Relationships

1. C. S. Lewis, *Mere Christianity* (San Francisco: HarperSanFrancisco, 2001), 71.

2. *Ibid.*

between people are indeed crucial to morality, and are represented, in his analogy, by the fact that the ships do not collide. But it is also important that the ships reach the proper destination. What the human destination, or destiny, is will be primarily addressed in the second half of this book, though we have already seen the topic arise in chapter 1 with rival visions of what people and society are all about. It is also important that individual ships are in good working order. The point for morality is that it is important not just how well you relate to others, but that your own ship is in order. In fact, as Lewis notes, it is difficult or even impossible to have one without the other. This is why we examined the virtue of temperance in chapter 4, since that virtue concerns not only how one's pursuit of sensible pleasures impacts others, but also how well one's own desires and emotions are ordered. We will examine the virtue of fortitude in chapter 9, which is also concerned with keeping one's own ship in good working order.

Justice is the virtue that inclines us to good relationships with others that, in other words, "avoid collisions." It is such a fundamentally important virtue that for many thinkers, the term justice is simply equated with morality in general. Recall from the Glaucon/Socrates exchange in chapter 1 that the main question under examination was, why be just? rather than why be moral? This makes sense if we keep in mind Lewis's claim that our relationships with others are deeply intertwined with our overall destiny in life, and with how well our own ships are in good working order. But we must be careful to avoid a common modern assumption that morality is simply about our relations with others. You may hear people say, "I wasn't hurting anyone!" Or, "what right do others have to tell me what to do when it doesn't concern anyone else!" These comments reflect an assumption that there is only one part of morality—relations with others. Yet this neglects two other essential parts of morality described by Lewis. It neglects how our overall direction in life shapes our interactions with others. It also neglects how one's habits and character, even in seemingly private matters, shape one's interactions with others and thus do indeed have societal impact. When Aquinas refers to justice, he is aware of and affirms that it can in a sense be equated with all morality. But his main use of the term corresponds to Lewis's first of three parts of morality.

Justice in its most exact sense is one of the four cardinal virtues, namely, the one that inclines us to good relations with others.<sup>3</sup>

The purpose of this chapter is to examine the cardinal virtue justice. The chapter is divided into two main sections. The first explains in greater detail the nature of the virtue justice. As with temperance, we will find that a general treatment of justice does little by way of providing specific norms for difficult

3. For a helpful discussion of the understanding in Aquinas of justice, in both the general and particular senses described here, see Jean Porter, "The Virtue of Justice," in *The Ethics of Aquinas*, ed. Stephen J. Pope (Washington, DC: Georgetown University Press, 2002), 272–86.

situations where one struggles to determine what is just. Thus, the second half of the chapter examines the issue of warfare in the context of justice, and explains different positions on the issue of whether or not there is such a thing as a "just war," and, if so, what characterizes it. Though the second section will not tackle any particular historical case, it will leave us prepared to do exactly that in chapter 8.

## The Virtue Justice

This opening section proceeds in three parts. The first offers a careful definition of justice. The second part revisits the Glaucon/Socrates debate from chapter 1, and explores where our sense of justice comes from by explaining the ancient question of what it means to say that justice is "natural" to us. Finally, the third part points out the varying ways justice is lived out in different social contexts and according to different rules. Though we may think of civil law when we hear the term "justice," the virtue concerns far more than that. Nonetheless, this part explains how careful thinking about what constitutes good civil law can help further illuminate justice in the broader sense.

### *Defining Justice*

Aquinas adopts a classic Latin phrase to describe justice: "*suum cuique*," which means "to each his due." Any act of justice gives another what they deserve. As a virtue, *justice* is a steady disposition (a habit) in someone to give other people their due. There is an obvious problem with this definition, however. If justice concerns giving others their due, what exactly is due to other people? The traditional answer to this question is that the goal of justice, or what the just person seeks in her acts, is "*ius*." *Ius* is the Latin term that is the origin of English words like justice and justify. It is commonly translated "right," as in the just person seeks what is right in her relationships with others. This is somewhat misleading, both since we use the term "right" in so many ways today, and because the Latin term *ius* is a noun rather than an adjective. *Ius* refers to the "proper order of things," or "the way things were meant to be." It is a state of affairs marked by peace, or harmony, since there exist genuine right relations with others. The just person seeks such a state in all her acts.

Of course, saying that what is due to another person is *ius* does not really answer our question. It just pushes it back one step further. If the just person acts toward establishing *ius*, or rightly ordered relationships, what constitute rightly ordered relationships? There are several general rules that help us answer this question. Most famous is perhaps the Golden Rule: "Do unto others as you would have done unto you" (Matt. 7:12). There is also the part of the greatest commandment relating to love of neighbor, where Jesus says, "love

your neighbor as yourself" (Matt. 22:39; Mark 12:31; Luke 10:27). Immanuel Kant articulated a famous philosophical maxim called the categorical imperative to guide people's actions: "act only according to that maxim whereby you can at the same time will that it should become a universal law."<sup>4</sup> All of these general principles are very useful in helping people to act justly since so often our actions, upon a moment's reflection, would be seen to be violating these relatively straightforward principles.

But though these succinct guides are helpful in identifying more obvious cases where we are acting unjustly, they are far less helpful in tough cases where it is not so clear what we would want to make a universal law, or how we would want others to treat us. Or, to put this in the language of chapter 5, these rules may help us when we know what the just thing to do is, but are less helpful when we are trying to figure out what exactly is the just thing to do. Is the death penalty just or unjust? What economic policies are just to all involved? Is it ever permissible to go to war and intentionally kill people? If so, are there any methods or occasions of killing that are unjust? It seems that offering a basic definition of justice, and even some tried-and-true general guidelines for living justly, does not get us as far as we often need to go in determining how to live virtuously. This is not the first time we have run into this problem in this book. We spoke extensively about temperance, but it took another whole chapter on drinking alcohol to find more specific guidance on how to drink virtuously. A prudent examination of the specific activity under consideration is required for specific norms that go beyond general guidelines. The same is true of the treatment of justice. We will indeed delve more deeply into one such activity, waging war, later in this chapter. And chapter 8 will explore a very specific case in the waging of war. But before turning to these more detailed examinations, some further words are needed on the virtue of justice in general.

### *Doing Justice, "Naturally": Justice as Constitutive of Living a Good Life*

Though it may be challenging to define exactly what constitutes what is due another in a particular case, the basic notion of deserving something is very accessible to us, for it is deeply ingrained in us. To get a sense of how readily we evaluate actions in terms of giving others their due, think of how commonly you hear people frame situations in terms of what they deserve. Even children on the playground will yell things like, "he deserved it!" meaning that whatever was done was due the other child. We may hear the familiar exchange among children: "Mine!" "No, mine!" Here we have competing claims

4. Immanuel Kant, *Grounding for the Metaphysics of Morals*, pp. 1–62 in James W. Ellington, trans., *Ethical Principles*, 2nd. ed. (Indianapolis: Hackett Publishing, 1999), 14. This is a paraphrase of one of the several formulations of the categorical imperative articulated by Kant, but it suffices for our purposes.

about who is due whatever is being fought over. We may hear an adult gripe about his boss or his job, and realize that a claim is being made as to what the person is or is not due. Occasionally people say things like, "no one deserves that." In fact, the U.S. Constitution claims that no one deserves "cruel and unusual punishment." Determining what exactly constitutes such punishment would require closer scrutiny in a chapter on, say, the death penalty. But what is important here is that all these claims are framed in the language of what one is due or deserves.

It seems we have a rather ingrained sense of evaluating situations in light of what people deserve, or what is their due. Where does this come from? As another indication of how intimately justice is tied to morality as a whole, this question harkens us back to the first chapter's discussion of why be moral? Is our grasp of what is due others simply a reflection of some basic understanding among people in civil society, conditioned in us from the earliest age, in order to protect ourselves from suffering at the hands of those who attempt to do what it is we all want to do, namely, get whatever we want? If so, then cries of "he deserved it!" or "mine!" are indignant recognitions that someone among us is violating the rules. Glaucon would be right that being just is not what is best for us, but a second best compromise given our selfish ways.

Against this view, the dominant strain of the Western tradition has consistently affirmed that being just is actually what is natural to us. This is a tricky term that requires our close attention since it is used in so many ways. Sometimes people call something natural because it is so common. In this sense we might say, "it's only natural to tell a lie." We mean it happens all the time. Sometimes we call something natural because it is effortless or feels right to us. Again, we might say someone is a natural-born liar because he does it so effortlessly. The third sense of natural refers to what happens when things are functioning well for someone. So we say it is natural to eat right and exercise. Eating right and exercising is natural in the third sense even if it does not happen a lot, or is not effortless. Sometimes things are natural in all three senses. We say, "it is natural to love your child" because it is what someone who is being a good parent does (third sense) and hopefully it is both common (first sense) and effortless (second sense). However, sometimes we say something is natural in a way that we do not mean all three senses. Drinking excessively may be natural to an alcoholic in the second sense (it is effortless), but not in the third sense (as in what is best for him), and hopefully not the first sense.

The dominant strain of the Western tradition has always claimed that it is natural for us to be just. This is meant primarily in the third sense. It would be nice if it were true in the first two senses, but sadly it generally is not. At first glance this claim seems odd even in the third sense. Why is it that maintaining right relations with others is what is best for me? How is it natural for us to give others their due when we seek our own happiness? Was Glaucon right that concern for others is solely an imposition on us? As in chapter 1,

we are once again facing a question that has to do with the very origin of justice and morality.

Thinkers before and since have long recognized Aristotle's famous claim that we are "social animals."<sup>5</sup> In other words, the things we do to flourish and live a good life are done with others. Another way to put this is that we humans are interdependent.<sup>6</sup> Think of the varying commitments in your life that are important. I would venture to say that every single one of them demands that you rely on others. It is true of your families, friends, and romantic relationships. It is true of universities and companies and hospitals. It is true of churches and nations. In each of these cases, you share with others some common project, be it the nurturing of a family with a spouse, education with other university community members, or common defense with fellow countrymen. Even more basically, the language that structures our thoughts and enables us to communicate is passed on to us by others. The goods we need to live are provided with the help of others. As one contemporary philosopher argues, the very identities we develop in life are deeply shaped by our interactions with other people.<sup>7</sup> So when Aristotle says we are social animals, he does not just mean that there are other creatures around us who are the same as us. He means that how we live, and indeed who we are, is deeply shaped by our interactions with others.

If this is the case—and I would certainly agree that it is—then it is simply erroneous to think of giving others their due as somehow rivaling our own ability to live a good life. Being in right relationship with others, in other words being just, is constitutive of living a good life. Socrates was right in chapter 1! As one contemporary theologian writes:

Recall that each person seeks happiness in accordance with what she considers herself to be; the just person considers herself to be a participant in a just community—even if that community exists only as an ideal in her own mind. Hence for her there can be no conflict between justice and happiness because she would undermine and destroy her own identity.<sup>8</sup>

Justice is simply the habit of acting in a manner that nourishes right relations with others, and these relations are essential to our identities and thus essential to living a good life.

5. See Aristotle's *Politics*, in *The Basic Works of Aristotle*, ed. Richard McKeon (New York: Random House, 1941), i.2, 1127–1316.

6. For an excellent analysis of this interdependence, including how it engenders virtues, see Alasdair MacIntyre's *Dependent Rational Animals* (Chicago: Open Court, 1999).

7. For an excellent and exhaustive inquiry into these questions of identity, see Charles Taylor's *Sources of the Self: The Making of the Modern Identity* (Cambridge: Cambridge University Press, 1994).

8. Jean Porter, *Nature as Reason: A Thomistic Theory of the Natural Law* (Grand Rapids: Eerdmans, 2005), 218.

One traditional way of describing this reciprocal relationship of individual and group flourishing is through use of the term "common good." The *Catechism* relies on the Vatican II document *Gaudium et spes* to define the common good as "the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfillment more fully and more easily."<sup>9</sup> Any level of human community (family, institution, state, etc.) possesses some common good. Communities are said to be just—and persons who are part of communities are said to be just—to the extent that they contribute to well-ordered relations that allow the corporate entity, or community, to flourish. Of course, as the *Catechism* makes clear, the common good presupposes respect for the individual persons that constitute the community, and so forms of collectivism that purport to serve the corporate whole at the expense of individual members actually violate the common good. In short, the social nature of the human person means that individual human happiness is inextricable from the common good of varying levels of human community.

We are now encroaching on topics more fully addressed in the second half of this book. We have started here to make big-picture claims about what society and the individual person are all about. Such judgments are inevitable in speaking about the cardinal virtues. Just as Glaucon's view of morality only works if people are ultimately self-centered individuals who face the burden of having to live in society with other people, the view of justice presented here as maintaining and restoring the common good only works if it is true that people really do flourish only in interdependent relationships at varying levels (peers, families, local communities, nations, etc.). The fact that articulating some understanding of justice requires that one at least implicitly take a stand on these deeper questions is one reason why theories of justice are so contested in modern thought. That need not concern us just yet. It is enough to move on having explained why a dominant strain of the Western tradition has always claimed that being just is natural to us, and having recognized that this claim rests on some assumptions about the nature of the person and society that are not shared by everyone. Before moving on to a particular arena of justice, some words on the prevalence of rules of justice are in order.

### *The Pervasiveness of Rules for Justice*

As noted by C. S. Lewis in the brief treatment of justice given in chapter 3, the virtue justice may lead us to think immediately of courts, police, and

9. *Catechism of the Catholic Church*, 2nd ed. (Vatican City: Libreria Editrice Vaticana, 1997), 1906, citing *Gaudium et spes* 26§1. The *Catechism* (1905–12) quotes the early second century *Epistle of Barnabas* 4.10 as an early reference to the notion of the common good, and provides three essential conditions of the common good. For a helpful contemporary treatment of the common good, see David Hollenbach's *The Common Good and Christian Ethics* (New York: Cambridge Press, 2002).

jails. In short, we think of criminal justice, or more broadly civil justice. This is one crucial arena for justice. Since justice concerns right relations between members of some corporate entity, civil justice at the national, state, or local level is an obvious arena where the virtue justice is lived out. But the virtue justice applies to many more arenas than this. It applies whenever there are people living as a group and relating to each other as members of that group. So, for instance, there is justice, or injustice, in how a company or corporation is run. Justice governs right relationships between those who live and work at universities. Justice governs how people who are members of a club interact. Justice is the virtue that governs how sports are played, and how players or teams in professional sports do what they do. Justice governs how peer groups function, and how family members interact. Whenever there are relations among members of some corporate entity, there is a possibility of well-ordered relations (*ius*), and justice is the virtue that inclines people to contribute to these well-ordered relations.

Though *ius* describes a state of affairs where things are well-ordered, and the way they were meant to be, this state of affairs should not be understood in a staid, static, stiff manner. Well-ordered corporate entities are dynamic and organic. Nonetheless, such dynamic groups operate under sets of rules to guide and sustain their flourishing. Consider just one arena for right relations among members: the family. We all know from our experiences of families that family life is anything but static and staid. People are always on the go. Parents are trying to juggle work and family commitments. Children are off to school and other activities, such as sports and music lessons. With all this there are shared times for church, visiting family, and even vacationing together. Add to this domestic chores, family crises and sickness, and it is a wonder people in families sleep! So even in a well-functioning family where there is *ius*, or right relations, that order is still dynamic, surprising, and at times even downright hectic!

Yet even in the hecticness there are rules (spoken or unspoken) that govern how the family lives. There are set times when people are expected to be together, as for dinner each evening or for weekly visits to a grandparent, or for Thanksgiving. There are shared expectations about who does what chores around the house. Parents have different systems for getting children to school, helping with homework, overseeing extracurricular activities, and so on. There are understandings about which items (clothing, toys, the family car) are shared and used in common, and which items are not. Many rules are particular to specific families: for instance, each Wednesday everyone is expected to be home for a family game night. Some rules apply to all families: there can be no physical or emotional abuse, dishonesty, or stealing from one another if a family is to function well. But in all families there are rules that govern common life and hopefully enable the family to flourish.



Note that in accordance with the morality-of-happiness perspective endorsed in this book, these rules are not obligations externally imposed on members of the family (though at times doing our chores, or driving a family member to their appointment may feel like that!). Following the rules is not the end goal. The goal is right relations between family members, so that each member can flourish and live well. Following the rules means participating in that flourishing.

One important function of rules of justice in any group is to guide how members of the group respond to violations of justice. *Ius* is dynamic and organic, but its suppleness is not unlimited. In other words, there are indeed actions that harm right relations among group members. The virtue justice also guides people to respond appropriately when someone acts in a manner that harms right relations among the group. Right order (understood in the dynamic sense described above) can be disturbed, and when it is it needs to be restored. For instance, what should happen when a child steals from a sibling or lies to a parent? What happens when one parent is not carrying his or her load around the house, or when a parent is neglecting the family in favor of work? As noted in chapter 5, it takes prudence to see rightly when there are indeed violations of justice, and whether those violations are serious or not. With such prudence, the virtue justice inclines one to respond well to injustices in the family. There are of course rules governing how justice may be restored well. Children may be punished, but there should not be vindictive anger, and never abuse. A parent may change his or her ways and make it up to the family, but token gestures (like buying a new family toy, or a gift for a spouse) without genuine recognition of wrongdoing or any commitment to change do not really rectify, or make right, the injustice.

All of these rules serve justice in the family by maintaining right relations or restoring them when violated. Though we have mainly spoken here of the family, there are of course many other arenas where justice is important, namely, wherever there are people functioning in relation to each other as a group. You could easily identify similar rules for maintaining and restoring justice in companies, universities, nations, and churches.

We can better understand these rules of justice at all levels, from families and peer groups to national and international law, by looking briefly at Aquinas's definition of law. Though he has in mind civil law, what he says is easily applied more broadly to rules that govern other corporate entities. According to him, law is a dictate of reason, made by a legitimate authority and properly promulgated, that serves the common good.<sup>10</sup> Consider four key elements of this definition. First, he says a law is a dictate of reason. For our purposes we can simply say that there must be specific content to the rule. It must be

10. See Thomas Aquinas, *Summa Theologiae*, English Dominican trans. (New York: Benziger, 1948), I-II 90,4.

clear exactly what one's chores are, or what constitutes plagiarism at a university, or what constitutes speeding in this state or city. Second, a law must be made by the proper authority. So parents decide what is best for children, or the CEO or board of trustees sets company policy, or legislators decide speed limits. Third, a law must be properly promulgated, or made known. Parents must convey the rules to their children. Students must be told what is expected of them so they can be graded fairly. Speed limits and other laws must be posted or somehow made known so that people can follow the law. Fourth and finally, a law must be directed to the common good of the group under consideration. In other words, rules help sustain and protect the group to which they apply.

Of course, this definition of law does not enable us to neatly settle all disputed issues of justice. Sometimes what is debated is whether or not one of these features is present in a law or act of justice at hand. Students who say their uncited use of a webpage as a research source is not a case of plagiarism are basically saying the rule defining is not specific enough. Debates over whether the U.S. invasion of Iraq in 2003 was justified often turn on whether or not the U.S. had the authority to address injustice in the way it did, or if only the United Nations would have that legitimate authority. When you tell a police officer that the speed limit was not posted and so you couldn't know you were speeding, you are basically saying the law was not properly promulgated. Finally, when people debate the justice of, say, affirmative action, they are often trying to determine whether such a policy will indeed serve the common good or not.

It is clearly true that not every law or rule of justice (formal or informal) meets all these criteria. One need not even think of the extreme cases of Nazism or Jim Crow laws to see that some rules intended to support the common good actually corrupt it. Other group rules can be actually harmful in less drastic ways. Nonetheless, the point of a rule is to sustain and restore right relations in the group to which it applies. When a law or rule meets Aquinas's four criteria, it does exactly that.

The point of these introductory comments on justice in general is to expand our notion of justice in several ways. Justice is not simply about the courts or law. It is about all right relations between people. There is justice or injustice whenever there are people working together. Often formally (as in laws), but at least as often informally there are rules that both sustain right relations and restore them when violated. When these rules are indeed just they are not external impositions on group members (even though they may be experienced as such), but rather constitutive of living a good life in particular communities. Since living in such communities is part of what it means to be human, justice is called natural. The next section explores these claims in the arena of international relations, and more specifically the waging of war.

## Waging War Justly?

The purpose of this second section is to explore how the vision of justice described in section one plays out with some specific question of justice. The following discussion explores how just judgments can be made by people in responding to people who disrupt the order of justice (*ius*) by acting unjustly. Even more specifically, though many of the claims made in this section are relevant for other arenas of justice, the focus here is on how nations may be described as just or unjust in decisions about whether or not to wage war, and if so, how. As will be clear, this is no simple matter of taking a general definition of justice as offered in the previous section and mechanically applying it to a given situation in order to be just. Things are more complicated than that. Yet this is not to say it is impossible to determine and then act out what is just in messy real-life situations. This section's reflection is intended to assist people to do exactly that.

The first part addresses the question of whether or not judgments of justice can accurately be made. This is a crucial question, since it seems that nations so commonly see things in ways that support their own interests over that of other nations. This fact makes us rightly wonder if accurate judgments of justice are possible, or if they should be avoided altogether. The second part explores different ways that people have understood how to respond to acts of injustice at the international level. The final two parts adjudicate debates between people who have different answers to the question: can it ever be just to intentionally kill people to restore the order of justice?

### *Can We Make Just Rules, or Any True Judgments, about Morality and Warfare?*

If actions concerning justice, or relations between individuals and groups, are rule-governed activities as described at the end of the previous section, then waging war is no exception. This observation often strikes people as odd. They may recall the famous quip that "war is hell" and assume that what happens during war (like what happens in Vegas) is outside of or immune to the type of moral analysis to which we subject the rest of our lives and activities, perhaps because it is so horrible. The horror of war is not contested here. Nor is the fact that extreme situations, such as the systematic elimination of an ethnic group, may indeed call for extreme measures, such as purposely killing thousands of perpetrators of the injustice. But note that these claims are rules themselves: under certain such conditions, normal moral rules do not apply; or, when circumstances are extreme then such rules can be changed.

The claim that war is a rule-governed activity is true both in a weaker, less interesting sense and in a stronger, more interesting one. As for the former, even war waged under the guiding principle of "win at all costs" is following

some sort of rule. As noted below, this is what is meant by total war. It is a rule in the descriptive sense explained in chapter 1, since it is a principle guiding a nation's actions in warfare.

Yet war may be called a rule-governed activity in a narrower, more interesting sense as well. Even if deceitful or self-deluded, nations generally justify their actions in terms of justice. In other words, they claim they are acting justly when accused of acting otherwise. Consider the response of the U.S. government to cries of injustice when American precision bombs destroy civilian targets. The response is generally that the action was unintended and, while tragic, justified given the current engagement. (Whether and when this is an adequate response will be explored in chapter 8.) For now, note simply that the U.S. response was not, "Yeah, so what?" but rather a retort that there was no injustice done. Both sides are committed to arguing in terms of justice. Similarly, if you were educated in the southern part of the United States, you may have heard what is commonly called the Civil War called the "war of northern aggression." This name carries with it the claim that the South was a victim of injustice. Whether that is true or not, the point is that each side claims to have justice in its corner.

This is a perfect example of the traditional claim that the virtue of justice has a real mean rather than a rational mean. If we were talking about what constitutes virtuous eating, it may indeed be possible to claim that two different perspectives are both rational and thus virtuous. But with justice this cannot be so. Though justice obviously has various instantiations through different times and cultures, what constitutes justice in a specific relationship between people cannot be defined differently precisely because it concerns their relationship. For example, although both sides may believe their own cause to be just, it cannot be that the Civil War was both a just war to achieve justice and an unjustified war of aggression.

At this point a complaint is usually lodged by students and readers. Who is to say what really is just? Maybe the U.S. precision bombing was unjustified. Or maybe the Civil War was an unjust war by the North. The wisdom of this complaint is the absolutely accurate recognition that particular loyalties shape how we see the conflicts we are in, and shape what we think is just. This occurs on familial, neighborhood, racial, national, and international levels. Americans generally think the United States is right, for instance. But recognizing this is very different from taking a step further and claiming that labels of injustice are not really true or false, but simply expressions of what the accuser himself sees and wants. If we take this latter step, and thus give up on moral realism by claiming that we can never accurately identify things as just or unjust, we ought to beware the ramifications of that position. Giving up on moral realism means that certain seemingly obvious atrocities (child abuse, rape, genocide, racial violence, slavery) are not truly offenses against justice—it is just how we look at it.

Presumably, none of us wants to claim that child abuse or rape is not really wrong. But we are also acutely aware of how often our judgments of what is truly right or wrong can favor ourselves. Where does that leave us? We should certainly subject our own actions and opinions to scrutiny, recognizing that our particular communities (friends, families, racial groups, and nations) shape how we see the world around us, and what we recognize to be just or unjust. We must beware the common human tendency to see things in ways that favor us in defiance of reality. But as was noted in an earlier chapter on the sub-virtue *memoria*, the response to skewed perceptions of reality is not abandoning the endeavor of trying to see truthfully the world around us, an abdication which is surely undesirable and arguably impossible. Rather, we must try to be more prudent, and work on the often difficult task of seeing more clearly what truly is and is not just, giving explanations for our judgments, and debating them with those who disagree, to get at moral truthful judgments and so be able to prudently pursue true justice.

This is hard work, and will entail errors, errors that in many realms of justice may tragically cost lives. But if what you are seeking in moral theology is some way to ensure from the outset that your judgments about justice will be definitively immune from error, you are seeking in vain. However, this is far from saying it is impossible for us to make accurate judgments of justice. Much of what follows on the just-war tradition is simply the collective wisdom of an ongoing tradition as to what exactly such judgments are concerning waging war.

### *Spectrum of Responses to Injustice: Just War and Pacifism in Perspective*

Even if we can make judgments about what constitutes genuine injustice (although we must be very attentive to error and ethnocentric judgments), questions remain. What are the best ways to respond, individually and collectively, to acts of injustice by nations of people? Is the use of violence ever justified, and, if so, are there any moral limitations to its use? The purpose of this subsection is simply to lay out a spectrum of possible responses to injustice that apply to the international level. (They also apply more broadly—as the use of Martin Luther King Jr.'s life will indicate—but that is not the focus here.) Here we simply present the spectrum with a basic explanation of how the various positions differ.<sup>11</sup> The task of substantiating and adjudicating the different positions is taken up later in this chapter.

11. The following discussion on a spectrum of responses to injustice is indebted to the work of James Childress. For a helpful brief account of his treatment of these issues, and even a chart similar to that used here, see James Childress, "Niebuhr's Realistic-Pragmatic Approach to War and 'the Nuclear Dilemma,'" in Richard Harries, ed. *Reinhold Niebuhr and the Issues of Our Time* (Grand Rapids: Eerdmans, 1986), 122–56.

Pacifism	nonresistance
Pacifism	nonviolent resistance
Just War	limited violent resistance (discrimination and proportionality)
Just War	limited violent resistance (proportionality alone)
Total War	unlimited violent resistance

Starting from the bottom of the figure, *total-war* advocates claim that there are no moral limitations on the use of force in warfare. It is summed up in the phrase, "win at all costs." Given the horror of war, it is foolish and naïve to think that people will allow moral considerations to influence their actions, especially when such influence will likely mean putting one's self in greater danger by refraining from fighting a war, or from using a weapon that will protect one's self. Note that in the broad descriptive sense, the total-war position does indeed follow a rule. But since the rule is "win at all costs," there are no resources available to limit how violence is used to protect or pursue a nation's interests. For reasons that will be clear in the next few paragraphs, people who explicitly advocate total war are actually few in number, since even the most violent aggressors tend to justify their actions with a warped vision of justice. Whether some nations live out this view, despite rhetoric to the contrary, is of course another question.

At the top end of the figure are the *pacifists*. This term loosely refers to those who are unwilling to use violent force in rectifying injustice. The term pacifist is rejected by some as too vague, partly because it includes importantly different groups. For instance, some pacifists adopt a stance of *nonresistance*. Trusting that God's providence suffices to establish justice without human intervention, and/or fearful that human sinfulness and myopia render attempts to establish justice actually as unjust as what is targeted, these people not only reject the use of violence to address injustice, but also refuse to resist evildoers. They are guided by the well-known injunction of Christ to "turn the other cheek" (Matt. 5:39).

Also included among pacifists are *nonviolent resisters*. These people are pacifists due to their refusal to use violent means to rectify injustice. But they are quite willing to make judgments as to what constitutes injustice, and then stand up against such injustice using means that do not include violence. Thus, they resist, but nonviolently. Famous nonviolent resisters include Mahatma Gandhi and Martin Luther King Jr.

Continuing down the figure, we come across two different sorts of just-war advocates. The *just-war* perspective refers to those who are willing to employ violent means to fight injustice. Though unlike pacifists, due to their willingness to use deadly force, they are like pacifists in that their goal is to secure and maintain peace, or the presence of *ius*. That goal makes them different from total-war advocates (since the just-war goal is a truly just and peaceful state

of affairs rather than simply establishing whatever state of affairs is desired). It therefore limits the occasions and ways they will use force, limits beyond the simple total-war adage, "win at all costs."

What limitations are held distinguishes two types of just-war theorists, and leads us into the more specific criteria of just-war theory. Some just-war theorists claim that proportionality alone limits the virtuous use of force to redress injustice. Use of violent force is deemed "proportional" (or proportionate) when the damage caused by one's use of force is not above and beyond the force needed to restore a just and peaceful state of affairs.<sup>12</sup> Other just-war theorists agree that the use of force must be proportionate, but add discrimination as another limit to the virtuous use of force. Discrimination here, unlike the way we often use that word, is a good thing to do. Also called noncombatant immunity, *discrimination* refers to the claim that in order for the use of force to be just, one must discriminate between combatants and noncombatants, and never intentionally kill the latter. This will be a crucial argument in the examination, in chapter 8, of the debate over dropping the atomic bomb in World War II.

### *Adjudicating Just War and Pacifism in the Catholic Tradition*

One question that people normally ask at this point is the extent to which the different positions on the spectrum described in the last section are determined by one's religious convictions. Though this is primarily a question for the second half of the book, the question of the compatibility of justice and the use of violence offers helpful insights into this question. Consider the example of Martin Luther King Jr. who focused his work for justice on the national level, but whose thought helpfully illuminates nonviolent resistance in general. King was a Protestant minister, and anyone who has read his work knows how deeply and pervasively his faith shaped his own mission to pursue racial justice in the United States. His recognition of the advocate's need to purify himself, and his insistence on love of the enemy and the necessity of forgiveness, are deeply rooted in his faith.

Yet at same time other reasons for his refusing to employ force are not at all related to distinctive Christian beliefs. He speaks of the effectiveness of nonviolence in demonstrating the brutality of the aggressor's injustice, and of the greater potential for lasting peace when change is secured through

12. Those familiar with twentieth century debates in Catholic moral theology will notice that the term used here is quite similar to the term "proportionalism." Proportionality is simply an assessment of whether the good achieved outweighs the bad. Proportionalism describes an approach to moral theology whereby actions are judged permissible or not based upon the proportionality of their consequences. All recognize that assessments of proportionality are important for moral theology. Proportionalism is an approach based on the claim that assessments of proportionality alone exhaust moral analysis. One need not be a proportionalist to recognize the importance of judgments of proportionality.

nonviolent means. These claims are not dependent on religious faith, and indeed there were many of non-Christian or no faith who walked by King's side in his pursuit of justice. The reason why people with differing theological commitments can agree on such issues is because cardinal virtues like justice concern innerworldly activities that are accessible to unaided reason. Just as you needn't be a Christian to be a good judge, in principle you needn't be a Christian to see truthfully how to face injustice most virtuously. That said, theological commitments do indeed shape one's response, as is seen in the Catholic tradition on pacifism and just war.

One recent authoritative document on Catholic teaching on war and peace is the U.S. bishops letter entitled "The Harvest of Justice is Sown in Peace."<sup>13</sup> Here the bishops lay out Catholic teaching on war and peace in an accessible manner. They begin by noting that any authentically Christian response to injustice always aims toward the reestablishment of genuine peace. Though they do not use the term, we know they are referring not simply to the absence of conflict, but to *ius* understood as the proper order of things. In other words, any response to the actions of another (in this case nation) must be undertaken with the goal of restoring right relationship, which of course is based on what each party is due. This may seem obvious, but note that it eliminates any claim of the total-war perspective to be Christian. It is conceivable that some political theorists could adopt and follow the position that every nation should simply seek to secure what it regards as its own best interests, resulting in a social order constituted by a balance of competing self-interested parties. This may actually occur in international politics. But the U.S. bishops note that such a view of the use of force is incompatible with Christianity, where justice dictates that actions in response to injustice must aim at restoring a truly just state of affairs.

So according to the U.S. bishops, the total-war response is both always immoral and also incompatible with Christianity. What of the pacifist and just war responses? Are these compatible with Christianity? Recognizing that there have been virtuous Christians throughout history who have held each of these positions, the bishops claim that both pacifism and just war can be moral responses to large-scale injustice that are compatible with the Christian tradition: "The Christian tradition possesses two ways to address conflict: nonviolence and just war."<sup>14</sup> The bishops try to affirm both approaches as virtuous ways to restore justice by claiming:

13. This document was released as a commemoration of the ten-year anniversary of another U.S. bishops letter on war and peace, *The Challenge of Peace: God's Promise and Our Response* (Pastoral Letter, 1983).

14. National Conference of Catholic Bishops, *The Harvest of Justice is Sown in Peace: A Reflection of the National Conference of Catholic Bishops on the Tenth Anniversary of the Challenge of Peace, November 17, 1993* (Washington, DC: United States Catholic Conference, 1994), pt. 1, sec. B.



Our conference's approach, as outlined in *The Challenge of Peace*, can be summarized in this way:

1. In situations of conflict, our constant commitment ought to be, as far as possible, to strive for justice through nonviolent means.
2. But, when sustained attempts at nonviolent action fail to protect the innocent against fundamental injustice, then legitimate political authorities are permitted as a last resort to employ limited force to rescue the innocent and establish justice.<sup>15</sup>

They deem it possible to affirm both approaches because both approaches "share the common goal: to diminish violence in this world."<sup>16</sup> It seems more accurate to say that both pacifism and the just-war perspective share the common goal of maintaining and restoring *ius*, or peace, in the world; but it is true that they share a common goal.

These two approaches, of course, employ significantly different means toward that common goal. In fact, they employ mutually exclusive means. The bishops suggest trying nonviolent means first, but are then willing to use violence in a manner governed by just-war principles. Their position, however, is not a combination of the two approaches, as they suggest, but rather *is* the just war approach, which (as seen below) affirms it best to resolve injustices through nonviolent means first. The pacifist position does not simply try to avoid the use of force. It prohibits it as an absolute norm. Therefore, any approach—such as the bishops'—which is open to using violence even as a last resort is ultimately incompatible with an approach that sees the use of such violence as a violation of an absolute norm.

The U.S. bishops therefore seem to adopt a clear just-war position despite wanting to affirm the compatibility of pacifism with the Christian tradition. What really seems to be happening here is that the bishops are trying to let rival approaches within the same Christian tradition stand, which is a wise thing to do in the absence of compelling arguments that only one of these, rather than the other, is actually compatible with justice. But in affirming both of these approaches it is best not to suggest they are compatible on the use of violence when in actuality they are not.

Recall also the above claim that pacifism and just war are umbrella terms including different strains of thought. Do the bishops mean to affirm all strands of pacifism and just-war thinking? The answer is no. Consider pacifism first. If by pacifism is meant simply an unwillingness to fight because of cowardice, or because of disregard for injustice in the world, then this sort of pacifism is incompatible with Christianity. The bishops claim that the "Christian has

15. Ibid.

16. Ibid.

no choice but to defend peace. . . . This is an inalienable obligation. It is the how of defending peace which offers moral options."<sup>17</sup> Lack of commitment to justice in the world is not an option for the Christian.

More controversially, nonresistance is arguably also incompatible with Christianity, despite the common source of this position in Christ's own instruction to "turn the other cheek." If the Christian has an obligation to defend peace, presumably that means resisting those who violate the order of justice, even if simply by lovingly confronting them on their actions in the hope that they will change (see Matt. 18:15-17). One wonders if the nonresistance advocate would be willing to participate in any of the rules noted in the first section of this chapter for restoring justice at any level: punishing children, confronting boorish behavior in friends, arresting criminals, and so on. If so, then they are indeed willing to resist. If not, it is hard to imagine how this is compatible with seeking justice and defending peace, which are obligatory for the Christian. When the bishops affirm pacifism they are clearly in support of the nonviolent resistance of the sort practiced by Gandhi or King.

What of the just war tradition? Do the U.S. bishops approve any sort of just-war theory that includes some room for limiting force for moral reasons? Again, the answer is no. Recall from above that there are two dominant strains of the just-war tradition: limiting violence on the ground of proportionality alone, or on the grounds of both proportionality and discrimination (or non-combatant immunity). Both approaches aim toward a truly just peace, but are willing to employ different means to achieve it. To understand the difference between the two, consider the following question: what if by intentionally killing several hundred civilians we could end a war sooner and save thousands? People who limit the use of violence in a just war by proportionality alone are willing to intentionally kill innocent noncombatants if such action can help restore justice in a proportionate manner (i.e., by saving more lives in the long run). Yet the U.S. bishops firmly endorse noncombatant immunity as a requirement for just-war theory in their letter. The prohibition of intentional killing of innocent persons is perhaps the most foundational absolute moral norm in Christianity. (As noted in chapter 8, it also informs most secular versions of just-war theory.) It may seem "override-able" for the greater good. But, as St. Paul says, one must not "do evil that good may result" (Rom. 3:8). More detail will be offered on this in chapter 8, but it should be clear here that according to the U.S. bishops, only the just-war position that limits violence by both proportionality and discrimination (noncombatant immunity) is compatible with Christianity.

Therefore, there are two approaches to restoring justice on the international arena that are compatible with the Christian tradition according to the U.S. bishops: nonviolent resistance pacifism, and just-war theory, including

17. *Ibid.* Here the U.S. bishops cite *The Challenge of Peace*, 73.

both proportionality and noncombatant immunity. The following section will examine arguments for and against these two positions to complete our preparation for the test case to come in chapter 8.

### *Adjudicating the Debate between Just War and Nonviolent Resistance*

Debate continues among advocates of each of these two more specific versions of pacifism and just-war theory who claim that the other approach is actually not most just, and/or is incompatible with Christianity.<sup>18</sup> Note again that though one's faith commitments are indeed relevant for this debate (as evidenced by the reference to St. Paul in the previous part), since we are debating an innerworldly activity, we should not expect such debate to be settled on theological claims alone. Hence, much of the following will proceed on natural-law grounds.

Since just-war advocates recognize that nonviolent resistance may at certain times constitute a just response to injustice, the question is not which one of these is always unjust. The key question may be phrased in two ways depending on one's stance: a) from the just-war side, can the refusal of nonviolent resisters to ever employ violence be at certain times a failure to be just by refusing to defend peace with available means; or, b) from the nonviolent resistance side, is the use of violence always unjust?

First, let us consider the question from the side of the nonviolent resistance school of pacifism. Two main pacifist arguments are offered here against just-war advocates. First, proponents of nonviolent resistance claim that the just-war approach to restoring peace and justice simply does not work. Though his work was primarily on a national level in the United States, the work of Martin Luther King Jr., is instructive on this point.<sup>19</sup> King's argument for nonviolence focuses on its effectiveness in restoring *ius*, or peaceful right relations, for two reasons. First, it helps prevent the victim's hatred of the one committing the injustice. If right relations are to be restored, they will presumably include the rectified former perpetrator of injustice. A refusal to employ violence helps the nonviolent resister continue to see the aggressor as someone with dignity, with whom one can be restored into right relationship. Well, you might say, that assumes the aggression will stop. What if it does not? King would retort that the second reason for the greater effectiveness of nonviolence is its impact

18. In this part, pacifism is understood more specifically to refer to nonviolent resistance, and just-war advocates are understood to be those who limit the use of violence by both proportionality and discrimination/noncombatant immunity.

19. For a brief and helpful synopsis of King's thought on nonviolence, see both his "Pilgrimage to Nonviolence," in his *Strength to Love* (Minneapolis: Augsburg, 1981), 146–54, and his December 10, 1964, Nobel Peace Prize acceptance speech, "The Quest for Peace and Justice," at [http://nobelprize.org/nobel\\_prizes/peace/laureates/1964/king-lecture.html](http://nobelprize.org/nobel_prizes/peace/laureates/1964/king-lecture.html).

on the aggressor himself. The method of nonviolence so stirs the conscience of the aggressor that it awakens in him a realization of his injustice. If this sounds unrealistic, recall this is what seems to have happened as a result of both King's nonviolent resistance in the U.S., and Gandhi's nonviolent resistance of the British in India. Indeed, it seems odd to employ a means (lethal violence) that is antithetical to what one claims to be trying to establish (peace). Though King would have to acknowledge that there is no guarantee of the success of nonviolence, surely the same is true of the use of force. In fact, it seems that places which are subdued by violence are all too often marked by an illusory peace where the defeated merely wait for a better opportunity to exert themselves.

A second and related reason that King could offer for employing nonviolence, and indeed which is commonly offered by pacifists today, is that the just-war criteria simply do not actually work in eliminating or mitigating the use of force. Everyone thinks that their cause is just and that they are the victims of injustice. So, even when just-war advocates offer criteria that have to be met in order to use force virtuously, pacifists wonder if these criteria are ever actually followed. Has just-war theory ever actually limited the use of force, as it claims? Some pacifists suggest that if just-war advocates ever actually refused to use force, due to their theory, it might have more credibility. But despite claims to the contrary, in the opinion of some pacifists just-war proponents seem to live out total war while hiding under a cloak of just war.

Just-war advocates obviously see things differently. They would argue that throughout the history of the just-war tradition, reliable criteria have been developed to determine when it is indeed virtuous to wage war. Augustine was the first to famously list criteria for the just waging of war, and Christian and non-Christian thinkers alike since then have sought to list the conditions that would have to apply for someone to use violence justly to restore peace. One set of these criteria is given by the U.S. bishops in their document.<sup>20</sup>

There actually are two lists. One contains the conditions that must be met for a nation to enter armed conflict in the first place. These conditions are collectively referred to as *ius ad bellum*, or "being just in going to war:"

1. *Just Cause*: force may be used only to correct a grave, public evil, i.e., aggression or massive violation of the basic rights of whole populations;
2. *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;

20. *The Harvest of Justice is Sown in Peace*, pt. I, sec. B, no. 2.

3. *Legitimate Authority*: only duly constituted public authorities may use deadly force or wage war;
4. *Right Intention*: force may be used only in a truly just cause and solely for that purpose;
5. *Probability of Success*: arms may not be used in a futile cause or in a case where disproportionate measures are required to achieve success;
6. *Proportionality*: the overall destruction expected from the use of force must be outweighed by the good to be achieved;
7. *Last Resort*: force may be used only after all peaceful alternatives have been seriously tried and exhausted.<sup>21</sup>

If all of these conditions apply, a nation is justified in going to war. Of course, simply knowing the conditions does not eliminate debate over whether or not they actually apply in a certain historical situation. People may question a nation's right intention, as when some claimed that the real reason for the United States to lead the 1991 war against Iraq was to secure oil. Similarly, there are debates over the role of the United Nations concerning legitimate authority, or whether the recent war in Iraq violated the last-resort condition. So it is true that prudence, individual and communal, is required in order to make such judgments rightly. But this simply means nations must deliberate carefully, not that these conditions can never actually exist.

Just-war theory also includes a set of conditions that must apply in order for a nation already engaged in armed conflict to use violent means virtuously. These criteria are called *ius in bello*, or "being just in fighting a war." There are three:

1. *Noncombatant Immunity*: civilians may not be the object of direct attack, and military personnel must take due care to avoid and minimize indirect harm to civilians;
2. *Proportionality*: in the conduct of hostilities, efforts must be made to attain military objectives with no more force than is militarily necessary and to avoid disproportionate collateral damage to civilian life and property;
3. *Right Intention*: even in the midst of conflict, the aim of political and military leaders must be peace with justice, so that acts of vengeance and indiscriminate violence, whether by individuals, military units or governments, are forbidden.<sup>22</sup>

Given the separate sets of criteria, it is conceivable according to just-war theory that a nation could go to war justly but not fight that war justly. In fact, the

21. Ibid.

22. Ibid.

debate in chapter 8 over dropping the atomic bomb at Hiroshima is about precisely this claim. It is quite feasible to argue that this act violated *ius in bello*, even though the United States was fighting a just war.

Just-war advocates would respond to pacifists that these criteria can guide and indeed have guided nations' actions. They might argue that President George H. W. Bush demonstrated adherence to the right intention criterion of *ius ad bellum* when he did not occupy Iraq in 1991, but rather simply liberated Kuwait. Had his intention really been seizing Iraqi oil supplies, he would have occupied the nation or at least its oil fields. Just-war advocates could point to American use of smart-bomb technology to limit civilian (noncombatant) casualties even when larger scale bombs could ensure the destruction of the intended target. Of course, just-war advocates do not claim that national leaders must look up the appropriate just-war principle and call it by name in order to act in accordance with just-war theory. Rather, their claim is that a nation acts justly when its actions are consonant with those principles, even if they are not explicitly referring to them.

Therefore, in response to the pacifist charge that just-war theory is in reality indistinguishable from total war, just-war advocates can offer specific criteria for waging war justly, and point to real occasions when these criteria were lived out, even if not explicitly referenced. As for the claim that pacifism is more effective, just-war proponents would not only disagree, but also claim that nonviolence eliminates a crucial tool for restoring justice: war. Reminiscent of the U.S. bishops, who seem to adopt a just-war perspective even while purporting to endorse nonviolent pacifism, just-war advocates can endorse all of the claims of nonviolent resistance pacifism save one: the refusal to ever use violence. Surely nonviolence is often the best and most effective way to restore justice. God willing, no one wants to go to war casually. But against pacifism, the just-war advocate asks, what if all the conditions of *ius ad bellum* apply? Assuming they do, then and only then is war a virtuous—indeed the virtuous—way to restore justice. In this same situation (say perhaps, when the Germans invaded Poland in 1939), the pacifist refuses to defend the innocent and reestablish peace through warfare. And this, contends the just-war advocate, constitutes a failure against the Christian—indeed human—obligation to defend peace and restore justice.

One final arena for the debate over whether the use of violence is ever compatible with the just restoration of peace concerns the place of violence (understood as at least potentially lethal force) in the broader category of coercion (understood as acting against someone's will). Notice that the non-violent resister does not refuse to employ coercion in the name of justice. These pacifists generally agree that parents should reprimand their children, friends can and should confront misbehaving friends, and police should arrest criminals, all for the sake of justice. Sanctions, boycotts, reprimands, and the like are all forms of coercion, since they seek to redirect the actions of

aggressors even if against their wills. Indeed if they did not, they would not be effective. Presumably the pacifist would say that such coercion is in reality not true harm at all. It is perceived as harm by the perpetrator, but since the person is acting unjustly, restraining them from continuing their unjust action not only restores *ius* for the sake of the common good, but also restores the perpetrator herself to justice, which is for her own good even if she does not recognize it at the time.

If coercion can be for the good of all, including the perpetrator against whom it is targeted, why the unwillingness among nonviolent resisters to employ coercion that is lethal (assuming last resort and the other conditions are met)? (We say "lethal" and not even physical or violent coercion since surely incarcerating criminals is coercion in these senses, and not prohibited by the nonviolent resister.) This is a challenging question to both the just-war advocate and the pacifist. On the one hand, the just-war advocate has to argue that the death of the aggressor (assuming all just-war criteria are met) actually serves the common good, even though it means this individual (or all those individuals killed) will no longer be able to participate in that common good because they are dead. This is a very strong judgment, but just-war theorists must acknowledge that this is precisely what they are claiming when saying that waging war is virtuous.

On the other hand, pacifists have to explain why they are willing to employ coercive methods in some situations like life imprisonment (presumably in cases of true guilt), but yet will not allow for lethal coercion. Why will they draw that line? What principle distinguishes for them the allowance of coercion to serve justice in some cases, but not in others? One obvious answer is that being dead is significantly different than being restrained or incarcerated. True enough. But even this line is hard to maintain. For instance, is it permissible to arm jail guards with lethal force? What about police officers? How would the commitment to nonviolence look in these situations, assuming nonviolent resisters are not interested in dispensing with criminal justice?

This point is raised both to remind the just-war advocate of the seriousness of the claim that one can indeed kill for peace and justice, and to press the nonviolent resisters to specify exactly how and why they would draw their lines as to what constitutes just and unjust coercion, since they are apparently open to coercion in some cases.

This draws to a close this second section of the chapter. It is certainly easier to talk vaguely about justice and rules of justice. But when concrete rules for real-life situations must be determined and will indeed result in suffering for those involved, no matter which course is taken, debates over justice become more difficult and heated. The main task of this section has been to enter into the debate over whether or not the use of lethal force is ever compatible with justice as understood in the manner depicted in the first section.

## Concluding Thoughts

The twofold purpose of this chapter is to explore the cardinal virtue of justice in more depth, and to engage in debates about how specific rules of justice are determined in some particular arena of justice, in this case the waging of war. As should be clear at this point, an accurate view of justice in general, and even a knowledge of specific norms like the just-war criteria, does not neatly settle all debate on matters of justice. But it does provide a platform on which to argue these challenging questions. Rather than simply saying, "this war is morally wrong," or "this way of fighting is morally permissible," specific norms (like those of the just-war tradition) enable one to specify exactly what is found virtuous or objectionable.

Sometimes debate will be over what rules justly govern an activity, such as responding to injustice. The previous section's adjudication of debate between pacifists and just-war advocates is one such example. So too is the question, particularly relevant for chapter 8, of whether noncombatant immunity is a necessary component of fighting justly, or whether proportionality alone renders use of force in warfare just. Sometimes debate will be over whether or not conditions exist that fit some rule that is accepted by all in the debate. In other words, two people may agree that there must be just cause to go to war justly, but disagree over whether a preemptive strike violates that condition or not. Or both may agree with the rule of non-combatant immunity, but disagree over who counts as a combatant, or whether certain acts (like targeting power grids) are directed against the military or civilians. In sum, learning what moral theology has to contribute to debates over waging war does not immediately and neatly settle all disputed questions, though it does give them further clarity, which will hopefully enable us to settle them more justly.

In any case, it should be abundantly clear at this point how important prudence is for acting justly. It is prudence that enables us to see rightly, so as to act rightly. It is prudence that enables us then to make accurate determinations of whether intentionally killing civilians actually subverts any justice secured in doing so, or whether last resort has actually been met in a case at hand. It is difficult to imagine where making right judgments about innerworldly activities is more important, since such judgments literally mean the lives and deaths of people. Our consciences must be properly formed to make such judgments well. One way the discipline of moral theology, and moral education more broadly (as in McCabe's sense from chapter 5), can be especially helpful is in forming people's consciences well, so as to make truly just judgments about these matters.

## Study Questions

1. Define justice. Be sure to use and define the terms *ius* and *suum cuique*. What problems does this definition raise?



2. Explain what is meant by the claim that it is "natural" for us to be just.
3. Give some examples of different arenas in life where there can be justice or injustice. Give examples of rules (formal or informal) that preserve that justice. Include some examples of rules that help restore justice when it has been violated.
4. List Aquinas's four characteristics of a law. Give an example for some rule of justice, and explain whether or not it displays each characteristic.
5. Given that people tend to see things in ways that favor themselves (as individuals, families, racial groups, nations, etc.), is it possible to make accurate judgments of justice? Explain why or why not.
6. List and define the spectrum of responses given in this chapter for how nations can respond to violations of justice. Where would you place yourself and why?
7. What positions on that spectrum are compatible with the Catholic faith and why?
8. Define *ius in bello* and *ius ad bellum* and list the conditions for each.
9. Why is prudence and the formation of conscience so important in matters of justice? Give an example in your answer.

### Terms to Know

justice, *ius*, *suum cuique*, common good, total war, just war, pacifism, nonresistance, nonviolent resistance, proportionality, discrimination or noncombatant immunity

### Questions for Further Reflection

1. Think of some examples from your peer groups of rules that maintain justice, and restore justice once it has been violated. Use Aquinas's four characteristics of law to explain whether they are good rules or not.
2. Think of some concrete practices that enable people to make more truthful (prudent) determinations of what is just, despite the common tendency to see things in a manner that benefits ourselves.
3. Take a position on whether or not the use of lethal violence is ever compatible with justice in general, and Christianity in particular. What is the best argument against your position, and how do you address it?
4. Do you agree with the position of this chapter that nonresistance is contrary to justice for Christians? Explain why or why not. Do the same for the claim of this chapter that a just-war position that limits violence only by proportionality is contrary to justice for Christians.

5. Pick some contemporary situation having to do with the use of force and use the arguments of this chapter to substantiate your position on the issue.
6. Find a discussion of a war-related issue in some periodical and demonstrate how the distinctions and arguments in this chapter could clarify, correct, or be corrected by the article.
7. How relevant are the second section's arguments on waging war for other activities such as policing or the use of economic sanctions?

### Further Reading

Aquinas is, unsurprisingly, the driving force behind this chapter's treatment of the virtue justice. See in particular his "Treatise on Justice," II-II 57-122 in his *Summa Theologiae*. Josef Pieper's *The Four Cardinal Virtues* has a helpful overview of Aquinas's thought on justice, as do the articles on justice by Jean Porter and Martin Rhonheimer in Stephen J. Pope's (ed.) *The Ethics of Aquinas*. The *Catechism of the Catholic Church* also contains a helpful overview of social justice (1877-1948). As for just-war material, the literature on this topic is voluminous. An excellent secular approach to just-war theory is Michael Walzer's classic, *Just and Unjust Wars* (New York: Basic Books, 1992). Other excellent overviews which attend to Christianity include: Richard B. Miller's *Interpretations of Conflict: Ethics, Pacifism, and the Just War Tradition*; Lisa Sowle Cahill's *Love Your Enemies: Discipleship, Pacifism, and Just War Theory*; and Oliver O'Donovan's *The Just War Revisited*.



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