

By Major Patrick J. Reimnitz, U.S. Air Force, M.A., Chief of the Developmental Threats Section, Hill Air Force Base, Utah

Introduction

Since war first showed its ugly face on the scene of history, humanity has dreamt of a world without conflict. Throughout history, many attempts have been made to end hostilities between nations: peace treaties, arranged marriages, the League of Nations, the United Nations. None, however, have succeeded.

Sadly, history has demonstrated time and again that war is an inevitable part of human existence. Efforts towards peace, though noble and necessary, have not been able to eliminate all conflict between nations. We live in a fallen world, and this reality predicates that conflict will arise. As long as our current system of nation-states exists, war will remain a certainty.

Along with that certainty comes the need for rules to govern its conduct. What defines a just cause to go to war? Are all wars just? Who can be targeted in a war? Are there moral limits to what a military force can do to the enemy?

The traditional answer to these questions has been a set of guidelines known as the just war theory. The just war theory, which has been shaped by such thinkers as Augustine of Hippo and Thomas Aquinas, lays down the conditions for when the use of force is justifiable in a conflict between nations. Additionally, it delineates how combat is to be conducted once a war has begun. Perhaps most importantly, it emphasizes the protection of non-combatants; those not directly participating in the conflict are not to be targeted for military actions.

The tenets of the just war theory have guided the conduct of war amongst western nations for centuries. However, with the advent of nuclear weapons in the mid-1900s came a change in warfare philosophy, one that made no moral distinction between combatant and non-combatant, between direct and indirect targeting. War, it was reasoned, could be avoided through the threat of mutual destruction by nuclear arms. No longer would it be necessary to conduct war in the traditional sense. Rather, by stockpiling these weapons of mass destruction, politicians hoped to

create an atmosphere of mutual annihilation, one in which only the most irrational would risk war, with the consequence being nuclear retaliation.

But the threat of mutual annihilation is effective only if one actually intends to carry out that threat. In other words, in order to keep the Soviets in check through the fear of having their cities destroyed by nuclear weapons, the United States had to be willing to actually use those weapons against Russian cities. This is where the doctrine of deterrence breaks ways with the traditional understanding of the just war. By making whole cities viable military targets, deterrence did away with long-established distinctions; it was now possible to directly target civilian centers without regard to combatant status.

It is this prospect that Paul Ramsey, a noted moral theologian and scholar, addresses in his 1968 book, *The Just War: Force and Political Responsibility*. Ramsey believes that the doctrine of mass deterrence – that the threat of mutual destruction by nuclear weapons will deter war – is both irresponsible and immoral as it eliminates the traditional moral guidelines for just actions in combat. “The [nuclear] weapons in existence today have made the ‘unjust’ conduct of war ... into the central war”¹ by making cities and population centers, considered immune from direct attack under the just war theory, into the primary targets.

Faced with the prospect of a war without rules, without a moral economy to govern its conduct, Ramsey asks us to revisit the principles of the just war theory. In this essay, I will explore the need for a set of the rules to govern the conduct of a just war. I will demonstrate how the theory of justifiable war has its roots in Christian love, and how this moral economy at the same time justifies and limits war by distinguishing between legitimate and non-legitimate targets. Finally, I will explore how the just war theory still has relevance in today’s War on Terror.

The Just War Tradition

Before we continue, let us define what constitutes the just war theory. First, it is important to

note that the theory, perhaps better referred to as a tradition, has changed and developed over time. Theologians in different times and places have chosen to emphasize different aspects of the tradition. As such, I will focus on those tenets with which most just war theorists agree.

Traditionally, the just war tradition has two sets of criteria: *jus ad bellum*, or the right to go to war; and *jus in bello*, or the just conduct of war once it has begun. The main concepts of *jus ad bellum* include the following:

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1) Just Cause – a nation must have a just cause to go to war, such as defending itself against an aggressor nation; 2) Legitimate Authority – only duly appointed public authorities have the right to wage war; 3) Right Intention – one may go to war only to correct an injustice, not for material gain; 4) Last Resort – a call to arms should be undertaken only when all other means of settling a dispute have been exhausted; and 5) Proportionality – the benefits of going to war must outweigh the evils that will result. In other words, going to war must not “do more harm than good.”

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Jus in bello, the just conduct of war, “historically ... appears in terms of two sets of legal or customary restraints.”

⁴ The first is *distinction*. A military force must distinguish between legitimate and illegitimate targets, between combatants and non-combatants. The principle of distinction protects non-combatants from being *directly*

targeted for military operations and limits the amount of harm, if any, that may be done to them as a result of

indirect

actions. Illegitimate targets include any persons or facilities that do not directly serve a military purpose such as civilians, hospitals, and religious centers.

The second restraint is *proportionality*. Proportionality, or the “prudential balancing of effects,”⁵ dictates that “the proportionately greater good or lesser evil in one effect of such action must justify producing a lesser evil effect.”

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In other words, a military attack cannot be undertaken if the expected civilian casualties from such action would exceed the anticipated tactical advantage that would be gained. This concept also limits the types of weapons that may be employed. Weapons that would result in disproportionate suffering, such as biological, chemical and nuclear weapons, are immoral and cannot be used.

The Necessity of the Just War Tradition

The aim of the doctrine of deterrence is to prevent the outbreak of war through the fear of destruction by nuclear weapons. But while it purports a solution, in reality it creates an insupportable system. Mass deterrence does not put an end to war. Rather, by ignoring the principles of the just war tradition, it produces a condition whereas the only option available, should war arise, is the immoral destruction of non-combatants. By removing the distinction between combatants and non-combatants, all restraints on warfare are abolished.

For Ramsey, unrestrained warfare cannot be the answer. It attempts to force peace through unjust means. “The traditional teaching about the conduct of war taught us that it is never right to intend or do wrong that good may come of it.”⁷ Military actions that directly intend and effect the deaths of non-combatants are tantamount to murder.

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In order for warfare to be conducted in a just manner, to be “enclosed again within the political purposes of nations from which it has escaped,”⁹ a return to the principles of the just war tradition are necessary. Limits must be placed on the execution of warfare. Otherwise, “military force becomes senseless violence.”¹⁰ The just war tradition provides these limits by distinguishing between legitimate and illegitimate targets. Warfare must shift away from people-counter-people warfare and back to force-counter-force warfare.

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This, Ramsey contends, is the Christian thing to do.

Rooted in Christian Love

But how can any participation in war be the “Christian thing to do”? Did Jesus not command us to love our neighbor?

The pacifist movement, which also has its roots in Scripture and tradition, holds that war is never justified under any circumstances. Christians who fall into this camp take a legalistic approach to Scripture and see in Jesus' moral teachings "a rejection of all violence."¹² They focus on the literal meaning of such passages as Matthew 5:39, where Jesus instructs us to "turn the other cheek." For the pacifist, Jesus' command to love seems to rule out any possibility for a Christian to take up arms against his fellow man.

But "while Jesus taught that a disciple in his own case should turn the other cheek, he did not enjoin that his disciples should lift up the face of another oppressed man for him to be struck again on his other cheek."¹³ Our Lord commanded us to love one another. How is it love to allow another human being to be harmed when we can take action to prevent it?

It is only a misunderstanding of Jesus' teaching, and the Sermon on the Mount in particular, that leads one to entirely rule out a call to arms. In his article "The Universal Claim of Biblical Ethics," Eberhard Schokenhoff argues that the Sermon is not intended to serve as a new moral law. Rather, it provides an upper bound that attempts to transform the heart and not just limit evil action. The Sermon achieves this aim through an elaboration of Old Testament ethics. The Decalogue provides a set of precepts designed as a lower boundary against evil. It provides behavioral guidance that, if followed, protects one's neighbor and one's self from harm. But while the Decalogue sets up boundaries against evil, it does not provide a solution to combat its source. A person is fully capable of adhering to the precepts of the Decalogue and yet possess an evil heart. Jesus criticized the Pharisees for law observance without a heart truly conditioned towards God, a piety that outwardly fulfilled the *precepts* of the law but inwardly did not fulfill the intent of the law: that is, love of God and love of neighbor.

In the Sermon on the Mount, Jesus transforms the Decalogue precepts from a lower boundary designed to prevent wrong actions into an upper boundary designed to change people's hearts. According to Schokenhoff, Jesus accomplishes his goal through a series of "antitheses as illustrations of the greater righteousness."¹⁴ Through antithesis, Jesus expands on the meaning of the Decalogue by creating what Heinz Schürmann calls the "apparent paradoxes in which he puts commandments in an extreme form."¹⁵ An

example can be found in Matthew 5:27: "You have heard it was said, you shall not commit adultery." Jesus amplifies the commandment by equating even lustful desire with adultery. He does likewise with the commandment "you shall not kill," likening anger towards one's brother with murder. In so doing, he "uncovers the original meaning of the Ten Commandments afresh by demanding their 'radical' fulfillment out of a spirit of undivided love."

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Jesus here is attacking not just the sinful acts themselves but the "evil impulse' which must be

overcome within us.”

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His aim is to go beyond the law and requirements of the Old Testament towards a transformed heart based on love of God and love of neighbor. It is only when one understands this purpose that sense can be made of the Sermon's ethical call.

It is this upper bound that is to shape our Christian actions. Jesus is teaching us that we are to strive towards “unlimited service towards one's neighbor in love.”¹⁸ And it is this unlimited service that, under certain circumstances, may require us to use force against another human being. Ramsey illustrates this point through a provocative retelling of the parable of the Good Samaritan:

It was a work of charity for the Good Samaritan to give help to the man who fell among thieves. But one step more, it may have been a work of charity for the inn-keeper to hold himself ready to receive beaten and wounded men ... By another step it would have been a work of charity, and not of justice alone, to maintain and serve in a police patrol on the Jericho road to prevent such things from happening. By yet another step, it might well be a work of charity to resist, by force of arms, any external aggression against the social order that maintains the police patrol along the road to Jericho. This means that ... it may be a work of justice and a work of social charity to resort to other available and effective means of resisting injustice: what do you think Jesus would have made the Samaritan do if he had come upon the scene while the robbers were still at their fell work?¹⁹

It is from this understanding that, according to Ramsey, “the western theory of the just war originated ... from the interior of the ethics of Christian love.”²⁰ While he is the first to admit that “this is no proper way to interpret a parable of Jesus,”

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the retelling tells us something about the intention behind the teaching. Love of neighbor extends beyond just helping a man once he has been attacked. It works also to prevent the attack from happening and, if necessary, to defend the man from his attackers. One can see from this example how “a social ethic emerged from Christian conscience formed by this revelation.”

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War is in some instances the justifiable answer to the moral call to love our neighbor. The military personnel of an aggressor nation, still our fellow men, may be killed only because they oppress an even greater number of God's children. “The Christian is commanded to do anything a realistic love commands (and so sometimes he must fight).”

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Before moving on, I want to stress that support of the tenets of just war tradition does not equate to warmongering. The purpose of the just war theory is to limit war, both its undertaking and its execution. Its intent is to prevent war under most circumstances and to then limit the amount of death and damage once it has begun. War must be conducted solely for just causes and only as the last resort. Just war theorists despise war the same as pacifists. The difference is that the former see in Jesus' teaching a moral call to defend one's neighbor, peacefully if possible, but by force if necessary.

The problem with pacifism is that it "teaches people to believe that there is no *significant moral* difference, except in the *ends*

sought, between murder and killing in war."

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Such an understanding fails to make a distinction between murder, or the killing of innocents, and "the shedding of any human blood."

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Murder, by its very definition, is never justifiable. But what about the killing of an enemy soldier in combat?

Whether the killing of another human being during war is ever justifiable centers on one's interpretation of the precepts of Scripture. In order to avoid a contradiction with the Decalogue, those who take a legalistic approach are forced either to displace the responsibility of combat deaths to the governing authorities or make an exception for soldiers to break the commandment "you shall not kill." Neither option provides a satisfactory answer to the problem at hand. By focusing on the letter of the law rather than the intent behind the law, people who hold to this perspective are left trying to make exceptions in order to justify actions traditionally classified as immoral. They admit the need for Christians to take up arms when necessary to defend their fellow men; they are just unable to reconcile this need with a purely legalistic understanding of Biblical moral precepts.

In order to find a satisfactory answer to our question, we must expand our criteria for determining the morality of a particular act. According to Josef Fuchs, "a moral judgment of an action may not be made in anticipation of the agent's intention."²⁶ An act is morally neutral until the purpose of the action is understood. It is only after we consider both the circumstances of the act and the intent of the one committing the act that we can come to some conclusion as to its rightness or wrongness.

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Additionally, we must weigh the good effects against the bad effects that would come about as the result of a particular act. Take, for instance, surgical amputation. The removing of the damaged limb – a bad effect – also renders the good effect of healing the patient. The “rule of double effect” considers this action moral if 1) the intent of the moral agent is to effect the good and 2) the bad effect that results is proportionately justifiable in light of that good. In the case above, the doctor’s intent is to cure his patient. The bad effect – the amputation of the limb – is offset by the greater good that the patient will continue to live. Thus, the amputation is a moral act.

Given this criteria, is the killing of an enemy combatant during war an exception to the commandment “you shall not kill”? Since the intent of the soldier is not to kill but to protect others from harm, Ramsey would say no.²⁸ Rather, he would argue that armed resistance to aggressors in defense of others is the “fulfilling of the meaning of the commandment.”

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The Christian command to love may include the taking of life during combat if it is done to protect the lives of others.

But while it is the expression of Christian love that justifies going to war under certain circumstances, it is this same Christian love that ultimately limits its implementation. Just as it is the duty of a Christian to defend the innocent against aggression, it is his duty to insure that the innocents he is defending are not harmed while attempting to subdue the enemy. The Christian’s call is to save life; he takes up arms only as a last resort to restrain “an enemy whose objective deeds [are] judged to be evil.”³⁰ He cannot, therefore, take the life of innocents in an effort to restrain that evil.

At the same time, it was never presumed that non-combatants would be immune from all harm, “roped off like ladies at a medieval tournament.”³¹ There is the potential in any conflict that those not actively engaged in military hostilities may be killed. The goal of the just war tradition is not to prevent all non-combatant deaths, only to limit it as much as possible. Non-combatants may never be *directly* targeted for military action; however, injury and death may result indirectly from such action. For example, the destruction of a weapons depot may effect the deaths of several civilians in the surrounding area. These deaths would be justifiable under the rule of double effect since they were not directly intended and are proportionate to the greater good of ending the war.

The ends, however, do not in themselves justify the means. The bad effect that results must be proportionately justifiable. In the example above, the extension of the target area to include the neighborhood surrounding the weapons depot would be immoral since it would now directly

intend the deaths of the civilians in that neighborhood. Military actions must always effect the least amount of death and destruction and direct those effects only towards combatants. The good intent of ending a war never justifies the bad means of directly intending harm to the innocent.

The Relevance of the Tradition Today

The society that Ramsey originally addressed in *The Just War* had abandoned the long-standing tradition of the just war theory. They wrongly believed that the only way to prevent war was to threaten total war. By casting off the rules that restrain the conduct of war, the world was in constant fear of nuclear annihilation.

The doctrine of mass deterrence did not create the peace that it had promised. The Vietnam War is but one example of how hostilities have continued even in the nuclear age. Fortunately, the frightening possibility of an all-out nuclear war never materialized. But the fact that we spent 40 years on the brink of such a war should serve as a warning. Without restraints to keep warfare barely civilized, conflict will devolve to mere barbarism.

With the end of the Cold War came a refocus on the just conduct of war. While it was the technology of nuclear arms that first led to questioning the relevance of the just war theory, it was technology that led us back. The use of smart bombs and precision-guided munitions (PGMs) in the First Gulf War demonstrated how a just war could be fought in the modern era. The days of carpeting bombing and the resulting civilian casualties were over; we could now take out military targets with accurate precision. A munitions depot could now be destroyed with a single bomb while leaving the surrounding buildings undamaged. The just conduct of war was now more practical than ever before.

But now a new threat has emerged. The terrorist attacks on 9/11 and our subsequent military involvement in Afghanistan and Iraq have once again called into question the relevance of the just war tradition. Al-Qaeda is not a nation; yet it declared war on the United States through its

reprehensible attack on the World Trade Center. The insurgents our troops are facing in the Middle East owe allegiance not to a particular flag but to an Islamic fundamentalist ideology. The just war tradition and its subsequent codification in the Geneva Conventions and Laws of Armed Conflict (LOAC) were meant to guide conflict between nation-states with clearly identifiable military forces. It is this kind of warfare that our smart bombs and PGMs were designed for. But how does one conduct a just war when the enemy is not a nation but a group of religious extremists who do not conform to the traditional definitions of combatants? How does one fight an enemy that disguises itself as non-combatants in order to get close enough to kill our soldiers, and still maintain the principle of distinction?

We are faced today with the same dilemma that Ramsey addressed more than 40 years ago. Have the “previous norms for the ‘just’ war,” as the editor of *Worldview* contends, “been rendered obsolete”?

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Our current enemy blatantly defies the tenets of just war conduct and the LOAC. They dress as non-combatants in order to get close to our soldiers; they attack non-military targets to induce terror; they hide in hospitals and mosques, knowing it is illegal for our military to target these structures; they do not discriminate between combatant status, readily beheading civilians for the purposes of propaganda and using women and children as suicide bombers. We are facing an unscrupulous enemy that knows no moral limits. Do we in turn then lift the restrictions on our conduct as well? When a mob encroaches, do we indiscriminately fire into the crowd since we cannot distinguish between those that are hostile and those that are not? When we discover that Al-Qaeda operatives are hiding in a city but cannot narrow down their exact location, do we directly target civilian centers rather than risk the possibility that they might escape?

The answer, of course, is no. Adherence to the LOAC is not only mandated by the Uniform Code of Military Justice, it is the moral choice. We must still respect the immunity of non-combatants even though our enemy does not. While it may be a just action for a Christian to forcefully resist an enemy military force, he cannot in the process directly intend the harm of innocents. Just as Ramsey argued against the immorality of targeting cities for nuclear obliteration, it would be immoral for us to target civilian areas indiscriminately in an effort to kill an enemy that may or may not be hiding there. The ends do not justify the means.

We as a nation cannot abandon the principles of distinction and proportionality in order to achieve our objectives in the Middle East. No matter how evil our enemy, we must continue to abide by the rules of just conduct. Now more than ever, it is important that we hold ourselves to the higher standard even when our enemy will not. This is how we turn the other cheek: by not fighting for revenge, but by treating POWs humanely, by respecting the non-combatant status of those we are there to protect even when it may put us in harms way. We will never win the war on terror unless we demonstrate the love of God to those we are serving in Iraq and Afghanistan. It is for love of neighbor that we fight; it is also for love of neighbor that we must

eventually make peace.

Patrick J. Reimnitz is a major in the United States Air Force and is currently stationed at Hill Air Force Base, Utah, where he serves as a program manager and Chief, Developmental Threats Section. He received his M.A. in Theological Studies from Loyola Marymount University (LMU) in 2012.

Prior to his current assignment, Major Reimnitz served as an Air Force ROTC instructor at Detachment 040 at LMU, where he taught Leadership Studies for three years. He wrote this paper to help his students reconcile their moral beliefs with military service. It was selected as the best graduate-level paper in the Huffington Ecumenical Institute's 2011 War and Peace Symposium.

Endnotes

1. Paul Ramsey, *The Just War: Force and Political Responsibility* (Lanham: Rowman & Littlefield Publishers, Inc., 1968), 181.
2. James Turner Johnson, *Just War Tradition and the Restraint of War* (Princeton: Princeton University Press, 1981), xxii-xxiii.
3. *Ibid.*, xxii.
4. *Ibid.*, xxiii.
5. Ramsey, *The Just War*, 161.

6. *Ibid.*, 161.

7. *Ibid.*, 147.

8. *Ibid.*, 154.

9. *Ibid.*, 164.

10. *Ibid.*, 164.

11. *Ibid.*, 146.

12. Johnson, *Just War Tradition*, xxvi.

13. Ramsey, *The Just War*, 143.

14. Eberhard Schokenhoff, "The Universal Claim of Biblical Ethics," in *idem*, *Natural Law & Human Dignity: Universal Ethics in an Historical World*, trans. Brian McNeil (Washington, D.C.: Catholic University of America Press, 2003), 268.

15. Heinz Schürmann, "How Normative are the Values and Precepts of the New Testament?" in *Principles of Christian Morality*, by Josef Ratzinger, Heinz Schürmann and Hans Urs von Balthasar (San Francisco: Ignatius Press, 1975), 25.

16. Schockenhoff, *Natural Law & Human Dignity*, 272.

17. *Ibid.*

18. *Ibid.*, 275.

19. Ramsey, *The Just War*, 142-143.

20. *Ibid.*, 142.

21. *Ibid.*, 143.

22. *Ibid.*, 143.

23. *Ibid.*, 145.

24. *Ibid.*, 146.

25. *Ibid.*

26. Josef Fuchs, "The Absoluteness of Behavioral Moral Norms," in *Introduction to Christian Ethics*, ed. Ronald Hamel and Kenneth R. Himes (New York: Paulist Press, 1989), 503.

27. *Ibid.*

28. Ramsey, *The Just War*, 150.

29. *Ibid.*

30. *Ibid.*, 152.

31. *Ibid.*, 145.

32. "The Pacifist Question," *worldview*, Vol. III, No. 7-8 (July-August 1960), 1.