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CAN WAR BE MORALLY JUSTIFIED?

March, 2004

(1) Introduction

Just a year ago, I was in Dublin at the time that the US and the UK were preparing to initiate the war against Iraq. It was a time of debate about the morality of such an involvement. It was also a time of opinions, heart-felt and strong enough. Dramatic street demonstrations followed. Most of the Irish marchers were anti-war in orientation and were primarily from the working classes of Dublin. Similar marches were taking place in London and in other parts of Europe and elsewhere. I reflected on myself as a voter in the United States and asked myself how I should vote on war issues. That is how my reflections on this policy area began. Understand that I am not a professional moral philosopher or social ethicist and certainly not an expert in the study of war. For our purposes today I am more interested in the conversation rather than the resolution of the moral issues. So I am primarily interested in the dialogue and hope that this short paper can stimulate discussion of the major issues involved.

In this kind of war, we must be aware that the study of war can focus on a multitude of issues. There is the issue of the war that serves justice as well as appropriate conduct during the war. There are questions about the protocols for declaring war. This thinking also deals with the acceptable behavior of statesmen, politicians and military personnel. There are rules for the treatment of noncombatants, spies, the sick, the wounded and prisoners of war. The Geneva conventions focus on a lot of these issues as well as the issue of how those who do not adhere to these principles can be brought to justice. These were first promulgated in 1864 and have been revised and extended five times since then, the last one being in 1977. There are positions on war and the maintenance of peace in the United Nations charter.

My particular interests focus on the rationale for the initiation of war and some rules of conduct during its phases. It will be of interest to note that we can gain some insight from concepts of limited war and very especially from the theory of the just war. We will see that that theory has its own evolutionary process over time, which inevitably means that this study has to be an example of a work in progress. Has it a future? I must also note that we do not take account of all the cultural and religious traditions that hold to the concept of the just war. I lean on my own experience with this literature and you will readily see that writings in the Christian tradition are at the center of this. I encourage others to provide the rich insights that their readings from their different backgrounds can bring to bear. So be patient with me as I speak with the influence provided by the study in my youth of various concepts of the just war and the natural law that maintains a hidden discipline and structure in the argument. Many scholars of the theory of the just war say that this account must start with Cicero. I did study Cicero at high school and still know a little Latin. However, I decided, despite my background, that I was not up to that and

relied on secondary sources. Many of the writers, particularly Hugo Grotius, knew their Latin and their Cicero. I have read Grotius in translation. So I may not be providing the first best choice on texts and I am pursuing the second best approach.

(2) The Foundations of the Theory of the Just War and the Situation in Iraq.

I got my lead on how to start the conversation from an op-ed piece in the Irish Times of February 10, 2003. It was written by Patrick Hannon, professor of moral theology, at Maynooth College outside Dublin. He started with the work of Cicero and then moved on to Christian and secular writers. He says that Cicero thinks that “discussion” is the way for humans to settle disputes. He quotes Cicero as saying “Force is the way of other animals.”

Staying with Cicero’s contribution, Hannon points out that Cicero states that:

“Humans though do not always behave humanly and it may be necessary to use force to defend against attack, but the cause must be a just one and the only excuse.....for going to war is that we may live in peace unharmed”.

This is a view that, for example, St Augustine spells out later in great detail. In our times, it appears in the pages of Vatican II. For Cicero, as for later writers, war is a flawed instrument of policy and should be engaged in only after much thought and consideration. Cicero, Augustine, Thomas Aquinas, Hugo Grotius, and others share the view that there are conditions to be met for the pursuit of a just war. Augustine and Aquinas agree that, above all, war is inevitably an evil whose purpose is to overcome greater evils and whose effects have to be minimized. Those who may engage in war must meet the Christian command to first “love thy neighbor as thyself”. In writing the first secular tract on the theory of international relations, Grotius took on a special role in the theory of the just war. All these writers agreed that, above all, there have to be formal declarations of war and that the behavioral patterns during war have to be honorable. All of these writers said that a just war is always defensive in nature and that first or preemptive strikes cannot be justified. Ultimately many said that the US and UK undertook a preemptive strike and the US built preemptive strikes as instruments of policy into its military doctrines. In contemporary times, the Rev. Kaye, speaking for the Episcopalians in Australia, has been critical of the just war concept. He worries that the acceptance of the just war concept in a world of one dominant global military power whose behavior remains inevitably unchecked by others, creates barriers to the achievement of the goals of the theory of the just war. Other nations and particularly global governance institutions, based on the participation of individual nations, are unable, because of the extreme unequal distribution of military and political power, to impose constraints in action on the dominant military power. The goal has to be to change the course of action to the

abolition of war. This in turn creates needs for fundamental changes in attitudes among all nations that see war as unacceptable in the modern period and accepts the notion that aspects of law and policy have to be executed by supranational authority.

In the last fifty years, there is good and bad news about the realities regarding these two issues. On the good side, there have been moments where supranational authority has been accepted to seek solutions to overcome violence in regional conflicts. Some view the experiences in the old Yugoslavia and parts of Africa as movements in the right direction. At the same time, there appear to have been promising beginnings in the growth and transformation of the European Union. In the longer run, much more has to be achieved in the development of attitudes and the construction of supranational governmental institutions. On the negative side, I am struck by the license taken by nations to use force to protect or to build their interests. There is an unfortunate self-righteousness about it. Nations do not have a willingness to search for reasonable compromises using the method of negotiation. They do not take the UN seriously as the body that can resolve conflicts by peaceful means. There is also the ambiguous position of the US government that seems willing to risk the future of the UN by unilaterally conducting military policies without the express permission of the Security Council.

We quote Hannon further on the conditions for going to war.

“It was Grotius who cast the doctrine in the form perhaps most familiar to us now. A standard enumeration today lists six conditions which must be verified in justification of a decision to go to war (*jus ad bellum*) and two which must govern its conduct (*jus in bello*). The six put summarily, are: last resort, legitimate authority, just cause, right intention, reasonable hope of success, and a due proportion between the benefits sought and the damage which the war will bring. The principle of due proportion features also as a condition of justice in bello as does the principle of discrimination, in the form especially of the assurance of non-combatant immunity”.

Let us consider each of these in turn in the context of the Iraqi war. Was ‘last resort’ followed? Some say yes in that the issues involved came up as early as 1991 in the Security Council of the United Nations. The Security Council had become involved because of the Iraqi invasion of Kuwait. Speaking on behalf of the community of nations, the Council laid out requirements that Iraq was to meet in the area of its armaments. Others say no to last resort being met in that the inspectors asked for more time to complete their search for WMD but on this occasion the request was turned down. Saddam’s credibility had gone into question and actions of last resort were undertaken.

What about the issue of legitimate authority? Grotius made the distinction between actions taken within the nation state for which the legal process is available to settle disputes including those that cause injuries to property and persons and those for which no such process is available and there is ultimate recourse to force. The former relates to peaceful resolutions within states and the latter to resolutions by force between states. In the theory of the just war, the conduct of such wars has to be undertaken by the government of the state and not by private parties. For this reason, it is necessary to distinguish between the state and private parties. The distinctions take on importance. We will see that in history military leaders had to be very clear about the distinction between combatants and noncombatants. Can there be exceptions to this doctrine of legitimate authority? Indeed, there have been exceptions mentioned in the literature. What happens when legitimate authority fails to meet its obligations to its citizenry, both in the domestic and foreign realms? What happens when one state instigates incursions into the territories of others to pursue the conquest of their space and the conquest of others? What happens when corrupt government protects rather than prosecutes its friends who in the pursuit of self interest behave as rogues, confiscate or injure the property of other fellow citizens? Parallel to the traditional just war concepts, surely actions by force may be used to redress the evils that unfold. The problem is to identify those private citizens who can be said to represent those aggrieved persons and provide redress to injured parties. As in the traditional theory of the just war, there are decisions to take authority into private hands, to undertake extraordinary civil actions by force or to face down the forces of foreign powers. These decisions must be made with careful regard for the eight conditions to minimize the evil effects of these conflicts. In short, states that have either civil wars based on domestic conflicts or liberation wars, for example, to rid the state of conquering powers intent on pursuing colonial policies, can have some claim 'to the right' in seeking the resolution of conflict by force. The problem is that there are no simple clear-cut criteria with which to make the judgment. While we bumble along as a community of nations in this regard, there is plenty of room for more clarity in judging authority to be legitimate and in giving supranational authorities more leeway in guiding us towards order in the midst of conflicts that produce war. Finally, there may be truces and agreements between nations for joint actions by the truce making parties to use force when third party countries instigate wars and undertake invasions against one or more of the cooperating parties. Traditional legitimate governments can exercise their authority to conduct defensive just wars once they are conscious of the limitations on forceful actions as laid down in the theory of the just war.

And what about just cause? Contributors to the theory of the just war generally do not deal with the issue of uncertainty. This was most important in assessing the decision to engage in the Iraqi war. What did the US and UK know at the time the war began? On February 5, 2004, George J. Tenet, director of the CIA, speaking at Georgetown on

WMD, the prime focus of the original decision, gave his assessment of what the US government did and did not know in March/April 2003. We quote Tenet:

“Let me turn to the nuclear issue. In the estimate, all agencies agreed that Saddam Hussein wanted nuclear weapons. Most were convinced that he still had a **program**, and if he obtained fissile materials, he could have a weapon within a year”.

But we detected no such acquisition.”

“Regarding prohibited aluminum tubes, a debate laid out extensively in the estimate, and one that experts still argue about---were they for uranium enrichment or conventional weapons? We have additional data to collect and more sources to question.”

“My provisional bottom line today: Saddam did not have a nuclear weapon.”

“Let me turn to biological weapons. The estimate said that Baghdad had them, and that all key aspects of an offensive program, research and development and most elements were larger and more advanced than before the gulf war. We believed that Iraq had lethal biological weapons agents, including anthrax, which it could quickly produce and weaponize for delivery by bombs, missiles, aerial sprayers and covert operatives.”

“What do we know today? All of this suggests that Iraq after 1996 further compartmentalized its program and focused on maintaining smaller covert capabilities that could be activated quickly to surge the production of biological weapons agents.

“ My provisional bottom line today: Iraq intends to develop biological weapons.”

“My provisional bottom line today: Saddam had the intent and capability to quickly convert civilian industry to chemical weapon production. However, we have not yet found the weapons we expected”.

Tenet is defensive, tentative and uncertain. There is a lot of ambiguity in his explanation of the intelligence available at the time of decision in 2003. Can intelligence of this quality provide the basis for a just war decision, not to speak of a preemptive strike? We must remember that we are dealing with the information that was available to the executive when war decisions were made. As a general rule, just war decisions and justifications are not based on discoveries of information made after a year of war. They are made on an ex-ante rather than ex-post basis. The changing rationales for undertaking the war have reminded me many times of Catholic high school discussions of the degree of righteousness achieved in the giving of alms. “The Samaritan walks down the street and meets a poor man. He takes a dollar bill from his wallet and gives it to the poor man. It is only later that he discovers that the man was not poor at all. But the man has long since disappeared. On the black board in the judgment hall of heaven, will the Samaritan be given ‘holiness’ credits for giving to a rich man when he meant to give the money to a poor man.” Morally the Samaritan is given full ‘holiness’ credits for his intentions. It would appear that Mr. Bush’s mistake produced a worse result than he had planned but he deserves to get the ‘holiness’ points for the outcome that he had planned at the time of the action. What would have happened if the Samaritan’s mistake had given the \$1 to a man who was poorer than the Samaritan realized? That too is a mistake in that the poor might have got more if the assumption had been correct and again the ‘holiness’ credits should be based on the original intention of the Samaritan.

This example points to the consequences of mistakes of judgment. One consequence in common to both is that when the mistake is made, the truly poor man is hurt. In one situation he loses the contribution completely. In the other case, he is a partial loser. This conclusion speaks to the losses that arise in the face of mistakes. Mr Bush’s mistake, as with other missteps in the execution of policy, may cause the country as well as the proclaimed enemy to bear yet unforeseen hurts and injury from the mistakes that were made. Unforeseen outcomes often require unforeseen uses of limited resources and when these correctives are undertaken, other top priority goals of government cannot be achieved. Look at the US case. Human lives have been lost. Yet focus also on the resources that have had to be diverted to military activities. The sick, the poor, students, as examples, have borne the costs of the war and many may never get the chance to be compensated for lost opportunities. There is little room for mistakes, incompetency and lack of planning in the formulation of policy in this dangerous contemporary world,

where the US fear of the actions of new possessors of WMDs suggests the need for care in the pursuit of foreign policy.

When Tenet wrote his February 9 paper, he did not go beyond the charge that he report on the evidence of WMD. He said nothing about how the executive handled these data and made their war decisions. Thus we do not have a complete picture. However, when we examine the statements made by government officials early on as well as the Tenet statements, we have the beginnings of enough information to make an assessment on whether or not a just war decision could have been made.

What about right intention? Saint Augustine provides examples of specific wars that cannot be justified. They are examples of aggressive stances in war.

“The passion for inflicting harm, the cruel thirst for vengeance, an unpacific and relentless spirit, the fever of revolt, the lust for power and such things, all these are justly condemned in war”.

As a result, Saint Augustine emphasizes the idea of the restoration of peace as the main motive in war when the pursuit of war is appropriately defensive in the first place.

A just war is defensive in orientation and is a response to injury imposed by others on persons and/or property. It must have as an objective the redress of the specific injuries experienced that cannot be enlarged to meet other policy goals. War is not permitted between citizens within a nation state. A legal system within a state is there to adjudicate disputes between citizens. A just war provides a mechanism of force to deal with cross border disputes that cannot be handled in any other way. Thus acting in a defensive manner, a victimized state uses force to get compensation for the hostile actions of others. This means that the scope of hostilities in a just war is highly limited. Defensive rather than aggressive actions are permissible. Limited actions for a limited war must be carefully chosen to achieve precise specific objectives.

What about a reasonable chance of success? There is a presumption here that the policy maker can make an assessment of the effects that can be produced by the just war. In the case of the Iraqi war, US decision makers clearly had made estimates of US military superiority and presumed that a US military victory would come quickly and easily. The events that followed also suggested that how the occupation was to be conducted was only seriously thought about at a later date. The assessment of the appropriate political, social and foreign policies for the post war world were also postponed. Here the unexpected favorable and unfavorable consequences that followed the victory were little talked about in public but were raised as events unfolded. On the good side, decisions by Libya, and Iran regarding WMD were bonuses for the Pentagon that may very well not have been anticipated. On the other hand, what happens to the Shiite-Sunni relationships

within Iraq, between Moslems in Iran and Iraq is surely a major element in a cost/benefit analysis of the consequences of the war. What is most important is that factors such as these make very complex the initial decision to enter the war in the first place. Success should be judged in terms of a probability of achieving the limited goals of the war. War should be so unacceptable that it should not be burdened with undue numbers of objectives. From a moral perspective, what matters is what the ex-ante objectives are. Ex-post results may have an influence on the historian's writing but when different from ex-ante policy objectives, provide no guide of adherence to the morality of policy goals and actions. On other grounds too, they are poor reflectors of the appropriateness of ex-ante policy plans and often create credibility problems in the conduct of a foreign policy.

The sixth condition in *jus ad bellum* is that there be due proportion between the benefits sought and the damage that the war will bring. Note that this is a relative statement of a necessary condition for going to war, though it is not an absolutist position for going to war. I think of President Kennedy's inaugural address when he made reference to being willing to pay any price, bear any burden to fulfill the goals of freedom in the world.

Implied in this statement is that an ultimate price may have to be paid to achieve the goals of the state. On the other hand, my reading of the theory of the just war, is much more cautious about the use of war as an instrument of policy. Aggressive wars are excluded, and defensive wars may be undertaken on very restrictive conditions. Goals for going to war are restrictive and precise, and there is a very definite assumption that possible benefits must be carefully assessed and put against the possible costs that will be incurred. In the economists' terms, the cost/benefit ratio must be less than one. In this view, war is a necessary evil, to be avoided whenever possible. The ultimate goal of a just war is the reestablishment of peace where the peace conditions after war are much preferable to the peace conditions without war.

Should there be judgments made at various stages of the war to assess whether or not the presumed benefits are being derived and the costs being minimized? The answer is that these assessments are necessary in an imperfect world. Citizens must have enough information to participate in those assessments and to judge the decisions that follow. This provides the only basis for rational decisions in a democratic society. In the US case in the last year, the provision of limited rather than adequate information appears to have been the policy of the current administration. Do we know much about the number of deaths, the number of injured US participants, the character of their injuries, the number of citizen of the occupied territories that were either killed or injured? The problem of lack of information among the electorate is so obvious that I need say little more. The

intent seems pretty clear when we remember the instruction to Dover airport personnel that reporters and photographers be excluded when caskets return from Iraq. The electorate learns too little of war experience for future courses of action when we are reluctant to share the realities of current conflicts.

The first condition in *jus in bello* is another part of due proportion. The means and character of violence used in war must be proportional to the loss of property and injury to persons that occurs because of the war. Retribution by force and without measure can be no part of a just war.

Last in the *jus in bello* conditions, we come to the principle of discrimination. Here we deal with the distinction between combatants and noncombatants. We are pointed at the difference between those designated by the state as the participants in the war and those who are not. Those nonparticipants include the young and the old, the sick, the handicapped and the infirm, women and children, and prisoners of war. In earlier times, wars were conducted in such a manner that very few on each side were involved. I have read of cases where combat ended and the issue presumed to be settled when a combatant on one side was declared the winner over a combatant on the other. It was agreed that the noncombatants were in a different category in that it was unacceptable that they be injured or killed. When we look at the War of the Roses in the Middle Ages, we are looking at events that were, when put together, a version of how the conflict was conducted and resolved. The nature of the technologies of war available in these cases as well as the notion of moral behavior in the conduct of war made those experiences appear to be just wars by the conditions laid out here.

(3) Changing Realities

Nevertheless, the situation began to change in the 20th century. In my lifetime, we remember the bombing experiences of the second world war in Europe, with particular memories of the devastating destruction caused by bombs from aircraft. We are struck by the leveling of cities in the UK and Germany, and the death and injury rates among noncombatants in the two competing populations pointed to the need to reassess the practices of hostile nations in the event of war. What was still more alarming were the new weapons that began to appear. Missiles rather than aircraft became a choice in military strategy, and London began to go through further devastation. There also began to be indications that Germany was on the verge of creating an atomic bomb although the Germans never reached the final stage in that development. However, the US had gone through similar developments and dropped atomic bombs on Hiroshima and Nagasaki and ultimately others became members of the atomic club. As we come up to the present

time, we see growing important progressions in the sophistication of nuclear weapons, in their potential destructiveness and in the means of delivery of them.

What was to happen to man's concept of the just war in the face of this? In the days at the end of the world wars, The United Nations declared in its charter that the achievement and maintenance of peace is the goal of all member states. All international disputes are to be settled by peaceful means. Article 2, section 4 states:

“All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations”.

The use of force of a defensive nature is the acceptable reason for military action especially under the auspices of the collective authority of nation states.

Note also that the Geneva conventions remained and were supplemented a number of times in the post 1945 period. The Charter of the International Military Tribunal at Nuremberg was also issued on August 8, 1945. Its article 6 reflected much of the theory of the just war. We quote it here:

“The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

- (a) Crimes against Peace: namely planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a Common Plan or Conspiracy for the accomplishment of any of the foregoing:
- (b) War Crimes: Violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;
- (c) Crimes against Humanity: namely, murder, extermination, enslavement, deportation and other inhumane acts committed against

any civilian population, before or during the war, or persecutions on political, racial, or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of domestic law of the country where perpetrated”.

“Leaders, organizers, instigators, and accomplices participating in the formulation or execution of a Common Plan or Conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plans.”

We should note also that as early as the first half of the 1940s, the official technical and political elite in the UK and US was intent on creating new political arrangements for the control of atomic weapon of mass destruction. The Atoms for Peace program followed in 1953 and the Non Proliferation Treaty was signed in 1968.

What was said about the spread of nuclear technology and weapons? There is an interesting statement in the volume 1 of the Vatican Council II, the new revised edition of which was published in 1992. These papers are from the 1960s. Here are a few extracts:

“The development of armaments by modern science has immeasurably magnified the horrors and wickedness of war. Warfare conducted with these weapons can inflict immense and indiscriminate havoc which goes far beyond the bounds of legitimate defense. Indeed if the kind of weapons of the great powers now stocked in the arsenals were to be employed to the fullest, the result would be almost complete reciprocal slaughter of one side by the other, not to speak of the widespread devastation that would follow in the world and the deadly after-effects resulting from the use of such arms.

“All these factors force us to undertake a completely fresh reappraisal of war. Men of this generation should realize that they will have to render an account of their warlike behavior; the destiny of generations to come depends largely on the decisions they make today.

“With these considerations in mind the Council, endorsing the condemnations of total warfare issued by recent popes (Pius XII and John XXIII (and, my comment added, John Paul II) declares: every

act of war directed to the indiscriminate destruction of whole cities or vast areas with their inhabitants is a crime against God and man, which merits firm and unequivocal condemnation.

“.....Since the defensive strength of any nation is thought to depend on its capacity for immediate retaliation, the stockpiling of arms which grows from year to year serves, in a way hitherto unthought of, as a deterrent to potential attackers.Rather than eliminate the causes of war, the arms race serves only to aggravate the position. As long as extravagant sums of money are poured into the development of new weapons, it is impossible to devote adequate aid in tackling the misery which prevails at the present day in the world.

“It is our clear duty to spare no effort in order to work for the moment when all war will be completely outlawed by international agreement. This goal, of course, requires the establishment of universally acknowledged public authority vested with the effective power to ensure security for all, regard for justice and respect for law.But since peace must be born of mutual trust between peoples instead of being forced on nations through dread of arms, all must work to put an end to the arms race and make a real beginning of disarmament, not unilaterally indeed but at an equal rate on all sides, on the basis of agreements and backed up by genuine an effective guarantees”.

This was the Catholic view in the 1960s in the midst of the cold war. Members of the Episcopal tradition have concerns about the applicability of the Just War concept in the contemporary world and have become even more restrictive about conducting war in its name. The Quakers continue in their abhorrence of war. Those in the traditions of Islam and Judaism have always had room in their religious doctrines for war. In all of these traditions I have noticed a desire among many to move further away from the acceptance of war although there are many who seem to have lost this fervor in the midst of the Iraqi war.

With the collapse of the Soviet Union and the new situation in Eastern Europe, there were efforts made to bring about multilateral disarmament. Russia and the US started the process of achieving disarmament in the area of nuclear weapons. Undoubtedly there was a short period when distinct progress was made. Unfortunately, new threats reared their heads. Third world countries sought to develop weapons of mass destruction. With presumed destabilizing effects on the power balances between nations, more nations got into the act of seeking more weapons of mass destruction to act as a deterrent effect on

nations with large arsenals of conventional and unconventional weaponry. In recent years, we clearly have not been on the road to world disarmament. There are new unknowns about the intentions of those who are new stockholders of WMD and additional worries about those who wish to join the club. With such new proliferations of weapons, were the stockholders of these weapons going to contribute to the appropriate balance of power in the world or were they going to contribute to new violence and devastation? Clearly the Bush administration is wary of others. In February 2004, US policymakers and others were dismayed by the confessions of Dr. Abdul Qadeer Khan of Pakistan who had been secretly involved in the sale of nuclear technologies for war uses to third world countries. Mr. Bush has responded by making a proposal to undermine this nuclear black market, and to plug the holes in the Nuclear non-Proliferation Treaty. This proposal has both international and unilateral dimensions of administration and control within the framework of that treaty. The unilateral dimensions reduce the possibilities of its acceptance. Others are wary of the US. It has added to its strategic policy options the possibility that it is willing to engage in preemptive strikes. William J. Broad indicates that critics of the Bush proposal see it as helpful but hypocritical. That proposal provides a mixture of unilateral and multinational answers. At the same time, the US is spending billions of dollars on the maintenance and improvement of its nuclear weapons complex. This is hardly a sign that the US is marching down a short road to disarmament and peace. It sees its foreign policy dilemmas in military terms. Unlike Vatican II, the US does not appear to see that the surest road to peace is to follow policies that change attitudes. That requires reaching agreement between the countries of the West, the Middle East and Asia on the best way to guarantee better living standards in the third world, to provide resources needed in the next phase of evolution in their economies, and to take seriously the pursuit of a strategy for long term peace.

(4) What about Terrorism?

In today's world, terrorism is often viewed as morally unacceptable. For the US it is viewed as so inherently evil that there is now a world-wide campaign against it that causes the current US president to call himself a war president. Reference is most often made to private unofficial terrorists, although some states which had sympathies for the causes of terrorist organizations may give help to these groups in the form of cash, resources and in providing a safe haven for sought-after terrorists. Reference is also made to state terrorists, where official governments engage in terrorist activities as the only defensive response to what they view as unacceptable behavior hurting or injuring the persons or property of citizens within the state.

I have been struck by the fact that terrorism, conducted by private parties, is undertaken because of their situation and the lack of alternative courses of action. There are times when tyranny is very difficult to overcome and authority that has yet to be recognized as legitimate emerges to redress the situation. The problem is to find ways to accept the legitimacy of those who rid a country of its mediocrity and corruption. That judgment is easy to make ex-post facto. But as conflict is in progress, it is often hard to tell who will become heroic figures in fighting for the good and what 'terrorists' will be viewed as great patriots. I think of the George Washington in the 18th century, the 1916 leaders of Ireland in the 20th century and, in recent times, the Mau Mau in Kenya, the PLO in Algeria, the Palestinians in the Middle East and the IRA in Northern Ireland. In the current world situation, al Qaeda is a world terrorist organization of Muslim membership where individual members come from many rather than one state. They have been involved in violent activities in many places, all the way from the US to the Middle East to Indonesia. There are many actions by Israeli military in occupied territories of the Middle East that could be viewed as the site of a future Palestinian state that are often viewed as acts of state terrorism. Many acts of the British military in Northern Ireland, particularly Bloody Sunday are said to be examples of state terrorism. There are those who view all these activities as morally unacceptable.

Can terrorism be acceptable within a just war framework? Scott C. Lowe says that the definition of terrorism dictates whether or not it is morally acceptable in international relations. He lays down two boundaries for a legitimate definition of terrorism. The first is that the way to define terrorism must not make it automatically an immoral activity. We certainly do not want the definition to be so constructed that there is no question to pose and explore. The second condition is that the word 'terrorism' must be given a meaning that can be recognized in the every day use of the term. So Lowe accepts, as I do, the definition provided by Virginia Held. Her definition is: terrorism is a "form of political violence to achieve political goals, where creating fear is usually high among the intended effects."

Lowe thinks that examples of justified terrorism are few, but we can quickly understand why they are permissible under the doctrine of the just war. War actions have to have met all the conditions for their acceptance in the just war framework. He says:

"They will have to be acts of political violence that are proportionate and effective, done in support of a just cause, and not immoral in themselves. Additionally, they will have to be more, perhaps very much more, discriminate or less indiscriminate in who is targeted for attack. It is this last criterion that creates the greatest challenge to an act of political violence being an act of terrorism. Any act of political violence that meets all of these criteria will clearly be just and very precisely targeted."

Most acts of political violence do not meet this last criterion of proportionality and more and more are also having difficulty with the principle of discrimination so the overwhelming proportion of acts of political violence cannot be morally justified.

(5) Conclusion.

We are living in a relatively new world, new in the sense that we see moral behavior in war in such stark ways that we characterize it as 'heroic' or 'brave' or 'diabolical' or 'devastating'. We believe more and more that the latest war will have to lead us to the 'ultimate peace'. There is a mindlessness about morality in our recourse to war. It is undertaken in the defense of the nation and in the name of national security. We are on the wrong track. Until we deal with the reformation of attitudes, there will be no solution in sight. We have to get back to understanding that the consequences of war are more devastating than they have ever been. We dare to hope that that reformation will occur before we destroy ourselves. Undoubtedly, the solution will have to be fully multinational in nature. An alternative is to change nuclear weapons into small precision armaments whose power is limited to destruction in very fairly limited geographical areas. This proposal too involves a selective nuclear disarmament and does not deal with the problem that policymakers will continue to have the resources and the know how to create weapons of mass destruction. This kind of proposal also will fail. Disarmament has to be universal. The increased importance of supranational institutions will be a necessary precondition for the achievement of this. Leaving the policy makers who traditionally make nuclear weaponry with the privilege of continuing to make these instruments of war is to provide a nonstarter for those who do not see their security guaranteed by a proposal that leaves nuclear weapons in the hands of others.

We return to the Hannon article. He points out that:

“Henry Kissinger in **The White House Years** recalled a prediction of Immanuel Kant that by mid-20th century there would be no more war, either because we should have learned to live in peace together or because weaponry of such destructive power would have been developed that peace would be, as he put it, “a moral imperative”. Kissinger observed that “our age” was giving particular point to Kant’s dictum. “Can we not consider that, facing the threat of war in Iraq, we are again being challenged to take seriously the imperative of having recourse only to what Cicero thought of as the human way for settling disputes? How many more challenges do we need?”

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SELECTED BIBLIOGRAPHY

Alden Edward, "Bush Seeks New Push to Curb N-Weapons," FINANCIAL TIMES, Feb. 12, 2004

Bobbit Philip, "When and When Not To Go to War," FINANCIAL TIMES, Jan. 28, 2004.

Broad William J., "How the World can be Saved, Redux," Week in Review, NEW YORK TIMES, February 15, 2004.

Brown Vincent, "There are no Grounds for War in Iraq," IRISH TIMES, January 29, 2003.

Carter Jimmy, "Just War-----or a Just War," NEW YORK TIMES, March 9, 2003.

DeForest M.E., "Just War Theory and the Recent US Air Strikes Against Iraq,"
<http://law.gonzaga.edu/borders/documents/deforres.htm>

Dods Marcus DD (translator), St. Augustine: The City of God, Modern Library Edition, New York, 1993 Edition 1993, Ch. XIX.

Flannery Austin OP., Vatican Council 11, vol. 1, Dominican Publications 1992, E.J. Dwyer, Ch. 5.

Friends Association for Higher Education, NEWSLETTER, vol. XX11, no. 4, Spring 2003.

Grotius Hugo, Wei Wilson (scanner and Editor), DE JURE BELLI AC PACIS, English translation. <http://www.geocities.com/Athens/Thebes/8098/>

Hannon Patrick, "Provisos for Justifying War are not Present: Rite and Reason," IRISH TIMES, Feb. 10 2003.

Held Virginia, "Terrorism, Rights and Political Goals," in R.G. Frey & Christopher Morris (eds), VIOLENCE, TERRORISM AND JUSTICE, Cambridge University Press, Cambridge & New York, 1991.

Lowe Scott C., Terrorism and Just War Theory: Perspectives on Evil and Human Wickedness,” http://www.wickedness.net/ejv1n2/ejv1n2_lowe.odf

Office of the Bishop Suffragan for Chaplaincies, JUST WAR RESOURCES: Included are George Packard & Michael Battle, Statement on Just War and its Contemporary Implications: Rev Dr. Bruce Kaye, Why Just War Theory is a Bad Idea for Episcopalians: A.E. Harvey, The Just War Tradition To-day.
<http://arc.episcopalchurch.org/ashapm/justwar.html>

Pope Pius XII, ALLOCUTION, 30 Sept.1954: AAS 46 (1954), p. 589.

Pope John XXIII, PACEM IN TERRIS, Vatican documents.

Pranger Robert J., “Geneva Conventions,” World Book Online Reference Center, 2004. World Book, Inc. 12 February 2004

Robinson Mary, “How to Restore Human Rights to Iraq,” IRISH TIMES, February 21, 2003.

Sigmund Paul E. (Translator), “St. Thomas Aquinas: On Politics and Ethics,” W.W. Norton, New York, 1988, p. p 64-66.

Tenent George J., “In The Words of the C.I.A. Director: “Why Haven’t We Found The Weapons?” NEW YORK TIMES, February 6, 2004, p. A12.

The Nuremberg Trials: IMT Charter, Indictments, Verdicts and Sentencing of Major War Figures. <http://www.law.umke.edu/faculty/projects/ftrials/nuremberg/nuremberg/http>

United Nations, Charter of the United Nations, Ch.1, articles 1 &2.
<http://www.un.org/aboutun/charter/>