

Self Defence and Just War Theory

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1. The Concept of a Just War

A just war can only be waged by a legally recognised authority, such as a government of sovereign state¹. The intention must be to establish good, such as by re-establishing peace, or correcting evil such as ridding an invaded nation of the invader². The decision to declare a war must have a reasonable prospect of success and war must be a last resort (after all diplomatic negotiations etc. have been tried and have failed), and all other means of putting an end to it must have been shown to be impractical or ineffective. The use of force must be limited to that which is needed to achieve the objective and civilians must not be targeted and the use of arms must not produce evils and disorders graver than the evil to be eliminated. The damage inflicted by the aggressor on the nation or community of nations must be lasting, grave, and certain. The power of modern means of destruction weighs very heavily in evaluating this condition.³

A question to ask is whether World War II was just? In response it may be argued that it was in that:

- The Allied countries who prosecuted the war were legal authorities
- The German forces were attacked for invading other countries
- Intention was to correct the evil which Germany was doing
- Allies felt that they had a reasonable chance of success and they did win
- All forms of negotiation with Hitler and the Third Reich had failed
- Most of the fighting was limited to the armies concerned and to war assets

However, some of the actions taken would not seem to be justified by just war theory. For instance, the Allied bombing of Dresden, a two-day raid by almost 2,400 bombers, destroyed the city and killed perhaps 135,000 civilians. The city would not seem to have been a legitimate military target and the aim seems to have been to target civilians (albeit in retaliation for the bombing of London and other cities)

The Second Vatican Council condemned the bombing of cities stating that any act of war aimed indiscriminately at the destruction of entire cities or extensive areas along with

¹ St Augustine taught, "The natural order conducive to peace among mortals demands that the power to declare and counsel war should be in the hands of those who hold the supreme authority." *Contra Faust.* xxii, 75

² St Augustine taught, "A just war is wont to be described as one that avenges wrongs, when a nation or state has to be punished, for refusing to make amends for the wrongs inflicted by its subjects, or to restore what it has seized unjustly." *Quaestiones in heptateuchum*, qu. x

³ *Catechism of the Catholic Church* 1993, n.2309

their population is a crime against God and man himself. It merits unequivocal and unhesitating condemnation.⁴

In recent times the Church has shifted the grounds for a just war from the punishment of wrongdoing toward requiring it to be for the purposes of defence of peace.

The Second Vatican Council teaches that as long as the danger of war remains and there is no competent and sufficiently powerful authority at the international level, governments cannot be denied the right to legitimate defense once every means of peaceful settlement has been exhausted. State authorities and others who share public responsibility have the duty to conduct such grave matters soberly and to protect the welfare of the people entrusted to their care. But it is one thing to undertake military action for the just defense of the people, and something else again to seek the subjugation of other nations. Nor, by the same token, does the mere fact that war has unhappily begun mean that all is fair between the warring parties.⁵

St Augustine taught that we do not seek peace in order to be at war, but we go to war that we may have peace. Be peaceful, therefore, in warring, so that you may vanquish those whom you war against, and bring them to the prosperity of peace.⁶ He also taught that the passion for inflicting harm, the cruel thirst for vengeance, an unpacific and relentless spirit, the fever of revolt, the lust of power, and such like things, all these are rightly condemned in war.⁷

St Thomas Aquinas similarly taught that if a man in self-defense uses more than necessary violence, it will be unlawful: whereas if he repels force with moderation, his defense will be lawful.... Nor is it necessary for salvation that a man omit the act of moderate self-defense to avoid killing the other man, since one is bound to take more care of one's own life than of another's.⁸

The principle rationale for making an exception to the commandment that we should not kill has been the use of the principle of double effect. In recent times Pope John Paul provided an analysis of the nature of the moral act which has implications for the principle of double effect. Using the language of the encyclical *Veritatis Splendor* (1995) the principle of double effect might be represented in the following way:

When an act has both good and evil effects, the act is morally permissible if:

1. The goal or intended consequence is to produce a good effect.
2. The object (the means) of the act is capable of being ordered to the person's ultimate end, the supreme good, God himself, and hence the chosen means to attain the good effect respects the divine laws which safeguard human good, and

⁴ *Gaudium et Spes* n. 80

⁵ *Gaudium et Spes* n. 79)

⁶ *Letter to Boniface*, clxxxix

⁷ *Contra Faustum manichaeum*, xxii, 74

⁸ *Summa Theologica* II-II, 64, 7

- are in conformity with the good of each person with respect to the goods morally relevant for persons.
3. The intended good effects are such that the merely foreseen bad effects are not disproportionate, and there is no other reasonably available possibility for achieving the good effects without the bad effects.
 4. The foreseeable consequences of the act are not unjust.

The Church teaches that the arms race is an utterly treacherous trap for humanity, and one which ensnares the poor to an intolerable degree.⁹ The *arms race* does not ensure peace. Far from eliminating the causes of war, it risks aggravating them. Spending enormous sums to produce ever new types of weapons impedes efforts to aid needy populations; it thwarts the development of peoples. *Over-armament* multiplies reasons for conflict and increases the danger of escalation.¹⁰

The use of nuclear deterrence is also morally problematic because it must involve the chain of command in accepting a conditional intention to do evil. Deterrence at the very highest level may be bluffing, but for those lower down from the head of government, deterrence cannot be a bluff. They must be prepared to carry out the order if it comes. It is less problematic if its use is restricted to being a counterforce to someone else committing a first strike, but is still an intention to cause wholesale destruction including of civilian populations. Removing the threat of a first strike use would be a major step toward disarmament.

Terrorism gives rise to new challenges because the aggressor is often not a sovereign State. In responding to terrorism one must ask whether the proposed use of force observes the principle of discrimination—that is, does it aim at military targets and persons actively involved in the terrorist network, and does it attempt to minimize harm to civilians?

Further, does the proposed use of force manifest a morally acceptable intention to bring about justice, or is it designed to satisfy desires for revenge and feelings of hatred? Is the proposed use of force likely to achieve morally important objectives—that is, will it meet the test of proportionality; will it bring about results that are sufficiently reliable and valuable to outweigh the harm that is inherent in the use of lethal force?

The invasion of Iran as part of the so-called “war on terror” raises questions about whether this could be described as a just war. A particular concern is whether there was a plan for making or preserving peace. Planning for peace is a major element of a just war.

A major concern with the war on terror is the reported use of torture. (See the section on Torture). What are the limits of interrogation?

⁹ *Gaudium et Spes* n. 81

¹⁰ *Catechism of the Catholic Church* n. 2315

Some other concerns are the fact that terrorist groups are not responsible to any sovereign entity, and they tend to choose civilian targets calculated to undermine democratic government.

Some questions to be asked about the invasion of Iraq are:

- Was the damage inflicted by the aggressor on the US nation or the community of nations lasting, grave, and certain?
- Was Iraq that aggressor?
- Had all other means of achieving peace been exhausted?
- Was the damage done proportionate especially as the civilian death count from military action has been estimated at 35,101 with a maximum of 39,258, compared to 2629 Coalition military deaths and an estimated 4630 Iraqi security force deaths
- What is the probability of securing peace?
- Has the risk of terrorism been reduced?
- Is Iraq more peaceful?

Pope John Paul II condemned having recourse to war in 2003. In a speech to diplomats he said:

“NO TO WAR”! War is not always inevitable. It is always a defeat for humanity. International law, honest dialogue, solidarity between States, the noble exercise of diplomacy: these are methods worthy of individuals and nations in resolving their differences. I say this as I think of those who still place their trust in nuclear weapons and of the all-too-numerous conflicts which continue to hold hostage our brothers and sisters in humanity. At Christmas, Bethlehem reminded us of the unresolved crisis in the Middle East, where two peoples, Israeli and Palestinian, are called to live side-by-side, equally free and sovereign, in mutual respect. Without needing to repeat what I said to you last year on this occasion, I will simply add today, faced with the constant degeneration of the crisis in the Middle East, that the solution will never be imposed by recourse to terrorism or armed conflict, as if military victories could be the solution. And what are we to say of the threat of a war which could strike the people of Iraq, the land of the Prophets, a people already sorely tried by more than twelve years of embargo? War is never just another means that one can choose to employ for settling differences between nations. As the Charter of the United Nations Organization and international law itself remind us, war cannot be decided upon, even when it is a matter of ensuring the common good, except as the very last option and in accordance with very strict conditions, without ignoring the consequences for the civilian population both during and after the military operations¹¹.

In a Letter to President George Bush, January 15th 1991 in relation to the first war AGAINST Iraq after Iraq invaded Kuwait he wrote:

¹¹ ADDRESS OF HIS HOLINESS POPE JOHN PAUL II TO THE DIPLOMATIC CORPS, Monday, 13 January 2003

“I wish now to restate my firm belief that war is not likely to bring an adequate solution to international problems and that, even though an unjust situation might be momentarily met, the consequences that would possibly derive from war would be devastating and tragic. We cannot pretend that the use of arms, and especially of today’s highly sophisticated weaponry, would not give rise, in addition to suffering and destruction, to new and perhaps worse injustices. Mr President, I am certain that, together with your advisers, you too have clearly weighed all these factors, and will not spare further efforts to avoid decisions which would be irreversible and bring suffering to thousands of families among your fellow citizens and to so many peoples in the Middle East. In these last hours before the deadline laid down by the United Nations Security Council, I truly hope, and I appeal with lively faith to the Lord, that peace can still be saved. I hope that, through a last minute effort at dialogue, sovereignty may be restored to the people of Kuwait and that international order which is the basis for a coexistence between peoples truly worthy of mankind may be re-established in the Gulf area and in the entire Middle East.”