Weigel on War
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At a moment in which the world is moving closer to a second war in Iraq and in which religious leaders are generally opposed to such a war, George Weigel, an American Catholic scholar and polemicist, has published an article arguing the contrary case. It has been broadly circulated by means of the Internet. (‘Moral Clarity in a Time of War’, www.epnc.org) Although Weigel stops short of actually declaring the proposed war just, he puts the case for the nobility of the so-called ‘just war’ as an integral part of the art of statecraft. In the process, he is strongly critical of mostly unnamed religious authorities and intellectuals. The effect of his article is to provide unambiguous moral grounds for the proposed war such that its final moral justification would now depend only on the prudential judgement of US authorities. This article will examine and critique some of Weigel’s claims.

‘Just War’ Theory

Weigel is right to draw attention to the tradition of theory about justification for engagement in war. He is also correct in his judgement that the tradition needs to develop in the context of changing circumstances. Disagreement can be had with some of the developments that he proposes and with his application of the theory to the present situation. First, however, it will be useful to review the basic lines of the tradition.

Although the roots of the tradition lie in Greek and Roman thought, Augustine is usually credited with the first articulation of an attempt to justify war, something made necessary by the Christian imperative to love. In City of God XIX, 7, Augustine recognised that despite the evil of war, a good ruler may, to his regret, be faced with the necessity of waging war. Then, his action is justified only by the injustice of an aggressor. Thomas Aquinas took up this issue in Summa Theologiae II-II q. 40, a. 1 by asking whether some kind of war is lawful. He specified that three conditions are necessary for a war to be just. First, it must be commanded by a legitimate authority. Second, a just cause, namely, fault on the side of those with whom one engage, is required. Third, it is necessary that those who wage war have the right intention. Thomas expanded this to intending good and avoiding evil and cited Augustine to the effect that things like thirst for vengeance are to be condemned.

In the sixteenth and seventeenth centuries, de Vitoria and Suarez expanded the just cause condition to involve three further conditions. Fourth, the damage done, particularly to human life, must be proportionate to the wrong that is to be prevented or remedied. Fifth, war is legitimate only when peaceful means have been exhausted. Sixth, there should be a reasonable expectation of success in going to war. Also at that time, a distinction was drawn between the morality of going to war (jus ad bello) and the morality of the conduct of war (jus in bello). (Regan, 14 – 19.) Further articulations about the conduct of war have distinguished a principle of discrimination, according to which active enemy soldiers may be targeted but not civilians or soldiers who have, for instance, surrendered, and a principle of proportionality, according to which when civilians are likely to be killed because of the power of modern weapons in an otherwise legitimate attack on a military target, there must be some due proportion between the intended outcomes and the other consequences. (Regan, 87 – 99.)

Contemporary discussions of justification for war have to take into account the United Nations Charter, international conventions such as the Geneva Conventions, resolutions and practices of the Security Council, and national law. They need also to take account of historical precedence as well as technological and other developments. In his own account of the just war tradition, Weigel adds two notes to what we have seen. First, he situates just war theory within the theory and practice of statecraft. Second, he draws on a distinction between bellum (war waged by public authorities) and duellum (combat between private individuals).

It is not always easy to follow Weigel’s intentions as he shifts between a more objective examination of a moral theory - the just war theory - and its place in political discourse and the more immediate issues of the last months of 2002 and the first months of 2003 - the American movement towards
war with Iraq on the grounds of a failure by Iraq to disarm itself of chemical, biological and nuclear weapons and the means of their delivery. Three claims, however, appear to be central to what he wants to say. First, the principle of presumption against war is not a beginning point for just war theory and may not in fact be valid at all. Second, an individual government has not only a right but also an obligation to act militarily against forces that might harm its population even if the threat is not immediate. Third, in the current world situation, the government of the United States has the authority to act militarily on its own or with willing partners. We will examine each of these in turn.

The Presumption Against War

It is hard to imagine that in the broadest sense of the term there would not always be a presumption against war. From the beginning, although he allowed for war, Augustine regarded it as a sad necessity that could be engaged in justifiably but with regret. "(City of God IV, 15.)Again in this broad sense, it is hard to imagine that any war considered as a whole could simply speaking be just, though, as the tradition has rightly enunciated, one or more belligerents may be justified in their action. Aquinas insisted on fault of another party as justification, and, in the later tradition, the necessity of exhausting other means, last resort, was taken up.

Weigel’s concern, however, is about a more restricted discussion that has taken place in the United States in the last two decades. His target may well be the 1983 Pastoral Letter by the American bishops, The Challenge of Peace. In n. 80, the bishops said, ‘The moral theory of “just-war” or “limited-war” begins with the presumption which binds all Christians: we should do no harm to our neighbours.’ At issue in the discussion, is the question of whether military action is proscribed in such a way that it should be resorted to only in exceptional circumstances or whether states can be more proactive in engaging militarily with the wrong-doing of other states or groups, when it emerges. (Reichberg, 337-8) Weigel rejects a presumption against war on three grounds.

First, he says, just war theory properly begins as part of a theory of statecraft, according to which the prior responsibility of government is to protect its citizens. There is something to this, and, indeed, in Plato and Aristotle we find discussions about the responsibilities of government and about defending the state. On the other hand, just war theory as such arose in Augustine specifically because of Christian concerns about violence. It is perhaps more accurate to argue that the art of national defence is a matter of statecraft and that just war theory is a moral discussion about the rightness and wrongness of entering into a specific war. One senses that in Weigel’s debate there is an attitudinal difference that finds its home in the divisions of US politics, where historically the Republican and conservative sides have been more ready to use military force while the Democratic and liberal sides have been less ready. Hence, one can understand his irritation.

Second, he argues historically that Thomas did not recognise a presumption against war because he dealt with just war theory in his [36] treatise on charity implying that it is charitable to fight to protect others. Here, Weigel’s argument is simply wrong because Thomas dealt with war as one of the failings in charity along with things like hatred, discord, strife and sedition. Nevertheless, a more serious study by Reichberg concludes that Thomas did not articulate a presumption against war in the strong sense, and it is true that Thomas accepted a role for war not only in defence but also in rectifying injustice.

Third, Weigel claims that the arguments put forward in favour of a presumption against war confuse questions of whether war should be waged in a particular circumstance (ad bellum) with questions of how war is waged (in bello). Here, perhaps, we come to the crux of the issue, because much of the American bishops’ arguments, for instance, had to do with the power of modern weapons, particularly nuclear weapons. Weigel’s point is that to argue from the way in which war is conducted to whether it ought to be waged is to collapse a distinction that has been very important in the tradition.

This is a discussion that will continue because the issues are new. For much of Western history, it has been possible to view war as an adventure. It is true that it has always brought death and hardship but on a somewhat limited scale compared to present possibilities. We can still glimpse something of this today in the Highlands of Papua new Guinea where tribal war has played a ceremonial role, in which until the importation of assault rifles few were likely to be killed. Beginning, perhaps, with the American Civil War but certainly with the First World War, war has become so destructive that the manner of its conduct would seem to impinge on questions of the morality of beginning war. From the Second World War, the level of civilian casualties in war raises even greater issues about whether the principle of discriminating against non-combatant casualties can be preserved. In these circumstances, while the distinction between ad bellum and in bello arguments can be upheld, it is questionable whether a separation can be maintained.

In the present circumstances of impending war with Iraq, the way in which the war is likely to be waged
is relevant to the question of whether it should be waged. We have already seen in the 1991 Gulf War a new form of war in which vast technological and economic superiority is used to obliterate the human forces of one side at little human cost to the other. There is an issue of proportion here. There is also an issue of intention, in so far as the sanctity of life seems to have become a relative issue. While it is always a duty of generals to limit their own casualties, that this be done at exceedingly high human cost to the enemy raises serious questions, which are easily muted by the technological nature of modern warfare, in which killing is done at a distance. It is still an open question whether in the 1991 Gulf war the US attempted seriously to estimate enemy casualties. It had been one of the military lessons of the Vietnam War that publication of such data is a political liability.

**Unilateral Attack**

In line with his exposition of statecraft, Weigel insists on ‘the moral obligation (his emphasis) of government to pursue national security and world order’. This is straightforward and uncontrovertible. His case, however, takes on a particular twist as it is expounded in the light of the terrorist attacks in the United States on September 11, 2001. Weigel moves seamlessly from terror networks to states with irrational regimes, weapons of mass destruction and delivery systems. Clearly, the regime of Saddam Hussein in Iraq is envisaged and his claim is that ‘there is a moral obligation to rid the world of this threat’.

The events of September 11 created an enormous shock for Americans. The loss of life, the economic consequences, the symbolic dimensions of the destruction of the twin towers and of the use of ordinary infrastructure to do it, and the end of geographical isolation [37] that had so long been protection from the world’s wars and conflict, all added to the bitterness of the experience. Such a level of shock inhibits clear thinking and makes sound judgement difficult. Unfortunately, it occurred at a moment in which America lacked the quality of leadership that had led it through previous crises in its history.

In this context, while it is clear that a government has an obligation to care for the security of its people, it is also clear that the exercise of that obligation is fraught with difficulty. As we saw, Thomas was aware of how the passions could confuse intentions. In the present case, the fact that the campaign was first called ‘Infinite Justice’, something sacrilegious to both Christians and Muslims, was a serious mistake. It is a pity that the response was envisaged as a ‘war on terrorism’ rather than as an international police action to root out terrorism, something that would have been done in greater cooperation with other nations, even if in some cases, as has happened in Afghanistan, it would come to war. In respect of war with Iraq, the reason for it has kept shifting - from destruction of weapons of mass destruction to regime change to democratisation of the Middle East. At the same time, the question of oil lurks in the shadows.

The point here is that the tradition of just war theory ought to be a corrective to the natural impulse towards violence in the aftermath of serious wrong. It does not simply offer ready permission to go to war but rather carefully guides those leaning towards war with rules that call for sober judgement before acting. Further, Weigel weakens his own case by expressing it in terms of the national interest. The Catholic tradition of just war theory expresses itself in terms of the common good, which, though complex and difficult to work with, includes the good of all human beings. We are easily tempted to regard our own nations as simply good and the good of the world as coincidental with our national goods.

**Authority to Wage War**

In its current crisis, the world needs the United States both for its might and for its energy. Nevertheless, it also has reason for concern about the unilateral exercise of US power and even about its intentions. The September 2002 ‘National Security Strategy of the United States’ expresses the intention of the Bush government to use the US’s unprecedented economic, political and economic strength and influence to mould the world to its own political and economic vision. While in some respects this is well intentioned, culturally and historically it is extremely insensitive as well as shortsighted and unrealistic. Such a strategy needs to be reviewed in open discussion with other nations acting as equals.

Weigel argues that the United States does have the authority to act unilaterally on occasion ‘in the war against terrorism and the struggle for world order’. That is too simplistic. According to the UN Charter, nations do have the right to engage in war to protect themselves from attack, and this is easily expanded to supporting allies who are under threat, but action to deal with disintegration and to restore order on the global scale needs a broader authority, not the least because judgements about what should be done are far more difficult. The UN Security Council has both that authority and the responsibility to exercise it. In the present case, the Security Council is united in its resolve to disarm Iraq. War is another matter, and it would require authorisation ‘to use all necessary means’, not just ‘backing’, especially if such backing were a response to bullying. It is an unfortunate that world
leaders have engaged in a public slanging match rather than careful, albeit slow, diplomacy. The US itself would, in the long term, be better working to enhance the effectiveness of the UN than undermining it.

Finally, Weigel insists that it is government that has the right to make decisions about war, both in virtue of its role and because it is privy to secret information. In part he is right, and the legitimate organs of government do have to make final decisions. He forgets, however, that we are democratic peoples both in ideal and in culture. Presidents and Prime Ministers are neither absolute monarchs nor tyrants for the period of their office but are leaders of democracies. Sound judgments will be made only when those democracies function effectively. This will always involve vigorous discussion that will be strengthened by the involvement of intellectual and moral leaders. Adoption of demagoguery or unchecked reliance on the esoteric knowledge of intelligence agencies will only undermine democracy.

Weigel set out to offer ‘moral clarity’ on the question of war in the present age. Were it available, it would be a valuable commodity, because it would enable swift and decisive action. The issues of war, however, are complex and more so in the present situation of advanced weaponry, power imbalance and political fragmentation. What the world needs most are leaders and institutions that are capable of dealing with this complexity.

Bibliography


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