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Can There Be a Just War Without a Just Peace?

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Abstract

This essay explores the political and legal problem of legitimate wars in relation to the theological question of justice and peace. It begins by charting a brief genealogical account of how in the modern era the Christian 'just war' tradition was formalised and thus drained of much of its substantive and practical context.

The essay also examines and rejects a number of contemporary attempts to use 'just war' theory in order to legitimate modern warfare. The argument is that both neoconservative realism and political liberalism instrumentalise the 'just war' tradition to defend and extend central state power. Christian pacifism has a compelling critique of realism and liberalism, but it fails to offer a genuinely transformative ontology and politics.

The essay concludes by calling for a metaphysics of peace that can resist the modern primacy of violence and make real the divine promise of a harmoniously ordered cosmos.

Keywords

practical judgement; perpetual war; ontology of peace; neoconservatism; liberalism; Christian pacifism

The invasion of Afghanistan and Iraq and the ongoing global battle against terrorism raise new fundamental questions about the justice of war. Can a pre-emptive war ever be just? Are a permanent state of emergency and an unending war against terrorism consonant with the Enlightenment promise of a 'perpetual peace' (Immanuel Kant) among all nations? Such and similar questions pose serious challenges to all those who invoke the Christian 'just war' theory to defend military action. At the same time, events in Darfur recall the global inaction over genocide in Rwanda and highlight the ethical and political limits of Christian pacifism which condemns any intervention in the name of the 'principle of non-violence'. What, if anything, might the 'just war' tradition contribute to our understanding of justice, war

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and peace? More fundamentally, does the shared monotheistic belief in the primacy of peace over violence warrant or rule out military intervention beyond self-defence?

In this essay, I examine two positions which both reclaim the 'just war' theory but reach markedly different conclusions about the justice of military intervention: the realist (neo-conservative) case for unilateral pre-emption (George Weigel) and the liberal justification for the resort to war (John Rawls and Michael Walzer). It is my contention that both positions can be challenged on account of their arbitrary and absolute presuppositions about the just conduct of war and the nature of justice. I then turn to a response which describes itself as Christian pacifist. My focus is on the claim that any form of war violates the 'presumption against violence' which represents a constitutive element of Christianity. I argue that this variant of pacifism has a limited capacity to transform the *polis* as a whole because it appeals above all to those who are already practising Christians. Finally, I argue that there are compelling theological and political reasons to include Judaism and Islam in reflections on the justice of war and to shift the focus away from war to the question of peace. I will begin by sketching a brief genealogical account of how the 'just war' tradition took a formalist turn and was subsequently co-opted by (neo-conservative) realism.

1. The formalisation of 'just war' praxis

For the Church Fathers and medieval theologians, 'just war' was a matter of practical judgement. Rather than representing a systematic theory about the justice of certain forms of military intervention, reflections on 'just war' were part of a larger framework grounded in the specific praxis of Christian beliefs, namely the belief that peace is the highest truth and constitutes the ontological shape of the world. From this belief it follows that in a metaphysical sense, violence *is not* because evil, according to Augustine's definition, is the privation of the good (*privatio boni*) and is not situated at the same ontological station as peace. The specific praxis of Christianity is to secure the peace of the good out of the opposition and antagonistic difference which generate the violence of evil. As such, the *telos* of all actions is to overcome the logic of violence and to create and preserve peace. With reference to Augustine, Aquinas argues that only the pursuit of peace can ever justify a war. He writes

> a just cause is required namely that those who are attacked deserve it for some wrong they have done. So Augustine: 'We usually describe a just war as one that avenges wrongs, that is, when a nation or state has to be punished either for refusing to make amends for outrages done by its subjects, or to restore what it has seized injuriously. Those wars are looked on by true religion as peacemaking which are waged neither

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> from aggrandisement nor cruelty but with the object of securing peace, of repressing the evil and supporting the good'.[1]

For patristic and medieval theology, peace and the good are not matters of theoretical ratiocination. As universals, they are real and can only be actualised in practice. Equally, knowledge of peace and the good is not a function of mental abstraction but requires practical judgement. For Augustine, judgement is equally concerned with being, knowledge and action. To judge is not to project one's mental fictions or faith-based beliefs onto the world. Nor is it to deduce concrete conclusions from *a priori* principles. Much rather, judgement marks the discernment of the proper order of things in the material world.[2] As such, judgement blends the theoretical and the practical because to discern the actual ordering of things induces action either to preserve or to pursue the beauty and harmony of relations that pertain between things in certain regular and analogical proportions.[3] An act of judgement can only be true if it leads to practical action aimed at governing the relations between different parties and securing their peaceful co-existence.

However, in the course of the transition from patristic and medieval to late scholastic and early modern theology, this tradition of 'practical reasonableness'[4] gave way to a more abstract understanding of peace and war. Increasing abstraction at the expense of judgement was linked to the decline of divine cosmology and the rise of formalism in natural theology and the extension of legalism in the Church.[5] Indeed, certain late scholastic and early modern theologians elevated the formalism of casuistry over above the pragmatism of judgement. In so doing, they shifted the focus of 'just war' thinking away from the intricate relation of war and peace to abstract legal considerations on the justice of war – a catalogue of legal criteria about the 'right' to resort to war (*ius ad bellum*), the 'right' to use force in war (*ius in bello*) and the 'right' to conclude a post-conflict settlement (*ius post bellum*). Concomitantly, the language of right moved the 'just war'

[1] St. Thomas Aquinas, *Summa Theologiae* IIa IIae. Q. 40, a. 1, resp. 2

[2] St. Augustine, *De Musica* VI, xiii, 38.

[3] *Ibid*., VI, xvii, 57.

[4] Oliver O'Donovan, *The Just War Revisited* (Cambridge: CUP, 2003), p. ix. See also pp. 1–18.

[5] Otto Gierke, *Die Grundbegriffe des Staatsrechts und die neuesten Staatsrechtstheorien* [1915]; *Naturrecht und deutsches Recht* [1883] (Aalen: Scientia, 1973); Frederic William Maitland, *Selected Essays*, edited by H. D. Hazeltine, G. Lapsley, P. H. Winfield (Cambridge: CUP, 1936), Maitland, *State, trust and corporation*, edited by David Runciman and Magnus Ryan (Cambridge: CUP, 2003), Maitland, *English law and the renaissance*: *the Rede lecture for 1901* (Cambridge: CUP, 1901); Hans Blumenberg, *Die Legitimität der Neuzeit* (Frankfurt/M.: Suhrkamp, 1996 [orig. pub. 1966]); Ernst H. Kantorowicz, *The King's Two Bodies*: *A Study in Mediaeval Political Theology* (Princeton NJ: Princeton University Press, 1957); Louis Dupré, *Passage to Modernity*. *An essay in the hermeneutics of nature and culture* (New Haven: Yale University Press, 1993).

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tradition away from practical reasoning about just action to a theory about the legality and legitimacy of war. Most importantly, violence came gradually to be granted the same ontological station as peace and thus could only be regulated, rather than resolved.

It is true that this process was neither linear nor unambiguous. However, the logic that formalised practical judgement and helped drain the tradition of much of its substantive content was part of the modern endeavour to re-ground the law on a plurality of natural individual rights, a process that started with Jean Gerson († 1429), Jean Bodin (c1529/30–1596), Francisco di Vitoria (1485–1546), Hugo Grotius (1583–1646) and Francisco Suárez (1548–1617).[6] Parallel to the fragmentation of unitary Natural Law, the theory and practice of war underwent a fundamental change: the idea of war gradually ceased to be a non-formal practice of justice – an attempt to put an end to those activities that violate the Natural Law by destroying the naturally given order of things. In theory, war became a formalised state practice, no longer in pursuit of an inclusive order but reduced to an 'unarbitrable contest of *interests*'.[7]

In practice, war was the driving force behind the emergence of the modern state. From the late Middle Ages to the early modern period, state formation and warfare were inextricably intertwined; in the words of Charles Tilly, 'War made the state, and the state made war'.[8] War for the sake of sovereignty and dominium gave rise to an upward spiral of centralisation and concentration that produced not only divinely sanctioned monarchical absolutism but also mercantilist free trade, the modern abstract state, and later mass conscription and inter-state warfare, in pursuit of absolute central authority over territory and citizenry. But the rejection of divine and clerical absolutism did not create the separation of power and the rule of the law which it had promised. Early modern political philosophers sought to free society by founding power on the autonomous self and on individual rights, beginning with Jean Gerson, Jean Bodin and Hugo Grotius. But instead of liberating the world from the constricting shackles of absolutism, modern political philosophy transferred the monopoly of power from God and His earthly surrogates to an equally absolutist profane construct, of which Hobbes' *Leviathan* is perhaps the

[6] John Neville Figgis, *Studies of Political Thought from Gerson to Grotius, 1414–1625*, (Bristol: Thoemmes Press, reprint of 2nd ed. 1998 [orig. pub. 1916]), pp. 1–115.

[7] O'Donovan, *The Just War Revisited*, p. 111 (original italics).

[8] Charles Tilly, 'Reflections on the History of European State-Making', in Tilly (ed.), *The Formation of National States in Western Europe* (Princeton, NJ: Princeton University Press, 1975), p. 42. Cf. Michael Howard, 'War and the nation state', *Daedalus* 108 (1979), esp. p. 102; Anthony Giddens, *The Nation-State and Violence* (Berkeley, CA: University of California Press, 1987); Charles Tilly, *Coercion, Capital, and European States, AD 990–1992* (Oxford: Blackwell, 1990), esp. 20–28; Bruce D. Porter, *War and the Rise of the State: The Military Foundations of Modern Politics* (New York: Free Press, 1994).

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supreme expression. For Hobbes, power is a function of violence, and violence is foundational of nature and constitutive what it is to be human. Since human beings have a 'perpetual and restless desire of power after power, that ceaseth only in death' and a right over everything (*ius in omnia*), the state of nature can only be one of unending enmity and the war of all against all (*bellum omnium contra omnes*).[9]

The process that culminated in the elevation of violence over peace coincided to some significant extent with the demise of the 'just war' tradition. As Oliver O'Donovan argues, the primacy of national sovereignty was ultimately self-undermining, since there is now no independent third-part instance (let alone any authority outside the warring state factions) which could determine the crime of waging an 'unjust' war. It fell to Kant to deal the deathly blow to 'just war' theory:

> Kant drew the inference uncompromisingly: "The victor lays down the conditions on which it will come to an agreement with the vanquished and hold negotiations for concluding peace. The victor does not do this from any right he pretends to have because of the wrong his opponent is supposed to have done him; *instead*, *he lets this question drop and relies on his own force*". With this the collapse of the just-war idea was complete. For Kant's idealist pacificism the only rationally just thing to be done in war was, by any means not excluding conquest, to put an end to it.[10]

But one can go further than this. Kant posited the priority of force over above rights and defended the legitimacy of indiscriminate violence as long as it was in the *name* of peace; a peace moreover which tended to consolidate state power and perpetuated the nation-state order. The formality of Kant's conception of peace calls into question his vision of a global federation of nation-states whose relations are governed by the international Law of Nations (*ius gentium*).

What is this vision? Kant is generally credited with designing an ethics which purports to be universal and which seeks to combine limits on reason with human liberty. This ethics is thought to be co-extensive with a politics beyond divine absolutism and secular nationalism. As a result of his belief in the universality of morals, Kant envisions a global federation of states: each state is governed by republican constitutions that guarantee civic rights (*ius civitatis*); inter-state relations are governed by international law (*ius gentium*)

[9] Thomas Hobbes, *Leviathan*, chap. XI. See also chap. XIII. Cf. Joseph R. Strayer, *On the Medieval Origins of the Modern State* (Princeton NJ, Princeton University Press, 1970); Thomas Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe* (Cambridge: Polity, 1997); Daniel Philpott, *Revolutions in Sovereignty* (Princeton, NJ: Princeton University Press, 2001).

[10] Immanuel Kant, *The Metaphysics of Morals*, The Doctrine of Right, 58, quoted in O'Donovan, *The Just War Revisited*, p. 111 (my italics).

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and citizens are granted global citizenship (*ius cosmopoliticum*) by virtue of partaking in a universal human polity (*genereller Menschenstaat*).[11] Kantian enlightened states not only sign peace treaties but also eliminate the very conditions of possibility for waging war against one another and thereby embody the utopia of 'perpetual peace'.

However, Kant comes perilously close to Hobbes in his definition of the state of nature that pertains between individuals: this state is not a state of peace but instead warrants war: 'war is the sad necessity in the state of nature' and 'the state of peace among men, who co-exist, is not the state of nature (*status naturalis*), which instead is a state of war'.[12] Yet at the same time, according to Kant nature is critical for human beings to cognise and pursue the final end of the universe – the reign of liberty in morality and faith in the agreement of virtue and the sovereign good, which human reason alone cannot cognise. But if 'human nature is wicked'[13] and the state of nature a 'perpetual war', then human cognition cannot perceive the peaceful harmonious ordering of the universe (unlike in patristic and medieval theology). Universal peace is little more the imposition of particular legal norms and constraints. 'Just war' is a matter of *raison d'état*, not natural judgement.

Nor did absolutism end in the wake of the American and the French Revolution. Late eighteenth- and early nineteenth-century politics failed to consecrate a reign of peace and prosperity. Much rather, the Enlightenment substituted man for God at the centre of universe and thus elevated man to the supreme arbiter over all that is and could be. Humanity itself became the Supreme Being incarnate,[14] the measure of all things. To say this is not to dismiss the entire legacy of the Enlightenment. It is true that national self-determination and individual agency became the predominant socio-political force, an evolution which was instrumental in securing and extending both legal rights and civic practice. But the Enlightenment helped engender those ideologies that produced the first forms of total war. In fact, war abroad and repression at home for the sake of the 'imagined community'[15] were not simply primitive means at the service of civilised ends or the defence of popular revolutions against the terror of the counter-revolutionary reactionaries. Instead, means and ends – war

[11] Immanuel Kant, *Zum Ewigen Frieden. Ein philosophischer Entwurf (1795)*, in *Werke*, ed. Wilhelm Weischedel (Frankfurt/M.: Insel-Verlag, 1964), vol. 5, pp. 193–251, esp. 203.

[12] Kant, *Zum Ewigen Frieden*, p. 200, 203.

[13] Kant, *Zum Ewigen Frieden*, p. 210.

[14] Andrew Wernick, *Auguste Comte and the religion of humanity: the post-theistic program of French social theory* (Cambridge: Cambridge University Press, 2001), esp. pp. 1–21, 186–220.

[15] Benedict Andersen, *Imagined Communities: reflections on the origin and spread of nationalism* (London: Verso, 1991, rev. edn).

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and peace – tended to be collapsed in an ideology of neo-classical heroism, which culminated in the heroic 'culture of death' which characterised the total war of 1914–1918 and 1939–1945.[16]

2. Pre-empting the 'Just War' Tradition – the neo-conservative 'New World Order'

From the idealist pacifism of the Enlightenment which licensed unrestrained warfare against the enemy (all those who refused to submit to the Enlightenment ideas and values), it was but a short step to Manichean liberal Protestantism (Reinhold Niebuhr) and apocalyptic and messianic realism (Richard Neuhaus, George Weigel, Michael Novak). As Michael Northcott argues, the rhetoric of the inevitable and eternal struggle of good *versus* evil is not so much the product of dispensationalist fundamentalism than it is the result of Protestant liberalism.[17] Niebuhr asserts America's divinely sanctioned mission of spreading democracy, freedom, prosperity and peace throughout the world, in the steadfast belief of America's righteousness. As 'tutors of mankind in its pilgrimage to perfection',[18] America has the moral duty to use the force of military coercion in order to answer God's unique calling. At the hands of the Americans, war is always already just because it is the human embodiment of 'the angel of God that directs the storm'.[19] In the wake of the Enlightenment which elevated violence into an ontological category that is characterises the state of nature, Manichean liberal Protestantism re-moralised war as a force for good. Niebuhr's understanding of just war underpins America's religiously framed unilateralism and exceptionalism, the new Israel which has been elected by God to save the world.

More recently, this perversion of the 'just war' tradition has been deployed in order to justify and legitimate the neo-conservative 'war on terror' and the war in Iraq.[20] The inception of the crusade against

[16] William Pfaff, *The Bullet's Song: Romantic Violence and Utopia* (London: Simon & Schuster, 2004); Joseph E. Persico, *Eleventh Month, Eleventh Day, Eleventh Hour: Armistice Day 1918, World War I and Its Violent Climax* (London: Hutchison, 2004). On the ideology of total war, see my 'The Politics of Liberal War, Temas (*Cultura Ideología Sociedad*), No. 46 (April–June 2006), pp. 98–110.

[17] Michael Northcott, *An Angel Directs the Storm: Apocalyptic Religion and American Empire* (London: I. B. Tauris, 2004).

[18] Reinhold Niebuhr, *The Irony of American History* (New York: Charles Scribner, 1955), p. 71; Niebuhr, *The Children of Light and the Children of Darkness: A Vindication of Democracy and a Critique of Its Traditional Defenders* (London: Nisbet and Co., 1945).

[19] M. Northcott, *An Angel Directs the Storm*, chap. 1 and 2. The idea that it is not Americans who direct the storm but the angel of God was the cornerstone of George W. Bush's first Inaugural Address on 20th January 2001 (online at http://www.whitehouse.giv/news/inaugural-adress.html).

[20] Jean Bethke Elshtain, *Just war against terror: the burden of American power in a violent world* (New York: Basic Books, 2003).

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the 'axis of evil' was cast in terms of the friend-foe imagery ('You are either with us or with the terrorists') and the logic of the 'state of exception'. Equally, the war in Iraq is the product of a messianic and apocalyptic misinterpretation of 'just war' theory. In a lecture given in October 2002 entitled 'Moral Clarity in a Time of War', the American theologian George Weigel put forward the idea that the 'just war' idea is a tradition of moral reasoning and statecraft which demands public assertiveness in times of war.[21] For Weigel, this ideal is not based on the 'presumption against violence', but on the definition of 'morally worthy political ends' which provide a moral justification for the resort to violence.[22] Such 'morally worthy political ends' can only be liberal market democracies because they alone fully actualise the Augustinian notion of peace-as-order (*tranquilitas ordinis*).[23]

Following Niebuhr, Weigel seeks to rescue war from pacifism and to re-establish it as the new categorical imperative. For him, the 'just war' tradition can explain why war in the name of the peaceful order of market democracies against all enemies of the West and its allies is not simply a moral possibility but always and everywhere a 'just cause'; it is not simply the 'last' but the '*only resort*'. And the sole competent authority is the national state, for two reasons. First, because the UN Charter recognises an inalienable right to self-defence and is itself unable 'to handle large-scale international security questions'.[24] Secondly, because the authoritative capacity to discern the 'justice' of launching a legitimate war somehow lies exclusively with

> duly constituted public authorities, who are more fully informed about the relevant facts [. . .]. The ['just war'] tradition itself exists to serve statesmen. There is a charism of political discernment that is unique to the vocation of public service [. . .]. Moral clarity in a time of war demands moral seriousness from public officials.[25]

On this account, the US-led war of pre-emption in Iraq in 2003 was a 'moral *obligation*' which exemplifies just moral reasoning about the right to resort to war (the three principles of *ius ad bellum* being 'just cause', 'last resort' and 'competent

[21] George Weigel, 'Moral Clarity in a Time of War', The Second Annual William E. Simon Lecture, *Ethics and Public Policy Center* (online at http://www.eppc.org/publications/pubID.1554/pub_detail.asp).

[22] This claim rests on three assumptions: all politics falls under the purview of moral judgement; it is the moral responsibility of all governments to protect their citizens and uphold the international order; eradicating evil is a morally appropriate political end. See Weigel, 'Moral Clarity in a Time of War', pp. 3–9.

[23] St. Augustine, *De Civitate Dei* (*On the City of God against the Pagans*), edited by R. W. Dyson (Cambridge: CUP, 1998), Book XIX, 13, p. 938.

[24] Weigel, 'Moral Clarity in a Time of War', pp. 10–11.

[25] Weigel, 'Moral Clarity in a Time of War', p. 17. Weigel fails to consider the possibility that 'duly constituted public authorities' might dispose of incomplete information or might make errors of judgement.

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authority').[26] Weigel's ultimate justification that '[w]e defend America because America is worth defending, on its own terms and *because of what it means for the world*' betrays the messianic inspiration of his position. A war is just if and only if it is waged by the USA and its allies. They alone defend and promote an order that vouchsafes the 'peace and security of all'. So for Weigel, *Pax Americana* is the sole and supreme instantiation of Augustine's *tranquilitas ordinis*. This is not only a profoundly ideological position which is in no way borne out by the 'just war' tradition. Moreover, the idea that war is somehow the new categorical imperative is also diametrically opposed to Augustine's vision that peace is inscribed at the heart of being and that violence in the name of state power is evil, which is a privation of the good and has no station within the order of being. Instead, in a perverse instrumentalisation of the Second World War and the Cold War, an unholy trinity of neo-liberals, neo-realists and neo-conservatives has hijacked the 'just war' tradition in order to create a 'New World Order'.[27]

3. The 'Justice' of Liberal War – John Rawls and Michael Walzer

In contrast to the (neo)-conservative realist position, John Rawls and Michael Walzer have provided a liberal defence of the 'just war' tradition. However, I shall argue that the Rawlsian version of political liberalism produces an abstract form of justice which merely regulates antagonistic interests and values rather than attempts to overcome and reconcile them. Moreover, for both Rawls and Walzer, war remains the 'liminal case' against which politics is defined.

Rawls' account of justice is predicated upon abstract ideas and disembodied practices of justice which derive from minimalist principles.[28] This conception of justice is ultimately grounded in a 'common sense (of justice)' and 'certain fundamental intuitive ideas'. Unlike Kant or John Stuart Mill, Rawls' conception of justice does not depend on some general and comprehensive philosophical, moral

[26] Michael Novak, 'War to Topple Saddam is a Moral Obligation', *The Times* 12th February 2003; George Weigel, 'The Just War Case for the War', *America* 188.11 (31st March 2003). For a theological critique of Weigel's position, see the lecture by the Archbishop of Canterbury, Rowan Williams, 'Just War Revisited', Lecture to the Royal Institute for International Affairs, Chatham House, 14th October 2003 (online at http://www.archbishopofcanterbury.org/sermons_speeches/2003/031014.html).

[27] For a concise statement of this self-proclaimed 'New World Order', see Robert Kagan, *Paradise and power*: *America and Europe in the new world order* (London: Atlantic, 2003).

[28] Rawls' theory of justice seeks to constitute the minimal basis and 'most secure moral concept' for 'providing conclusive arguments for equal, constitutional liberties' and for generating a 'common public understanding of the basis of these fundamental liberties'. J. Rawls, 'Constitutional Liberty and the Concept of Justice (1963)', in John Rawls, *Collected Papers*, edited by Samuel Freeman (Cambridge, MA: Harvard University Press, 1999), pp. 73–95, esp. p. 74.

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or religious doctrines that 'apply to a wide range of subjects and [. . .] include conceptions of what is of value in human life, ideals of personal virtue and character that are to inform our thought and contact as a whole'.[29] Rawlsian liberalism professes to be concrete, political and practicable,[30] (not the grand meta-narrative of Kant's and Mill's holistic and systematic liberalism). The reason is that for Rawls Kantian and Millian conceptions remain trapped in transcendental idealism, while his own account of justice purports to correspond to quotidian experience which extends beyond well-ordered liberal societies to all 'decent peoples'.[31]

However, neither Rawls' chosen principles of justice nor his chosen mode of reasoning are in any way self-evident, self-standing or self-sufficient. To say that the sort of experience which grounds the 'common sense' and the 'fundamental intuitive ideas' is universal risk sounds little more than pious hope.[32] Either Rawls' principles of justice and his mode of reasoning are dependent on a specific tradition, in which case they are not automatically applicable to other traditions. Or his principles and mode of reasoning are the result of genuinely universal human experience, in which case his conception requires an account of the nature of the self and of the world. However, Rawls extends his principles and his mode of reasoning to certain traditions – western liberal democratic societies and their 'decent people' – while at the same time denying that the tradition he invokes implies 'any particular metaphysical doctrine as to the nature of the world'.[33]

Moreover, he dismisses any metaphysics or ontology on account of what he calls the factuality of pluralism and in the name of reasonableness and practicability.[34] Pluralism of incommensurate religious, philosophical and moral doctrines means for Rawls that there can be no agreement other than on 'the *same* basic rights, liberties and

[29] Rawls, 'The Idea of an Overlapping Consensus (1987)'; in *Collected Papers*, pp. 421–448, esp. 427.

[30] Rawls, 'Justice as Fairness: Political not Metaphysical (1985)', in *Collected Papers*, pp. 388–414.

[31] Rawls, *The Law of Peoples*, pp. 11–88. Cf. Rawls, *Collected Papers*, pp. 91, 197.

[32] 'Justice as fairness is a political conception in part because it starts from within a certain political tradition. *We hope that this political conception of justice may at least be supported by what we call an "overlapping consensus"*, that is by a consensus that includes all the opposing philosophical and religious doctrines likely to persist and to gain adherents in a more or less just constitutional democratic society'. Rawls, 'Justice as Fairness: Political not Metaphysical (1985)', in *Collected Papers*, p. 390 (my italics).

[33] Rawls, 'Constitutional Liberty and the Concept of Justice (1963)', in *Collected Papers*, p. 90.

[34] 'And given the *fact of pluralism*, there is, I think, no better practicable alternative than to limit ourselves to the shared methods of, and the public knowledge available to, common sense [. . .] is not motivated by scepticism or indifference to the claims of comprehensive doctrines; rather, it springs from the *fact of pluralism*, for this fact means that in a pluralist society free public reason can be effectively established in no other way'. Rawls, 'The Idea of an Overlapping Consensus (1987)', in *Collected Papers*, pp. 429–30 (my italics).

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opportunities as well as the *same* all-purpose means such as income and wealth, all of which are secured by the *same* social bases of self-respect'.[35] In other words, 'given the fact of pluralism', there can be no other 'overlapping consensus' than that of minimalistic political liberalism. The choice is presumably between the violent anarchy of unreasonable tribes and the peaceful constitutionalism among 'decent people'.[36]

But Rawls' theory of justice cannot negotiate the coexistence of pluralism and sameness because he lacks not only the metaphysics that might account for the relation between incommensurability and commonality, but also the epistemology that would demonstrate how to know this relation and the ensuing minimalistic principles of justice and of political liberalism. Rawlsian 'common sense' and 'fundamental intuitive ideas' might simply not extend to societies which have not been graced with the tradition of social contract, democratic thought and constitutional liberalism.[37] As a result, Rawls' noumenal 'analytical construction' is as blind as his 'practical political possibilities' are empty.[38] The justice of war is only intelligible to those who have already embraced the tradition of liberal constitutionalism.

What is more, on his own account, Rawlsian justice is regulative, in the sense that the functions of justice – eliminating arbitrary distinctions and establishing proper equilibria between competing claims[39] – leave value conflicts intact. In Rawlsian liberalism, justice constitutes neither the overcoming nor the resolution, let alone the reconciliation of violence; it is a mere regulation. So even if a liberal war were just, it would by no means entail anything like a 'perpetual peace', because Rawls cannot define peace other than in terms of the cessation of hostilities and the (im-)position of abstract principles.[40] Liberal war thus configured is neither just nor a legitimate means to the liberal good of genuine lasting peace.

[35] Rawls, 'The Priority of Right and Ideas of the Good (1988)', in *Collected Papers*, pp. 449–72, quote at p. 454 (my italics).

[36] J. Rawls, *Political Liberalism* (New York: Columbia University Press, 1993); Rawls, *The Law of Peoples* with *The idea of public reason revisited* (Cambridge, MA: Harvard University Press, 1999).

[37] On the embeddedness of reasoning and ethics in tradition, see Alasdair MacIntyre's seminal works, in particular *After Virtue*, pp. 204–225; MacIntyre, *Whose Justice? Which Rationality?* (London: Duckworth, 1988), pp. 326–388; MacIntyre, *Three Rival Versions of Moral Enquiry. Encyclopaedia, Genealogy, and Tradition* (London: Duckworth, 1990), pp. 105–215.

[38] Rawls' principles of justice are the product of abstraction by logical induction from experience framed by tradition. The ensuing 'analytical construction' can only be described as noumenal, since it is totally unintelligible apart from and outside the tradition of thought repeatedly invoked by Rawls himself. Rawls' architectonic is perfectly circular and introspect, political liberalism from start till end. Rawls, *Collected Papers*, pp. 395, 397, 420, 422, 437, 446–447.

[39] Rawls, 'Justice as Reciprocity (1971)', in *Collected Papers*, pp. 190–224.

[40] See Rawls' reflection on Hiroshima in *Collected Papers*.

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Liberals have also drawn on the 'just war' tradition in order to rethink the justice of military intervention. Michael Walzer's account is perhaps one of the most ambitious liberal attempts to provide a synthesis of legal casuistry and political judgement, coupled with a unitary rational basis for morality beyond the absolutism of rights and the flexibility of utilitarianism. Walzer positions his defence of liberal wars in opposition to both realism and pacifism. He associates realism with Hobbesian and Machiavellian ideas of a 'necessity of nature' that renders wars both inevitable and indispensable.[41] War thus construed is a force of its own in a realm that is indifferent and impervious to any moral argument. Walzer provides an interesting critique of Hobbes' denial of any common ground for morality.

However, Walzer's dismissal of all forms of realism can and must be questioned. For it is precisely the formalist denial of universality that has been the condition of possibility for power and force to occupy a separate realm above, beyond and outside moral reasoning and discernment. The realism which Walzer opposes is in fact the product of a certain nihilism that grew out of formalist philosophy and theology.[42] An analogous argument can be made about Walzer's understanding of pacifism. He dismisses pacifism for much the same reason as realism – the fatalism that there is only one option available to human agency. The critique he directs at realist and pacifist position is that just as the war of realism is neither inevitable nor indispensable, so the non-violence of pacifism is not a universal means to overcome and resolve the violence of war. Walzer exposes accurately the pacifist fallacy in three cases: when the resort to war (*ius ad bello*) is just (e.g. war against Nazism); when the aggressor does not obey the right conduct in war (*ius in bello*) but instead terrorises innocents (e.g. Vietnam); when non-violence turns into violence against oneself (e.g. Ghandi's advice to Jews to commit suicide rather than to fight Nazism).[43]

While there is a lot to celebrate in Walzer's critique, his account of peace (as his account of reality) is impoverished, in the sense that peace is conditional upon the restraint of war and can only be the outcome of a non-violent settling of political struggles. In other words, Walzer subscribes to one of the premises of the realism he otherwise opposes – the violent state of nature. It follows that his conception of peace is confined to the western ideology of liberal market democracies. It is true that Walzer invokes 'just war' theory

[41] Michael Walzer, *Just and Unjust Wars. A moral argument with historical illustrations*, 3rd edition (New York, NY: Basic Books, 2000 [orig. pub. 1977]), pp. 3–20; Walzer, *Arguing about War* (New Haven and London: Yale University Press, 2004), pp. 3–22.

[42] For a useful account of nominalism as the precursor of nihilism, see Michael Allen Gillespie, *Nihilism before Nietzsche* (Chicago and London: The University of Chicago Press, 1995), pp. 1–63.

[43] Walzer, *Just and Unjust Wars*, pp. 329–35.

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as a set of criteria and a common platform to restrain war and thereby to favour political rather than military struggle.[44] But he does so on terms that reduce peace to theoretical pacifism or abstract legalism (or both) and confine justice to moral justification. Thus to trim down the 'just war' idea is to strip it of any universality which it might have had as a form of practical reasoning about just action.

4. The Christian pacifism of Stanley Hauerwas

The argument that peace is ontologically prior to violence has led some theologians like Stanley Hauerwas to repudiate the 'just war' tradition altogether because it violates the 'presumption against violence'. For Hauerwas, war can never be said to be just, and any genuinely Christian alternative to the violence of warfare is the peaceful practice of non-violence. Hauerwas' advocacy of pacifism is grounded in his rejection of the 'culture of death', by which he means the prevailing order in America that exhibits a perverse pagan twin glorification of death.[45] It glorifies American deaths as a necessary sacrifice for a divinely entrusted mission to save America and the world as a whole. It also glorifies the deaths that are perpetrated by US-led wars as a just revenge for American sacrifice at home and abroad. According to Hauerwas, it is this 'culture of death' which inspires both the 'war on terror' and the war in Iraq.[46] The former cannot be just on any account; as a 'war without end', it is in diametric opposition to a just war: '[i]f a war is just, your enemy must know before the war begins what political purpose the war is to serve'.[47]

Hauerwas ultimately rejects the 'just war' tradition because it is simply incompatible with the Christian practice of faithful discipleship of Christ within the fellowship of the Church. As a Christian, this commitment is more fundamental and more real than any sense of belonging to a nation that considers itself to be locked into a 'war without end'. As Christians, '[w]e are called to be holy'.[48] So Hauerwas' pacifism is grounded in his unconditional primary loyalty to God and God's Church, not to the national flag and anthem. To

[44] Walzer, *Arguing about War*, p. 3.

[45] For Hauerwas' critique of liberalism, see his *Vision and Virtue: Essays in Christian Ethical Reflections* (Notre Dame: University of Notre Dame Press, 1981), esp. 'Politics, Vision, and the Common Good', pp. 222–240; Hauerwas, *A Community of Character: Toward a Constructivist Christian Social Ethic* (Notre Dame: University of Notre Dame Press, 1981), esp. 'The Church and Liberal Democracy: The Moral Limits of a Secular Polity', pp. 72–88; more recently, Hauerwas, *A Better Hope. Resources for a Church Confronting Capitalism, Democracy, and Postmodernity* (Grand Rapids: Brazos, 2000).

[46] Stanley Hauerwas, 'September 11, 2001: A Pacifist Response', *The South Atlantic Quarterly* 101.1 (2002, Special Issue: *Dissent from the Homeland: Essays After September 11*, eds S. Hauerwas and F. Lentricchia), pp. 425–33.

[47] Hauerwas, 'September 11, 2001: A Pacifist Response', p. 432.

[48] Hauerwas, 'September 11, 2001: A Pacifist Response', pp. 426–27.

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be a Christian is not only to be a pacifist and engage in the passive renunciation of violence; it is also to pursue a vision of peace in and through the active practice of non-violence.

He draws on the American Protestant theologian John Howard Yoder and on the German Protestant theologian Dietrich Bonhoeffer for his account of peace. What he takes from both Yoder and Bonhoeffer is the idea that Christian pacifism does not presume 'to know in advance of what may and may not be violence', but consists in a process of gradual discernment through learning and a non-identical re-inventive repeated performance of the Gospel narrative.[49] Bonhoeffer writes that '[t]here can be only a community of peace when it does not rest on *lies* and *injustice*'.[50] According to Hauerwas' reading, truth and justice are not subordinated to the ideal of peace. Nor is the very reality of peace proof that truth and justice have prevailed. Instead, peace can only be said truthfully and justly as 'that which comes through the forgiveness of sins'. So peace is not a transcendental *a priori*, but a gift of God's mercy and grace to the Church, which gives to the world a politics of peace based on the practice of non-violence between people who confess their sins to one another and pray for God's forgiveness. Peace exceeds 'abstract pacifism' (Slavoy Žižek) insofar as it is real and embodied in 'practices as common and as extraordinary as prayer and the singing of hymns'. And according to Yoder, the Church thus understood and enacted is a 'new kind of body within society'.[51]

While there is a lot to commend in this account of ethics and politics, one main philosophical and theological problem is that such and similar conceptions remain unintelligible to all those who do not in some decisive sense already adhere to the Gospel narrative. Hauerwas provides persuasive reasons for Christian pacifists to be confirmed in what they already believe and to be comforted in what they already practice. But does this also hold for Christians who imagine a politics of peace beyond the confines of the Church? How could Hauerwas' vision of peace in and through the practice of non-violence not only safeguard existing stability but also prevail over the evil of civil war and genocide? It is not clear that 'peaceable activities such as raising lemurs, sustaining universities, having children and, of course, playing baseball [*sic*]' are in any way sufficient to fulfil the promise of preserving and enhancing the peace which is given to us and which 'we discover through such worthwhile activities'.[52]

[49] Hauerwas, *Performing the Faith. Bonhoeffer and the Practice of Nonviolence* (London: SPCK, 2004), pp. 33–72, pp. 75–109, 169–22; quote p. 174.

[50] Dietrich Bonhoeffer, *No Rusty Swords* (New York: Harper & Row, trans. John Bowden, ed. Edwin Robertson, 1956), p. 168–169, quoted in Hauerwas, *Performing the Faith*, p. 13.

[51] Hauerwas, *Performing the Faith*, resp. p. 26 and 174.

[52] Hauerwas, *Performing the Faith*, pp. 182–83. Cf. Hauerwas, *Christian Existence Today: Essays on Church, World, and Living in Between* (Grand

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Liberalism and pacifism are united in their critique of the realist (neo-conservative) cooptation of the 'just war' ideal. Their shared emphasis on judgement and practice goes some way towards recovering an earlier tradition that which richer and more complex than later modern legalistic casuistry. But liberalism and pacifism also face the common problem of how to oppose absolute evil and how to offer a genuine alternative to the realist vision. Liberalism runs the risk of imposing a subjective relativist post-war settlement which reflects a western vision of politics and culture. Pacifism runs the risk of limiting the transformation of the *polis* in preparation of the Kingdom of God to a set of practices which is confined to those who are already practising Christians.

5. From 'Just War' to 'Just Peace'

Reflections about the justice of war can no longer be limited to Christianity but must encompass the other two monotheistic faiths. There are at least two good reasons for embarking upon a critical comparative study of the relation between war and peace in Judaism, Christianity and Islam. First, all three religions have been characterised by alternating periods of peaceful conversion and violent expansion. The violence in monotheism has tended to be associated with state formation: the unification of the twelve nations of Israel, the Roman Empire in the wake of Emperor Theodosius and the formation of the caliphate under the leadership of the Prophet. Likewise, all three faiths have experienced periods when they have not been allied to states and have not sought to extend central power and police territorial domain: Jews in the Babylonian exile, Christians before Theodosius or traditions such as the Anabaptists and the Mennonites; Muslims who live outside *Dar al-Islam*. The second reason is that Judaism, Christianity and Islam all share the belief that peace has a higher ontological station than violence and that peace is a God-given possibility which all Jews, Christians and Muslims are called upon to make real in this world. Indeed, there is a theological imperative to shift the focus away from the justice of war towards the justice of peace.

Moreover, this imperative is not confined to theological debates about just peace in general and the potential and limits of the 'just war' tradition in particular. There is also a political reason to seek an alternative account of just intervention beyond the realist, liberal and pacifist paradigms. However, to say this meets with easy refutation: the events in Iraq since 2003 appear to lend weight to all

Rapids: Brazos, 2001), esp. 'Taking Time for Peace: The Moral Significance of the Trivial', pp. 89–97.

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those who condemn foreign military interventions and defend the sacrosanct value of national sovereignty. Almost three years after the US-led invasion, horrific violence continues and a tri-partite ethnic division of the country looms. But elsewhere in the world there is a compelling case for military and political intervention which remains unmet: the massacres and ethnic cleansing in Darfur recall the global inaction over Rwanda, and Zimbabwe's insane campaign against its own people proceeds apace. The belief in the pre-eminence of peace and reconciliation requires action that avoids the injustice of indiscriminate warfare and the inaction of pacifism. Moreover, non-interventionism absolves the international community of the "Responsibility to Protect" – a new concept adopted by the UN General Assembly in September 2005 as part of its response to the debacle in Rwanda. At best, non-intervention prolongs war and misery for the victims of local pogroms. At worst, it is complicit in ethnic genocide and crimes against humanity.

The theological debate between realists and liberals thus has a political correlate. In the 1990s, liberals invoked similar humanitarian concerns in order to intervene militarily, starting in Somalia in 1992–3. But the breakdown of UN-sanctioned interventions in Somalia, Bosnia and of course Rwanda led to the widespread discrediting of the United Nations and its military fiat. This coupled with 9/11, led neo-conservatives to ditch multilateral action and to adopt a doctrine of unilateral pre-emption. Iraq was invaded without UN authorisation under the pretext of 'liberating' the Iraqis from an evil dictator and making the world safe from the threat of WMDs.

Today, Iraq and Darfur mark the failure of both these projects – liberal interventionism and neo-conservative pre-emption. Liberal interventionism has always been reactive and painfully slow to respond, as evinced by the belated action on the Balkans in the 1990s when it took almost four years before civil war and ethnic cleansing led to agreement on military involvement. Historically, even with the hard-won prize of a UN mandate, liberals have also lacked political courage to commit ground troops and so minimise the "collateral damage" of its alternative: high-level bombing of governmental and civilian infrastructure. As such inaction and a lack of political determination led to a bombing campaign in Kosovo which has ensured a permanently embittered Serbia and a Balkan zone that will need military containment for years to come.

The failure of liberal interventionism to act decisively over Bosnia persuaded the leaders of major western countries (above all Tony Blair) to join the neo-cons and embrace their evangelical crusade. However, this cause is equally bankrupt. The quagmire in Iraq and indifference to Darfur have revealed the true colours of neo-conservatism and its acolytes in Europe – military interventions only occur if they are self-interested and extend the hegemonic status of

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the invaders. With no idea of how to secure a just peace, incipient civil war has been the only result of unilateral pre-emption.

In truth, both neo-con unilateralism and liberal war by agreement are similar in terms of outcome – un-reconciled conflict. Both approaches fail because both seek to repeat themselves in the institutions they create, they thereby deny local ownership of the political process. Both try to establish pro-western regimes and both rely on military force to impose the subsequent peace.

But far from justifying non-intervention, this shared failure calls for an alternative vision. The only interventions that work are those that are *just*. Genuine justice is transcendent, substantive and inclusive. Transcendent because true justice requires a discernment beyond ethnic, economic and social division. It negates self-interest as ultimately destructive. It envisages an equitable peace and reconciliation between all parties. Just interventions must really deliver systemic transformation, not merely regime change. Most importantly, a just settlement must not be a pale imitation of western variants but instead an inclusive process that blends universal values with particular traditions. Only if the indigenous cultures believe that the intervention was conducted justly and nobly by a legitimate force will there be any hope for genuine reconciliation and a lasting permanent peace.

A truly just war requires then a genuine cause and a rightful authority. In principle, the United Nations is the only credible vehicle for these endeavours. However, an unrepresentative Security Council is at the mercy of the major nations who can veto any majority action. Such national self-interest can and does thwart collective global justice. In the absence of majority voting within an expanded Security Council, the UN (like NATO) remains fatally hidebound by its veto-wielding members. If the case for intervention remains compelling and the world will no longer accept a "coalition of the willing", who will act to save those who would otherwise be abandoned? The case for a critical theological, historical and political engagement with the monotheist visions of war and peace is therefore overwhelming.

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