



Regrounding the Just War's 'Presumption Against Violence' in Light of George Weigel

John Hymers

ABSTRACT

The so-called war on terror has recently revived interest in the just-war tradition (JWT). George Weigel has played an important role in this renaissance, and his recent article on JWT (“Moral Clarity in a Time of War”) has occasioned a new debate concerning its merits. At the heart of this debate is the nature of violence. Weigel holds that the JWT is not based on a presumption against violence, whereas his critics (esp. Rowan Williams) argue that it is. After critically summarizing Weigel’s position, I counter his divorcing of the JWT from the presumption against violence. By looking closely at the terms used in the debate concerning this presumption, I show that violence, in the scholastic tradition that nurtured the JWT, is understood as disordered force. As disordered, violence is contrary to reason, and thus also to justice (i.e. rational order). If just war aims at order, it itself may not be disordered. Thus, I argue that the JWT is best described as a two-fold presumption against violence: a just war is waged to counter violence, and a just war may not itself use violence. Consequently, since the JWT, grasped as a presumption against violence, concludes the link between justice and ordered force as the link between end and means, it avoids abstract ethical intentionalism: the proper end of the just war, as opposed to a mere intention, dictates the means that it has at its disposal.

KEYWORDS

George Weigel; Rowan Williams; Thomas Aquinas; Just War; Justice; Violence; Presumption

Introduction

Even considering the threads of pacifism inextricably woven into the fabric of intellectual history, contemporary intellectuals are, by and large, remarkable in their strong distaste for war. Over the last four or five decades, few academics have spoken in favour of military force, despite a legacy of thinkers stretching from Plato to Hegel — and even on to Heidegger himself — stressing the need for a military class.¹ Yet, contemporary Western society depends on the military for its continued existence to no less an extent than did Periclean Athens, eighteenth-century Berlin, or the Third Reich. Europe has long seen its airports patrolled with machine guns and its capitals fortified against political terrorism, even if America has largely been kept free of such visible reminders of the

violence upon which it sits precariously — until September 11, 2001, the day that forced Americans once again to face the realities of war.

In turn, some academics have recently renewed their interest in the just-war tradition (JWT), a tradition that had fallen into some disrepute because of the total nature of atomic war. Taking their lead from Pope John XXIII’s *Pacem in terris*, Christian thinkers throughout the Cold War had largely backed the encyclical’s rebuttal of Paul Ramsey’s assertion, famously proposed by Reinhold Niebuhr,² that atomic weapons form part of a just-war theory.³ This controversy need not delay us here; instead, allow me to note that the Pope’s discomfort with JWT arose from a particular set of historical circumstances: “We acknowledge that this conviction owes its origin chiefly to the terrifying destructive force of modern weapons. It

AUTHOR INFORMATION: John Hymers, PhD. Institute of Philosophy, Catholic University of Leuven, Kardinaal Mercierplein 2, B-3000 Leuven (Belgium). E-mail: John.Hymers@hiw.kuleuven.ac.be



arises from fear of the ghastly and catastrophic consequences of their use.”⁴ Hence, in cases where such fears do not arise, then war, *in se*, is not proclaimed as unjust: the pope’s argument simply denies that a war using non-proportional, because indiscriminate, force is just.⁵ His reasoning does not condemn *a priori* a war using proportional force. And thus, although some thinkers still hold an antipathy to the JWT, others are attempting its renewal, understanding that the model of war that John XXIII confronted is no longer the dominant model. Perhaps foremost among the latter, we find George Weigel. In the following pages, I will first provide a close precis of Weigel’s argument for regrounding the JWT in “Moral Clarity in a Time of War” (a title certainly calculated to evoke just war theorist Michael Walzer’s “Moral Judgement in a Time of War”),⁶ and then I will suggest that Weigel should reconsider his opposition to the presumption against violence, if his concept of just war is to remain viable.

1. The Argument

Weigel begins his “Moral Clarity in a Time of War”⁷ by stressing that war is a moral category. Those who claim otherwise, he says, either stress the immorality of war *per se*, or attempt to justify any conduct carried out under its aegis.⁸ Weigel denies the putative extra-moral nature of war, for he sees no human activity as beyond the scope of moral reason. The refusal to take a moral stance on war is itself a moral stance, albeit “dangerous” because it allows war to be carried on as an activity external to moral reasoning. By recognizing the realities specific to war, the JWT affords the framework within which to look at war through the universal eyes of ethics.

Weigel claims that the attacks of September 11 caused Americans to ponder four basic questions: Is there a just cause for war? Who has the authority to wage war? Is a first strike ethical? And, can war contribute to peace? Since he sees these questions as having spontaneously arisen, and since the JWT problematizes just these issues, the JWT

seems to arise naturally, as if a part of a natural law. But Weigel claims that today’s religious leaders shy away from this tradition, which now only lives in American service academies. The religious forgetting of the JWT has led to confusions about the nature of the just war, and thus we must clarify these confusions, especially since we find ourselves facing a new kind of violence in the twenty-first century.

Weigel here levels that typical charge of the twentieth century: ‘forgetfulness,’ made popular by any number of late-modern *Vergessenheiten*. Yet, although it is possible to claim a certain religious forgetting of the JWT, this is not the whole story. We have already seen above the Atomic Age debate between John XXIII and Ramsey/Niebuhr. On the secular front, Michael Walzer has put forth a version of JWT,⁹ taken up by none other than John Rawls.¹⁰ Both Thomas Nagel¹¹ and Elisabeth Anscombe¹² have published important articles on JWT, although not necessarily from Weigel’s perspective. I decline the temptation to be exhaustive, for any bibliography on the contemporary use and reception of the JWT would be rather large. The *Philosopher’s Index* subject index alone lists over 250 publications going back to 1940, with a spike in recent years. Thus, when Weigel claims that there has been a “great forgetting,” we must emend this claim to mean that contemporary discussions of JWT tend not to be of the type with which Weigel agrees. This, however, ought not to modulate them out of existence.

In this regard, Weigel’s failure to mention any just-war theoreticians other than Thomas, Augustine, and, briefly, both James Turner Johnson and Paul Ramsey, is rather striking. I stress this because he himself does; he constantly invokes the need to resurrect the forgotten JWT. And thus those who have kept the discussion alive are simply to melt into a faceless crowd needing no address? This language of forgetting is made all the stranger since Weigel himself has published a discursive anthology of writings concerning the JWT.¹³ It might be objected on Weigel’s behalf that he is not here writing an intellectual history or



a scholarly article, so we can't expect an exhaustive and critical review of the literature. However, this defence makes Weigel's case worse because, unlike a professional readership, the readership of a popular apologetic can hardly be expected to know the history. It is simply dangerous to tell such an audience that the tradition has been forgotten.

One other author that Weigel does mention, however, is the journalist Robert Kaplan,¹⁴ whose recent book argues that we can only face up to the new reality of post-national wars through a "pagan ethos," i.e. a new realism that recognizes the inevitability of conflict, the heroic struggle of statecraft to forge history, the virtues of patriotism, and the need to avoid moralism (the ethics of intentions). Weigel criticizes him for implying that ethics is merely personal, and that statecraft exists outside of the moral sphere; moreover, by calling it pagan, he seems to imply that Christianity has nothing to offer to the wise statesman.

However, since, as we have seen, Weigel holds that all human activity springs from free will, nothing is outside the purview of ethics, including statecraft. Indeed, Weigel points out that none of the moments of Kaplan's pagan ethos falls outside of a Christian ethos, which teaches the pains of original sin, and virtues of facing up to our fallen nature. What Kaplan calls realism, Christian ethics has long called prudence; and what he calls moralism, some traditions of moral theology have long fought as voluntarism.

Thus, the realistic premise that violence, as evil, must be stopped by statecraft, sometimes through force, does not compel us to go pagan; instead, it requires a moral seriousness coupled with political responsibility. On this point, Rowan Williams, in his critique of Weigel,¹⁵ remains in complete accord. By granting that war is a moral category and that Christianity has something to say on the subject, we can lead ourselves from means to ends through reason in conjunction with a well-formed Christian civic conscience, and not through the intention of the will alone, shorn from its proper object. The JWT, best summarized as "a

sustained and disciplined intellectual attempt to relate the morally legitimate use of proportionate and discriminate military force to morally worthy political ends,"¹⁶ is the exemplar of the required moral and political seriousness. This then is the most important thing about the JWT: it is a theory of morally serious statecraft that addresses violent force.

Weigel wants to ground JWT in Hugo Grotius's distinction between *duellum* and *bellum*. He defines *bellum* as publically authorized military action obligated by the duty to defend the security of that population; hence, its end is public. *Duellum*, then, is simply the private use of force to obtain private ends. This distinction points out that force is not inherently suspect, but rather may be justified. Its morality depends on who uses it, how, and why. Hence, Weigel argues, the JWT does not begin with a 'presumption against war' or 'against violence.' Beginning with such a presupposition instead would give rise to 'dubious' moral judgments, precisely by distorting political reality.

Instead, the JWT presumes that a public authority is obligated to defend the security of its population; hence does St. Thomas discuss JWT in the *Summa's* treatise on charity, a position echoed by Paul Ramsey, who sees JWT as a reflection of love of neighbour.¹⁷ Weigel argues that the presumption against violence in fact inverts the whole JWT; it begins with means (which are putatively violent), instead of with the end (secure peace). Beginning with means does not just invert the JWT, but also Christian ethics in general, which has never sought to justify (or de-legitimate) the ends according to the means. In the case of war, to consider the military means as superior in moral effect to just cause, proportionality, discrimination, right intent, reasonable chance of success, and last resort is to place the heaviest burden on what is contingent. Thus, the means-test perpetuates the fog of war, without granting that clarity can be had by fixing firm and charitable ends, as is called for in Christian ethics.

In short, argues Weigel, since the JWT depends on the distinction between *duellum* and *bellum*, the



JWT cannot begin with a presumption against violence, but rather begins by accepting force as a regrettable element of statecraft. As I will explain at length below, I think that this presumption needs to be re-thought; but allow me to continue presenting his argument. Peace remains part of the JWT, for legitimate statecraft must aim at peace. Thus, in addition to the *ius ad bellum* and *ius in bello*, there is also a *ius ad pacem*. The *ius ad pacem* is a political concept of peace: a *tranquillitas ordinis*, a constitutional, commutative, socially just peace defended by political authority. Hence, defence is as much a part of peace as is social justice; in fact, without defence, social justice cannot flourish. This peace exists as the peace of modern constitutional democracies.

This is also the ordered peace that September 11 called into question, and Weigel exhibits as an ethical imperative the need for us to rise to its defence. Indeed, the very definition of peace that we have offered demands this. Hence, it is morally obligated that “vicious, aggressive regimes” be denied weapons of mass destruction (WMD), and that those who have them “do not go unchallenged.” The tranquillity of order also corresponds with American “national interest,” because it is in the interest of America that there be an ordered world; without such, America will have no security. But since America holds its national interest (*i.e.* the security of liberty) as an ethical imperative, it is morally obliged to advance these goals throughout the world. Thus, America is obliged to seek the “‘domestication’ of international public life” and so to pursue internationally the proper goals of politics: “justice, freedom, order, the general welfare, and peace.” Thus, national interest and international responsibility meet in the project of “eradicating global terrorism and denying aggressive regimes WMD.”¹⁸ As such, Iraq’s weapons history and evident drive to possess WMD makes the status quo offensive; Iraq’s possession of WMD is essentially an attack on America, and hence action to remove the possibility of these weapons is in fact a defensive act, and justified under JWT.

If politicians are charged with the protection of their peoples, then among the powers at their disposal must be something like a just-war tradition. The biblical injunction to love your enemy is a command made upon each of us for a personal change of heart, a spiritual re-orientation that no modern democracy could force upon its citizens (I would add that any American attempt to do so would seemingly be unconstitutional given the strict separation of church and state). If we are to have moral clarity in this time of war against rogue nations and terrorist groups, Weigel claims that we need to revive the JWT. But we must also develop the *ad bellum* requirements in three areas: (a) just cause; (b) competent authority; and (c) last resort.

(a) Although in the tradition, just cause has been tripartite (defence against aggression, recovery of wrongfully taken property, and punishment of evil), defence against aggression has become the sole meaning of just cause since the Second World War. However, with today’s technological developments, aggression need not mean cross-border violence. Merely the possession of WMD by rogue states constitutes aggression, and this is what we should call the regime factor, and it should constitute just cause. To those who argue this would undermine international order by contravening precepts of national sovereignty, it must be pointed out that rogue regimes do not acquiesce to minimal norms of international order, and thus do not deserve the immunity afforded to sovereign nations. Removing such weapons from such regimes would thus not undermine international order, but rather would strengthen it. Moreover, dispossessing terrorist groups of WMD is even less morally ambiguous, because unlike rogue states, which mix good and evil, terrorists are simply evil, a point which Williams is to controvert.¹⁹ Attacking them is in no way to attack innocents.

(b) Every government is obligated to protect its people against violence and punish law-breakers; even a government acting in contravention to international law has this obligation. Hence, this



obligation is independent of one's impressions of a given government's moral character. A so-called bad government that refused its obligations to protect and punish out of a sense of guilt for past activities would simply become a worse government. The competent authority to wage war, then, rests with national governments, which the UN recognizes in its own charter when it states the inalienable right to self-defence. Thus, there is no moral obligation to seek consensual action, but is rather only a matter of more or less political prudence. Theoretical considerations aside, the UN is also too unwieldy to come to quick and efficient decisions on certain issues, and it would be perverse to surrender national competent authority to such a body, as things now stand.

(c) Last resort does not mean the terminus of a long series of non-military procedures; indeed, this could easily become a bad infinity. Instead, last resort means 'only' resort, which is the case when a regime that intensively threatens international order with the possession of WMD has proven itself unwilling to work with the international community through diplomatic or other peaceful channels.

The JWT is a tradition of statecraft, and it must be revived as such. Religious leaders and intellectuals, if they wish to contribute to its development, or wish to help to clarify the moral issues at stake, must realize the tradition exists to serve statesmen, who alone ought to be more fully informed about the relevant facts, and to whom alone is charged the protection of a population. Statesmen alone have the "charism of responsibility."²⁰ To suggest that the JWT is obsolete is to suggest that political communities themselves are obsolete.

2. *The Question of Violence*

In his response to Rowan Williams's critique, Weigel makes it clear that his aim is not to justify the Iraq war, but rather to revive the JWT in a

world faced with states like the Iraq of Saddam Hussein and foreign terrorist organizations such as Al-Qaeda:

In writing "Moral Clarity in a Time of War," my first intention was not to promote a reading of the just war tradition that would provide a secure moral rationale for preemptive U.S.-led military action against the regime of Saddam Hussein, similar outlaw states, or international terrorism; it was to propose a revitalization of the just war way of thinking as the basis of morally serious statecraft in the Western democracies in the circumstances of a post-September 11 world.²¹

This echoes an earlier reply that he made in the letters pages of *First Things*:

"Moral Clarity in a Time of War" was intended to address the moral/theological challenges posed to the just war tradition by the new realities of international public life, including the international terror networks, the proliferation of weapons of mass destruction in the hands of unstable and aggressive regimes, the possibility that such weapons could be transmitted to terrorist organizations, and the inability of international institutions to address these threats to the very possibility of the peace-of-order in international affairs.²²

Hence, taking him at his word, I am not overly concerned with his statements on the Iraq war as such; that said, I do not think that he has chosen the most defensible position. Weigel's arguments in favour of the Iraq war stand or fall on the very strength of their corroboration through empirical evidence, or lack thereof. I will not add here to the literature second-guessing the intelligence work done with regard to Iraq, or with its presentation. Outside of rarified circles, the truth, or at least the raw intelligence data, will remain contentious, or at least equally subjected to objective analysis as to unprofessional and/or skewed interpretations. Whether Weigel is correct in connecting Al-Qaeda and September 11 with Iraq, or whether critics of the Bush administration are correct in lambasting this connection — these are



neither philosophical nor theological issues. I do think, however, Weigel weakens his case for a war against Iraq by painting the proposed invasion as defensive and pre-emptive, if only because this is not the tack that the competent authority (in Weigel's terms) sailed in its declaration of war, which hinged upon intransigent Iraqi stonewalling of various UN Security Council resolutions, each the result of the negotiated cease-fire to the first Gulf War, culminating with 1441. But more importantly: to make the war defensive depends on facts that are neither public knowledge, nor uncontested. This clearly weakens an argument that an educated, or at least a media-savvy, public must accept. Buckets of ink are being spilt on these questions in op-ed pages and journals of foreign policy, not to mention an unbelievable stream of electrons on the web. As such, I will leave these questions alone, and not play the amateur policy critic.

As we have seen, Weigel suggests that the language of a 'presumption against violence' turns our heads in the wrong direction because it makes us first concentrate upon the means of war instead of the much more important aspect of the ends of war, which he considers to be peace (recall his evocation of Augustine's *tranquillitas ordinis* and the *jus ad pacem*). Weigel's point is simple: this presumption tends to focus inordinately on the destructive means by which wars are waged, rather than on the just ends by which a government should act. This is a fair and common-sense objection. However, I believe that this presumption can and ought to be framed differently, and that Weigel goes too far when he calls the presumption against violence "theologically dubious." Instead, I would consider the presumption as necessarily imposed by moral theology, because a theological theory of just war must address violence directly in light of Christian revelation and salvific history, and it must do so by calling the violence into question. In short, it must show that violence does not play a role in justice. As Johan Verstraeten shows in his introduction above, this is precisely the task of the JWT.

Thus, I have an important but friendly complaint to make here against Weigel, one inspired by Aquinas's Aristotelian notion of *violentia*. And although it may sound similar to Rowan Williams's critique of Weigel's understanding of violence, it really is not. For, ultimately, Williams seems to hold that justified armed force, as coercion, is violence, although he concedes that "it is not exactly violence in the pure sense": "the action which employs violence of some sort for the restoration of a broken or threatened social order does not have the nature of sin"; and again: "the private person must never use the violence that the ruler can rightly use."²³ Moreover, Williams seems to claim that a just war overcomes the presumption against violence: "The whole point is that there is precisely a presumption against violence, which can be overcome only by a very clear account of the needs of the common good and of what constitutes a 'natural' life for human beings."²⁴ Contrary to Williams, I do not hold that justified armed force is "not exactly violence in the pure sense," but rather, I hold that justified armed force is not violence in any sense. Thus, my point is certainly not that a just war overcomes the presumption against violence; simply, a ruler may never rightly use violence. If we accept armed force as *a priori* equivalent to violence, then we lose the JWT. Why? Because, if the end of a just war is justice, then the means cannot be violent, since violence by definition offends justice. Let me explain by revisiting the concept of violence through the eyes of the scholastic tradition (since this is the tradition which preserved and developed the JWT, and hence its presumption against violence must be understood within terms it would recognize); some of my treatment will overlap with Williams.

Above, like Weigel, I have largely used the word violence as we read it in newspapers and on placards in the context of the Iraq war: violence as armed force. But the schoolmen had a stricter definition. For Thomas Aquinas, violence contradicts justice, because violence contradicts reason; violence is precisely an action not in accord with the rational nature of the will: "*Unde contra rationem*



*ipsius actus voluntatis est quod sit coactus vel violentus.*²⁵ Thus, violence is opposed to nature: “*violentia directe opponitur voluntario, sicut enim et naturali.*”²⁶ Moreover, as opposed to nature, violence knows no limits, and is by definition disproportionate and irrational (*praeter rationem*): “*hoc enim contra naturam videtur, et per consequens violentum, et violentum praeter rationem est.*”²⁷ The right to defence against violent and grave injustice is thus just, not because of the *lex talionis*, but because the act of defence is a rational act attempting to restore natural order through proportionate force.²⁸ Hence, to meet aggressive violence with proper defensive force is not to increase the violence, because justice demands that the prior violence be properly met so that the natural order be restored. Thus, rather than increasing violence, justice attempts to quell it altogether. To make this idea concrete: if a potency to resist evil is not actualized (if violence can be resisted but is not), then violence is not only tolerated, but further violence is permitted, if only through the continuation of an unjust state of affairs.

Hence, we can make a distinction between force and violence, for force [*vis*] is a *potentia* or *potestas*, whereas *violentia* is precisely the lack of *potentia* or *potestas*: “*violentum autem est cuius principium est ab extra, non conferente vim passo et ideo raptus est motus alicuius praeter inclinationem.*”²⁹ The agent of violence is thus not an agent, properly speaking, because the putative agent is compelled from without; the agent in the passion of violence adds no force (*non conferente vim passo*): “... *homo qui et dicitur operans, in quantum facit aliquid per violentiam, et dicitur patiens, in quantum violentem patitur.*”³⁰ But an act arising from *vis* is an activity, a power, and it is in such acts that acts of a just war must be described, because such acts aim only at a natural end using proportionate means. Let us recall that Augustine famously claims that the true sin in warfare arises in loving the force of war, and reminds us that John the Baptist ordered the soldier not to put down his weapons, but to do violence to no man.³¹ If we follow the schoolmen in their under-

standing of violence as irrational force, then this directive is clear: force must arise from justice, and be ordered at it. In sum: the JWT holds that violence may justly be met with force — just as it denies that violence may be met with violence. Here, then, we see the presumption against violence in its most crystalline form, and can better understand John Paul II when he wrote: “In response to violence, further violence is never a promising way to exit from a crisis,”³² for to meet violence with violence is to meet violence with revenge or some other passion robbing the actor of the power to act in the name of justice.

If we look back to Weigel’s discussion of ends and means, we can now understand what grounds its logic. Weigel wants this logic to be Christian, with the proper focus on the end that a just war is to achieve. This end is secure peace, *tranquillitas ordine*, justice. He refers to a *jus ad pacem*. All of this talk rules out violence as the means, because *jus* and *ordo* and *pax* are ordered, whereas *violentia* is not. Thus, the object here dictates the intention, but also the means, proportionate force. And thus this explanation of force as a proportionate answer to violence provides a clear explanation from within the light of moral theology for why force is not always suspect, as we have seen Weigel claim in his discussion of *bellum* and *duellum* above. But this doctrine of force is essentially a presumption against violence, although not a presumption against war.³³

Weigel claims not to be concerned so much with the presumption against violence as with the presumption against war; hence, he dismisses Williams’ questions concerning his grasp of violence: “the Archbishop’s interesting observations on the Aristotelian-Thomistic understanding of ‘violence’ do not quite get us to the heart of the argument.”³⁴ I disagree with Weigel here. In the first place, it is clear that Weigel addresses the presumption against violence per se, and not just the presumption against war. This is the whole point of his discussion of the perversion of the tradition that ought first to look to ends, then to means. Hence, a discussion of the nature of violence is



important. Secondly, although he laments the conflation of war with violence (“by reversing the analysis of means and ends, the ‘presumption against violence’s starting point collapses *bellum* into *duellum* and ends up conflating the ideas of ‘violence’ and ‘war’”),³⁵ he never defines violence. Yet, a clear exposition of the true nature of violence as disordered force would help his case, for then he would reinvest the just war with the “distinctive moral texture”³⁶ that he seeks. If we understand violence as impetuous, furious, and the like, i.e. as disordered and disproportionate, then the presumption against violence actually works in Weigel’s favour. But Weigel’s downplaying of the presumption against violence could be seen to imply that war may be the lesser of two (or more) evils intended to reach a greater good, which is clearly not Weigel’s intention:

Ends and means are an old argument. It seems to me that my meaning in the essay was reasonably clear: a good end does not justify any means, but unless there is a morally worthy and achievable political end that informs the use of armed force, war is simply wickedness. The entire burden of the just war tradition in its two component parts — the *ius ad bellum* and the *ius in bello* — is to link proportionate and discriminate means to morally worthy ends, even in the limit case of war.³⁷

However, the correspondence pages of the April 2003 issue of *First Things* interpret Weigel differently, seeing in Weigel the spurious claim that a just war trumps consideration of the means of the war, which, as Sydney Callahan notes in the letters pages of this same issue, would indeed be Machiavellian. Clearly, though, such an interpretation is outside of the JWT because evil is simply never a rational, natural, or just choice. We may never do evil, or violence, to reach the good: this is a cornerstone of natural law.³⁸ Or put differently: to act evilly in order to avoid a greater evil is not to act justly; Socrates is quick to point out the futility of deriving justice from injustice, although Thrasymachus thus considered him insane. This sort of utilitarianism is foreign to the JWT, and is rather

more akin to the casuistic tradition that critics and proponents of the JWT would equally eschew.

For Weigel to deny the presumption against violence is to give away too much to his critics. Why? Because he lets them define violence, and because he seems to admit tacitly that war is violent *per se*, even though he explicitly denies this, as we have seen. Stressing the presumption against violence, Weigel could better combat the idea that the JWT is a theory of good intentions capable of being manipulated, and better show that it is a doctrine of forcefully restoring justice within the framework of Christian charity. In short: he could better combat the moralism he criticizes at the beginning of his essay.

I am not saying that intention is left out of moral deliberation, but rather that, as subjective, it is not a moment that we can abstract from deliberation and raise to absolute prominence such that it alone decides on the moral worth of the activity. From within the intellectual tradition that spawned the JWT, the intention helps to decide on the moral worth of the agent, but not the act. When the agent intends a just object, then the intended object would dictate the means. In the Aristotelian/Thomistic moral tradition, intending the proper or just object is that moment wherein the will works according to its rational and natural order, and thus the act of the will is not justified by itself as a good intention, but rather by the quality of its object.³⁹ Hence, justice is not a mere intention of the just war (which, as an intention, can be arrived at through various means), but rather justice is its subjective completion, its object, understood in the Thomistic sense as the proper aim of an act of will, and as such, determines the moral quality of its acts in advance. Justice, *per se*, rules out *a priori* some means, and hence is not a mere intention.⁴⁰ The means ruled out are precisely violent means.

Thus, we can conclude that the JWT embodies the presumption against violence. And this in two ways, one corresponding to the end of the just war, and the other to its means: the just war itself is waged on the presumption that violence be opposed, and the just war is waged such that it eschews acts of violence.



Notes

¹ For instance, see the role of the guardians in Plato's *Republic*: Plato, *The Republic*, ed. and transl. Francis M. Cornford (Oxford: Oxford University Press, 1962). Hegel saw war as an essential moment of the state since the state is an individual and individuality implies negation – without affirming this negativity against its others, a completely pacific state will disintegrate. See Georg W.F. Hegel, *Philosophy of Right*, ed. and transl. T.M. Knox (Oxford: Clarendon Press, 1952), § 324 A. Commentators are usually quick to note how closely this approximates Heraclitus's view that war is the father of all things. Let us also consider briefly Heidegger's division of Germany's pre-war population into (i) those in labour service, (ii) those in military service, and (iii) those in service of knowledge. See Martin Heidegger, "The Self-Assertion of the German University," in *The Heidegger Controversy*, ed. and transl. Richard Wolin (Cambridge: MIT Press, 1993), 35. This list of philosophers could easily be expanded, for instance, to include the many philosophers who wore military uniforms, such as Descartes, Nietzsche, and Wittgenstein. And who could forget Aristotle's stint as the teacher of Alexander the Great? Among those approaching pacifism we should include Kant and Fichte.

² Speaking of nuclear deterrence, Niebuhr wrote: "to serve peace, we must threaten war without blinking the fact that the threat may be a factor precipitating war." In: "From Progress to Perplexity," *The Search for America*, ed. Huston Smith (Englewood Cliffs: Prentice Hall, 1959), 144. Quoted in Paul Ramsey, "The Vatican Council on Modern War," in *The Just War: Force and Political Responsibility* (Lanham: University Press of America, 1968), 379.

³ See Paul Ramsey's just-war omnibus *The Just War: Force and Political Responsibility* (Lanham: University Press of America, 1968) for a series of discussions of his opinions. See especially his doctrine of deterrence in "The Doctrine of Deterrence," and his response to "Pacem in Terris," both included in the large volume.

⁴ "*Persuasio haec, fatemur quidem, plerumque a terrifica delendi vi, quae cum hodiernis bellicis instrumentis coniuncta est, atque a timore calamitatum et horrendarum ruinarum, quas arma id genus ederent, initium ducit.*" John XXIII, "Pacem in Terris," *Acta Apostolicae Sedis* LV, III, no. 5 (1963): 291.

⁵ The prohibition against killing innocent people is ingrained in the JWT. Among other thinkers, Francisco Vitoria makes clear that: "...within the commonwealth it is not permissible to punish the innocent for the crimes of the guilty, therefore it is not permissible to kill innocent members of the enemy population for the injury done by the wicked among them." Francisco Vitoria, "Of the Law of War," in *Political Writings*, ed. and transl. A. Pagden and J. Lawrence (Cambridge: Cambridge University Press, 1991), 3.1, § 35.

⁶ Michael Walzer, "Moral Judgement in a Time of War," *Dissent* 14, no. 3 (1967): 284-292.

⁷ Since I do not have access to paper versions of *First Things* (FT), I trust readers will permit me to quote from the FT website. All URLs in this paper were last accessed 31 March 2004.

⁸ Thomas Nagel concurs: "there is a moral basis for the rules of war, even though conventions now officially in force are far from giving it perfect expression." Thomas Nagel, "War and Massacre," *Philosophy and Public Affairs* 1, no. 2 (1972): 123. Nagel's concern is to protect just war from the utilitarians, who, far from accepting absolutist positions such as Nagel's that simply outlaw certain acts of war, could justify almost anything were the greatest utility for the greatest number served.

⁹ Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Examples* (London: Lane, 1978).

¹⁰ See especially John Rawls, *A Theory of Justice* (Oxford: Clarendon Press, 1972), 379-382.

¹¹ Nagel, 123-144.

¹² Elizabeth Anscombe, "War and Murder," in *Ethics, Religion, and Politics* (Oxford: Basil Blackwell, 1981), 51 ff. Her non-pacifist but still passionate objection to war depends on the same terms as would John XXIII's: i.e. the indiscriminate nature of war following in the wake of World War II's city bombing campaigns, and the resultant strategy of training nuclear weapons on cities (see especially *Ibid.*, 60 f.). The next essay in this collection ("Mr. Truman's Degree") details her objection to Oxford's awarding Harry S. Truman an honorary doctorate. Her objection stems from his approval of the atomic bombing of Japan, but she saw this merely as a particularly egregious moment in an otherwise morally bankrupt military campaign of total war against innocents: "for men to choose to kill the innocent as a means to their end is always murder" (*Ibid.*, 64), a formula she repeats almost as a mantra throughout this short work.

¹³ George Weigel, *The American Search for Peace: Moral Reasoning, Religious Hope, and National Security* (Washington DC: Georgetown University Press, 1991).



¹⁴ Robert D. Kaplan, *Warrior Politics: Why Leadership Requires a Pagan Ethos* (New York: Vintage, 2003).

¹⁵ “Just war theory is a form of statecraft (i.e. it is an aspect of political ethics, which concerns how to do right in the conduct of ordered community life); it is a way of saying that war is not some monstrous aberration in human life, for which all standing orders are suspended, but is a set of actions requiring the same virtues as political life in general.” See Rowan Williams and George Weigel, “War & Statecraft: An Exchange,” *First Things* 141 (2004): 14-22; available at <http://www.firstthings.com/ftissues/ft0403/articles/williamsweigel.html>. Archbishop William’s article can be found independently in many places on the web, but the most handy site is the *FT* site, because it includes the response by Weigel. The article itself was first an address to the Royal Institute of International Affairs (Chatham House) and carried the title “Just War Revisited”.

¹⁶ George Weigel, “Moral Clarity in a Time of War,” *First Things* 128 (2003): 20-27.

¹⁷ “The western theory of the just war originated, not primarily from considerations of abstract or ‘natural’ justice, but from the interior of the ethics of Christian love.” Paul Ramsey, “Justice in War,” in *The Just War: Force and Political Responsibility* (Lanham: University Press of America, 1968), 142.

¹⁸ All the citations in this paragraph come from: George Weigel, “Moral Clarity in a Time of War.”

¹⁹ “The terrorist, he says, has no aims that can be taken seriously as political or moral. But this is a sweeping statement, instantly challengeable. The terrorist is objectively wicked, no dispute about that, in exercising the most appalling form of blackmail by menacing the lives of the innocent. Nothing should qualify this judgement. But this does not mean that the terrorist has no serious moral goals. It is possible to use unspeakably wicked means to pursue an aim that is shared by those who would not dream of acting in the same way, an aim that is intelligible or desirable.” Rowan Williams, “War & Statecraft: An Exchange,” *First Things* 141 (2004).

²⁰ Weigel, “Moral Clarity in a Time of War.”

²¹ Weigel, “War & Statecraft: An Exchange.”

²² Weigel, “Response to Correspondence.” *First Things* 132 (2003).

²³ Williams, “War & Statecraft: An Exchange.”

²⁴ *Ibid.*

²⁵ Thomas Aquinas, *Opera omnia iussu impensaue Leonis XIII P. M. edita, t. 6-7: Prima secundae Summae theologiae* (Romae: Ex Typographia Polyglotta S. C. de Propaganda Fide, 1891-1892), I.II.6.4.

²⁶ Thomas Aquinas, I.II.6.5.

²⁷ Petrus de Alvernia, “Continuatio S. Thomae in Politicorum.” In *Opera omnia iussu Leonis XIII P. M. edita, t. 48 A: Sententia libri Politicorum*, Thomas Aquinas (Romae: Ad Sanctae Sabinae, 1971), book 3.7-book 8, 7.2.13.

²⁸ See Plato on this point: “So [the Guardians] will not act as a foreign enemy seeking to enslave or to destroy, but will try to bring their adversaries to reason by well-meaning correction” (*Republic*, 471 a). Notice the very non-violent terms Plato uses here – *bringing to reason by correction*.

²⁹ Petrus de Alvernia, 8.2.16; emphasis added. A very similar sentence is found in *Summa Contra Gentiles* 1.19. The locus classicus is Aristotle’s *Nich. Eth.* III.1 [1110a 1-5].

³⁰ Thomas Aquinas, *Sent. Lib. Eth.* III.1.6.

³¹ Augustine, *Contra Faustum Manichaeum*, 22.74.

³² John Paul II, “Nothing Is Resolved by Violence: Address To European Parliamentarians,” 29 March 1999; available at <http://www.cin.org/jp2/jp990329.html>.

³³ See John Rawls: “even in a just war certain forms of violence are strictly inadmissible... the aim of war is just peace, and therefore the means employed must not destroy the possibility of peace.” John Rawls, *A Theory of Justice* (Oxford: Clarendon Press, 1972), 379. Although I take issue with his use of the word violence, I agree with his position: peace cannot be gained through means hostile to peace, understood as *ordo*.

³⁴ Weigel, “War & Statecraft: An Exchange.”

³⁵ Weigel, “Moral Clarity in a Time of War.”

³⁶ *Ibid.*

³⁷ Weigel, “Response to Correspondence.”

³⁸ This presumption against violence stretches back to Plato: “[the Guardians] will pursue quarrel only until the guilty are compelled by the innocent sufferers to give satisfaction... they are not to ravage lands or burn houses” (*Republic*,



471 b-c). See Paul Ramsey, "Justice in War," 145: "The Christian is commanded to do anything a realistic love commands (and so sometimes he must fight). But this also prohibits him from doing anything for which such love can find no justification (and so he can never approve of unlimited attack upon any human life not closely cooperating in or directly engaged in the force that ought to be repelled)." This is echoed by Paskins and Dockrill, who seem to approach Nagel's absolutism: "if overall casualties can be reduced by the killing of noncombatants, the humanitarian impulse is presumably to waive the claim for immunity; but the [just war] tradition's stern insistence on justice permits of no such waivers," in Barrie Paskins and Michael Dockrill, *The Ethics of War* (Minneapolis: University of Minneapolis Press, 1979), 24. Jonathan Barnes adds "if a war cannot be fought justly (if, say, innocent non-combatants are bound to be killed), then perhaps it cannot be justly waged: a just war requires at least the possibility of effectively upright intentions" (775). Thus does Rawls call for "a discriminating conscientious refusal to engage in war in certain circumstances" (382). Let us give the last word to Anscombe: "It is nonsense to pretend that you do not intend to do what is the means you take to your chosen end. Otherwise there is absolutely no substance to the Pauline teaching that we may not do evil that good may come" (59).

³⁹ Thomas Aquinas, *ST* I.II.19.2

⁴⁰ Obviously, this is a claim in need of expansion, but the language of object is helpful since Thomas sees the object and subject as rationally related; there is a *habitus* between them, which allows us to think of a specific economy.