

LEGITIMATE AUTHORITY AND WAR

Topic: Legitimate Authority, Just War Theory, and the Iraq War
Convener: David DeCosse, Santa Clara University
Moderator: Bridget Burke Ravizza, St. Norbert's University
Presenters: John Langan, Georgetown University
Drew Christiansen, *America* magazine
David DeCosse, Santa Clara University

This session was devoted to a discussion of the criterion of legitimate authority in the Catholic just war tradition in light of the Iraq War and recent scholarship.

John Langan examined recent, expansive formulations of the concepts of "sovereign authority" and "defense of the common good" in the work of James Turner Johnson, the influential historian of the just war tradition. Drew Christiansen analyzed the implications for just war thinking of the prominent but ambiguous phrasing found in key Catholic documents, that is, that the authority to initiate armed conflict belongs to "those who have responsibility for the common good." David DeCosse examined the resources of the Catholic tradition for dealing with a government that uses deception in order to go to war, as many believe the American government did in the run-up to the Iraq War.

Langan's paper closely engages an essay by James Turner Johnson called "Just War, As It Was and Is," from the January 2005 issue of *First Things*. In particular, Langan called attention to the way that Johnson formulates a concept of "sovereign authority" that is construed in essentially moral—and expansive—terms. Langan pointed out that Johnson is consistent with Aquinas's view that to call someone a sovereign is to make a judgment about a being "with moral capabilities and moral responsibilities." Johnson also says that the sovereign authority in time of war has the fundamental responsibility of the "defense of the common good." But Langan argued that to understand the responsibility of sovereign authority in such expansive terms—and not primarily in terms of self-defense—is to open the door to easier justification of preemptive and preventive military actions. He also asked: Which common good is here being referred to—the national common good or international common good? What constitutes this common good? How is this common good to be known? "A position on these matters needs to be sketched out," Langan said, "if just war thinking is to offer guidance in our present perplexities."

Christiansen's paper addressed two key questions. (1) Why is Catholic magisterial teaching apparently vague in its delineation of the authority to make public judgments about war? (2) What is the responsibility for the common good in time of war for those not charged with the specific task of governmental authority? Christiansen noted that the common assumption today is that "legitimate authority" refers to the authority of the political leaders of the nation-state. But he also noted that magisterial teaching construes this authority more broadly—not as belonging exclusively to the nation-state but as belonging to "those with responsibility for the common good" (see, for instance, paragraph #2309 in the *Catechism of the Catholic*

Church). Christiansen argued that this broader formulation of authority should be interpreted in light of what he calls the “principle of devolution.” By this he means that Catholic social teaching, in the face of crimes like genocide or ethnic cleansing, requires a view of authority that permits devolution from one authority to the next. If, for instance, the United Nations fails in such a case to act, the authority to act may rightfully pass to a coalition of states. Christiansen also disputed the neo-conservative interpretation of “those with responsibility for the common good” to mean that political authorities have a special charism for declaring the moral legitimacy of war. To the contrary, Christiansen argued, the responsibility for such insight falls on all. Bishops, theologians, and all citizens, in so far as it is possible, have the right and duty to speak on such issues.

DeCosse examined the problem of lying and legitimate authority in light of the Iraq War. He argued that the preponderance of evidence indicates that the American government deliberately used deception to justify going to war. He also argued that the moral problem of the use of such deception would come into clearer view with the greater integration of democratic theory into the Catholic understanding of legitimate authority. By the use of such theory, the coercive nature of political lying is made manifest. Thus the justice of going to war in a democracy is not only a matter for a political authority to decide. Rather, the justice depends to some extent as well on the consent of free and equal self-governing citizens. DeCosse argued that Catholic thinking on legitimate authority should move toward a readiness to incorporate what the moral philosopher Sissela Bok calls the “perspective of the deceived.” The morality of a lie is usually considered from the perspective of the liar. But, Bok argues, it is essential to consider lies from the perspective of those who have been lied to.

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