

CATHOLIC SOCIAL TEACHING

Topic: Challenges to Just War Theory Since “The Challenge of Peace”
Convener: Brian Berry, College of Notre Dame of Maryland
Moderator: Patricia Lamoureux, St. Mary’s Seminary and University
Presenters: Maureen O’Connell, Fordham University
David Hollenbach, Boston College
Kenneth Himes, Boston College

Responding to challenges to the just war tradition since the U.S. Catholic Bishops issued “The Challenge of Peace” in 1983, Maureen O’Connell (“*Jus Ante Bellum*: Faith-Based Diplomacy as an Emergent Trajectory of the Just War Tradition”) proposed that the tradition be modified by the addition of various *jus ante bellum* criteria that ought to shape the disposition and praxis of justice before war. Drawing on Douglas Johnston’s book, *Faith-Based Diplomacy*, which seeks to make religion part of the solution in resolving conflicts, O’Connell argued that peacemaking efforts in advance of war by religious leaders and communities of faith should be characterized by intellectual and spiritual solidarity that enables knowledge of and love for the other; memory that helps to heal the wounds of history; narrative imagination that allows for personal transformation; humility that admits the complicity of own religious tradition in creating situations of conflict; and commitment to living one’s personal faith commitments in a community of similar and different others. As practical examples of these criteria, she cited the visit of Cardinal McCarrick and an Abrahamic delegation to Iran in 2003, the central role that Sant’Egidio played in brokering a cease-fire in Mozambique, the ways that Catholic Relief Services brings attention to the intersection of violence and poverty, and the efforts of the National Interreligious Leadership Initiative for Peace in the Middle East to work collaboratively with elected officials and diplomats in creating a roadmap towards peace.

David Hollenbach (“Just War, The Responsibility to Protect, and Humanitarian Intervention”) proposed that *jus ad bellum* criteria only come into play if *jus contra bellum* has been vigorously pursued. Recalling the declaration by the United Nations at its “World Summit” in September 2005 that “each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity,” Hollenbach argued that this responsibility to protect first of all requires serious efforts by states to build and sustain genuine and lasting peace. Negatively, this implies that governments have a duty not to attack people and their most basic rights: no genocide, ethnic cleansing, religious persecution, driving people from their homes as refugees or internally displaced persons, creating famine, or intentionally denying people the minimum economic resources they need to survive. Positively, the responsibility to protect implies that governments have a duty to prevent conflict, as well as to work for the reconciliation and reconstruction that will make future conflict less likely. Second, the responsibility to protect may require economic, diplomatic, and even military intervention into the sovereign affairs of other nations in order to prevent conflict. However, as stated in the report entitled *The Responsibility to Protect* issued by the International Commission on Intervention and State Sovereignty in 2001, military

action should be “an exceptional and extraordinary measure” that is taken only when “serious and irreparable harm” is occurring or is “immediately likely to occur.” Hollenbach concluded with the judgment that, although U.S. intervention in Iraq was unjust, with multilateral authorization, a military intervention with a force drawn from the African Union and U.N. members would be justified in Darfur today.

Kenneth Himes (“Renewing a Tradition: The Development of *Jus Post Bellum*”) proposed that *jus post bellum* criteria be added to the traditional just war criteria of *jus ad bellum* and *jus in bello*. While the international law concerned with post-conflict settings is contained in articles 32-41 of the 1907 Hague Convention, much of what is found there is outmoded and irrelevant to present times. Thus, there is a need to establish consensus on a set of post war norms that would specify the content of minimally acceptable behavior during war termination, and provide shared standards of commitment for healing the wounds of war. Building on the work of Michael Schuck and Brian Orend, Himes suggested that there is a developing consensus on four areas that need to be included in a satisfactory *jus post bellum*: there should be a just cause for war termination; aggressors ought to be held accountable and punished wherever possible; there should be rehabilitation and reform; and victors have duties to the defeated. Among the questions that require further reflection, Himes identified the following: To what extent should a *post bellum* ethic address normative dispositions as well as behaviors? How much weight ought to be given to calculations that insistence upon war crime trials will only extend fighting or hamper efforts at rebuilding divided nations, as opposed to arguments that such trials are essential to vindicate justice and deter future aggression? Who in the aggressor state should pay war reparations and what sort of system should be created to extract these? And finally, what is the relationship of a *jus post bellum* to the growing interest within the Catholic community in peacebuilding? Himes closed his remarks by suggesting that the various attempts to reform the just war tradition today are reminders that it is not primarily an historical artifact, but a living, breathing moral tradition concerning the use of force in the present age.

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