

HAS JUST WAR THEORY OUTLIVED ITS USEFULNESS?

Francis X. Meehan, pastor of Ss. Simon and Jude Parish in West Chester, Pennsylvania, former professor of moral theology at St. Charles Seminary in Philadelphia, and active member of Pax Christi, opened the workshop with a prepared essay entitled, "Nonviolence Today: A Pastoral Intuition Regarding Its Role in the Church."

Meehan noted that since the Second Vatican Council the leadership of the Church has become increasingly critical of war as an instrument of foreign policy, and that in July 1991 *La Civiltà Cattolica* editorialized against the just war theory as a useable instrument for evaluating the morality of modern warfare. Unlike those who argue that the just war theory is outmoded, however, he took the position that "what might be outmoded is not the just war teaching, but the just war."

To reach such a conclusion, Meehan argued, it is necessary to move from the abstract to the concrete, that is, to think not in terms of general principles but in terms of what one has seen and heard and perhaps experienced of "modern war's excessive destructiveness." Once one does this, the intuitive reaction to many recent conflicts is one of revulsion at the large-scale killing of human beings, the inevitable suffering of innocent civilians, the unavoidable destruction of nonmilitary property, and the inescapable damage done to the environment. In view of the vivid evils of a given actual war, someone who holds the just war theory "can end up espousing the same option as the nonviolent person, one who is anti-war." Indeed, after the 1991 war in the Persian Gulf, "the widespread suffering and death of thousands of civilians and children in Iraq" led to serious questioning about the justifiability of modern warfare.

In addition, there are "structural factors" which limit the Church's ability to use the just war theory to condemn an unjust war today. "First, a violation of the proportionality criterion is not easily proved antecedent to the actual war itself. Second, the type of detailed argument required to prove injustice is not easily suited to the pulpit. And third, the politicized atmosphere of debate makes pastoral leaders shrink from seeming to impose a political conclusion on their people." The result is that "any church which tries to analyze wars one at a time will find itself unable to take a prophetic, clear and timely stance against a war."

For these reasons, Meehan argued, the Catholic Church ought to combine the just war theory with a recognition of the realities of modern warfare and conclude to "a presumption that *all* modern war violates just war teaching." That is, the Church should now teach, not that a war is unjust if it violates the criteria of the just war theory, but that any war is unjust unless, *per accidens* as it were,

it fails to be as brutal as modern wars usually are. In doing so, the Church would embrace an anti-war position which would not at the same time be a pacifist position. Whereas pacifism holds that all wars are immoral in principle, this more nuanced position would hold that all wars which are fought with modern weapons should be regarded as immoral unless they can be shown *ex post facto* not to have violated the just war criteria of discrimination and proportionality.

A response to this argument was presented by John Langan (Georgetown University), author of many articles on the just war theory and its applicability.

Langan analyzed Meehan's argument by casting it into the following syllogism: *All wars of this type are morally wrong. All future wars will be wars of this type. Therefore, all future wars will be morally wrong.* The question is how one defines wars of this type, that is, wars which violate the criteria of discrimination and proportionality. Is it possible to determine antecedently whether or not a decision to go to war will result in indiscriminate deaths and disproportionate destruction?

In the case of the Gulf War, many civilian deaths were apparently due to attacks on the infrastructure (roads, bridges, power plants, telecommunications centers, etc.) of Iraq. Since most national infrastructures have both military and civilian capabilities, the infrastructure of a nation could not be excluded *a priori* from being a legitimate military target in a war that was in all other respects just. The just war principle of noncombatant immunity has usually been taken to mean that innocent persons should not be direct targets of military action, and Meehan's suggestion would stretch this, perhaps unreasonably and unworkably, to include property on which the future welfare of civilians would depend.

A second objection to Meehan's argument is that it is virtually impossible to prove the minor premise. Granted that most of the wars in this century have caused many civilian deaths, this has not been true of all military actions, and it is not possible to say with certainty that a military action which is being considered will violate the criteria of discrimination and proportionality. To antecedently assume that a war would be unjust could hinder the pursuit of a justifiably defensive war, thereby placing innocent lives in jeopardy.

During the discussion which followed, moderator Joseph Martos (Spalding University) noted a high degree of participation, with a third of the thirty-six attendees contributing remarks. The discussion ranged from comments on points made by the presenters to observations on the viability or nonviability of the just war theory from other perspectives.

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