Just Peace and Just War

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Just War or Just Peace? I disagree with this zero-sum premise. In this article, I will explain: (1) why Just War Tradition (JWT) is insufficient to the task of our time, namely, building peace; (2) what the principles of Just Peace are, and why Just Peace is the primary position on issues of conflict and peace; (3) the relationship of Just Peace with JWT, including the Thomistic process that validates Just Peace; and (4) why JWT, particularly the *jus in bello* criteria, is still necessary as a minority position in limiting violence.[1]

Empirically, war has declined and peace is expanding. JWT tells us how to limit violence and that force should be a last resort, but it tells us nothing about first resorts, or, in other words, about how to build sustainable peace. This is the province of the Just Peace approach, the Church's always applicable, majority, default position on issues of war and peace. If JWT is insufficient to address questions of how to prevent war and build peace, why not simply abandon JWT? In brief, JWT is not sufficient, but it is still necessary in limiting remaining wars. JWT, particularly the *in bello* criteria, has been extensively institutionalized in international laws, from arms control agreements to the genocide convention. These gains should be retained and built upon, not rescinded. Yet the critics of JWT are correct that the balance must be recalibrated. An under-emphasis on Just Peace tradition and an overemphasis on JWT must be corrected in order to further the ancient imperative to build peace.

What is Just Peace?

I argue that Just Peace Tradition is, and has been, the Church's primary position on issues of conflict and peace. Just Peace tradition is the predating, often overlooked, connective tissue between nonviolence and JWT. Just Peace principles always apply, in all time periods and to all phases of the conflict cycle, to prevent war, to de-escalate conflict, to mediate it once it occurs or turns violent, and to transform conflict and rebuild war torn communities. Just Peace applies at all levels of analysis—international, communal, and interpersonal. *Just peace is the mutually*

constitutive and interactive commitment to and pursuit of social cohesion and equity, in both orientation or aim and action. Just peace principles are implemented through a variety of practices, and these practices work together to expand the space, options, and players available for building equitable social cohesion. Just Peace is relationship-centered, holistic, proactive, and long term. Unlike JWT, Just Peace tradition does not wait until conflict looms to engage. Just Peace norms apply to people, communities, states, and international institutions, and provide practical guidance even in the midst of horrific, unjust violence, unlike JWT, which too-often is a top-down and state-centric analysis of conflict by people (often academics) outside the conflict zone. Just peace is pragmatic and used by people in war zones. There is much empirical evidence of its implementation. While most wars are not just, we have many successful examples of Just Peace work to build lasting, sustainable, inclusive peace, both to prevent violence and, once violence has broken out, to restore a more robust peace. While implied and often referenced by the just war tradition, just peace principles are separate, and must be pursued in all phases of the conflict cycle, even and especially when the preceding war was quite unjust.

Just peace principles are the larger category. Just war tradition, in contrast, is the smaller category. It applies to limit war, not to build a more expansive peace. Emphasizing the primacy of the Just Peace approach helps us better understand and reclaim the common ground and relationship between JWT and nonviolence. If the two approaches were, as some assume, antagonistic and in zero-sum opposition, then the Church for seventeen centuries has been either schizophrenic, internally incoherent, in apostasy, or hypocritical.[2] I argue instead that Just Peace and JWT work together: JWT contributes to limiting violence, while Just Peace principles bear the larger load of building just social relations to extend peace in space, time, participation, and quality. Understanding, nourishing, and reclaiming the common Just Peace taproot helps us understand that the greater emphasis on peacebuilding in recent decades is not an aberration or new development,[3] but a return to the common source, more needed and relevant now in application to current conditions. The Christian imperative to build more just peace in all our relationships—in our families, communities, countries, and the world—is not a specialist concern, but the central command of Christianity, to love one another as God loves us. The twentieth century debates between nonviolence vs. JWT over extreme emergency situations has eclipsed and distracted from development of this common Just Peace ground.

I offer the following Just Peace principles: Just peace is animated by the just cause of protecting, defending, and restoring human life and dignity and the common good; right intention (aiming to create a positive peace); participation (respecting human dignity means including societal stakeholders—state and non-state actors, women, youth, victims, as well as previous parties to the conflict); restoration (trauma healing and repair of the human as well as the physical infrastructure); right relationship (creating or restoring just social relationships both vertically and horizontally); reconciliation (healing the communal and individual wounds of war); and sustainability (developing structures that can help peace endure over time).[4] These principles have associated practices.[5] Like strands in a rope, the principles work together to strengthen Just Peace.

Just Peace is possible, practical, and our calling. Just Peace principles have mutually reinforcing religious, legal, and empirical supports. Just Peace principles have roots in Christian scriptures and also Catholic Social Teaching (CST). They have parallels in international human rights law. Empirical studies show the effectiveness of these approaches. Grass roots practices show their utility and adoption, thus honoring subsidiarity and solidarity.

War Declined and Peace Is Expanding, Requiring Greater Emphasis on Just Peace than Just War Theory

The early and mid-twentieth century was the bloodiest time in human history. When war was frequent and brutal, people understandably turned to JWT to try to limit the horrific violence. Thankfully, the world we face today is far different. Today, peace is breaking out around the world. But to expand and sustain this fragile peace, we need Just Peace norms. JWT tells us how to limit war, but *JWT tells us nothing about how to build peace*, which is the predominant issue of our day. To face the challenges of this century, we need Just Peace norms.

In presenting this argument, I often receive pushback. How can I say peace is breaking out when there is war in Iraq, Syria, and other places, displayed every day in the news? Journalism reports conflict, at the international, national, and community levels. While real, this picture is incomplete and therefore distorted. The media do not report peace, even though it is expanding, because it is not considered "news"; it does not happen quickly, in the last news cycle; and it is not photogenic, generating dramatic pictures.[6] Despite what you read in the headlines, we are not in a world at war, but we are experiencing more peace than ever before, no matter how you measure it. Social scientists have ample empirical evidence supporting this finding. The Church and other

peacebuilders have worked hard around the world to end long-standing conflicts in South Africa, Northern Ireland, the Balkans, Colombia, and many other places. War is major armed conflict in which more than 1,000 people die in a year. While the numbers of people and countries have been increasing, major armed conflicts have been declining at the same time. This is a long-term, not recent trend. There are now over seven billion people living on planet Earth, the largest global population in human history, and we are expected to grow further, to a human family of nine billion persons by 2050. There are more than 8,000 nations, groups of people united by a common language, religion, ethnicity, culture, and/or historical tradition (this number is on the low side offered by linguists; some estimates that account for tribal differences are nearly double). There are 193 countries, internationally recognized sovereign states, more than ever before in human history. Combined, these countries command over 20 million soldiers. And there are fewer wars than ever before: currently twelve major armed conflicts on a planet of seven billion people. Any way you measure war—the number of major armed conflicts, the casualties of war, the types of war, the geography of war, naval battles, nuclear weapons arsenals—all these are shrinking simultaneously.[7]

We are currently witnessing the expansion of peace, of Just Peace norms, and an explosion of new peacebuilding institutions at the national and international levels, *even while wars remain* in places like Syria, Iraq, and South Sudan, and peace remains fragile in countries emerging from conflict, such as Colombia. This expansion of peace is not an accident or a spontaneous, lucky break, but the fruit of decades of hard work building peace, of literally blood, sweat, tears, prayers, courage, and creativity spent working at the front lines to build peace. This growing peace has many authors and, thankfully, many reinforcing positive trends. But it is not an automatic or straight linear expansion. There are spikes and valleys in the general trends. Minor armed conflicts, in which 1–999 persons die in a year, increased after the Arab Spring (although they are again declining). If we do not continue to work to build peace, these peaceful trends may erode or backslide. Because war is declining and peace is expanding, greater emphasis on Just Peace tradition over JWT is needed.

Just Peace and JWT Historically
Most commentators describe the evolution of Christian norms on peace and war as a pendulum motion, moving from nonviolence at the time of Christ and among early Christians, toward JWT

from the era of Constantine to the twentieth century, back toward a revitalization of Christian nonviolence in the latter half of the twentieth century. I argue that history is partially true, but incomplete. Lost in that narrative is the common thread of Just Peace, woven throughout.

Just Peace tradition has been "hiding in plain sight" in the life of Jesus in its political and historical context. While it is true that Jesus went around Galilee not killing anyone, that is a radically incomplete description of his life and ministry. Jesus was born in a war zone, and spent his life working to build a just peace and restore a war-torn population. As Pope Francis notes, peacebuilding is people building; this was the approach of Christ. Jesus healed war-impacted peoples of the various harms of cycles of conflict in Judea—trauma and evil spirits, poverty, illness, and broken social relations. Decades of civil war and foreign military occupation left the people of Judea, Galilee, and Syria in conflict, impoverished, and traumatized. Jesus reached out to the marginalized, women and children, foreigners, the "throw-away" people always most vulnerable to the harms of conflict, as well as to the powerful—the Roman soldiers, the tax collectors and collaborators with the enemy/foreign military occupiers, and the religious and political elites. Jesus did more than respond nonviolently to his persecutors. Throughout his life and ministry, Jesus practiced Just Peace. He expanded participation and right relationship, and practiced restoration and reconciliation, in service of sustainable, just, positive peace. The principles and practices of Just Peace are not some late twentieth century innovation, but a return to the norms and practices given to us by Jesus Christ.

These norms and practices were continued by Jesus' followers. In a bold practice of Just Peace, immediately upon Jesus' death, Peter and many of Jesus' followers moved to Rome to engage their violent persecutors. They didn't treat the Romans as enemies, but engaged with them as equals in human dignity, invited them to fully participate in their Christian community, and worked to restore right relationship and to establish sustainable equity and concord. They succeeded, and Rome, once the violent enemy that killed Jesus, was transformed to the heart and home of the global Christian community.

Christianity upended ancient practices of the glorification of war and worship of war gods. Christians did not conquer Rome militarily; Constantine was not forced by arms to convert. Instead, JWT was a rejection of the glorification of war, the pursuit of war, and warrior religious cults and practices. Modern critics of JWT forget its radical roots in obliterating and condemning the common, accepted, "realpolitik" practices of violence, then and now. Just Peace and JWT

collaborated in condemning and ending ancient war practices that had been common practice for millennia. The Just Peace norms and practices of relationship building, community building, and peacebuilding have been the constant heartbeat of the Church from its inception; JWT was later added to limit common (and culturally accepted) practices of major violence.

Historically, early Christians espoused nonviolence, following Jesus' example when even during his crucifixion he did not engage in violence in self-defense. After Constantine converted to Christianity, making Christianity the religion of the Roman Empire, and Christians served in the Roman army, Christian teaching expanded to include the JWT as a way to limit violence, away from the allowance of unlimited war in pursuit of any political purposes. As the Roman Empire spread, Christian norms of peace and war spread with it, replacing or layering over other cultures' warrior codes. First, the state got religion (when Christianity became the official religion of the Roman Empire); later, the religion became a state. When Rome fell, the Catholic Church took on lands and governance functions that expanded over the centuries. The successor of Peter became both a religious leader and a European prince. JWT arose and expanded to address the morality of war and peace when religious and state authority were integrated. Abuses of power led to the Reformation. Later, when the Catholic Church gave up most papal lands, armies, and governing functions, the Church reoriented back toward its original nonviolent roots.

Both the JWT and historic nonviolence traditions stem from the same root, the Mosaic injunction, "Thou Shalt Not Kill." Nonviolence interprets "thou shalt not kill" literally: "thou shalt not kill" means no killing, not by individuals, not by states, and especially not the massive, organized, and institutionalized killing of war. JWT agrees with the imperative "thou shalt not kill," but adds an asterisk: except in terrible emergencies and under strictly limited conditions of last resort; for self-defense and protection of innocents; when nonviolent means of protection of life are not available; as determined by right, public authorities; when the harms of war will not outweigh the peaceful goals; using means that protect noncombatants, do not deliberately target noncombatants, and are proportionate. Nonviolence rules out war; JWT rules out almost all war, as JWT criteria are met only in extremely rare circumstances. Both traditions historically are framed in the negative; they aim to limit violence, a necessary and important focus. Historic pacifism and JWT agree on the imperative to limit war, and both agree that a positive peace must be the aim. But neither offers much development of moral or specific guidance in how to build a just and sustainable peace. That is the contribution of Just Peace tradition.

Just Peace tradition reminds us that the Mosaic Code is about more than the Fifth Commandment, "Thou shall not kill." The Mosaic Code is a wider recipe for Just Peace, for right relationships between God and humanity, and among families, neighbors, and generations. Regaining this perspective helps us appreciate the primacy of the Just Peace approach.

Just Peace versus JWT

Even among JWT theorists, positive peace has been the aim. Augustine described peace as the interior harmony of body and soul within persons, the harmony between God and man, and externally, harmonious relationships among mankind, among human communities, and among countries.[8] Thomas Aquinas offers a multifaceted account of peace, describing peace with God, within persons, and among people, communities, and nations/peoples, although the parallel to the present is imperfect as modern sovereign states did not exist until centuries later. Yet, as Gregory Reichberg notes, unfortunately the primacy of peace for Aquinas often has been lost to subsequent generations of scholars who emphasize teachings on JWT outside of the larger context.[9]

We must consider the role of the demographics of Christianity in the failure to develop the imperative to build right relationships. A century ago, two-thirds of Catholics lived in the global north, at a time when the global north was gripped in horrific cycles of international conflict (WWI, WWII). Scholars in the global north emphasized JWT and its limitations of war. The situation today is reversed. Two-thirds of Catholics now live in the global south, and scholars, clerics, and the Church in the global south call for greater development and adherence to Just Peace principles. They are expanding the tradition through thought and action and blood. As the global south works to emerge from cycles of civil war and poverty, they are the teachers. Scholars in the North need to listen. According to Monsignor Hector Fabio Henao, at the frontlines of building Just Peace in Colombia, "Colombia became a school of peacebuilding for the Church and the world." Aquinas used new sources and showed the compatibility of faith and reason. Would St. Thomas Aquinas admit such empirical evidence from new sources? You bet he would.

As noted above, JWT has too often been a kind of "top-down" moral reasoning about war from above and beyond the conflict zone. Policy-making elites and primarily Western, white male academics and clergy typically weigh in on whether a particular conflict or tactic meets JWT criteria, without asking the people who live in the conflict zone or the people working to build peace on the ground (particularly women) what they make of the moral dimensions of the conflict.

Historically, JWT has engaged in a great deal of moral reasoning that peacebuilding NGO practitioners and people in conflict zones characterize as problematically making policy and moral judgments *about them without them*.

In contrast, Just Peace is not a "top-down" moral assessment. Just Peace's principle of participation means an approach that does not decide "about them without them." In so doing, Just Peace harvests the rich moral insights and creative approaches of the people who know the conflict best, the women and men working on the ground to build peace and restore communities. The "Justice" in Just Peace is explicitly restorative justice, not victor's justice or justice as defined by elites and combatants.

Especially since the debates over humanitarian interventions of the 1990s, and the 2003 Iraq war, just war thinkers have been giving greater attention to the question of a just peace. But these discussions primarily center on developing *jus post bellum* criteria, focusing on post-conflict reconstruction only, rather than the wider conflict cycle. Leading just war theorist Michael Walzer argues that *jus post bellum* cannot be entirely independent of *jus ad bellum*.[10] Gary Bass and others concur, noting that the reasons that justified the war "impose obligations on belligerent powers to try, even after the conclusion of the war, to bring about the desired outcome."[11] Most theorists follow suit: Brian Orend, for example, suggests that just cause, right intention, public authority, discrimination, and proportionality should govern the terms of conflict termination and peace settlements. Yet while it is appropriate to begin with consideration of *jus ad bellum* terms in the context of post-conflict reconstruction, it is not sufficient to end there, as these terms do not give adequate consideration to the full range of peacebuilding concerns and the full restoration of the human person and communities.

Orend's argument begins with the assumptions that the unjust aggressor has been vanquished and that a just war preceded the post-conflict period.[12] This means that, first, the aggression must be reversed (including any unjust gains from aggression); second, the aggressor must be punished (including war crimes trials and compensations to victims; and, third, the aggressor must be deterred from so acting again.

These assumptions are highly problematic. To begin with, almost all wars are not just wars. Further, most wars are civil wars (international war is always rare), in which labels of "aggressor" and "victim" are often difficult to assign, and moral breaches occur on all sides. In the four decades of conflict in Colombia among multiple state and non-state actors, which parties are the

aggressors? No parties conducted a "just war." *Jus post bellum* criteria that do not address the reality of most conflicts around the world are not particularly helpful.

Efforts to develop *jus post bellum* criteria are needed and welcome. However, most of the efforts to date have focused on a narrow slice of peacebuilding: the ethics of war termination and peace settlements (Orend), and the ethics of occupying powers (Iasiello, Bass, Walzer), including the ethics and importance of specific post-conflict activities, such as war crimes trials (Kellogg), lustration or the purging of public office holders from state institutions (Meierhenrich), law-making and legislative reform in post conflict zones (Boon), treatment of prisoners of war, and reparations (Kutz).[13] Many of these approach just peace as they did just war, from the "legalist paradigm," beginning with international law and the assumption that "sovereignty and territorial integrity of states are the bedrock of international relations."[14] This leads to several distortions. Top-down *jus post bellum* criteria that begin with the ethical considerations of victors often do not fully appreciate the human rights of the victims or those most hurt by the conflict. They often emphasize short time horizons and limited responsibilities of victors in post-conflict reconstruction (Bass) and promotion of democratic states (Walzer). These *jus post bellum* criteria spring from important values such as limiting external meddling, restraining conquest, and limiting opportunities for victors to extract revenge or plunder. But brief and limited post-conflict reconstruction obligations do not square with the on-the-ground experiences of peacebuilders, who note that building enduring, sustainable peace takes time and continued attention, including attention to the reconciliation and restoration of individuals and communities, not only sovereign states and state institutions.

Some religious *jus post bellum* theorists move away from the legalist, statist, top-down approaches, and more toward the direction of peacebuilders in the field. Michael Schuck of Loyola University in Chicago proposed beginning with three principles as part of any *jus post bellum*: repentance, honorable surrender, and restoration.[15] For Schuck, restoration focuses on removing the instruments of war, particularly landmines. For the Just Peace approach, it means much more.

In some ways, it seems a bit unfair to criticize these attempts at *jus post bellum* principles. After all, they were offered as an effort to start discussion, and in that regard they have succeeded. But we must go beyond these limited conceptions. The Just Peace tradition begins at the other end of the spectrum, with the fundamental dignity of the human person. The twentieth century was the deadliest in human history, with some 200 million dead in wars and conflicts.[16] Of these, for the

first time 90 percent of war casualties were civilians (as opposed to 15 percent civilian casualties at the beginning of the twentieth century).[17] This alone is a good reason to start with the fundamental dignity of all human life as the foundation of Just Peace criteria. Just Peace principles work on a continuum to prevent all sorts of conflicts at various levels of society, to mediate and end conflict, and to restore societies after conflict; Just Peace criteria are not limited to a narrow timeline or a narrow set of governmental and combatant activities and actors; Just Peace is the larger category, not a subset of JWT.

Since JWT is insufficient, why not get rid of it? Critics are right that JWT's *ad bellum* criteria are widely disregarded. Yet JWT's *in bello* criteria are deeply institutionalized in international and domestic law and are daily used to limit remaining wars. Every arms control agreement owes a debt to JWT. JWT is deeply institutionalized in the Geneva Conventions, the Genocide Convention, the International Criminal Court, the Landmine Ban, the Cluster Munitions Ban, the Treaty on the Prohibition of Nuclear Weapons, the U.S. military code of justice, and professional military training to protect noncombatants; these are but a few examples. We need all these limitations on force driven by JWT. Building peace is primary, and limiting war is needed; thus JWT should be retained, while we expand Just Peace norms and further institutionalize them.

We need all hands on deck. As Pope Francis noted, "humanity needs to refurbish all the best available tools to help the men and women of today to fulfil their aspirations for justice and peace."[18] Peace is breaking out around the world. Just Peace norms and practices help build sustainable and lasting peace.

Notes

1. The arguments here are drawn from my forthcoming books on Just Peace, speeches given over the last ten years, and the chapter "What Kind of Peace Do We Seek," in *Peacebuilding: Catholic Theology, Ethics, and Praxis*, eds. R. Scott Appleby, Robert Schreiter, and Gerard F. Powers (Maryknoll, NY: Orbis, 2010), 56–91.

2. This is the position of pacifists such as Father John Dear and Eli McCarthy, who argue that Christians cannot serve in the military and for the abandonment of JWT.

3. As incorrectly contended by George Weigel, Robert Royal, and James Turner Johnson in our debates over the years: "Just Peace vs. Just War," Manhattan College, March 31, 2017; "Just War Tradition and the War on Terrorism," remarks at the Woodstock Forum on "Crucial Questions: What Makes a War Just? What Makes Peace Possible?" co-sponsored by the Berkley Center for Religion, Peace and World Affairs, Georgetown University, Washington, DC, October 4, 2006; and "Just War," The U.S. Naval Academy, NEH Conference, Annapolis, MD, June 15, 2004.

4. See Caritas Internationalis, *Peacebuilding: A Caritas Training Manual*, 2006, especially "Peacebuilding Principles and Framework," http://www.eprpinformation.org/wp-content/uploads/peacebuilding-caritas-training-manual-1of3-1.pdf; Catholic Relief Services Peacebuilding Principles, http://university.crs.org/sites/default/files/pb%20principles.pdf.

5. Daniel Philpott, for example, details six practices of reconciliation. See Philpott, "Reconciliation," in *Peacebuilding*, 106–121, and *Just and Unjust Peace* (Oxford: Oxford University Press, 2012), 4.

6. See Maryann Cusimano Love, "The New Bully Pulpit: Global Media and Foreign Policy," in *The Media and American Politics*, ed. Mark Rozell, 2nd ed. (Lanham, MD: Rowman & Littlefield, 2008), 257–287.

7. See further Maryann Cusimano Love, *Beyond Sovereignty: Issues for a Global Agenda*, 4th ed. (New York: Wadsworth/Thompson, 2011) and *Global Issues beyond Sovereignty*, forthcoming from Rowman & Littlefield in fall 2018.

8. Augustine, *The City of God*, trans. Marcus Dods (New York: Random House, 1993), 690–691.

9. See Gregory M. Reichberg, *Thomas Aquinas on War and Peace* (Cambridge: Cambridge University Press, 2017), 3.

10. See Michael Walzer, *Arguing about War* (New Haven, CT: Yale University Press, 2004).

11. Gary J. Bass, "Jus Post Bellum," *Philosophy & Public Affairs* 32/4 (2004): 384–412, at 386.

12. Brian Orend, "Jus Post Bellum," *Journal of Social Philosophy* 31/1 (2000): 117–137, at 128.

13. See Walzer, *Arguing about War*; Louis Iasiello, "Jus Post Bellum: Moral Obligations of the Victors of War," *Naval War College Review* (Summer/Fall 2004); Bass, "Jus Post Bellum"; Orend, "Justice After War," *Ethics and International Affairs* 16 (2002): 43–56; Davida E. Kellogg, "Jus Post Bellum: The Importance of War Crimes Trials," *Parameters* (Autumn 2002): 87–99; Jens Meierhenrich, "The Ethics of Lustration," *Ethics & International Affairs* 20/1 (2006): 99–120; Kristen Boon, "Legislative Reform in Post-Conflict Zones: Jus Post Bellum and the Contemporary Occupant's Law-Making Powers," *McGill Law Journal* 50 (2005): 3–41; Christopher Kutz, "Justice in Reparations: The Cost of Memory and the Value of Talk," *Philosophy & Public Affairs* 32 (2004): 277–313.

14. See Bass, "Jus Post Bellum," 386.

15. Michael J. Schuck, "When the Shooting Stops: Missing Elements in Just War Theory," *Christian Century*, October 26, 1994, 982–984.

16. See Milton Leitenberg, Center for International and Security Studies at the University of Maryland, "Deaths in Wars and Conflicts Between 1945 and 2000," Cornell University Peace Studies Program, Occasional paper #29, June 2006, http://cf.edliostatic.com/rjVDXUiI30TJZUq0SFdfkdTxVPfGcZJb.pdf, and Matthew White, "Wars, Massacres and Atrocities of the Twentieth Century: A Conservative Estimate," *Necrometrics*, October 2010, http://necrometrics.com/warstats.htm.

17. Dan Smith, "War, Peace, and Third World Development," Occasional Paper, International Peace Research Institute, Oslo, 1994, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2294652.

18. Pope Francis, "Message to Peacebuilding Conference," April 11, 2016, http://cctn.org/pope-francis-message-to-peacebuilding-conference/.