CRS Report to Congress

THE JUST WAR IN CERTAIN RELIGIOUS TRADITIONS: CHRISTIANITY; JUDAISM; ISLAM; AND BUDDHISM

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November 20, 1987

ABSTRACT

This report summarizes significant elements of the Just War tradition, distinguised from the Holy War, in four major religions: Christianity, Catholic and Protestant; Judaism; Islam; and Buddhism. The development of criteria to determine whether a war is just in its cause and to set limits for the waging of such a war is traced from its roots in classical Greek and Roman thought to its fuller elaboration through over 1,000 years of Christian history from St. Augustine to the 17th century. The shaping of Just War tradition in the context of moral theology and philosophy alike is noted, as well as the gradual secularization of Just War theory in modern times.

THE JUST WAR IN CERTAIN RELIGIOUS TRADITIONS

INTRODUCTION

The Just War tradition that developed in historic Christian thought over a period of a thousand years from the era of the Fathers to the 17th century is almost unique among world religions in its systematic exposition of criteria drawn from moral theology and natural law. Because of such criteria, the Just War must be distinguished from the traditional Holy War, whose sole criterion is a divinely sanctioned mandate. Although there is a sense in which a holy war is necessarily just in principle because it is waged in obedience to a divine command, the Just War is not identical with the Holy War.

The Holy War tradition is found in the Hebrew Bible together with the belief in God as the divine warrior, expressed in Exodus 15:1-18, 21.[1] Both Christianity and Islam inherited the Holy War tradition, manifest in the preaching of the Crusades, including the crusade against the Albigensians in the 13th century.

JUST WAR IN CHRISTIANITY, CATHOLIC AND PROTESTANT

The Just War tradition in Christian thought represents an adaptation and expansion of classical Graeco-Roman teaching, notably in the De Officiis of

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[1] See: The Interpreter's Dictionary of the Bible. Nashville, Abingdon, 1976. Supplementary Volume. "War, Holy." p. 942-944.

Cicero (d.43 B.C.), emphasizing the preservation of public order and civic peace, the maintenance of justice, and the principle of humanitas in war and in peace.[2] This tradition is first treated in a Christian context by St. Augustine (d. 430), who argues that Christians may fight to preserve the public peace and order of the commonwealth; such warfare is essentially self-defense but in a public rather than private sense. In Augustine (and in his contemporary St. Ambrose) the justum bellum (just war) of Roman theory is given a Christian motive: caritas, coercion as an act of charity toward the erring who disrupt the public peace. War in such circumstances becomes a cruel necessity, whose purpose is to avoid greater evil and to restore peace. These views are found in various of Augustine's writings, where they do not receive systematic treatment. While emphasizing just conduct in war, the burden of his concern is the jus ad bellum (just cause and purpose) rather than jus in bello (just means in the nature of the war as waged).[3]

The Just War tradition in its classic Christian form appears in the canonist Gratian (c. 1148), whose Decretal, in discussing just wars, cites both Cicero (by way of the 7th century Father, Isidore of Seville) and Augustine. Gratian defines the criteria for a just war (ad bellum) and gives some attention to the means of war (in bello). By the time of St. Thomas Aquinas (d. 1274), who cites both Augustine and Gratian in his discussion of the subject, there is greater emphasis on natural law as known by reason and also on the conduct of the just war. Both Thomas and his contemporary Peter the

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[2] Bainton, Roland. Christian Attitudes Toward War and Peace. New York, Abingdon, 1960. p. 33-43.

[3] Russell, Frederick H. The Just War in the Middle Ages. Cambridge, Cambridge University Press. 1975. p. 16-39.

Chanter (d. 1197) at Paris emphasize just cause, right intention, and legitimate authority as just war criteria. St. Thomas defends killing in self-defense in a public context by the principle of double-effect--i.e., as an unintended (evil) consequence of (good) action in behalf of the public good.[4] A somewhat similar argument is advanced in the canon De Treuge et Pace (Of Truces and Peace), incorporated into church law by Gregory IX (d.1241).

With the Spanish theologians Vittoria (d. 1546) and Suarez (d. 1617), the Just War tradition was increasingly secularized in the sense that the criteria are almost wholly defined in the language of natural law according to universal principles of reason.[5] Nevertheless, they build upon earlier foundations in the jus gentium, the law of nations or common law of Christendom, a major source of international secular law in 17th century thought. Moreover, there is growing concern with the jus in bello in the principles of discrimination (immunity for noncombatants from direct attack) and proportionality (the means proportionate to the ends sought) or debito modo. Similar views were expressed by the Protestant jurist Grotius (d. 1645), who argues that the just war must be fought only to enforce or protect rights and within the limits of law and good faith. Secular and religious arguments shape the Christian consensus in this era, not only in Vittoria, Suarez, and Grotius, but in many other seminal figures, Catholic and Protestant, including Molina (d. 1600); Bonacina (d. 1631); Vladimiri (d. 1431); Gentili (d. 1608), who fled Italy for England and

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[4] Tooke, Joan D. The Just War in Aquinas and Grotius. London, Society for Promoting Christian Knowledge. 1965. p. 170-180.

[5] See: Johnson, James Turner. "Morality and Force in Statecraft: Paul Ramsey and the Just War Tradition" in Love and Society; Essays in the Ethics of Paul Ramsey. Eds., James Johnson and David Smith. Missoula, Montana, Scholars Press. 1974. p. 95-102.

whose secularization of just war theory preceded Grotius; Beli (d. 1575); and Ayala (d. 1584). By the 18th century just war theory was already detached from its roots in moral theology and treated in terms of international law.

In summary, the Just War tradition, by the time of Vittoria, included both jus ad bellum and jus in belli:

1. just cause (and no other means of redress);
2. just or right intention (to establish a public good or to correct an evil);
3. lawful political authority, duly constituted to declare war;
4. last resort, other recourses having failed;
5. just goal: the restoration of peace and justice;
6 discrimination and proportionality, i.e., moderation in the conduct of war: a reasonable expectation of success; and consequences less evil in their effect than if the war were not undertaken.[6]

The Protestant Reformers inherited the earlier Just War tradition as "the common possession of all the mainline churches . . . "[7] For Luther the just war is one fought in self-defense or to protect the realm. The right to engage in "just war" appears in Article 16 of the Augsburg Confession (1530). Calvin upholds the legitimacy of defensive wars according to the same criteria. The Reformers themselves did not add to or depart from the accepted tradition.

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[6] Traditional Just War criteria are discussed in: Hormann, Karl. Peace and Modern War in the Judgment of the Church. Westminster, Maryland, Newman Press. 1966. p. 41-47 and p. 63-68..

[7] Ramsey, Paul. The Just War. New York, Charles Scribner's Sons. 1968. p. xi.

"Luther," writes Ramsey, "took over the just-war theory in the conservative shape he found it."[8] So, too with Calvin and Knox.[9]

JUST WAR IN JUDAISM

The Hebrew Bible provides the prototype for the later Jewish (and Christian) tradition of the Holy War, associated with the ideology of God as divine warrior. For Judaism this tradition was codified by Maimonides (d. 1204) in his commentary Mishneh Torah,[10] an extended exposition of Scripture, based upon the Pirkei (or Baraita) of Rabbi Eliezer ben Hyrcanus, an 8th century Tannaitic midrash (commentaries on Genesis and Exodus), and the Targum, an Aramaic translation of Scripture with interpretive commentary.[11] Maimonides builds upon the Talmudic distinction made by the rabbis between milhemet hovah, obligatory wars, and milhemet ha-reshut, permissive wars. The first may be declared by authority of the ruler alone and are, according to some rabbinic sources, identical with the milhemet mitzvah, a war commanded by God (i.e, a holy war). The second require consent of the Sanhedrin or ruling council. Obligatory wars, like holy wars, are inherently just because they embody the

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8 Ramsey, Paul. War and the Christian Conscience. Durham, Duke University Press. 1961. p. 116.

9 For Luther, see: Scott-Craig, T.S.K. Christian Attitudes to War and Peace. Edinburg, Oliver and Boyd. 1938. p. 85-111. On Calvin and Knox, see: Bainton, Christian Attitudes, p. 143-147.

10 See: "War--In Rabbinic Literature" in Jewish Encyclopedia. New York, Funk and Wagnalls. 1925. Vol. XII, p. 465-466.

11 See: The Encyclopedia of the Jewish Religion. Eds., Zwi Werblowsky and Geoffrey Wigoder. New York, Holt, Rinehart, and Winston. 1965. "War," p. 400.

will of God. These distinctions become increasingly abstract with the overthrow of the Maccabaean state, and rabbinic thought made no further significant contributions to the development of just war ideology.

Nevertheless, by way of the Old Testament, the concept of laws governing warfare (see Deuteronomy 20:1-21) took root in Christian thought. One scholar[12] has also noted the influence of Maimonides and the rabbinic Holy War tradition in the Scriptural commentaries of the English Puritan Henry Ainsworth (d. 1622), whose writings influenced those representative Puritan divines in the 17th century who advocated Biblically centered Holy Wars in distinction to the Just War tradition developed in that era by such figures, Catholic and Protestant, as Grotius, Suarez and Ames.

JUST WAR IN ISLAM

Islamic thought has traditionally sanctioned jihad or striving in furtherance of God's will. The Quran sanctions fighting "in the cause of God" and in defense of the weak and oppressed (4:74-77). Retaliation in self-defense is permitted, though patient forbearance is urged as the better path (16:126-127).[13] Jihad is variously understood by Muslim scholars to include armed struggle when necessary to protect believers or to spread the political sovereignty of Islam wherever it is in conflict with unbelief (8:38-39; 9:123) as well as political action in behalf of justice, perceived as the will of God

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[12] See: Johnson, James Turner. Ideology, Reason, and the Limitation of War, Religious and Secular Concepts, 1200-1740. Princeton, Princeton University Press. 1975. p. 81-133.

[13] See: The Holy Qur'an. Text, translation, and commentary. A. Yusuf Ali. Brentwood, Md., Amana Corporation. 1983.

(22:78; 25:52). War as such, associated with Satan and moral corruption (2:208),is distinguished from jihad, which is intrinsically just because it is waged in the cause of God--that is, of Islam. This ideal is closer to holy war than to the natural law tradition of the just war, but the emphasis on justice as the motive for religious and moral activism, including recourse to force if necessary, is related to important elements of just war tradition.[14]

JUST WAR IN BUDDHISM

The Just War tradition does not exist in Buddhism, which absolutely rejects all killing, even in self-defense. Buddhist political thought exalts the virtue of mettā or loving kindness to all sentient beings.[15] However, the long association between Buddhism and nationalism in many Asian nations has resulted in Buddhist authorities recognizing the legitimacy of the Buddhist state and its political institutions. Without condoning war, the monastic establishments have supported the role of the king (or the state) in protecting the security and well-being of the Sangha--the monastic community--and, by extension, the larger Buddhdist community. Moreover, given the emphasis on intention in Buddhist ethical teaching, defense of the Sangha or of the (Buddhist) nation can be justified as an act motivated by mettā and hence meritorious, regardless of its secular or worldly consequences. The

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[14] See: Rahman, Fazlur. Major Themes of the Qur'an. Minneapolis, Bibliotheca Islamica. 1980. p. 61-64.

[15] See: Gard, Richard A., ed. Buddhism. New York, George Braziller. 1962. p. 151-153.

requirements of self-defense by the state are properly secular rather than religious concerns, reflecting the traditional Buddhist division between the monastic vocation and the life of the laity.[16]

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[16] See: Spiro, Melford. Buddhism and Society. New York, Harper and Row. 1970. p. 46, 430. Also: Gard, Buddhism, p. 214-221.