

REPORT OF THE THEOLOGY COMMITTEE OF THE HOUSE OF BISHOPS

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SUMMARY OF WORK

The Theology Committee serves the House of Bishops as a theological resource, undertaking projects of theological inquiry as requested by the bishops. Occasional requests of the committee are made by the General Convention, and addressed as we are able to do so. The Committee is composed of bishops and academic theologians who meet together twice a year.

The report printed below, *Some Observations on Just War*, is offered in response to Resolution D068 of the 74th General Convention, which requested the Committee re-examine just war theory in the light of recent changes in warfare.

The Committee has been asked to undertake a study of “open communion”, a practice which has appeared in the missional life of some parishes in recent years. This project was requested by Resolution D084 of the 76th General Convention and is on-going.

We have been asked by the House of Bishops to undertake a theological study of same-sex relationships in the life of the church. This is designed to reflect a full spectrum of views and to be a contribution to the listening process of the Anglican Communion, as well as to the discussion of this subject in our province. A diverse and balanced panel of theologians has been appointed by the Committee and is presently beginning this work. This is a long-term, multi-step project that is designed to be completed in 2011.

The Committee believes that the practice of theological study and reflection is essential to the life of the Body of Christ and is grateful for the opportunity to contribute to this endeavor.

Henry Nutt Parsley Jr., *Chair*

SOME OBSERVATIONS ON JUST WAR

Prepared by the Theology Committee of the House of Bishops in Response to a Request from the General Convention to Re-examine Just War Theory in the Light of Recent Changes in Warfare

God’s deepest desire for all of creation is *shalom*, peace. We see this both in the account of the creation of the world in Gen 1-2, and in the vision of the world’s redemption in the new Jerusalem in Rev 21. This peace is the result of humans and the rest of creation being in their proper relationship to God and to each other. This peace is the peace that Jesus gave his disciples, the peace that the world cannot give, a peace that casts out fear (Jn 14:27)—in short, it is the peace that is Jesus Christ’s union with the Father in the Holy Spirit. It is what makes it possible for us joyfully to delight in God’s presence, both now and in the age to come.

If peace is God's desire for the world, it should be ours also. Nevertheless, the world is not now as God wants it to be. We Christians live in that time between the decisive unveiling of God's redemption of the world in the life, death and resurrection of Jesus and the full restoration of God's *shalom* in the new Jerusalem. With Paul, we and all creation groan through the Spirit as we await our redemption (Rom 8:18-26). Living faithfully in this time between the times is the challenge facing Christian communities today, and it has been thus from the very outset of the church.

As Christians our first and most fundamental allegiance is to Jesus Christ the Lord. As Paul reminds the Philippians, "Our commonwealth is in heaven" (Phil 3:20). This means that Christians will engage the world as exiles, or refugees, or pilgrims (1Pet.). At the same time Christians are under the same directive that God commanded Jeremiah to write to the exiles in Babylon, "Seek the welfare of the city where I have sent you into exile, and pray to the LORD on its behalf, for in its welfare you will find your welfare" (Jer. 29:7). This command may entail many different things. It certainly holds open the prospect that Christians may be called to influence public policy and government decision making without compromising their allegiance to Christ.

Negotiating the contours of our lives in ways that maintain our allegiance to Christ and our desire for *shalom* becomes a particularly lively issue for Christians when the various nations that they inhabit are faced with war. Many Christians maintain a strong and deep commitment to non-violence as part of their desire to live faithfully before God in the world. There are many reasons to support this outlook, but it is not the focus of this particular paper. Instead, we have been asked by the General Convention to address a set of questions regarding "Just War Theory."

Christian thinking about when and how it may be justified to engage in warfare has a long history. It emerges out of Christian thinkers' attempts to understand how authentically to follow Jesus' commandments for peaceableness in the context of the Old and New Testaments' call to engage political authorities prophetically, faithfully and responsibly. Christian thinking about war developed, in significant ways, as a critique of various kinds of putatively Christian "Holy Wars" and crusades. Thinkers such as Augustine, Thomas Aquinas, Hugo Grotius and many others, spent serious time and study addressing these issues and developing theologically rich accounts of them. (We recognize that other traditions, particularly the Islamic tradition, also developed serious models for reflecting on the morally and religiously appropriate use of force; but in this piece we are speaking as Christians.)

It appears that changes in warfare, as well as anticipated changes in the nature and reasons for war, all raise questions for the tradition of Christian reflection known as "just war." In the discussion that follows we will try to acknowledge some of these concerns. However pressing these concerns may be, it appears far more important to us that instead of revising the criteria regarding "just war," the church should work to recapture its own distinctive way of thinking about war and its implications for Christian formation and discipleship.

As part of this discussion we will begin by looking at the standard just war criteria and various ways in which those criteria have developed in the modern world. One of our aims is to show that the criteria are not abstract, self-interpreting rules. The way one understands the criteria is decisively shaped by the context within which one tries to appropriate them. This point is important to make because there is a tendency and a temptation to treat these criteria as a sort of check list for policy makers. *If one thinks about just war in this way, one will inevitably sunder the connections between the theological concerns that generated just war thinking in the church and their application in contemporary contexts.* The just war criteria typically divide into considerations about when it is just to fight (*jus ad bellum*) and how one fights justly (*jus in bello*).

JUST WAR CRITERIA: *JUS AD BELLUM*

Legitimate Authority

This criterion was initially intended to disallow "private wars," including such things as feuds, campaigns of brigandage and exercises of brute force for its own sake. The aim here is to insure that wars are truly fought for

the sake of the common good. Moreover, this criterion helps to locate the authority to lead a nation into war when the criteria have been met.

With regard to this criterion, the public policy checklist approach locates this authority within nation states and their legitimate heads. Recent developments, however, have led scholars and others to push toward the formation of international coalitions or to locate such authority within larger international bodies. Furthermore, the reappearance of “asymmetric” forms of warfare such as insurgency and terrorism also challenge the state system in important ways. The checklist approach does not accommodate such moves outside the state framework in a simple or easy manner.

Likewise with regard to the determination of justice, the checklist approach defers to states and heads of states. Today this is generally thought to be acceptable because the head of state is presumed to be privy to more and better information than the average citizen, though some contemporary thinkers appear to view the presidency as a special charism, guaranteeing that the president's judgments are beyond question.

Within the Christian tradition, however, this question is more complex. Judgments of justice traditionally involved several components. The first of these was that the ruler, under the guidance of wise advisors, could determine matters of justice with regard to war. This is not primarily because the ruler has more information than others, though this may often be the case. It is because the ruler, surrounded by wise advisors, was presumed to have been formed in a way that would lead to sound judgments for the common good. Moreover, up until the rise of the nation-state in the early modern period, such judgments were (at least in theory) subject to the oversight of the church. Thus, rather than presuming that leaders had either special knowledge or a special charism to determine when the criteria of justice had been met, just war thinking tended to presume that a particular set of relationships were in good working order and that specific types of formation were already at work.

With regard to the criteria of legitimate authority our current situation raises a variety of challenges for those who seek to embody the discipline of just war thinking as part of their lives of discipleship. First, it requires them to seek leaders who will listen and subject themselves to wise counsel that pursues the common good rather than national interest. Secondly, in its current fragmented state, it is difficult to imagine how churches might exercise oversight in this matter or how national leaders might subject their judgments to the church and its leaders. This would seem to require Christians to pursue a healing of Christian division as well as to pay careful attention to the types of people they elevate to leadership in the churches.

Much more could be said here, but these considerations should be sufficient to show that those who would embody just war teaching as part of their discipleship are also compelled to attend to a wide range of other issues in order for them to address the criterion of *legitimate authority*. At the same time, in the absence of a coherent, if not unified, Christian voice, it is much more likely that Christians will resort to the public policy check list approach.

Just Cause

The criterion of just cause seems to have been pushed in a very different direction from its initial formulations within the Christian tradition. International law effectively reduces just cause to national self-defense. As developed within Christianity just cause was tied to defense of innocent third parties in the face of unjust aggression. In the light of the crucified Christ who gave up his life on behalf of others, it is extremely difficult to imagine how Christians might use self-defense as a primary justification for engaging in war. For Christians to use self-defense as a justification for war, “self-defense” would have to be interpreted in a way that does not violate Christ's call for self-offering, other regarding, love of neighbor. For Christians, just cause must always be understood as a sorrowful form of other regarding love, a love that puts one's own security and one's very life at risk on behalf of another. This is the sort of love that casts out fear (1 John 4:18). Alternatively, much use of just cause arguments in public policy seems to be driven by fear and insecurity. The best of Christian just war

thinking has always understood the deep and sometimes paradoxical connection between love, including love of enemy, and war.

If Christians think of *just cause* in terms of a public policy check list, then international law will probably be the standard against which justice is to be measured. If the church incorporates the criterion of *just cause* into a broader context of discipleship, then the criterion offers the church several challenges. For example, is the church forming people to be ardent and consistent in their pursuit of justice both locally and globally? In our pursuit of God's justice are we willing to offer ourselves and our loved ones to fight on behalf of others even when our own interests are not at stake? In a world marked by terrorism and the attendant fear it provokes, is the church capable of offering and exercising the sort of love that casts out fear?

Right Intention

This criterion is designed to make sure that war is directed at attaining peace and not driven by some other motive such as revenge. When brought into the realm of public policy, this criterion tends to rely on the stated aims of nation states and their leaders. One way in which this criterion may go beyond simply taking leaders at their word is to require some account of the conditions under which fighting would stop, some account of the just peace that is sought through war. Even on public policy grounds, this becomes a much more complex in the light of such notions as a global war on terror.

Within the Christian tradition this criterion was driven by the concern to establish a just peace, not merely the cessation of war. As Augustine noted, all wars are fought to attain peace. Usually this is a peace that suits the aggressor. Christians within the just war tradition, however, have always insisted that *right intent* must be tied to love of enemy. This means that war is never fought with the aim of destroying the enemy, but to bring to all the benefits of a just peace. When the aim of bringing the benefits of a just peace requires the killing of enemies it should render the killers sad, reluctant and penitent. Further, if followed consistently, one cannot be selective in seeking to establish a just peace. The pursuit of God's justice and love of neighbor would require, for example, Christians to be as eager for justice in places where it may not serve our economic interests. as in places where one is confronted with aggressive enemies.

For the church the criterion of *right intention* cannot be separated from our capacities to love our enemies. This love recognizes that our enemies are enemies, not because of who they are or because of some fundamental flaw in their souls, but simply because of their pattern of behavior. Their status as "enemy" is contingent upon their actions, while their condition as "neighbor" is fundamental to their being. The love Christ commands us to show our enemies lets us recognize the relevant similarities between "us" and "them". Our enemies both share our humanity and bear God's image. Like us, our enemies have great capacity for sin and self-deception. We and they are sinners who are still within the scope of God's mercy. If we are not capable of this sort of love for our enemies within the body of Christ, in local congregations, in dioceses and across the Anglican Communion, it seems highly unlikely that we will have much success when it comes to those outside of Christ.

Further, the criterion of *right intention* calls Christians to be well practiced in patterns of self-examination, confession and penance. This is because the criterion of *right intention* is premised on our deep and unwavering commitments to justice and love of neighbor. These are extremely hard to sustain for a day or two, much less for the period needed to wage a just war. This final concern also raises the need for patient endurance in the face of the costs to us and to others of waging war to establish a just peace. If we are not people capable of the habits of self sacrifice and enduring suffering, then it is not likely we can wage just wars.

The previous three criteria work as basic principles. The following four criteria offer prudential guidelines. That is, they are judgment calls that require practical wisdom in order to assess whether or not the criteria have been met.

Last Resort

This criterion should reflect the intention to pursue all reasonable avenues of addressing injustice before resorting to war. These may include mediation, negotiation, arbitration, international courts and so forth. Appeasement or compromise on injustice is not acceptable. Sanctions may or may not violate justice depending on their use and impact. In the contemporary context the criterion of *last resort* may sharply truncate the presumed autonomy of nation states. For example, can a nation state that refuses to submit to the judgment of legitimate international bodies ever claim to have exhausted all avenues of resolution short of war? It is important also to recognize that *last resort* does not mean that if there is any step to be taken, it should be taken; rather it is a matter of assessing—inevitably a contested matter—that if any *reasonable* step remains to be taken, it should be.

Without question this is always a judgment call. This fact throws us back onto concerns about *legitimate authority*. Are national and ecclesial leaders sufficiently wise and patient, hopeful and courageous to ensure that a nation neither rushes to war too quickly nor defers addressing injustice indefinitely? This calls for a prudent balancing of love of enemies and love of the victims of injustice.

Relative Justice

The "relative" here is important. Christians and others need to be skeptical of claims to perfect righteousness in a cause. This criterion invites a debate and assessment of the relative justice of one side's claims over another's. If one cannot claim that one is pursuing some justice in making war, then one cannot legitimately go to war. Of course, this holds open the prospect that both sides may claim relative justice. This criterion reminds Christians that just wars are never really between absolute good and total evil. Nations have a great stake in portraying enemies as agents of evil. It makes the sacrifices nations demand of citizens in times of war much easier to accept. A Christian account of the pervasiveness of human sin and brokenness, however, should lead us to be skeptical in the face of such rhetoric. Christians may accept the sacrifices of a just war out of love for their enemy: not because we are convinced of our own righteousness and our enemy's sinfulness, but because we know our enemy is ultimately our neighbor.

Proportionality

This criterion aims to make sure that the costs of pursuing justice through war do not outweigh the benefits to be gained through war. The question here concerns whether the injustice is egregious enough to warrant the loss of life and property on both sides. Serious attention to this criterion obligates leaders and citizens to undertake a sober assessment of the full costs of war—costs that can be all too easily underplayed in the flush of patriotic fervor. Such costs include the damage done to the enemy's combatants, civilians and nation, to be sure. They also include costs to one's own soldiers and civilians. One must also reckon with the less obvious costs to widows, orphans and those combatants and non combatants who survive physically while bearing the mental scars of war; in addition, one must also recognize the degradation to God's creation caused by modern warfare. Such deliberations will also lead to the next criterion.

Reasonable Hope of Success

This criterion is meant to call people to make judgments about whether or not in deciding to fight a war to address injustice they run a substantial risk of creating worse injustices than they relieve. This requires leaders to present clear and limited aims that any proposed war should seek to achieve. It also presumes that there are clear conditions under which an unjust enemy can bring hostilities to an end and under which one's own side might find it better to surrender than to continue to fight.

This criterion requires both the humility to avoid overreaching, on the one hand, and the resolve to avoid appeasement, on the other. Further, this criterion requires judgment and wisdom on the part of those making the decision about whether or not to fight, and the wisdom to confess and repent of ill-formed judgments when and as they become evident. Of course, if our practices of forgiveness and reconciliation are not in good working order, people have very little incentive to recognize, confess and repent of ill-formed judgments. Here in particular, churches that form their members in the habits of confession, the seeking and offering of forgiveness,

and in creative and life-giving forms of repentance will inevitably be able to contribute to a flourishing political life.

JUST WAR CRITERIA: *JUS IN BELLO*

Even when wise and well formed leaders come to the judgment that war may be the only way to achieve a just peace, nations are not free to fight as they wish. There are criteria for fighting justly, too. These are often referred to under the phrase *jus in bello*.

There are two central concerns here. The first is commonly called the principle of *discrimination* and is generally taken to mean that civilians must not be intentionally targeted and killed, even if this means putting one's own soldiers at greater risk. As part of a public policy check list, this criterion simply calls for an examination of intention. As long as one does not intentionally target civilians, the thinking goes, they can be thought of as “collateral damage.” This sort of language can obscure the devastating effects of even the most “surgical” strikes. Moreover, disciples of the Prince of Peace are called to attend to the welfare of the neighbors whom we are called to love. Avoiding the intentional targeting of civilians may not suffice as a way of meeting this criterion. At the very least, this criterion will require military commanders to work to secure the lives of civilians even if it entails greater risks for their own soldiers. More care with airstrikes, for example, may require pilots to fly lower, exposing them to greater danger of being shot down. Such a disposition requires a strong commitment to self sacrifice and discipline.

Furthermore, we must remember that the criteria of *ius in bello* have always forbidden dehumanizing behaviors such as torture, the use of rape as a military tactic and the degradation of prisoners. It is deeply painful that we must be reminded of these prohibitions after so many centuries; but reflection on recent events, as well as on human depravity, requires it.

The second primary concern with regard to just fighting is often referred to as *proportionality*. This is simply an extension of one of the prudential criteria used to determine matters of justice prior to the start of war. This concern seeks to weigh the cost of death, destruction and environmental degradation in warfare against the presumed benefits of a just peace. This concern further requires soldiers and governments and military leaders to forswear vindictive attacks. It also requires political communities to consider whether certain sorts of weapons may ever be rightly used—most obviously nuclear weapons, but also chemical and biological weapons, and even landmines.

These, in brief, are the criteria that currently operate within both types of just war thinking. Although they do overlap in some significant ways, the policy check list approach to just war differs significantly from the version of just war as Christian discipleship in their aims, audience and agendas.

When the just war tradition is viewed as part of an ongoing life of discipleship, it becomes clear that it is a disciplined way for Christians to think about how they should live faithfully before God in a world marked by violence and warfare. Moreover, one can see that instead of functioning as a check list, the criteria of just war thinking already presume that Christians manifest a commitment to seeking justice, along with the habits of self-sacrifice and self examination that would make them reluctant, penitent warriors.

NEW CONDITIONS AND JUST WAR THINKING

Without doubt, the current climate in the United States and in the world presents the churches with new types of warfare, new types of weaponry and geo-political realities that were unimaginable to earlier Christian thinkers such as Augustine, Aquinas and others who began and carried on versions of just war thinking. Indeed, it seems quite likely that many of the conflicts of the near future will be conflicts driven by resources such as water and oil in ways that could not have been anticipated 50 years ago. Advancing technologies enable combatants to inflict in a matter of minutes huge losses of human life, vast amounts of property destruction and even environmental catastrophe. It may take months, years or even decades to assess the full extent of loss of life, suffering and harm

to creation. Can such technology be held accountable relative to the criteria of proportionality and discrimination?

If any body of Christians treats just war criteria as a public policy check list, then it will seem that these criteria need to be updated and revised now and will continue to need updating and revision. In this light, two outcomes seem quite likely. First, just war thinking will be further disconnected from the theological and spiritual grounding in the life of the church that first animated it. The second outcome follows from this. That is, language and terminology that originally had its home in the Christian tradition will be taken over by the leaders of nation states and used to provide a sort of moral veneer to decisions that were largely reached on other grounds.

One good example of this in the present is the way that some recent leaders have used language about pre-emptive war. In just-war thinking, one might act justly to pre-empt an attack that had already started. For example, once the Japanese planes had taken off for Pearl Harbor, one might attack those planes to pre-empt an attack that was, in effect, already underway. Alternatively, preventive war, engaging in war to prevent possible or even likely injustices, was either not contemplated or expressly forbidden. What we see with regard to recent U.S. policy is that language about pre-emptive war has been used to justify preventive war. This is simply a small example of the risks Christians run when they think and speak about just war in ways divorced from its theological roots in the life of discipleship.

Alternatively, if thinking about justice, war, peace and the common good are topics about which the body of Christ is called to think about and act upon in the light of their ongoing struggles to live faithfully before God, then the question of updating criteria does not really arise in quite the same way. Instead, the new and ever changing conditions of our world pose occasions for the exercise of Christian practical wisdom. This is the same challenge and opportunity that the fall of Rome posed for Augustine in the 5th century and the challenges of Islam and Aristotelian science into Europe posed for someone like Aquinas in the 13th century. That is, although the conditions of our world are very different from those of the late Roman Empire or medieval Europe, Christians today are called to engage in that same form of practical reasoning that characterized serious theological thinking in these past times.

PEDAGOGY FOR CHRISTIAN CITIZENSHIP

All of this is salutary and worth the attention of the Church in general. Nevertheless, we think there is a larger problem facing the church when it comes to thinking and reflecting upon issues of such magnitude as war and peace. That is, we Christians, as a group are not well formed or prepared to speak, to listen and to argue about such matters in ways that reflect the true riches of the Christian tradition. Rather than issue one more statement, it seems to us that the most urgent questions facing the General Convention, and indeed all Christians, are not whether or not just war thinking needs to be updated because of the changing shape of war. Instead, we would urge the bishops to take the lead in offering churches a *pedagogy for Christian citizenship*.

A first step would be confessing how poorly we have managed this task when we take it up at all. We have too often not considered our duties as Christian citizens to our fellow-citizens in the kingdom of God and in the United States. We have not truly taken up the responsibilities that come with the vast worldly power that the United States has enjoyed, and continues to enjoy, for our fellow Christians around the world and for humanity as a whole, our neighbors in Christ. We have not acted in our capacity as citizens to take due care for how our nation reflects God's will to care for the least and the lost, both at home and abroad. We have failed in our fundamental responsibilities to care for creation. For all these things, we are truly sorry and we humbly repent. As ever, our repentance must take the form of a renewed and more serious intent to do better. We can do this by thinking in new and deeper ways about the relationship between our roles as citizens of this worldly kingdom and our more fundamental vocation as citizens of the kingdom of heaven. It is for this we need a new pedagogy for Christian citizenship.

Such a pedagogy would seek to form communities of believers to be the sort of people who might think and act faithfully within either the just war tradition or the tradition of Christian pacifism. These two traditions both provide highly disciplined ascetic responses to the violence and fear that mark our world. Neither a Christian commitment to non-violence nor just war thinking can be detached from a life of discipleship without serious distortion. Moreover, both just war and pacifism will require remarkably similar types of formation.

Because both of these traditions require the exercise of judgment and practical wisdom, they will call forth argument, debate, discussion and disagreement within the body of Christ. There is no way around this. Thus, part of a pedagogy for Christian citizenship must also involve the cultivation of a common life within which believers display habits of gracious yet rigorous conversation; where ill-formed or badly rendered judgments can be confessed and repented of in full confidence of being forgiven and reconciled; where the love that casts out fear is made manifest to all.

Another part of this pedagogy must involve the cultivation of skills, virtues and habits that enable Christian citizens to work not just alongside, but genuinely *with*, others who do not share our beliefs in projects of common concern. Furthermore, such skills, virtues, and habits will enable us both to hear and to respond to the voices and persons of “outsiders” in ways that make unavoidably clear, to us and to others, the fact that all of humanity is our neighbor, and all bear the image of God.

Finally, a pedagogy of Christian citizenship will seek to shape the ways in which Christians engage the various powers that be with regard to issues of violence, fear and justice. Such pedagogy will help to ensure that such Christian engagements are always deeply rooted in the life of the Triune God, rather than in the rhetoric and agenda of the nation state. It will remind us, once again, that we inhabit our earthly communities as pilgrim citizens; the city in which we have our true citizenship is no earthly city, but the heavenly Jerusalem, the City of God.