

When the shooting stops: Criteria for a just peace

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Afghan children learning about mine safety. Image by [Thomas Sjørup](#), licensed under [Creative Commons](#).

Destruction, displacement and death—these were the consequences of war in the prophet Ezekiel's time. After he was sent into exile with the Hebrew people in 597 BC, Ezekiel predicted the devastation of Jerusalem. Although their military defenses had been successful in the past, Ezekiel admonished the people about any illusion of security and warned against false prophets who were saying, "'Peace,' when there is no peace" (Ezek. 13:10). His dire warning came to pass a decade later with the destruction of Jerusalem.

Destruction, displacement and death—sadly, these evils continue to accompany war today, including putatively just wars. Hamid is a 43-year-old Tajik who lives in Faizabad, the capital of Badakhshan in northern Afghanistan. In her book *The Wake of War*, French journalist Anne Nivat recounts her 2003 visit to Hamid and his family in their house made of baked clay bricks. Hamid described himself as "an angry

man: angry at his government, which he considered weak and cowardly; angry at the international community, which is not making the right strategic choices in Afghanistan; and angry at his fellow citizens, who are not managing to reason any differently from what the recent historical situation has inculcated in them." He expressed some hope for his six-year-old daughter. He wants her to go to school and to find work in a field of her choosing. But his 19-year-old nephew Uman muttered, "As soon as I've finished school, I'll leave this goddamned country, which has had nothing but wars and no future."

More of war's destruction is reported by Mohamed Moussa, who resides in al-Hilla, about 60 miles south of Baghdad. Moussa told British reporter Robert Fisk that on March 31, 2003, silvery objects "like small grapefruit" fell from white canisters onto his neighborhood. "If it hadn't exploded and you touched it, it went off immediately," he said. "They exploded in the air and on the ground and we still have some in our home, unexploded." On that day cluster submunitions killed 38 and injured 156 civilians in al-Hilla. The remaining unexploded weapons have "the power to rend a community's social, economic, and environmental fabric."

Eugene Cherry deployed to Iraq in 2004 as a medic for the U.S. Army. In an interview with Emiliano Huet-Vaughn in the *National Catholic Reporter*, Cherry described his assignment: "I had recovery missions where I'd go out to a site where guys got burnt so bad you could still smell their flesh—still charred, still burning and smoking when you get there." Since his return to Fort Drum, New York, in 2005, Cherry says, "Many times I've drunk myself to sleep because I can't fall asleep, and the meds they gave me didn't help." He exhibits the symptoms of posttraumatic stress disorder, and he's not alone. According to a Pentagon survey released in May 2007, one-third of soldiers and marines in high levels of combat in Iraq report depression, generalized anxiety or posttraumatic stress. At the same time, government and media reports indicate that mental health care departments within the military and the Department of Veterans Affairs health-care systems are too underfunded and understaffed to meet such returning soldiers' needs.

Presidents and other leaders may declare "Victory!" yet all too often there is no just peace is to be found in the wake of today's conflicts—whether in wars between nations, wars within nations, humanitarian interventions in failed states or asymmetrical wars between nations and terrorist organizations. After the shooting stops, the powers may declare "mission accomplished," but as Ezekiel said, there really is no peace.

This absence of a just peace is deeply troubling. Those who are injured, suffering, homeless, fearful, hungry or grieving the deaths of loved ones are the very people that Jesus would have us love. These who have suffered through war are in special need of God's peace and justice, of reconciliation and restoration. After the smoke clears, Christians must work to foster and promote a just peace.

As the Second Vatican Council noted, "Peace is not merely the absence of war" but "an enterprise of justice" (see Isa. 32:7), which is "never attained once and for all, but must be built up ceaselessly." Hence, we pray for an end to war. But when war does happen, all that we do during war must be directed toward a just peace. When the shooting stops we must be ready to build that peace.

The Bush administration pitched the wars in Afghanistan and Iraq to the American people and to the world as just wars, but in the months before the invasion of Iraq, Christian ethicists and theologians criticized the U.S. plans for preventative war on just war grounds. Similar scrutiny continued during the fighting. Yet a just peace remains elusive. While theologians and ethicists continue to be concerned about what's happening in the wake of these wars, the lack of a framework or list of moral criteria stymies their efforts to gauge and evaluate efforts to establish a just peace.

The just war tradition has come to consist of several criteria for evaluating when and how war should be conducted (the lists vary depending on the source). Although classical just war thinkers did not explicitly do so, modern articulators of just war theory divide the criteria into two primary categories: *jus ad bellum* and *jus in bello*. The *jus ad bellum* category consists of criteria that must be met in order to justify engaging in war; the *jus in bello* category includes criteria concerning just conduct during a war. In their pastoral letter from 1983, *The Challenge of Peace*, the U.S. Catholic bishops included under *jus ad bellum* the criteria of just cause, right intention, legitimate authority, probability of success, last resort, comparative justice and proportionality. Under *jus in bello* are two criteria: discrimination (noncombatant immunity) and proportionate force. Taken together, these criteria are meant to ensure that there is justice when entering into war and justice in the way the war is conducted.

One of the criticisms of the just war tradition is that it lacks what John Kelsay calls "historical thickness"; the tradition tends to ignore the larger historical context (the decades preceding the war) and instead looks only at the period immediately prior to conflict. John Howard Yoder cautioned against this tendency to "punctualism" in

moral decision making and in connection with just war thinking (see his *Century* essay on the first Gulf War, March 13, 1991): "What is either right or wrong is that punctual decision, based upon the facts of the case at just that instant, and the just war tradition delivers the criteria for adjudicating that decision. This procedure undervalues the longitudinal dimensions of the conflict."

To counter this tendency, ethicist Glen Stassen has led Christian pacifists and just war theorists in working to diminish the likelihood of war by promoting peacemaking practices that help create conditions for a just peace. While this effort has gained traction, the just war tradition also needs to be longitudinally extended to include *jus post bellum*. This will "close the loop" and make for a more honest just war theory by bringing us back to the practices of just peacemaking.

This postwar dimension has begun to gain the attention of church leaders. In "Toward a Responsible Transition in Iraq," Archbishop Thomas G. Wenski, as chair of the international policy committee of the U.S. Conference of Catholic Bishops, wrote in 2006, "It is important for all to recognize that addressing questions regarding the decisions that led us to war, and about the conduct of war and its aftermath, is both necessary and patriotic." Similarly, in their 2007 document "Forming Consciences for Faithful Citizenship," the bishops called on nations to find ways to prevent conflicts, to resolve them by peaceful means "and to promote reconstruction and reconciliation in the wake of conflicts."

While criteria exist for addressing questions about the decisions leading to war and the conduct during war, there are none concerning its aftermath. We do not mean to suggest that the just war tradition has been completely blind to postwar ethics. For centuries, military strategists have talked about exit strategies. Some ancient religious examples of just war thought prohibited poisoning wells, salting fields and cutting down fruit and olive trees because such actions extend the effects of war well beyond the period of active combat.

Others who addressed postwar ethics, including Cicero, Augustine, Francisco de Vitoria, Francisco Suárez and Immanuel Kant, did so mostly in passing and not with the degree of systematic detail that is part of the *jus ad bellum* and *jus in bello* categories. In the October 26, 1994, issue of the *Century*, theologian Michael Schuck pointed out this lacuna in the just war tradition. Since then, however, those who have treated this neglected dimension of just war have mainly been philosophers, political theorists, international law scholars and military scientists, while bishops

and theologians have been largely silent on the issue.

International relations scholar Serena K. Sharma observes that too often the two sets of criteria are viewed as "logically separate and self-contained categories," so that focus remains on justice immediately before and during war. We believe that the criteria are interrelated and interlocking, so that the categories *jus ad bellum* and *jus in bello* are basically shorthand devices meant to reinforce a just peace not merely as an afterthought of war but as "a guiding principle, present at the initiation of hostilities and continuing throughout all respective phases of war."

We propose four *jus post bellum* criteria or components to complement the *jus ad bellum* and *jus in bello* categories: just cause, reconciliation, punishment and restoration. These are not to be understood in any particular chronological sequence or order of importance. All should be implemented together.

The first criterion is just cause. The result of any just war should be the accomplishment of the objectives that served as the grounds for just cause in the *jus ad bellum* phase. Satisfying the demand for a just cause is different from returning to the situation that led to war in the first place. The goal of a just war is to establish social, political and economic conditions that are more stable, more just and less prone to chaos than conditions that existed prior to the fighting. Three primary theoretical objectives are: to hold parties accountable until the mission is accomplished, to restrain parties from seeking additional gains and to stem overly zealous *post bellum* responses. In practice this criterion entails both the return of unjust gains and the prohibition of unconditional surrenders.

The second criterion is reconciliation. If the primary objective of a just war is a just and lasting peace, then there can be no peace without reconciliation. A relationship of animosity, fear and hatred must be transformed into one of tolerance (if not respect), with enemies turned into friends and emotional healing brought to the victims of war. For Catholic Christians, there are parallels here with the sacrament of reconciliation, or penance. Moreover, the paradigm of restorative justice informs this criterion and its attendant practices. This phase is not about cheap grace or taking a "forgive and forget" approach. It involves acknowledgment of wrongdoing, admission of responsibility, punishment, forgiveness and perhaps amnesty. Ideally reconciliation should lead to the return of the offending party to communion. The goal is justice tempered by mercy; in practice, reconciliatory aims can be promoted through ceasefire agreements, restrained postwar celebrations, public and

transparent postwar settlement processes, and apologies.

The third *jus post bellum* criterion is punishment. Here the primary objectives are justice, accountability and restitution. The legitimacy of punishments depends on several factors: publicity and transparency (punishments ought to be meted out through public forums to which many, if not all, have access); proportionality and discrimination (appropriate punitive measures should not be excessively debilitating and must make distinctions based on level of command and culpability); and legitimate authority (punishments ought to be assigned by an authority that is recognized as legitimate by all sides). In all likelihood, the legitimacy of the punishment phase depends on an independent authority (a third party) in order to avoid even the appearance of a victor acting as judge, jury and executioner of the vanquished. In practice, the punishment phase involves compensation (restitution) and war crimes trials.

The fourth criterion is restoration. The goal of a just war is not simply the cessation of violence but the creation or restoration of the political, economic, social and ecological conditions that allow citizens to flourish. In other words, a just war should seek to create an environment that permits citizens to pursue a life that is meaningful and dignified. Doing so involves practical concerns such as providing and establishing security through policing and the rule of law; enabling political reform so that a functional government can promote the common good and provide public services such as education, health care and electricity; fostering economic recovery by helping with the transition from a postwar to a peacetime economy; providing social rehabilitation for people who have been victimized by war and for soldiers who may suffer from injuries and trauma; and initiating ecological cleanup efforts to remove cluster munitions and other unexploded weapons.

We hope that this account of *jus post bellum* becomes a lasting and integral component in Christian reflection on just war. We intend for these criteria of *jus post bellum* to enrich and to buttress the just war tradition—to give it more teeth, as Yoder called upon Christian just war proponents to do—by emphasizing that moral responsibility for war does not come to a halt when combat ends. As Christians we believe we owe something to Hamid, his young daughter and his nephew. We have a duty to Mohamed Moussa and to returning soldiers like Eugene Cherry. For them and countless others, Ezekiel's ancient words about false prophets "saying 'Peace,' when there is no peace" hit close to home.

After the destruction of Jerusalem, Ezekiel shifted his focus to the hope of Israel's restoration, the New Jerusalem. The plain filled with dry bones, he prophesized, would be transformed into a habitat teeming with new life. The dispossessed would return to their land, rebuild their homes and regain their livelihoods. This era would be characterized by lives devoted to virtue, righteousness, justice and true peace, or shalom.

As Christians we believe that within Ezekiel's metaphorical message of hope is a commission that we have inherited as a new community brought into being through the life, death and resurrection of Jesus Christ. If we are going to continue to view armed intervention as sometimes justified—as "just war" or "legitimate defense" or "the responsibility to protect"—we need criteria to help warrant such actions (*jus ad bellum*), to govern conduct during these interventions (*jus in bello*) and to guide the establishment of a just and lasting peace (*jus post bellum*).

This article is based on the authors' book After the Smoke Clears: The Just War Tradition and Post War Justice (forthcoming from Orbis Books).