Terrorism and 'just war'; an old tradition, new challenges: Authority and intention

by James Turner Johnson in the November 14, 2001 issue

The mainstream of Christian ethics has contended that there can be a legitimate or "just" use of military force—legitimacy being determined by a variety of factors, such as the presence of a "just cause," "right authority," "last resort," and the use of "means proportional to the end," to cite some of the traditional language of just war thinking. In the wake of the terrorist attacks of September 11, Christian thinkers in the U.S. have again drawn on the vocabulary of this tradition as they ponder the proper response to terrorist acts. At the same time, many commentators—including some of the following four—have acknowledged that the categories of just war thinking are not easily adapted to the challenge now facing public authorities in the U.S.—the challenge of responding not to an aggressive state but to unidentified individuals whose aim is to spread terror.

In recent days some people have argued that we ought not use military force against Osama bin Laden and his supporters or against the al-Qaeda terrorist network, and that instead we ought to make use of judicial processes. Those making this argument fail to realize that morally there is no difference between a police action and the international projection of force. Augustine, who was pivotal in developing the idea of a just war, made this point directly. The central distinction for him was between the public and private use of force. Force is properly used only by those who hold political authority and who have responsibility for the public good. Any use of force for private ends is wrong.

This question of "right authority" in the just war tradition seems to me especially important in considering the phenomenon of terrorism. In recent years, most discussions of just war have focused first on the issue of "just cause." This is true, for example, in the work of the U.S. Catholic bishops during the 1980s and 1990s as

they considered nuclear war. It was true of my own thinking in this period. The reason for this emphasis, I think, was that the notion of “right authority” seemed relatively clear: the right authority was the nation state as recognized by other nation states.

But as Augustine and his medieval and early modern successors knew well, the question of “proper authority” remains a central issue in thinking about a just war, for it is the proper authority—the government or the leaders—that has the responsibility of serving the public good. Those who have this authority and responsibility must first determine whether the use of force would satisfy the primary moral requirements of just cause and right intention and the purpose of restoring peace. They then must use prudential reasoning to decide whether even a justified use of force would produce more good than harm, would have a reasonable hope of success, and would be the only course likely to be effective in achieving the justified ends.

In this respect, we need to think harder about what we mean by “right intention.” In recent debate, it has usually meant something like “an intention in line with a just cause.” But Augustine had something different in mind. When he gives examples of wrong intentions, he mentions things like the lust to dominate, the lust for power, the lust for cruel revenge—these are the kinds of intentions or mind-sets that we don’t want to have when thinking about restoring justice. But these are precisely the kind of intentions that animated the terrorist attacks of September 11.

As we talk about the just war tradition that developed in the West, we should recognize that it overlaps in important ways with the jihad tradition. The jihad tradition also requires that force be used by the right authority. Historically, for the Muslim commuity to act, the leader of that community—the caliph for the Sunnis, the imam for the Shi‘ites—had to authorize the action. Individuals had a responsibility to respond to an attack on Islamic society, but there were stringent restraints on such action. In this context, Osma bin Laden’s issuing of a *fatwa* (or edict) against the West in 1998 and styling himself a sheikh went against the tradition of the defensive jihad.

The jihad tradition also sets limits on whom one may fight against in a just war. A number of traditions or *hadiths* associated with Muhammad prohibit killing women and children. Some of these traditions also rule out killing the aged, the infirm and the mentally incompetent. These are exactly the kinds of discriminations we find in

the just war tradition and in contemporary international law.

So there is no fundamental clash of cultures here. From both the standpoint of Islam and the standpoint of the just war tradition in the West, the attacks of September 11 were evil and unjust, and there is a justified reason for authorities to respond to them on behalf of the public good.

This article is adapted from remarks Johnson made in a discussion sponsored by the Pew Forum on Religion and Public Life. The full discussion is available at pewforum.org.

See the other contributions to this conversation, by:

Martin L. Cook
Glen Stassen
Jean Bethke Elshtain