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Jus Post Bellum

Michael Sean Winters | Mar. 16, 2011 Distinctly Catholic

As America winds down its war in Iraq and tries to figure out what to so in Afghanistan, what are the moral principles that should guide us? As Egypt considers the corruption of its newly deposed regime, questions of restitution and justice must be faced, but how? And, in Libya, the situation grows desperate and one of the things that keeps the West from effective action there is the fear that we can?t control the outcome, that the chaos that might follow the deposition of Gaddafi might be worse his tyranny, but is that fear capable of bearing the moral weight we are putting on it by failing to help civilians who are being slaughtered by a madman?

These are all important questions. How our government decided to act in Afghanistan and Iraq will not only affect profoundly our place in the world, it will affect our federal budget deficit, the lives of hundreds of thousands of military families, etc. But, what are the moral calculations that should govern our departure from those countries? What the Egyptian military leaders and emerging democratic leaders decide to undertake in the way of meting out justice, or looking the other way, in regard to those who fought against the emergence of democracy all these years will profoundly color the shape of whatever polity that nation constitutes. How are they to balance the need for justice with the need to move on?

These are important, even urgent questions in our time. And, in a new and very important book, After the Smoke Clears: The Just War Tradition & Post War Justice [1], theologians Mark Allman and Tobias Winright, help to construct what the moral architecture for what they call jus post bellum, or justice after war. Sometimes, books that consider such weighty and theoretical matters can be relentlessly abstruse and abstract, difficult to read, overly ponderous and unrelated to the practical questions that affect policymakers. This book suffers from none of those deficits. It is tightly written, introduces practical examples to illustrate the theoretical implications it examines, the prose moves right along.

Allman and Winright begin with an examination of the development of just war theory over the centuries and they explain concisely how the twin central categories developed, jus ad bellum and jus in bello. Ad bellum concerns the justifications to go to war in the first place and it includes such items as just cause, right intent, proportionality, last resort, etc. In bello concerns the conduct of war itself, and has focused on two categories, proportionality and protection for non-combatants. They are especially deft in explaining how these categories and requirements inter-relate and, indeed, point the way to the necessary moral framework for post war policy makers.

The most important principle governing post war justice, according to Allman and Winright, is just cause. This recognizes the connection between the moral justification for the war in the first place, and how that justification can and must guide post war efforts. These considerations lead them to the most interesting part of the book, in which the pose the question whether there can ever be good, just fruit from an unjust war. In light of our nation?s experience in Iraq, the question is far from theoretical, and it entails complicated and difficult judgments about how, given the reality of a situation, we can still approach the ideal.

Perhaps the most important contribution the authors make is to insist upon the difference between just cause and right intent as justifications for war. Here, they specifically take on some philosophic approaches to just war

theory that tend to conflate the two concerns. But, here theology comes to the rescue, focusing, as theology must, on the intention of the actor and differentiating it from the justice of the cause. This distinction helps to avoid moral solipsism in political policy makers by demanding that they examine their conscience as well as their cause. It helps to prevent those situations, evident so clearly in the justifications for the Iraq War that have belched forth from Rumsfeld and Cheney, in which a man?s sincerity is little more than the consequence of his having believed his own propaganda.

Allman and Winright go on to discuss different, necessary phases in a post war period, all of which are needed if the goal of just war theory ? true peace ? is to be achieved. They note the need for reconciliation, punishment and restoration, and how those three distinct goals inter-relate to each other. For example, they show that reconciliation must be more than victor?s justice and that just punishment is sometimes necessary for true reconciliation. This discussion is especially apt when considering what a just peace will look like in Afghanistan and Iraq.

On its own merits, this is a book worth reading. But, it also demonstrates the way our Catholic just war tradition is limber, able to adapt to changed circumstances, capable of applying its time-tested principles to new political needs. Sometimes, people invoke tradition but then treat it like a fragile heirloom, to be left on the mantle and dusted off when company is coming. But, a tradition must be alive to be of value. It must be supple. It must have teeth. Allman and Winright enliven our Catholic just war tradition and make it relevant for the questions of our day. That is a large accomplishment.

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Links:
[1] http://www.amazon.com/After-Smoke-Clears-Tradition-Justice/dp/157075859X/ref=sr_1_1?ie=UTF8&s=books&qid=1300278290&sr=1-1