A POSTMODERN VIEW OF JUST WAR

From a postmodern perspective, just war – with its two components of *ius ad bellum* and *ius in bello* and their respective specifications – represents a heuristic construct, apt for delineating and considering the issues and aspects of the morality of war, rather than a theory, a doctrine, or even a tradition, according to which judgments can be made or conclusions drawn about the morality of particular wars or methods of warfare. Historically, the development of just war has not been an organic evolution, but a series of paradigm shifts in response to a dialectic between transformations of values and technological, political, social, and cultural innovations. Concomitantly, just war has vied with alternative ethics of war – militarism, pacifism, realism, and idealism – each with its own metaethical foundation. No wonder, then, that contemporary proponents of a just war ethic have interpreted it in diverse senses while reaching contrary opinions both about the resort to and conduct of war and about the morality of particular wars and modes of warfare, with the consequence that just war, variously interpreted and applied, appears reducible to one or another of the alternative ethics of war. In today’s global and multicultural world, it is also evident that just war is, like its alternatives, a Western ethic of war, rather than a self-evidently universal framework for the evaluation of war. Yet it can still be argued that just war, precisely because of its lability and adaptability, remains an irreplaceable framework for assessing both the prospect of engaging in war and the merits of various forms of warfare: the last best hope for meeting the contemporary challenges to the ethics of warfare from preemptive and preventive war; from insurgency, intrastate conflict, and nonstate guerilla aggression; from humanitarian and police intervention; from weapons of mass destruction; from torture, terrorism, and genocide.

1. RECONSTRUCTION OF THE HISTORY OF JUST WAR

Four paradigms can conveniently be demarcated in the history of the development of the just war ethic. Each reflects a trade-off between the kind of law invoked to judge the morality of war and the available...
technology of warfare, as mediated by the political and social climate of the time. Each successive paradigm represents a deeper embedment of the just war ethic into political practice. And each, though a creature of its own environment, has become a model for a contemporary version of the just war ethic. Underlying this history from beginning to end is the assumption that, absent a superior authority capable of peaceably resolving disputes, a political entity may legitimately employ some measure of force, either in self-defense or for the protection of other (innocent) victims of (unjust) aggression.

1.1 The Late Hellenistic/Early Medieval Paradigm

The first paradigm is the prototype for the just war ethic to be found in the writings of St. Augustine. 3 A bishop in the western half of the Roman Empire, in which Christianity was the established religion, Augustine invoked divine law to authorize imperial forces to protect the church from heretical sects within the empire and to defend the empire itself against barbarians (generally also heretics) from without. He drew, to be sure, upon the Hebrew Bible/Old Testament, Roman law in the writings of Cicero, and St. Ambrose's sermons, but his brief remarks on the right (\textit{ius}) to go to war became the conventional auctoritas for the medieval development of just war doctrine. 4 Citing Romans 13:4, Augustine invoked the command of God to punish idolaters and heretics or the demand of charity to recover the goods and punish the attackers of innocent his authorization of civil authorities to make war in order to restore peace. Clearly, a war for either reason was immediately offensive rather than defensive, and while Augustine admonished the prosecutors of war to prepare for peace by eschewing any feelings of hatred or revenge, he did not impose any restriction of weapons or tactics in the vindication of their cause. In this prototype of just war theory (JWT), therefore, there were virtually no \textit{ius in bello} limitations and only the rudiments of a \textit{ius ad bellum}, and these applied directly to offensive rather than to defensive wars.

Yet Augustine was the authority to whom in our time Paul Ramsey appealed for his version of just war as a forcible exercise of charity for the sake of restoring peace, a moral obligation he argued was faithful to Christ's commitment to peace and expressive of the Christian virtue of agape. 5 His students, the “Princeton” school, the most prominent of whom is James Turner Johnson, have amplified the Augustinian tradition of just war to argue that sovereign authority has a rational as well as a religious mandate to maintain order through war, without any presumption of a bias for peaceable over belligerent means. 6 Likewise, George Weigel invoked the Augustinian paradigm in his critique of the