

# Moral Clarity in a Time of War

George Weigel

---

George Weigel is Senior Fellow of the Ethics and Public Policy Center in Washington, D.C. This essay is adapted from the Center's William E. Simon Lecture and the Pope John XXIII Lecture at the Catholic University of America Law School.

---

In Book Three of Tolstoy's epic, *War and Peace*, the hero, Pierre Bezukhov, arrives at the battlefield of Borodino to find that the fog of war has descended, obscuring everything he had expected to be clear. There is no order, there are no familiar patterns of action, all is contingency. He could not, Count Bezukhov admits, "even distinguish our troops from the enemy's." And the worst is yet to come, for once the real fighting begins, chaos takes over in full.

From the *Iliad* to Tolstoy and beyond, that familiar trope, "the fog of war," has been used to evoke the millennia-old experience of the radical uncertainty of combat. The gut-wrenching opening scenes of *Saving Private Ryan* brought this ancient truth home to a new generation of Americans: in even the most brilliantly planned military campaign, such as the Allied invasion of Normandy, contingency is soon king, and overcoming it draws on a man's deepest reserves of courage and wit.

Some analysts, however, take the trope of "the fog of war" a philosophical step further and suggest that warfare takes place beyond the reach of moral reason, in a realm of interest and necessity where moral argument is a pious diversion at best and, at worst, a lethal distraction from the deadly serious business at hand.

To which men and women formed by biblical religion, by the great tradition of Western moral philosophy, or by the encounter between biblical religion and moral philosophy that we call moral theology must say: "No, that is a serious mistake." Nothing human takes place outside the realm or beyond the reach of moral reason. Every human action takes place within the purview of moral judgment.

Thus moral muteness in a time of war *is* a moral stance: it can be a stance born of fear; it can be a stance born of indifference; it can be a stance born of cynicism about the human capacity to promote justice, freedom, and order, all of which are moral goods. But whatever its psychological, spiritual, or intellectual origins, moral muteness in wartime is a form of moral judgment—a deficient and dangerous form of moral judgment.

That is why the venerable just war tradition—a form of moral reasoning that traces its origins to St. Augustine in fifth-century North Africa—is such an important *public* resource. For fifteen hundred years, as it has been developed amidst the historical white water of political, technological, and military change, the just war tradition has allowed men and women to avoid the trap of moral muteness, to think through the tangle of problems involved in the decision to go to war and in the conduct of war itself—and to do all that in a way that recognizes the distinctive

realities of war. Indeed, in the national debate launched by the war against terrorism and the threat of outlaw states armed with weapons of mass destruction, we can hear echoes of the moral reasoning of Augustine and his successors:

What is the just cause that would justify putting our armed forces, and the American homeland, in harm's way?

Who has the authority to wage war? The President? The President and Congress? The United States acting alone? The United States with a sufficient number of allies? The United Nations?

Is it ever right to use armed force first? Can going first ever be, not just morally permissible, but morally imperative?

How can the use of armed force contribute to the pursuit of justice, freedom, and order in world affairs?

That these are the questions that instinctively emerge in the American national debate suggests that the just war tradition remains alive in our national cultural memory. And that is a very good thing. But it is also a somewhat surprising thing, for the past thirty years have witnessed a great forgetting of the classic just war tradition among those who had long been assumed to be its primary intellectual custodians: the nation's religious leaders, moral philosophers, and moral theologians. That forgetting has been painfully evident in much of the recent commentary from religious leaders in the matter of U.S. policy toward Iraq, commentary that is often far more dependent on political and strategic intuitions of dubious merit than on solid moral reasoning. The fact of the matter today is that the just war tradition, as a historically informed method of rigorous moral reasoning, is far more alive in our service academies than in our divinity schools and faculties of theology; the just war tradition "lives" more vigorously in the officer corps, in the Uniform Code of Military Justice, and at the higher levels of the Pentagon than it does at the National Council of Churches, in certain offices at the United States Conference of Catholic Bishops, or on the Princeton faculty. (There are different degrees of forgetfulness here, of course, and recent statements by the U.S. Catholic bishops on the question of Iraq were of a higher degree of intellectual seriousness than the effusions of other national religious bodies. But the bishops' statements did, I would argue, continue a pattern of just war forgetfulness whose origins I shall discuss below.)

This "forgetting" in the places where the just war tradition has been nurtured for centuries has led to confusions about the tradition itself. Those confusions have, in turn, led to distorted and, in some cases, irresponsible analyses from the quarters to which Americans usually look for moral guidance. That is why it is imperative that the just war tradition be retrieved and developed in these first perilous years of the twenty-first century. At issue is the public moral hygiene of the Republic—and our national capacity to think with moral rigor about some very threatening realities of today's world.

In one of last year's most celebrated books, *Warrior Politics*, veteran foreign correspondent Robert Kaplan suggested that only a "pagan ethos" can provide us with the kind of leadership capable of safely traversing the global disorder of the twenty-first century. Kaplan's "pagan

ethos” has several interlocking parts. It is shaped by a tragic sense of life, one that recognizes the ubiquity, indeed inevitability, of conflict. It teaches a heroic concept of history: fate is not all, and wise statecraft can lead to better futures. It promotes a realistic appreciation of the boundaries of the possible. It celebrates patriotism as a virtue. And it is shaped by a grim determination to avoid “moralism,” which Kaplan (following Machiavelli, the Chinese sage Sun-Tzu, and Max Weber) identifies with a morality of intentions, oblivious to the peril of unintended or unanticipated consequences. For Kaplan, exemplars of this “pagan ethos” in the past century include Theodore Roosevelt, Winston Churchill, and Franklin Roosevelt.

Reading *Warrior Politics*, and reflecting on the concept of morality that informs it, reminded me of an old story related by Father John Courtney Murray, S.J. During the Korean War, the proudly Protestant Henry Luce, son of China missionaries, found himself confused by the debate over “morality and foreign policy” that Harry Truman’s “police action” had stirred up. What, Luce asked Fr. Murray, did foreign policy have to do with the Sermon on the Mount? “What,” Fr. Murray replied, “makes you think that morality is identical with the Sermon on the Mount?” Kaplan, a contemporary exponent of foreign policy realism, seems to share Henry Luce’s misimpression that in the classic tradition of the West the moral life is reducible to the ethics of personal probity and interpersonal relationships, the implication being that issues of statecraft exist somewhere “outside” the moral universe. The just war tradition takes a very different view.

As indicated above, the classic tradition insists that no aspect of the human condition falls outside the purview of moral reasoning and judgment—including politics. Politics is a human enterprise. Because human beings are creatures of intelligence and free will—because human beings are inescapably *moral* actors—every human activity, including politics, is subject to moral scrutiny. There is no Archimedean point outside the moral universe from which even the wisest “pagan” statesman can leverage world politics.

Indeed, what Kaplan proposes as a “pagan ethos” is a form of moral reasoning that would be enriched by a serious encounter with the classic just war tradition. One need not be a “pagan,” as Kaplan proposes, to understand the enduring impact of original sin on the world and its affairs; Genesis 1–3 and a good dose of Augustine’s *City of God* will do the job just as well, and arguably better. One need not be a “pagan” to be persuaded that moral conviction, human ingenuity, and wise statecraft can bend history’s course in a more humane direction; one need only reflect on the achievement of Pope John Paul II and the church-based human rights resistance in Central and Eastern Europe in helping rid the world of the plague of communism.

A realistic sense of the boundaries of the humanly possible in given situations is not foreign to the classic moral tradition of the West; prudence, after all, is one of the cardinal virtues. Nor is patriotism necessarily “pagan”; indeed, in a country culturally configured like the United States, patriotism is far more likely to be sustained by biblical rather than “pagan” moral warrants. As for “moralism” and its emphasis on good intentions, I hope I shall not be thought unecumenical if I observe that that is a Protestant problem, and that Catholic moral theology in the Thomistic stream is very dubious about voluntaristic theories of the moral life and their reduction of morality to a contest between the divine will and my will. (See “A Better Concept of Freedom,” FT, March 2002.)

Kaplan notwithstanding, we can get to an ethic appropriate for leadership in world politics without declaring ourselves “pagans.” And, as Brian Anderson has argued in a thoughtful review of Kaplan’s book in *National Review*, we can get there while retaining “a crucial place for a transcendent *ought* that limits the evil governments can do.” An ethic for world politics can be built against an ampler moral horizon than Kaplan suggests.

As a tradition of statecraft, the just war argument recognizes that there are circumstances in which the first and most urgent obligation in the face of evil is to stop it. Which means that there are times when waging war is morally necessary to defend the innocent and to promote the minimum conditions of international order. This, I suggest, is one of those times. Grasping that does not require us to be “pagans.” It only requires us to be morally serious and politically responsible. Moral seriousness and political responsibility require us to make the effort to “connect the dots” between means and ends.

Thus the just war tradition is best understood as a sustained and disciplined intellectual attempt to relate the morally legitimate use of proportionate and discriminate military force to morally worthy political ends. In this sense, the just war tradition shares Clausewitz’s view of the relationship between war and politics: unless war is an extension of politics, it is simply wickedness. For Robert Kaplan, Clausewitz may be an archetypal “pagan.” But on this crucial point, at least, Clausewitz was articulating a thoroughly classic just war view of the matter. Good ends do not justify any means. But as Fr. Murray liked to say, in his gently provocative way, “If the end doesn’t justify the means, what does?” In the classic just war tradition of statecraft, what “justifies” the resort to proportionate and discriminate armed force—what makes war make moral sense—is precisely the morally worthy political ends being defended and/or advanced.

That is why the just war tradition is a theory of statecraft, not simply a method of casuistry. And that intellectual fact is the first thing about the just war tradition that must be retrieved today if we seek a public moral culture capable of informing the national and international debate about war, peace, and international order.

The second crucial idea to be retrieved in the contemporary renewal of the just war tradition is the distinction between *bellum* and *duellum*, between warring and “duelling,” so to speak. As intellectual historian and just war theorist James Turner Johnson has demonstrated in a number of seminal works, this distinction is the crux of the matter in moral analysis. *Bellum* is the use of armed force for *public* ends by *public* authorities who have an *obligation* to defend the security of those for whom they have assumed responsibility. *Duellum*, on the other hand, is the use of armed force for *private* ends by *private* individuals. To grasp this essential distinction is to understand that, in the just war tradition, “war” is a moral category. Moreover, in the classic just war tradition, armed force is not inherently suspect morally. Rather, as Johnson insists, the classic tradition views armed force as something that can be used for good or evil, depending on who is using it, why, to what ends, and how.

Thus those scholars, activists, and religious leaders who claim that the just war tradition “begins” with a “presumption against war” or a “presumption against violence” are quite simply mistaken. It does not begin there, and it never did begin there. To suggest otherwise is not merely a matter of misreading intellectual history (although it is surely that). To suggest that the just war tradition

begins with a “presumption against violence” inverts the structure of moral analysis in ways that inevitably lead to dubious moral judgments and distorted perceptions of political reality.

The classic tradition, as I have indicated, begins with the presumption—better, the moral judgment—that rightly constituted public authority is under a strict moral obligation to defend the security of those for whom it has assumed responsibility, even if this puts the magistrate’s own life in jeopardy. That is why Thomas Aquinas locates his discussion of *bellum iustum* within the treatise on charity in the *Summa Theologiae* (II–II, 40.1). That is why the late Paul Ramsey, who revived Protestant just war thinking in America after World War II, described the just war tradition as an explication of the public implications of the Great Commandment of love—of—neighbor (even as he argued that the commandment sets limits to the use of armed force).

If the just war tradition is a theory of statecraft, to reduce it to a casuistry of means—tests that begins with a “presumption against violence” is to begin at the wrong place. The just war tradition begins by defining the moral responsibilities of governments, continues with the definition of morally appropriate political ends, and only then takes up the question of means. By reversing the analysis of means and ends, the “presumption against violence” starting point collapses *bellum* into *duellum* and ends up conflating the ideas of “violence” and “war.” The net result is that warfare is stripped of its distinctive moral texture. Indeed, among many American religious leaders today, the very notion of warfare as having a “moral texture” seems to have been forgotten.

The “presumption against violence” starting point is not only fraught with historical and methodological difficulties. It is also theologically dubious. Its effect in moral analysis is to turn the tradition inside—out, such that war—conduct (*in bello*) questions of proportionality and discrimination take theological precedence over what were traditionally assumed to be the prior war—decision (*ad bellum*) questions: just cause, right intention, competent authority, reasonable chance of success, proportionality of ends, and last resort. This inversion explains why, in much of the religious commentary after the terrorist attacks of September 11, 2001, considerable attention was paid to the necessity of avoiding indiscriminate noncombatant casualties in the war against terrorism, while little attention was paid to the prior question of the moral obligation of government to pursue national security and world order, both of which were directly threatened by the terrorist networks.

This inversion is also theologically problematic because it places the heaviest burden of moral analysis on what are inevitably contingent judgments. There is nothing wrong, per se, with contingent judgments; but they are *contingent*. In the nature of the case, we can have less surety about *in bello* proportion and discrimination than we can about the *ad bellum* questions. As I hope I have shown above, the tradition logically starts with *ad bellum* questions because the just war tradition is a tradition of statecraft: a tradition that attempts to define morally worthy political ends. But there is also a theo—logic—a theological logic—that gives priority to the *ad bellum* questions, for these are the questions on which we can have some measure of moral clarity.

The “presumption against violence” and its distortion of the just war way of thinking can also lead to serious misreadings of world politics. One such misreading, precisely from this

intellectual source, may be found in the 1983 U.S. bishops' pastoral letter, "The Challenge of Peace" (TCOP). TCOP was deeply influenced by the emphasis laid on questions of *in bello* proportionality and discrimination because of the threat of nuclear war. No doubt these were important issues. But when that emphasis drove the moral analysis, as it did in TCOP, the result was a distorted picture of reality and a set of moral judgments that contributed little to wise statecraft. Rather than recognizing that nuclear weapons were one (extremely dangerous) manifestation of a prior conflict with profound moral roots, the bishops' letter seemed to suggest that nuclear weapons could, somehow, be factored out of the conflict between the West and the Soviet Union by arms control. And in order to achieve arms control agreements with a nervous, even paranoid, foe like the Soviet Union, it might be necessary to downplay the moral and ideological dimensions of the Cold War. That, at least, was the policy implication of the claim that the greatest threat to peace (identified as such because *in bello* considerations and the "presumption against violence" trumped everything else) was the mere possession of nuclear weapons.

The opposite, of course, turned out to be true. Nuclear weapons were not the primary threat to peace; communism was. When communism went, so did the threat posed by the weapons. As the human rights resistance in Central and Eastern Europe brought massive regime change inside the Warsaw Pact, creating dynamics that eventually led to the demise of the USSR itself, the risks of nuclear war were greatly diminished and real disarmament (not "arms control") began. The "presumption against violence" starting point, as manifest in TCOP, produced a serious misreading of the political realities and possibilities.

The claim that a "presumption against violence" is at the root of the just war tradition cannot be sustained historically, methodologically, or theologically. If the just war tradition is a tradition of statecraft, and if the crucial distinction that undergirds it is the distinction between *bellum* and *duellum*, then the just war tradition cannot be reduced, as too many religious leaders reduce it today, to a series of means tests that begins with a "presumption against violence." To begin here—to imagine that the role of moral reason is to set a series of hurdles (primarily having to do with *in bello* questions of proportionality and discrimination) that statesmen must overcome before the resort to armed force is given moral sanction—is to begin at the wrong place. And beginning at the wrong place almost always means arriving at the wrong destination.

Fifteen years ago, before I had learned something about literary marketing, I published a book entitled *Tranquillitas Ordinis: The Present Failure and Future Promise of American Catholic Thought on War and Peace*. There I argued that, as a theory of statecraft, the just war tradition contained within itself a *ius ad pacem*, in addition to the classic *ius ad bellum* (the moral rules governing the decision to go to war) and *ius in bello* (the rules governing the use of armed force in combat). By coining the phrase *ius ad pacem*, I was trying to prise out of the just war way of thinking a concept of the peace that could and should be sought through the instruments of politics—including, if necessary, the use of armed force. Like the just war tradition itself, this concept of peace finds its roots in Augustine: in *The City of God*, peace is *tranquillitas ordinis*, the "tranquillity of order," or as I preferred to render it in more contemporary terms, the peace of "dynamic and rightly ordered political community."

In Augustine's discussion of peace as a *public* or political issue, "peace" is not a matter of the individual's right relationship with God, nor is it a matter of seeking a world without conflict. The former is a question of interior conversion (which by definition has nothing to do with politics), and the latter is impossible in a world forever marked, even after its redemption, by the *mysterium iniquitatis*. In the appropriate *political* sense of the term, peace is, rather, *tranquillitas ordinis*: the order created by just political community and mediated through law.

This is, admittedly, a humbler sort of peace. It coexists with broken hearts and wounded souls. It is to be built in a world in which swords have not been beaten into plowshares, but remain swords: sheathed, but ready to be unsheathed in the defense of innocents. Its advantage, as Augustine understood, is that it is the form of peace that can be built through the instruments of politics.

This peace of *tranquillitas ordinis*, this peace of order, is composed of justice and freedom. The peace of order is not the eerily quiet and sullen "peace" of a well-run authoritarian regime; it is a peace built on foundations of constitutional, commutative, and social justice. It is a peace in which freedom, especially religious freedom, flourishes. The defense of basic human rights is thus an integral component of "work for peace."

This is the peace that has been achieved in and among the developed democracies. It is the peace that has been built in recent decades between such traditional antagonists as France and Germany. It is the peace that we defend within the richly diverse political community of the United States, and between ourselves and our neighbors and allies. It is the peace that we are now defending in the war against global terrorism and against aggressor states seeking weapons of mass destruction.

International terrorism of the sort we have seen since the late 1960s, and of which we had a direct national experience on September 11, 2001, is a deliberate assault, through the murder of innocents, on the very possibility of order in world affairs. That is why the terror networks must be dismantled or destroyed. The peace of order is also under grave threat when vicious, aggressive regimes acquire weapons of mass destruction—weapons that we must assume, on the basis of their treatment of their own citizens, these regimes will not hesitate to use against others. That is why there is a moral *obligation* to ensure that this lethal combination of irrational and aggressive regimes, weapons of mass destruction, and credible delivery systems does not go unchallenged. That is why there is a moral *obligation* to rid the world of this threat to the peace and security of all. Peace, rightly understood, demands it.

This concept of peace—as—order can also enrich our understanding of that much-bruited term, the "national interest." The irreducible core of the "national interest" is composed of those basic security concerns to which any responsible democratic statesman must attend. But those security concerns are related to a larger sense of national purpose and international responsibility: we defend America because America is worth defending, on its own terms and because of what it means for the world. Thus the security concerns that make up the core of the "national interest" should be understood as the necessary inner dynamic of the exercise of America's international responsibilities. And those responsibilities include the obligation to contribute, as best we can, to the long, hard, never-to-be-finally-accomplished "domestication" of international public life: to

the quest for ordered liberty in an evolving structure of international public life capable of advancing the classic goals of politics—justice, freedom, order, the general welfare, and peace. Empirically and morally, the United States cannot adequately defend its “national interest” without concurrently seeking to advance those goals in the world. Empirically and morally, those goals will not be advanced if they are pursued in ways that gravely threaten the basic security of the United States.

In eradicating global terrorism and denying aggressive regimes weapons of mass destruction, the United States and those who walk this road with us are addressing the most threatening problems of global *dis*-order that must be resolved if the peace of order, the peace of *tranquillitas ordinis*, is to be secured in as wide a part of the world as possible in the twenty-first century. Here, national interest and international responsibility coincide.

Moral clarity in a time of war requires us to retrieve the idea of the just war tradition as a tradition of statecraft, the classic structure of just war analysis, and the concept of peace as *tranquillitas ordinis*. Moral clarity in *this* time of war also requires us to develop and extend the just war tradition to meet the political exigencies of a new century, and to address the international security issues posed by new weapons technologies. Permit me to sketch briefly three areas in which the *ad bellum* (“war–decision”) criteria of the just war tradition require development, even as I suggest what the policy implications of these developments might be in today’s circumstances.

*Just Cause.* In the classic just war tradition, “just cause” was understood as defense against aggression, the recovery of something wrongfully taken, or the punishment of evil. As the tradition has developed since World War II, the latter two notions have been largely displaced, and “defense against aggression” has become the primary, even sole, meaning of “just cause.” This theological evolution has parallels in international law: the “defense against aggression” concept of just cause shapes Articles 2 and 51 of the Charter of the United Nations. In light of twenty-first-century international security realities, it is imperative to reopen this discussion and to develop the concept of just cause.

As recently as the Korean War (and, some would argue, the Vietnam War), “defense against aggression” could reasonably be taken to mean a defensive military response to a cross-border military aggression already underway. New weapons capabilities and outlaw or “rogue” states require a development of the concept of “defense against aggression.” To take an obvious current example: it makes little moral sense to suggest that the United States must wait until a North Korea or Iraq or Iran actually launches a ballistic missile tipped with a nuclear, biological, or chemical weapon of mass destruction before we can legitimately do something about it. Can we not say that, in the hands of certain kinds of states, the mere possession of weapons of mass destruction constitutes an aggression—or, at the very least, an aggression waiting to happen?

This “regime factor” is crucial in the moral analysis, for weapons of mass destruction are clearly not aggressions waiting to happen when they are possessed by stable, law-abiding states. No Frenchman goes to bed nervous about Great Britain’s nuclear weapons, and no sane Mexican or Canadian worries about a preemptive nuclear attack from the United States. Every sane Israeli, Turk, or Bahraini, on the other hand, is deeply concerned about the possibility of an Iraq or Iran



with nuclear weapons and medium-range ballistic missiles. If the “regime factor” is crucial in the moral analysis, then preemptive military action to deny the rogue state that kind of destructive capacity would not, in my judgment, contravene the “defense against aggression” concept of just cause. Indeed, it would do precisely the opposite, by giving the concept of “defense against aggression” real traction in the world we must live in, and transform.

Some will argue that this violates the principle of sovereignty and risks a global descent into chaos. To that, I would reply that the post-Westphalian notions of state equality and sovereign immunity assume at least a minimum of acquiescence to minimal international norms of order. Today’s rogue states cannot, on the basis of their behavior, be granted that assumption. Therefore, they have forfeited that immunity. The “regime factor” is determinative, in these extreme instances.

To deny rogue states the capacity to create lethal disorder, precisely because their possession of weapons of mass destruction threatens the minimum conditions of order in international public life, strengthens the cause of world order; it does not undermine it. Surely the lessons of the 1930s are pertinent here.

On the matter of just cause, the tradition also needs development in terms of its concept of the relevant actors in world politics. Since September 11, some analysts have objected to describing our response to the international terrorist networks as “war” because, they argue, al-Qaeda and similar networks are not states, and only states can, or should, wage “war,” properly understood. There is an important point at stake here, but the critics misapply it.

Limiting the legitimate use of armed force to those international actors who are recognized in international law and custom as exercising “sovereignty” has been one of the principle accomplishments of just war thinking as it has shaped world political culture and law; over a period of centuries, the classic distinction between *bellum* and *duellum* has been established in international law. At the same time, however, it does not fudge or blur this crucial distinction to recognize that al-Qaeda and similar networks function like states, even if they lack certain of the attributes and trappings of sovereignty traditionally understood. Indeed, terrorist organizations provide a less ambiguous example of a legitimate military target, because, unlike conventional states (which are always admixtures of good and evil, against whom military action sometimes threatens the good as well as the evil), the “parasite states” that are international terrorist organizations are unmitigated evils whose only purpose is wickedness—the slaughter of innocents for ignoble political ends. Thus the exigencies of the current situation require us to think outside the Westphalian box, so to speak, but to do so in such a way as to avoid dismantling de facto the distinction between *bellum* and *duellum*.

*Competent Authority.* Two questions involving the *ad bellum* criterion of “competent authority” have been raised since September 11: the question of the relationship between a government’s domestic and foreign policy and its legitimacy as a belligerent, and the question of whether “competent authority” now resides in the United Nations only.

One of the more distasteful forms of post-September 11 commentary can be found in suggestions that there were “root causes” to terrorism—root causes that not only explained the

resort to mass violence against innocents, but made the use of such violence humanly plausible, if not morally justifiable. The corollary to this was the suggestion that the United States had somehow brought the attacks on itself, by reasons of its dominant economic and cultural position in the world, its Middle East policy, or some combination thereof. The moral-political implication was that such a misguided government lacked the moral authority to respond to terrorism through the use of armed force.

The root causes school blithely ignores the extant literature on the phenomenon of contemporary terrorism, which is emphatically not a case of the wretched of the earth rising up to throw off their chains. But it is the moral-political implication the root causes school draws that I want to address. Here, Lutheran scholar David Yeago has been a wise guide. Writing in the ecumenical journal *Pro Ecclesia*, Yeago clarified an essential point:

The authority of the government to protect the law-abiding and impose penalties on evildoers is not a reward for the government's virtue or good conduct. . . . The protection of citizens and the execution of penalty on peace-breakers is the commission which constitutes government, not a contingent right which it must somehow earn. In the mystery of God's providence, many or indeed most of the institutional bearers of governmental authority are unworthy of it, often flagrantly so, themselves stained with crime. But this does not make it any less the vocation of government to protect the innocent and punish evildoers. A government which refused to safeguard citizens and exercise judgment on wrong out of a sense of the guilt of past crime would only add the further crime of dereliction of duty to its catalog of offenses.

The question of alliances and international organizations must also be addressed in the development of just war thinking about competent authority. Must any legitimate military action be sanctioned by the UN Security Council? Or, if not that, then is the United States obliged, not simply as a matter of political prudence but as a matter of moral principle, to gain the agreement of allies (or, more broadly, "coalition partners") to any use of armed force in response to terrorism, or any military action against aggressive regimes with weapons of mass destruction?

That the UN Charter itself recognizes an inalienable national right to self-defense suggests that the Charter does not claim sole authority to legitimate the use of armed force for the Security Council; if you are under attack, according to the Charter, you don't have to wait for the permission of China, France, Russia, or others of the veto-wielding powers to defend yourself. Moreover, the manifest inability of the UN to handle large-scale international security questions suggests that assigning a moral veto over U.S. military action on these fronts to the Security Council would be a mistake. Then there is the question of what we might call "the neighborhood" on the Security Council: What kind of moral logic is it to claim that the U.S. government must assuage the interests of the French foreign ministry and the strategic aims of the repressive Chinese government—both of which are in full play in the Security Council—in order to gain international moral authority for the war against terrorism and the defense of world order against outlaw states with weapons of mass destruction? A very peculiar moral logic, indeed, I should think.

Building coalitions of support for dismantling the international terror networks and denying rogue states lethal weapons capacities is politically desirable (and in some instances militarily

essential). But I very much doubt that it is morally imperative from a classic just war point of view. The United States has a unique responsibility for leadership in the war against terrorism and the struggle for world order; that is not a statement of hubris but of empirical fact. That responsibility may have to be exercised unilaterally on occasion. Defining the boundaries of unilateral action while defending its legitimacy under certain circumstances is one crucial task for a developing just war tradition.

*Last Resort.* Among those who have forgotten the just war tradition while retaining its language, the classic *ad bellum* criterion of last resort is usually understood in simplistically mathematical terms: the use of proportionate and discriminate armed force is the last point in a series of options, and prior, nonmilitary options (legal, diplomatic, economic, etc.) must be serially exhausted before the criterion of last resort is satisfied. This is both an excessively mechanistic understanding of last resort and a prescription for danger.

The case of international terrorism again compels a development of this *ad bellum* criterion. For what does it mean to say that all nonmilitary options have been tried and found wanting when we are confronted with a new and lethal type of international actor, one that recognizes no other form of power except the use of violence and that is largely immune (unlike a conventional state) to international legal, diplomatic, or economic pressures? The charge that U.S. military action after September 11 was morally dubious because all other possible means of redress had not been tried and found wanting misreads the nature of terrorist organizations and networks. The “last” in last resort can mean “only,” in circumstances where there is plausible reason to believe that nonmilitary actions are unavailable or unavailing.

As for rogue states developing or deploying weapons of mass destruction, a developed just war tradition would recognize that here, too, last resort cannot be understood mathematically, as the terminal point of a lengthy series of nonmilitary alternatives. Can we not say that last resort has been satisfied in those cases when a rogue state has made plain, by its conduct, that it holds international law in contempt and that no diplomatic solution to the threat it poses is likely, and when it can be demonstrated that the threat the rogue state poses is intensifying? I think we can. Indeed, I think we must.

Some states, because of the regime’s aggressive intent and the lack of effective internal political controls on giving lethal effect to that intent, cannot be permitted to acquire weapons of mass destruction. Denying them those weapons through proportionate and discriminate armed force—even displacing those regimes—can be an exercise in the defense of the peace of order, within the boundaries of a developed just war tradition. Until such point as the international political community has evolved to the degree that international organizations can effectively disarm such regimes, the responsibility for the defense of order in these extreme circumstances will lie elsewhere.

Finally, moral clarity in this time of war requires a developed understanding of the “location” of the just war tradition in our public discourse and in responsible governance.

If the just war tradition is indeed a tradition of statecraft, then the proper role of religious leaders and public intellectuals is to do everything possible to clarify the moral issues at stake in a time

of war, while recognizing that what we might call the “charism of responsibility” lies elsewhere—with duly constituted public authorities, who are more fully informed about the relevant facts and who must bear the weight of responsible decision-making and governance. It is simply clericalism to suggest that religious leaders and public intellectuals “own” the just war tradition in a singular way.

As I have argued above, many of today’s religious leaders and public intellectuals have suffered severe amnesia about core components of the tradition, and can hardly be said to own it in any serious intellectual sense of ownership. But even if today’s religious leaders and public intellectuals were fully in possession of the tradition, the burden of decision-making would still lie elsewhere. Religious leaders and public intellectuals are called to nurture and develop the moral-philosophical riches of the just war tradition. The tradition itself, however, exists to serve statesmen.

There is a charism of political discernment that is unique to the vocation of public service. That charism is not shared by bishops, stated clerks, rabbis, imams, or ecumenical and interreligious agencies. Moral clarity in a time of war demands moral seriousness from public officials. It also demands a measure of political modesty from religious leaders and public intellectuals, in the give-and-take of democratic deliberation.

Some have suggested, in recent months, that the just war tradition is obsolete. To which I would reply: to suggest that the just war tradition is obsolete is to suggest that politics—the organization of human life into purposeful political communities—is obsolete. To reduce the just war tradition to an algebraic casuistry is to deny the tradition its capacity to shed light on the irreducible moral component of all political action. What we must do, in this generation, is to retrieve and develop the just war tradition to take account of the new political and technological realities of the twenty-first century. September 11, what has followed, and what lies ahead, have demonstrated just how urgent that task is.

---

[Copyright \(c\) 2002 First Things 129 \(January 2003\): 20-27.](#)

---

[copyright](#) © 1995-2003 [Leadership U](#). All rights reserved.  
This site is part of the [Telling the Truth Project](#).

Updated: **28 March 2003**

[http://www.leaderu.com/humanities/moral\\_clarity.html](http://www.leaderu.com/humanities/moral_clarity.html)