

# JUST WAR, JUST WARRIORS, AND THE CHURCH

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*King Henry: Me thinks I could not die anywhere so contented as in the King's company, his cause being just and his quarrel honorable.*

*Williams: That's more than we know.*

*Bates: Ay, or more than we should seek after for we know enough, if we are the King's subjects, if his cause be wrong, our obedience to the King wipes the crime of it out of us.*

William Shakespeare, King Henry the Fifth,  
Act IV, Scene 1

*We must obey God rather than humans. Acts 5:29*

**N**o state acknowledges that a war in which it is engaged is unjust. "By participating in a particular war, the state takes the position that the war is justified and moral," wrote former Supreme Court Justice Abe Fortas.<sup>1</sup> Not all people are likely to agree. Those who can most dependably be counted on *not* to agree are the pacifists who reject all war as immoral and unjust. Christian pacifists view participation in war as contrary to the teachings of Jesus, the calling of the Christian and the nature of the church. Pacifism, at least since the fifth century, has been "the minority report" regarding Christian thinking on matters of war and

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<sup>1</sup> *Concerning Dissent and Civil Disobedience* (New York: Signet Books 1968), 104.

peace. In the United States, pacifists or conscientious objectors, have usually been exempted from the military draft. Even now, when a military draft is no longer in effect, soldiers who become pacifists after their entry into the military are often allowed to be discharged from service.

Others who object to war but do so less sweepingly have not enjoyed the legal provisions extended to pacifists. Selective conscientious objection, as it is often called, has not been recognized by draft laws in times past nor is it recognized as a legitimate reason for a soldier to be discharged from the military. If participation in any war is viewed as morally permissible by an individual, then participation in every war is expected of that individual, if so required by the state. Regardless of what an individual personally thinks about the justice or injustice of a particular war, his or her view in relation to that war legally must be subordinated to the aims of the state.

This is - or should be - problematic for many Christians. The "just war tradition" (hereafter JWT) is the "majority" report in regards to Christian thought on war and peace. This tradition seeks to limit the use of force and violence and offers means by which to distinguish just wars from unjust wars or, as some prefer, justifiable wars from the unjustifiable wars. By its very nature, this tradition, while sanctioning some wars, regards war under certain conditions as ethically impermissible. In view of this, the just war tradition as it is normally understood, especially among Protestants, entails the selective conscientious objection to war. War may be just but is not inevitably so; Christians may engage in warfare but not in every war, according to "just war" thinking.

However, in practice "the majority of members of 'just war' communities know next to nothing of the content of the teaching" and too often readily step in line with the state as it moves in a warward direction.<sup>2</sup> Some ministers may dig out an old ethics text to refresh their minds about the basic points of the tradition to be

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<sup>2</sup> Charles P. Lutz, "Objection to Participation in Combat: Legality and Morality" in *Peace Politics and the People of God*, ed. Paul Peachy (Philadelphia: Fortress, 1986), 151.

mentioned in a sermon. But often this is done just to assure the congregation that, despite what some memorable statements from Jesus in the gospels might at first seem to suggest, there is an old, widely accepted church teaching with very good credentials that sanctions Christians going to war. Sadly, even from the perspective of a pacifist like me, serious attention is rarely given by ministers and church leaders to the criteria and teachings of the JWT as a critical tool and discipline. The tradition is most often given no more than lip service and is reduced to a “sound bite” for those eager to offer religious support to the nation at war. Thoughtfulness about the application and implications of the JWT is in short supply in the church.

### **A Case in Point**

Evidence of this claim abounds. One example of it was provided by the debate and events related to a resolution against the war in Iraq at the 2007 General Assembly of the Christian Church (Disciples of Christ) that was held in Fort Worth Texas. The war had already been renounced by Christian leaders and denominations throughout the world as immoral and unjustifiable. Rarely has a war been met with such a global consensus of opposition by churches. Only a few evangelical bodies within the United States went on record supporting the war as a just and necessary action. The American Roman Catholic bishops and Orthodox leaders, as well as most American mainline denominations, had already criticized the war as unjust. The Disciples’ resolution was certainly not a vanguard statement but would simply add another voice to the already abundant Christian testimony against the war in Iraq. As it was originally presented to the Assembly, the statement resolved to “condemn the war in Iraq as contrary to the teachings and example of Jesus as immoral and unjust by ‘just war’ standards”<sup>3</sup> The wording of the resolution as it was passed by the Assembly was considerably softened to read “that the General Assembly of the Christian Church

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<sup>3</sup> *Business Docket and Program 2007 General Assembly Fort Worth, Texas*, business item 0728, Sense of the Assembly “the church’s response to the war in Iraq” p. 282.

(Disciples of Christ)... after due reflection and a respectful discussion, go on record as conscientiously opposing the war in Iraq as an action inconsistent with the teachings and example of Jesus Christ, and a violation of the traditional standards of just war."<sup>4</sup> In both versions, the resolution expressly named two points of the just war standard of which the war in Iraq failed: (1) a preventive war is not a just cause and (2) the war was not a last resort. Not mentioned in the Resolution is the claim made by some thinkers that the United States government does not in the case of the war in Iraq constitute the rightful authority the JWT demands, that role being reserved for the United Nations.

Among those who spoke from the floor against the resolution, several appealed in a vague fashion to the JWT in support of the war, but did so without explaining specifically how the JWT served to justify the war and without answering the points made in the resolution. However, what seemed to be the lightning rod for opposition was the fifth "be it resolved" which in the original resolution read, "be it further resolved that the Christian Church (Disciples of Christ) offer its full moral support as well as legal support to the extent that it is possible to individuals who refuse to bear arms in or be deployed to Iraq in recognition of their moral courage and convictions..."<sup>5</sup> After some discussion from the floor, the resolution was sent to "reference and counsel" by vote of the Assembly, where it was revised, the final language reading, "be it further resolved that the Christian Church (Disciples of Christ), affirms the God-given right of conscience and offers moral support to men and women, who volunteered for military service but who on grounds of Christian conviction, refuse deployment to Iraq, realizing that this action may subject them to military discipline."<sup>6</sup>

In the former statement there was a clearer affirmation of soldiers who refused to support the war and an implied

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<sup>4</sup> [www.disciples.org/ga/resolutions/0728](http://www.disciples.org/ga/resolutions/0728)

<sup>5</sup> *Business Docket and Program 2007 General Assembly Fort Worth Texas*, business item 0728, Sense of the Assembly "the church's response to the war in Iraq" p. 282, 283.

<sup>6</sup> [www.disciples.org/ga/resolutinos/0728](http://www.disciples.org/ga/resolutinos/0728)

encouragement for them to do so in view of the conviction reflected in the resolution that this war is unjust. The revised final version, while not ignoring the place of convictions, shifts the emphasis and concedes support to soldiers who resist the war on the basis of general "right of conscience." Further, rather than commending their behavior and implying encouragement for such action, the revised version of the resolution focuses on the fact that soldiers volunteered for military duty and those who do not cooperate with the war effort will face military punishment. Caution rather than commendation for "moral courage" moves to the forefront in the final version.

Despite the revisions that this portion of the resolution underwent, support for dissenting soldiers continued to be at the center of the objections, even for some who said they wanted to vote for the resolution against the war. Among the objections was one noting that disobedience to orders would lead to "very stringent punishment for a young person who may not be mature enough or emotional enough to understand the consequences of their actions." This speaker expressed no similar concern that a young soldier might not be mature enough to understand the consequence of killing. Others observed that soldiers are part of an all-volunteer army, implying that they have less of a right or responsibility to resist than would draftees, regardless of whether they conclude the war is unjust. There was also a complaint that the resolution offered prayers for soldiers in Iraq but did not offer "moral support" to them, as it did to soldiers who refused to participate in the war the resolution had identified as unjust. Similar was the protest from a minister of a leading congregation who asserted that the resolution implies that a soldier who refuses to fight in this particular war is morally superior to the soldier who does not resist being deployed to Iraq, a message he did not want sent to members who do serve in the military.

Comments such as these – coming from ministers and others who would presumably claim to adhere to the JWT – indicate little serious understanding of the tradition. The JWT entails selective conscientious objection. Church leaders, denominations and deliberative bodies that have concluded a given war fails to meet the "just war" criteria have a responsibility to call upon Christian soldiers to consider the evidence and act accordingly. If a war is unjust, any

soldier who seeks to be a just warrior and recognizes the injustice of the war has a responsibility to refuse to fight in it. The church and its leaders are not only obliged to offer such wholehearted moral support, but ought to actively foster the courage and strength on the part of the Christian soldiers, not just to refuse what the military might not recognize as an "unlawful" order, but to resist what the church recognizes as an unjust war and do so despite the consequences.

### **Just War Voices**

What kind of character does the church seek to develop in its members? What sort of virtues are fostered and affirmed by those who are leaders of the church? In regard to the practice of war and relations to the state, the pacifist and the adherent to the JWT will certainly not have the same answers, though there will be overlap. But in neither case will unquestioning compliance to lawful authorities legitimately be encouraged. Unqualified loyalty and obedience to governing authorities is not a virtue for those who confess "Jesus is Lord". While obedience to and cooperation with the state has traditionally been urged as normative behavior, limits have also been recognized. Consequentially, whether working from within the framework of pacifist or just war thought, developing a people with the capacity to say "No!" to the state is necessary for a faithful church. This capacity to say "No!" is not derived from a right to personal freedom of conscience. A conscience is only as good as the convictions that form and inform it. Rather, resistance arises from an obligation to something superior to the state, loyalty and convictions grounded in a higher authority - namely, that of God.

Some advocates of the JWT see it primarily as a tool for governing authorities and generals. This is especially true of certain Catholic interpretations of the tradition. The standards of just war serve as a means of "speaking truth to power", calling for restraint and the limitation of violence, even as it serves to sanction war in some circumstances. For the practice of ordinary Christian, the criterion that tended to be of greatest significance was that which requires a war be declared by a "rightful authority". At times this criteria has been used to "cover a multitude of sins" for the Christians

who have fought and killed in an unjust war. Augustine taught that the Christian soldier in an unjust war "may do the duty belonging to his position in the state in fighting by the order of his sovereign. For in some cases it is plainly the will of God that he should fight, and in others, where this is not so plain, it may be an unrighteous command on the part of the king, while the soldier is innocent because his position makes obedience a duty."<sup>7</sup> Whether Augustine believed the soldier was innocent, not just when he was ignorant of the unjustness of the war or unrighteousness of the command but even when he knowingly fought in an unjust war, is debatable. Certainly later key just war thinkers did not excuse participating in a known injustice regardless of whether it was commanded by a "right authority".

With Thomas Aquinas, it was made clear that the Christian soldier has a responsibility to refuse to fight for a cause he has determined is unjust. Obedience to his prince was to be contingent upon the action being such that it serves the greater good and a better peace. If a Christian soldier is convinced his prince is leading him into a war that is unjust, Aquinas taught that he is not bound to follow. Instead he was to try to persuade his prince to abandon his planned course of action or conscientiously refuse to obey, enduring whatever punishment might be imposed upon him.<sup>8</sup>

That soldiers have a responsibility to refuse to fight in unjust wars was readily acknowledged by later classical representatives of just war thinking. In the 16<sup>th</sup> century, Francisco De Vitoria wrote, "If the injustice of a war is clear to a subject, he ought not to serve in it, even on the command of his prince. This is clear for no one can authorize the killing of an innocent person. But in the case before us, the enemy is innocent, therefore they may not be killed."<sup>9</sup> The killing

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<sup>7</sup> *The Political Writings of Augustine*, ed. by Henry Paolucci (Chicago: Henry Rignery Co., 1960), 165.

<sup>8</sup> *Summa Theologia II - II Q 40 art. 1 II - II Q 42 art. 2*, also see Paul Ramsey, *War and the Christian Conscience*, Durham, NC: Duke University Press, 1967), 115.

<sup>9</sup> "On the Laws of War," in Francisco de Vitoria, *Political Writings*, ed. Anthony Pagden and Jeremy Lawrance (Cambridge: Cambridge University Press, 1991), 307.

of the innocent is murder, something that must always be condemned. The command of a prince does not turn murder into something else if the war is unjust. The awareness of the injustice requires the refusal of the soldier to kill.

Near this same time, the great church reformer Martin Luther also addressed the matter of soldiers being asked to fight in unjust wars. He rhetorically asks, "Suppose my lord is wrong in going to war?" He replies, "If you know for sure that he is wrong, then you should fear God rather than men, and you should neither fight nor serve, for you cannot have a good conscience before God. Oh no, you say, my lord would force me to do it, he would take away my fief and would not give me my money, pay and wages. Besides I would be disciplined and put to shame as a coward, even worse, as a man who did not keep his word and deserted his lord in need. I answer: You must take the risk and with God's help let whatever happens happen."<sup>10</sup>

Luther taught that if Christian soldiers cannot by any means know whether a war or an action is unjust, "they may obey without peril to their souls."<sup>11</sup> But while ignorant soldiers were not guilty of sin, unnecessary ignorance could not be used as an excuse. Leaders who sought to keep their subjects ignorant and called upon them to blindly obey something unjust should be resisted according to Luther. Framing his words as a response to a prince, he wrote "If you command me to believe and to put away books, I will not obey, for in this instance you are a tyrant and overreach yourself, and command where you have neither right nor power." He went on to say to his readers, "For I tell you if you do not resist him but give him his way and let him take your faith or your books, you have really denied God."<sup>12</sup>

Francisco Suarez was equally clear about the moral obligation upon the soldier. He declared that "just as one is not allowed to

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<sup>10</sup> "Whether Soldiers, Too, Can be Saved" in *Luther's Works*, vol.46 (Philadelphia: Fortress Press, 1967), 130.

<sup>11</sup> "Secular Authority: To What Extent It Must Be Obeyed" in *Luther's Works*, vol. 45 (Philadelphia: Fortress, 1962), 270.

<sup>12</sup> *Ibid.*, 257-258.



proceed to an unjust war, neither is he allowed to undertake the obligation of serving in such a war, nor even in any war indiscriminately, whether just or unjust; and the reason for these discriminations is that to fight in an unjust war is to act unjustly.”<sup>13</sup> Suarez insisted that though nobles and generals are more responsible than others to determine whether a war would be just or unjust, even those of the most humble station must not obey without question, but are obligated to seek information in order to discriminate just from unjust wars.

The Dutch jurist D. Hugo Grotius, like Suarez, maintained that even those of “servile condition ought to be guided by the same rules which are already set down for those who being free, have power to make war either for themselves or others.” They are to use the rules of just war to discern whether a war in which they are commanded to fight, is or is not just. If the “cause is unjust, they ought altogether to forbear; for that God is rather to be obeyed than man, was not only the judgment of the apostles but even of Socrates also, as Plato testifies in his apology.”<sup>14</sup>

Leading contemporary just war theorist, James T. Johnson, acknowledges that classical advocates and formulators of just war thinking “offer a clear justification for individual conscientious objection to particular wars....It is emphatically the subject’s responsibility to dispel any doubt [about the justice of a war]....and if doing so results in certainty on his [or her] part that the war is unjust, he [or she] must in conscience refuse [to fight]....”<sup>15</sup> Any suggestion that Christian soldiers can or should simply trust their superiors without exercising their own discernment based on just war standards, ignores the ethical importance of the tradition as it has

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<sup>13</sup> *On Charity* VI/ 8-11, quoted in John Howard Yoder, ““Selective Objection”: The Moral Responsibility to Refuse to Serve in an Unjust War: The Movement of 1968-1975 and Its Prehistory” (unpublished, 1993).

<sup>14</sup> *The Rights of War and Peace* (London: W. Innys, R. Manby, J. and P. Knapto, et. al., 1738), 507.

<sup>15</sup> *Ideology Reason and the Limitation of War* (Princeton NJ, Princeton University Press, 1975), 182f.

bearing on the church. A reluctance on the part of church leaders to encourage Christian military officers and enlisted men and women to employ informed discrimination in the face of a war they are commanded to fight and then to offer wholehearted support to those who refuse to participate, indicates a lack of seriousness – indeed lack of honesty – about claims to adhere to the JWT.

In view of the possibility of unlimited war in the nuclear age, Paul Ramsey, one of the premiere just war advocates of the second half of the twentieth century, urged that “this discipline be addressed and inculcated so far as the church find possible in the people generally.” But the issue of limiting force is not restricted to the possibility of nuclear war, as he well recognized. Even in a nuclear age, attention must be given to employing the JWT to restrain the violence of conventional war. Ramsey went beyond urging the church to teach the JWT, to insist that the church act to support members, pacifists and selective conscientious objectors, citizens and soldiers. He wrote that “it does not seem possible *responsibly* [emphasis his] to call for a general discipline to limit the use of force unless the church at the same time makes the decision to support its members who refuse to fight because they believe a particular war to be unjust with the same vigor with which it has in recent years supported the pacifist witness within its ranks and within the nation.”<sup>16</sup> The failure on the part of the church to encourage and support soldiers who refuse to fight in a particular war that fails to meet the standards of the JWT suggests that the church has abdicated its role in restraining unnecessary force, opting instead to offer undue support to the state.

### **Obedience and Disobedience**

The discrimination required by the JWT stands in contrast to the sort of compliance expected in the military. In a military context the very definition of “honor” is found to reside in obedience. For the soldier obedience is the highest value. Immediate, nonresistant compliance to command is essential for the military to most

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<sup>16</sup> *War and the Christian Conscience* (Durham, NC: Duke University Press, 1967), 128.

effectively function. As Samuel Huntington wrote in a well-known text, "The military profession exists to serve the state... Since political direction comes from the top, this means that the profession has to be organized into a hierarchy of obedience... When the military man receives a legal order from an authorized superior, he does not argue; he does not hesitate; he does not substitute his own views; he obeys instantly."<sup>17</sup> The soldier does not evaluate a command or judge its relative worth or is asked whether he or she agrees with it. The only appropriate response is obedience.

Discriminate obedience is not sanctioned or supported in the military except in the rare instances in which a soldier is given what is very clearly an illegal order. Even when a soldier resists what he or she believes to be an illegal order there is a very real possibility that his or her judgment will be challenged in a military court and punishment will follow.<sup>18</sup> The soldier is expected to render indiscriminate obedience. It is the unhesitant readiness to obey that has long been celebrated as the essence of the character of a good soldier. Oliver Wendell Holmes, Jr. declared that "the faith is true and adorable which leads a soldier to throw away his life in obedience to a blindly accepted duty, in a cause which he little understands, in a campaign of which he has no notion, under tactics of which he does not see the use."<sup>19</sup>

An explicit pledge to unqualified obedience is required of military officers. In order to be commissioned the prospective officer must take the Oath of Commissioning in which he or she promises "without any mental reservation" to "support and defend the United States Constitution" and to obey the directives given by the civilian authorities authorized by the Constitution. Included in the directives

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<sup>17</sup> Samuel Huntington, *The Soldier and the State: The Theory and Politics of Civil - Military Relations* (Cambridge, Mass.: Belknap Press, 1957), 73.

<sup>18</sup> For instance, see Lawrence P. Rockwood, *Walking Away from Nuremberg: Just War and the Doctrine of Command Responsibility* (Amherst, MA: University of Massachusetts Press, 2007).

<sup>19</sup> cited in James H. Toner, *The Sword and the Cross: Reflections on Command and Conscience* (New York: Praeger, 1992), 96.

officers promise to comply with are all legal orders to fight in wars declared by the authorized civilian authorities.<sup>20</sup> In view of the content of this Oath, "to refuse a combat assignment is to commit the most serious offense against one's military honor and to break with one's peers."<sup>21</sup> Obedience and loyalty are the highest military virtues and any inventive attempts to construe an act of disobedience as an expression of loyalty will likely be met with disdain and hostility by others in the military.

Derisive voices rise within the armed services when the conscience of one of their own will not allow him or her to readily obey every order. In 1989 when Air Force Lieutenant John Vander Molen stated that he could not push a button that would launch nuclear missiles, he was removed from service for "substandard performance of duty." One writer grouped him among what he called "morality mongers" who see ethical issues in every nook and cranny.<sup>22</sup> The lauded virtue of obedience can so supersede every value that other ethical considerations can end up being trivialized, as the above writer has done.

More recently First Lieutenant Ehren Watada refused orders to fight in Iraq, contending that the war is illegal. "My participation would make me party to war crimes," he argued. After Watada studied the United Nations Charter, the Nuremberg Principles and the Uniform Code of Military Justice, as well as examining all the information on the war in Iraq he reasonably could, he concluded that the war is unjust and illegal. Watada did not seek to be discharged from the military as a conscientious objector. In fact, he

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<sup>20</sup> see the discussion of this Oath in Christopher S. Eberle, "God, War, and Conscience," *Journal of Religious Ethics* 35/3 483ff.

<sup>21</sup> Malham Wakin, *Integrity First: Reflections of a Military Philosopher* (Lanhan, MD: Lexington Books, 2002), 79.

<sup>22</sup> Lloyd J. Matthews, "Resignation in Protest," *Army*, January 1990, 18.

offered to fight in Afghanistan but his request was denied. His disobedience resulted in a court-martial trial.<sup>23</sup>

Does the soldier's duty to obey orders – or for that matter, the citizen's obligation to obey the laws of the state – override all other responsibilities? Aristotle apparently thought so: "Every state is a community of some kind, and every community is established with a view to some good... But, if all communities aim at some good, the state or the political community, which is the highest of all, and which embraces all the rest, aims at good in a greater degree than any other, and at the highest good."<sup>24</sup> Clearly, loyalty to a community that advances the highest good with the most widespread positive impact is to be preferred over a fidelity to a narrower community that pursues a lesser good of more limited scope. However, it is questionable whether the state either aims at the highest good or whether it is in fact the most inclusive community.

The community which is the church is not encompassed by the state, even if freedom of religion is recognized by the state. The church is not a secondary association whose members are obliged to concede to the primary of the state. Rather the identity and mission of the church extends beyond any state, being universal in its nature. The good that is aimed at by the church is higher than that of the state. Though the state seeks to advance good for its members/citizens, this good is of a transient and tangible sort, "goods of the lowest common denominator."<sup>25</sup> The good that is praised, pursued and promoted by the church is eternal, rooted in the revelation of God, and inclusive, not only of a nation but of the entire world. In view of this, obligations to the state – by soldiers or by citizens – do not take precedent over obligations to God and the church. When the laws or commands of the state come into conflict with what the

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<sup>23</sup> Dean Paton, "Backstory: Dissent of an Officer," *Christian Science Monitor*, Feb 2, 2007. At the time of my writing- December 2007- Watada's case is ongoing.<sup>23</sup>

<sup>24</sup> Stephen Everson, ed., *Aristotle: The Politics and the Constitution of Athens* (Cambridge: University of Cambridge Press, 1996), 11.

<sup>25</sup> Michael Walzer, *Obligations: Essays on Disobedience, War and Citizenship* (Cambridge: Harvard University Press, 1970), 20.

church and its members understand to be the will of God, then Christians have a *duty to disobey* the state.

Of course, what counts as the will of God will always be disputed. Nevertheless, insofar as the church has been concerned in regard to war, it is either God's will that Christians participate in war only if certain identifiable criteria be met, as with the JWT or it is God's will that Christians not participate in war under any circumstances as is the case with pacifism. Unqualified obedience to the state in war is not a credible part of Christian tradition, even if it has been found in Christian practice all too often. While obedience has traditionally been named as a Christian virtue, for obedience to be a virtue it requires consent to a rightful authority. However, even a rightful authority can abuse power to the grievous detriment of many. So it must be asked, not only whether the authority is a rightful one but whether the power being used by the authority in this particular instance is proper and worthy of obedience. Without such inquiry the obedience rendered is "blind" and not virtuous in any genuinely Christian sense. Participation in egregious injustice is never part of the will of God and so when the state orders the Christian soldier to fight in a war that is unjust the choice that confronts that soldier is a choice between God *or* the state.

It is a travesty for the church to declare a particular war to be unjust but then neglect to call upon Christian soldiers to refuse to fight in that war or for the church to fail to whole-heartedly support them in doing what is their duty before God. The church has a responsibility to guide soldiers in understanding how the teachings of the church have bearing on a particular war and then a responsibility to stand in solidarity with them as they make the sacrifices necessary to be faithful.

### **A Restrictive View of Church Responsibility**

Just war theorists remind us that the JWT is not just a check list to qualify or disqualify wars; it is a public resource, a theory of statecraft. Leading conservative Catholic political theologian George Weigel insists that it is a method of moral reasoning "far more alive in our service academies than in our divinity school 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."<sup>26</sup> However, some military ethicists have ventured to ask why the JWT is taught at all in military academies, given that officers must pledge to unconditionally obey legal orders, leaving no room for the sort of discrimination required by the JWT.<sup>27</sup> If the JWT is taught without any expectation of a practical impact on the behavior of officers then it would appear to serve as little more than a means of rationalization for war rather than as a tool to foster discernment and restraint. While it is true that the JWT is a theory of statecraft, it did not originate in military circles but arose in the church. It cannot be removed from its theological context and inserted in the post-Christendom political arena sans its roots without loss of meaning.

Still as Weigel claims, there seems to be considerable amnesia among church leaders regarding the tradition of just war. While he addresses the criticism toward those who have been least supportive of U.S. military policy, it seems to me the criticism can equally be directed toward those who appeal to the tradition as the reason for their support of U.S. military policy. As I suggested earlier, too often the language of just war has been voiced by religious leaders and ministers who do not have even a modest grasp of the content of the tradition. I can only guess what percentage of ministers, who have supported a military venture in the name of the JWT, can name more than half of the criteria. I imagine if their lives depended on naming all of them, many funerals would be in the offing.

In identifying the JWT as a statecraft, Weigel insists that "the proper role of religious leaders is to do everything possible to clarify the moral issues at stake in a time of war". But clarify to whom and to what end? Though the JWT has its roots in the church, Weigel seems to think that it should do little to actually influence the behavior of the church, its leaders and members. It seems that

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<sup>26</sup> "Moral Clarity In A Time of War", *First Things* (January 2003), p. 21.

<sup>27</sup> See Christopher J. Eberle, *op.cit.* 480f.

identifying a particular war as just or unjust, in order that church leaders might know how best to guide and counsel church members that they might be most faithful to God, has little place among "the issues at stake" that he has in mind. Rather he calls for religious leaders to defer to "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."<sup>28</sup>

Given the abundance of misinformation that undergirded the decision to attack Iraq, the wisdom of readily deferring to government officials who are "more fully informed" deserves to be questioned. Of course the war in Iraq is not an entirely unique situation as far as misinformation is concerned. As has often been repeated, "Truth is the first victim of war." Further, "relevant facts" that Weigel speaks of can be interpreted in more than one way. Have leaders of the church no responsibility to be involved in this activity of interpretation, given the fact that the government wants to enlist members of the church to kill and die in a war? Weigel claims that, "even if today's religious leaders were fully in possession of the tradition, the burden of decision making would still lie elsewhere. Religious leaders are called to nurture and develop the moral - philosophical riches of the just war tradition." Yes, but to what end? Weigel answers "to serve statesmen."<sup>29</sup> But statesmen can and do ignore the standards of just war. In view of this, do the church and its leaders not have another responsibility as it deals with the just war tradition, a responsibility to members of the church? It seems to me that church leaders who claim to embrace this tradition should take it seriously enough to bring it to bear as they nurture and develop the spiritual character of those under their care and as they offer guidance to those most likely to be called upon to participate in war.

The church is the community of disciples of Jesus Christ. Making disciples is at the heart of the church's life. Those who are members of the church are followers of Christ first of all. Secondly they are citizens. How Christians function as citizens is not simply

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<sup>28</sup> Weigel, *op. cit.*, 27.

<sup>29</sup> *Ibid.*



defined by the state. Those who embrace the JWT recognize a place for the Christian in the military. However, the Christian as a disciple has a responsibility to be a just warrior. Church leaders have a duty, not just to nurture “the riches of the just war tradition,” but to employ the tradition to nurture the sort of people who are capable of supporting only just wars. While the decision to make war rests with “duly constituted public authorities,” this does not eliminate the need for Christians to make a decision whether or not to participate in a war. Even if we concede that the JWT would initially require Christians to give the state the benefit of the doubt regarding the justice of a war that does not mean that subsequent discernment is not needed. The first word about war and its justice is that of the state. But the state does not have the only or last word for the church and its members.

### **Responses to Some Possible Objections**

First, “Soldiers in the U.S. military are all volunteers who have agreed to serve in a system that depends on a chain of command and readiness to obey orders. These orders may include going to war. The armed services cannot function if soldiers are allowed to pick and choose which wars in which they will fight.”

Certainly a volunteer has willingly accepted a responsibility with greater clarity and willingness than a draftee does. He or she makes promises upon entering the armed forces and promises entail obligations. Lt. Col. Walter Wentz has argued that soldiers are morally obligated to fight even in unjust wars because of the ethic of promise keeping and the social necessity of adhering to contractual obligations. He wrote, “The deeply held moral principle of fulfilling obligations is the glue that hold societies together, that makes a system of formal justice and legislation possible at all...[Soldiers] may at times face the personal question of serving in a war they believe, based on their well developed sense of justice and access to reliable information, to be unjust. At such a time they must draw on a more

fundamental obligation, an obligation entered into freely, based on informed rational thought, to keep one's promise."<sup>30</sup>

The fact is that promises are not always genuinely "informed" and therefore not inviolable. A woman may make a solemn and sincere promise to a man in a wedding service to remain with him "until death parts them". However, if she later finds out that he is already married to another, she is not obligated to fulfill her promise. Or if after a woman marries a man, her husband beats and abuses her, her promise does not unconditionally obligate her to remain with her husband. In virtually every promise, there are conditions that are not expressly named but are reasonably inferred. For the soldier, the promise to serve is accompanied by a reasonable assumption that his sacrifices will be made in the service of justice. If the leaders of the nation choose to engage in an unjust war, the soldier is no more obligated by his or her promise than the deceived or abused spouse is obligated to her promise.

No Christian soldier should understand his or her promises as entailing the abandonment of moral discernment or an obligation to obey orders that offend a sincere and informed conscience. There is nothing about the nature of being a volunteer in the military that for the Christian overrides other obligations exterior to the military and its purpose. Because a Christian soldier presumably embraces the church's JWT, he or she *must be* the kind of soldier who is committed to "picking and choosing" the wars in which he or she will fight, participating in those that are just and refusing those that are not.

Second, "Those in the government and the top levels of the military are in the best position to know whether a war is just or unjust. Most officers, enlisted men and women, ordinary citizens or churches, are not in the position to have all the information to make a judgment about the justice of a war. The government decision to declare war should be sufficient reason for a soldier to fight."

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<sup>30</sup> Lt. Col. Walter E. Wentz, "The Foundation of a Soldier's Obligation," USAWC Strategy Research Project (Carlisle Barracks, PA: U.S. Army War College, 1996) 16, 18.

While the JWT would lead Christians to give the government the initial benefit of the doubt, the position of the government should not be viewed as beyond the realm of doubt. Paul Ramsey observed that the political community can be sustained only if a woman or man "should concede the judgment of justice that has been made on behalf of the nation unless and until, by looking to his own reasons, he is searchingly sure of his own mind that the nation's course of action is unjust."<sup>31</sup> The just warrior recognizes that the burden of proof rests upon those who believe a war is unjust, contrary to the claims of the government to the contrary. The claims of the government ought to be heard and they should certainly play an important part in the moral deliberation of the Christian soldier, as well as any church that in some fashion adheres to the JWT.

Nevertheless, other sources of information should be considered as well, in order to make a reasoned judgment about the justice of a particular war. This information could come from nongovernmental agencies, governments other than one's own, United Nations sources and religious bodies. Official information coming from the United States government sources has not been proven to be consistently reliable, even if we believe such information to be largely accurate most of the time. It would not be unreasonable for Christian soldiers to conclude that they should give greater weight to church bodies than to the government when seeking information and guidance in order to discern whether a war is just or not.

Third, "If a soldier is going to disobey and refuse to participate in a war, he or she must be *certain* that the war is unjust."

While it is true that some classical just war thinkers taught that a war declared by a legitimate government ought not to be resisted unless one was *certain* of the war's injustice, it is not a reasonable standard. It sets the bar too high. One cannot know for certain that he or she will not be killed driving to the supermarket. If certainty is demanded for every action we perform, we would get little done. Practically and theoretically, in most instances certainty is not a tenable concept in our time. On the other hand, nagging

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<sup>31</sup> *Just War: Force and Responsibility* (New York: Scribner, 1968), 98.

questions about the justice of a particular war and intermittent doubts are not sufficient reason to refuse to participate in a war if the JWT is to be taken seriously. However, if a soldier comes to believe persistently and responsibly that a particular war is unjust, he or she has adequate reason to refuse to obey orders to participate in that war. To engage in an unjust war would be to advance needless suffering, death and destruction, something never in keeping with the will of God. Even if the soldier is factually in error about the injustice of a war, he or she is morally obligated to act upon that which he or she believes to be true. The possibility of error does not eliminate the necessity of moral discernment - and subsequent behavior - based upon the best information that the Christian soldier can find.

Fourth, "To allow soldiers to decide whether a war is just or unjust shifts the power to declare war away from elected citizens, who are constitutionally granted this authority, to the military."

This objection reflects a serious confusion of categories. At issue is *not* who has the power to declare and wage war. The soldier who refuses to fight in a particular war does not thereby question the exclusive right of the appropriate elected civilian authorities to declare and wage war. In fact if he or she embraces the JWT, the Christian soldier recognizes that the sole prerogative to wage war rests with the rightful government, not with private citizens or individual soldiers or officers. Rather the issue is whether Christian soldiers should fight in a war that is unjust. The obligation to offer discriminant obedience rather than indiscriminant obedience has nothing to do with the rightful authority to declare war. Rather it pertains to the nature of a Christian soldier's responsibility to prosecute a policy implemented by others.

Fifth, "It is possible for a soldier to fight justly even in an unjust war and, so, disobedience to orders to fight in a war that fails to meet the stands of the JWT is not necessary."

Ward Thomas argues that "there is a dichotomy in both the just war tradition and in international law between judgment of the justifiability of a war and the manner in which it is prosecuted." In view of this he claims, "It is... possible to fight justly in an unjust

cause, just as it is to fight unjustly in a just cause.”<sup>32</sup> Thus, he concludes, a Christian soldier need not refuse to fight in an unjust war, practicing selective conscientious objections. In other words, according to Ward, even knowingly fighting in an unjust war does not make a soldier an unjust warrior.

I don't think his argument can stand. It is true, as he contends, that *jus in bello* violations do not of themselves render a war unjust, assuming those acts of injustice are exceptional and not a matter of policy. On the other hand, if a war fails to meet *jus ad bellum* standards any force of arms is unjust. Such criteria as proportionality and discrimination are stripped of meaning in an unjust war. If a war lacks just cause, the enemy – both combatant and noncombatant – are innocent in such a case. There is no moral justification for maiming or killing the innocent. All violence is disproportionate in a war that should never have been fought in the first place. What ethical sense does it make to speak of using not more force than necessary when the lack of a just cause renders the war itself unnecessary?

If by claiming that a soldier can be a just warrior in an unjust war one means that in a war in which there are violations of *jus in bello* standards a soldier who does not participate in those violations might be able to remain a just warrior, then the point must be conceded. Even where rules of war are frequently offended against, on the battlefield it is possible for soldiers to refrain from participating in unjust deeds while continuing to fight justly for a just cause. But what if the cause itself is unjust? Can a soldier be a just warrior when the war itself fails to meet the *jus ad bellum* standards? I think not. By definition an unjust war is an unnecessary war, one lacking sufficient reason. To kill without sufficient reason, to kill unnecessarily, is to commit murder. Within the framework of the JWT, in an unjust war the enemy is innocent.<sup>33</sup> There is no morally legitimate justification for killing someone who is innocent, or helping kill those who are innocent, regardless of the rightful

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<sup>32</sup> See his “Unjust War and the Catholic Soldier” in *Journal of Religious Ethics*, 35/3, (September 2007), 510.

<sup>33</sup> See Vitoria, op. cit., 307

authority that commands that such be done. Obeying only legal orders or complying with the *jus in bello* restraints do not make violent actions just when the war that is being engaged in is unjust. Hence, it is not possible to be a just warrior in an unjust war.

Sixth, "Soldiers have a public role important to the very preservation of the state. They should not make decisions based on private religious reasons that restrict how that role is to be enacted. Selective obedience guided by religious standards could have a detrimental impact upon the implementation of political decisions."

No doubt we can easily list negative consequences of allowing those in public positions to make decisions that affect their work based on solely religious reasons. Nevertheless, it is unreasonable to insist that people - including soldiers - make decisions on the basis of anything that requires them to set aside their deepest guiding commitments. To relegate religious convictions to the private domain functionally removes from the public and political stage the values the religious person - not necessarily just the Christian - believes to reflect the highest moral excellence and replaces them with a lesser version of the good. If the JWT faithfully reflects the will of God in relation to the matter of war, as the "majority report" of the church seems to affirm, then the Christian soldier, who presumably embraces the JWT, must not bracket this tradition for the sake of a public role defined by a lesser authority. If the obligations of military service unavoidably subvert religious convictions that require selective obedience to human authorities then it is highly questionable whether there is a place for the Christian in the military at all.

Seventh, "God has established and legitimates the function and authority of the state, including the military. There is no dichotomy between the authority of the state and the authority of God because 'there is no authority except from God and those that exist have been instituted by God.' (Rom. 13:1). Obedience to this authority is obedience to God and resistance to the authority is resistance to God because 'the authorities are ministers of God' (Rom. 13:6). It is with divine approval that soldiers can obey the command to fight without a qualm of conscience."

I wish it could be said that no one in post-Holocaust times would dare raise an argument of this sort. Nevertheless, Romans 13:1-7 and parallel passages (Tit. 3:1, 1 Tim. 2:1-2 and 1 Pet. 2:13-17) are still sometimes appealed to as justification for a blanket compliance to governing authorities. It is beyond the purpose of this essay to offer an extensive exegesis of Romans 13:1-7. I will, however, offer a few general observations.

First, this passage offers neither the most important nor the most characteristic teaching about government found within the Bible. While on the surface Paul's words seem to express an unqualified affirmation of governing authorities and issue a call for uncritical obedience to them, this is not a prevalent teaching of scripture. The narratives found within the books of Chronicles and Kings offer little that would undergird a notion that God wants indiscriminant compliance to those in authority. The questioning of and resistance to the governing powers fills the prophetic writings. Similarly, the book of Revelation depicts the government in a manner that severely calls into question any notion that the state should be obeyed without qualification.

Second, Paul addresses Christians as *subjects* of the state, *not* as *agents* or *servants* of the state. Therefore, he is not calling upon them to implement the policy of the state, as soldiers do in war. Michael Walzer has noted that "every settled state policy... creates two sets of men, subjects and servants, and while all servants are also and necessarily subjects, it is never the case that all subjects are required to be servants and only occasionally that any are required."<sup>34</sup> There was no military draft in the first century. Paul was most likely cautioning Christians not to use their Christian liberty as a rationale for anarchy. He is not attempting to offer guidance to Christians who are agents or servants of the state, such as soldiers.

Third, though Paul's words are descriptive, in fact it is not always the case that "rulers are not a terror to good conduct but to bad" (vs. 3). Such names as Stalin, Hitler, Mao and Milosevic stand as an irrefutable challenge to a literalistic reading of Romans 13:1-7. Government has a positive purpose, according to Paul, but it is a

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<sup>34</sup> Walzer, *op. cit.*, 135.

purpose that is not always put into practice. Paul was not so ignorant that he was unaware of this fact. He concludes his words about governing authorities by saying "Pay all of them their dues..." (vs. 7). Are "their dues" unqualified obedience? Paul certainly did not believe so. In the next verse he states, "Owe no one anything, except to love one another..." (vs. 8). Nothing is owed the state that is at odds with the love Christians are called to embody and advance. There is no love in injustice and needless killing. Consequently, in this passage of scripture there is no justification for a Christian soldier to fight in an unjust war.

### Final Thoughts

There are two things the church cannot do if the JWT is to be taken seriously. First, it cannot support the state in war -- which is often done under the guise of "supporting the troops" -- in an uncritical manner. Proper support is given conditionally and with appropriate discernment. Second, the church cannot simply keep silent, offering no judgment about the justice or injustice of a particular war and withholding guidance from Christian warriors or perspective warriors in regard to participation in the war. Military ethicist Shannon French observed that "it is a nation's solemn responsibility not to commit its troops to an unnecessary and immoral war....There is no more bitter fate for a warrior than to be tricked into defending an unworthy cause."<sup>35</sup> The church must not be complicit in this trickery on the part of the state either through silence or by an uncritical "support the troops" posture. But whether trickery on the part of the state is at work or not, the church and its leaders have a responsibility to weigh all available information about a war, draw from its theological resources and speak appropriate words of judgment, guidance and support, particularly to those making the decision whether to engage in a war and to those most likely to be asked to fight in it.

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<sup>35</sup> "An American Ethicist's Perspective" in *The Price of Peace: Just War in the Twenty-First Century*, ed. Charles Reed and David Ryall (Cambridge: Cambridge University Press, 2007), 301, 302.



It is an abdication of leadership on the part of the church in a nation engaged in an unjust war to neither call for resistance nor provide clear support to soldiers who refuse to fight. It is not enough to affirm the right of private conscience. It is one thing for the church to say -- through its bishops, assembly or another appropriate deliberative body -- that it supports soldiers who refuse to fight in a particular war because the church honors the right to act in a manner that is in keeping with their individual consciences. It is another thing for the church to say that it supports soldiers who refuse to fight in a particular war because those soldiers are acting in a manner consistent with the teachings of the church, either the JWT or pacifism. The former speaks to rights, the latter to obligations. If the church is serious about either the JWT or pacifism, it must recognize that there are times when war must be condemned as unjust and wrong. If there are times when war is unjust and wrong, then likewise, there are times when the church must be willing to call for resistance and then stand in solidarity with the resisters.

If a resister has only his or her private conscience to cling to over against a larger, dominant body, he or she is far more likely to abandon attempts to resist. The state is much more likely to press into conformity those who are inclined to be resistant if it can isolate them from support they might receive from a likeminded group. Fear of loneliness more than fear of punishment can inhibit people from doing what they believe to be right. Without a sense that by their obedience they are participating with a moral community that advances a good superior to that claimed by the state, the individual will likely falter. Any contest between the conscientious warrior and the military establishment is vastly unequal. "This is what is most difficult," wrote Jean Le Meur, a young French army officer who was imprisoned for refusing to fight in Algeria, "Being cut off from the fraternity, being locked up in a monologue, being incomprehensible....Do tell the others that this is not a time to let me down"<sup>36</sup>

It is not a monologue of resistance that is needed in an unjust war but a discourse that gives rise to action which stands opposed to

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<sup>36</sup> Quoted in Walzer, *op.cit.*, 22.

wars that are unjust. The church has an obligation to make it clear to its members who are in the military as well as to the state that Christian soldiers who refuse to fight in wars that the church has condemned as unjust are not just acting on their own but they are acting as faithful members of the church.