

Frank G. Kirkpatrick

# Is Libya A Just War?

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In the President's address Monday night defending U.S. involvement in Libya, he said, among other reasons that "we have intervened to stop a massacre."

In using this language Obama was doing two things: one, calling our involvement an intervention, not a war, and, perhaps more importantly, appealing, without ever naming it, to an often loosely defined but still quite historically influential theory known as just war, that is a war which can be considered morally justified. The just war tradition, while it has many non-religiously based variations, began in the West in a decidedly religious context with St. Augustine's attempt to defend war under strict moral conditions and principles. The earliest Christians were decidedly pacifist, taking their cue from Jesus' refusal to use violence to defend his own life. To be sure, pacifism was somewhat easier to practice when Christians had no access to political or military power and were often the victims of its use.

But after his conversion to Christianity, Constantine put Christians in the awkward position of being favored by the Empire and therefore having to share responsibility for its governance and its defense. Augustine laid out for these newly politically responsible Christians what criteria had to be met when they participated in and authorized military conflict. Obama's justification for the intervention in Libya echoes some, but not all, of these criteria. It also avails itself of arguments more rooted in the world of realpolitik than Christian just war principles taken alone. It also seems to be the case that by calling it an intervention, Obama sidesteps the full application of the just war criteria which were developed with wars between nation-states in mind.

Central to the criteria for just war was the principle of defense of the innocent, that is, those without the means to defend themselves. Obama was implicitly appealing to this principle when he declared that "innocent people were targeted for killing ... people who had no means to defend themselves against assaults from the air." Gaddafi declared he would show "no mercy" to his own people.

What was not contemplated by Augustine or the later just war theorists, chiefly St. Thomas Aquinas, was intervention into the affairs of other nations even when one's own nation was not under attack. These interventions have come to be justified today for many moral thinkers on humanitarian grounds which may or may not appeal to religiously grounded considerations. Just war theory today has had to come to grips with whether it is morally justifiable to override the sovereignty of nation-states to protect their own citizens from massacre, or, as we have seen only a few years ago in Rwanda and Bosnia, from genocide. If it weren't for the religious dimensions of just war thinking, intervention to stop genocide might not rise high enough in the calculations of realpolitik to be justified unless it advanced national self-interest. Obama again alluded to a degree of transcendence of realpolitik by appealing not only to U.S. interests but also to its values. "When our interests and values are at stake, we have a responsibility to act." These values include, one presumes, the value of protecting human life wherever it is found, not just in one's own nation. It is significant, however, that the word "intervention" is used, and not "war". War is a more formal engagement between two or more nations. Intervention implies something that

stops just short of war. But as some contemporary just war theorists have argued (e.g., Jean Bethke Elshtain), intervention can learn from just war thinking, including its responsibility to take into account practical considerations (e.g., its winnability) without succumbing completely to realpolitik imperatives. If the UN sanctioned actions against the Libyan government constituted a war then that might trigger the application of all the historically developed criteria needed to justify such a war. For example, a just war must not only protect non-combatants, correct an injustice that has so far gone uncorrected, reestablish a just social order, be authorized by a legitimate body or person, but also be winnable. The actions against Libya did not require the authorization by Congress (the only legitimate authority who can declare war in the U.S.). The intervention certainly intends to protect non-combatants but as we all know even the most surgical of strikes can kill innocent civilians. Obama did not go so far as to call for the correction of the injustice perpetrated upon the Libyan people by Gaddafi (though one assumes he has something like that in mind in calling for Gaddafi to go), nor did he propose that the forces of intervention should re-establish a just social order. Finally, he did not suggest exactly how this intervention was 'winnable' or what would count as victory. So the intervention in Libya meets some of the criteria of just war, especially the defense of the innocent, but does not meet all the conditions necessary to make it a just war, per se. And that is probably wise since just war theory needs to be adapted to local conditions and to accommodate interventionist military actions that fall short of a full-scale war.

If just war thinking is to inform more fully such interventions as that in Libya, it will have to bring us back to the moral obligation to protect innocent human life wherever it exists. It must not be indifferent to the realities of a fallen world in which all actions are tinged with ambiguity. Nevertheless it must remind us that there is a moral imperative grounded in a religious vision of human life found in Jesus and the prophets to defend the helpless even when doing so does not advance narrow national self-interest as defined by cruel and often callous calculations based solely on the realities of the fallen world which tend to close our eyes to the vision before us. Obama's defense of the actions in Libya moves toward, even if it doesn't quite reach, a full articulation of this vision but even going that far reminds us of the latent power of just war thinking in its original religious context.

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Frank G. Kirkpatrick is the Ellsworth Morton Tracy Lecturer in Religion and Professor of Religion at Trinity College, Hartford. His fields of interest include the history of religion in America, religious and philosophical ethics, especially Christian social ethics, the philosophy of religion, atheism, and the history of Christian religious thought in the west. He is the author of numerous scholarly articles as well as popular pieces on religious thought and the relation of religion and society. He has published 7 books [*Living Issues in Ethics* with Richard T. Nolan (Wadsworth, 1982), *Community: A Trinity of Models* (Georgetown University, 1986), *Together Bound: God, History, and the Religious Community* (Oxford University, 1994), *The Ethics of Community* (in the series *New Dimensions to Religious Ethics*, Blackwells, 2001), *A Moral Ontology for A Theistic Ethic* (for the Heythrop Studies in Contemporary Philosophy, Religion, and Theology, Ashgate, 2003), *John Macmurray: Community Beyond Political Philosophy* (for Rowman and Littlefield's series, *20th Century Political Philosophers*, 2004)].

His most recent book is *The Episcopal Church in Crisis: How Sex, the Bible and Authority are Dividing the Faithful*, published in 2008 by Greenwood/Praeger as part of the "Religion, Politics, and Public Life Series" under the auspices of the Leonard Greenberg Center for the Study of Religion in Public Life at Trinity College. Prof. Kirkpatrick received his B.A. from Trinity College in 1964, a joint M.A. from Union Theological Seminary and Columbia University in 1966 and his PhD in Religious Studies from Brown University in 1970.