Grotius' Use of History and Charity in the modern Transformation of the Just War Idea

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1. Introduction

The idea of just war has been subject to two fundamental misunderstandings in contemporary discussion. The first, that it is the particular doctrine of Christian religion, or more specifically of Catholic Christianity, is held in two quite different forms. On the one hand political "realists" dismiss that just war doctrine which is peculiarly Christian as too particularistic for a pluralistic world and as out of touch with the realistically perceived requirements of statecraft.¹ On the other hand a latter-day religious triumphalism sometimes vaunts its own knowledge of how to deal with international affairs as more extensive and more correct than that of the secular realists.² The second fundamental misunderstanding is that the just war idea is a relic of the past, to be contemplated and appreciated for what it was worth in terms of that past but not expected to yield any wisdom for dealing with contemporary international conflicts.³

Neither of these positions is faithful to the nature of the just war concept as it has developed in western moral history. Both misconceptions cast their nets too narrowly. Rather than being the restricted doctrine of however populous a religious movement the just war idea, as it has developed in western culture, has reflected the influence of various formative sources, secular and religious alike.⁴ In the late classical era the first notable

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¹ See, for example, Robert W. Tucker's Just War and Vatican Council II: A Critique (New York: Council on Religion and International Affairs, 1966).

² I do not intend to suggest that no religious criticism of the political realm is appropriate, but rather that religion has no special expertise in this area. The same point has been made more extensively by Paul Ramsey in Who Speaks for the Church (Nashville, TN: Abingdon Press, 1967).

³ See, for example, Stanley Hoffman, Duties Beyond Borders (Syracuse, NY: Syracuse University Press, 1981), pp. 46-55.

Christian just war theorist, Augustine of Hippo, drew on Roman theory and practice in defining justice in the use of political force; in the Middle Ages chivalric custom and a rediscovery of the Roman idea of jus gentium joined with theological reflection and canon law to give a definitive shape to the developing tradition; in the modern period international law emerged as a significant carrier of that tradition and as itself the source of new developments in the just war idea. Another modern contribution has been the military-political idea of limited war, which one contemporary commentator identifies as the closest approximation to an operationalized just war doctrine available in the present context. Indeed, religious reflection on the political use of force has somewhat lagged behind the secular during the modern period: no important religious contribution to the developing tradition occurs from the time of the post-Reformation wars of religion to at least the 1870's, and for a conscious effort to recapture just war theory as a base for constructive Christian thought about morality and the political use of force we must wait until the early stages of the nuclear weapons debate in the 1950's.

In short, what the historian of ideas finds when investigating the just war idea in western culture is a moral tradition that has been shaped by a wide variety of influences both religious and secular, including not only theological and philosophical reflection but also military practice and the theory and practices that have produced international law. Rather than being a dead letter to be relegated to the past, this tradition reflects a developing moral consensus in western culture about two perennial issues: under what conditions force is justified in the protection of societal values and what limits ought to be observed in even such a justified use of force. These two fundamental just war questions define the debate at every stage in the development of just war tradition, including that of the present age. If we did not have such a tradition, we would have to invent one. The irony in the contemporary context is that precisely those persons who reject the meaningfulness of the just war idea then proceed to reinvent its constituent parts in their effort to answer the two fundamental questions regarding the justification and limitation of military force. We simply cannot escape the fact that we think this way, and a better procedure might be to acknow-

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