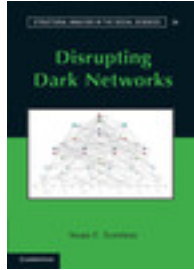


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Chapter

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Appendix 4

The Just War Tradition

No single authoritative list of just war criteria exists, and although the following list is “my own,” it has been derived and adapted from Allman and Winright (2010), Cole (2002), Walzer (2006), and Yoder (1996).

Jus ad bellum (Justice in Deciding to Go to War)

1. **Just Cause.** This criterion holds that a war may be fought for a justifiable, defensible, and morally necessary cause. To be just, the offense must be actual and verifiable, intentional, and of substantial importance, and it cannot be provoked (i.e., a queen or president can’t goad someone into committing an offense so that they can then declare war). Offenses can include aggressive behavior necessitating defense, a threat demanding deterrence, or an injustice demanding reparation (e.g., the Holocaust). It can be committed against a third nation, an ally, or innocent subjects on whose behalf a legitimate authority intervenes. Just war theorists disagree about when intervention on behalf of an oppressed population is legitimate. Walzer (2004, 2006: 67–81) believes that the presumption must be against intervention but acknowledges there are times when the evil being committed is so great (e.g., the Holocaust) that intervention is necessary.
2. **Legitimate Authority.** This criterion asserts that only legitimate authorities may wage war. Examples include individuals who rule through “dynastic dissent” (e.g., kings, queens) and democratically elected officials. An exception to this general rule is officials who have gained their authority through legitimate means but are “bad” rulers (e.g., tyrants); they forfeit their claim to legitimacy. Examples of illegitimate authorities include private citizens who wage wars (e.g., militia groups), bandits and

privateers, and those who rebel against one's own sovereign. An exception to this is that rebellion is permitted when sovereigns lose their claim to legitimacy because they are tyrants.

3. **Right Intention.** This criterion states that in order for a war to be just it must be fought with a right intention. The ultimate goal must be the restoration of a just peace. Wars cannot be fought for national honor, acquisition of territory, economic aggrandizement, and so on.
4. **Right Motivation.** A just war must also be fought with the right motivation. There needs to be genuine concern for the victims of the offense as well as love for the enemy, which is why demonstrating mercy after victory is sometimes listed by some as a criterion. Examples of inadmissible motivation include hatred, revenge, cruelty, love of violence, or material gain.
5. **Last Resort.** The just war tradition contends that war must be the last resort, only after everything else has been tried or considered. How one defines "everything else" is somewhat problematic and subject to much debate because there is almost always something else that can be tried. Generally, what theorists have in mind is that the government needs to make a good faith effort to avoid war through negotiation, mediation, arbitration, appeals to international tribunals, cooling off period(s), and formal declaration of war, preceded by a warning and followed by time for the "offending party" to sue for peace. If all of these are sincerely tried (and have failed), then most just war theorists would say that a good faith effort has been made.
6. **Probability of Success.** Finally, in order for a war to be just, success must be probable. If going to war can't fix the problem, then there is no point in going to war. Of course, this is not always straightforward. Sometimes, wars that look easy to win turn out to be much more difficult than anticipated.

Jus in bello (Justice during War)

1. **Proportionality.** Once war begins the punishment must be proportionate to the offense. Thus, the means used must be indispensable and necessary. Any intended destruction inflicted on the enemy must serve the stated ends of the just cause. Nations cannot destroy an enemy battalion simply because they can or because they seek a postwar advantage in further weakening the enemy. In short, unnecessary combat must be avoided even in a just cause.

2. **Dignity of Life.** This criterion is sometimes combined with the criterion of proportionality. It argues that there should be no unnecessary death or wanton destruction because the lasting effect these can have on a country and its citizenry often makes the achievement of a just peace difficult, if not impossible. Examples of behavior that does not respect the dignity of life include the poisoning of wells and rivers, the planting of land mines, and the bombing or profaning of places of worship or sanctuary.
3. **Noncombatant Immunity.** This criterion argues that the means used in war must protect the innocent (noncombatants). Armies must not intentionally or directly kill noncombatants. During a just war, they have an obligation to discriminate combatants from noncombatants and seek to minimize noncombatant death.

Jus post bellum (Justice After War)

1. **Resolution.** This criterion argues that the result of any just war should entail reaching the objectives that served as the (just) cause for going to war in the first place. In other words, the primary parties involved must be held accountable until their mission is accomplished (i.e., blasting away and then letting the offending country pick up the pieces is unacceptable), and they must be prevented from taking advantage of the vanquished country's weakness and seeking additional (and unwarranted) gains.
2. **Reconciliation.** This criterion contends that there cannot be a just peace without reconciliation. However, this call for reconciliation "is not about cheap grace or taking a 'forgive and forget' approach. [Rather] it involves acknowledgment of wrongdoing, admission of responsibility, punishment, forgiveness and perhaps amnesty" (Allman and Winright 2010:14).
3. **Punishment.** This criterion holds that the guilty should be punished for their crimes. It argues that any such punishment should be carried out with transparency and proportionality, and preferably by authorities other than those who led the war, so that the war's victors are not seen as acting as judge, jury, and executioner. In this way, those meting the punishment are seen as legitimate and the punishment is seen as just.
4. **Reconstruction.** This final criterion notes that because a just war's goal involves the restoration of the offending country to wholeness, postwar efforts should involve practical matters such as providing security through policing and the rule of law;

enabling the host government to promote the common good and provide basic services; fostering economic recovery; providing rehabilitation for those victimized by the war (and events that led up to it); and removing unexploded devices, land mines, and munitions to prevent future injuries.