

# Richard Hays's Challenge to the Just War Tradition

Richard Hays represents an approach to Christian ethics that follows in the tradition of Mennonite John Howard Yoder and Methodist ethicist Stanley Hauerwas.<sup>1</sup> This ethical approach understands Christian ethics to have a specific content provided by the New Testament texts themselves. Christian ethics is not simply a reiteration of ethical principles known by everyone in general (natural law). Nor is Christian ethics simply a matter of drawing practical application from abstract theological principles like law and gospel. Finally, the narrative texts of the New Testament do not present an "impossible ideal" meant to show human shortcomings, an "ethic of perfection" for select Christians, or an "interim" ethic reflecting a "consistent eschatology" concerned only with the end of the world—all views amounting to the claim that New Testament ethics are not relevant to the lives of contemporary Christians.

One of the distinctive characteristics of this approach is its narrative emphasis. The narrative mode of the New Testament documents is understood to have moral content. The gospels tell a story and Christian ethics has to do with appropriating the Christian story for one's own. This narrative approach has been found to be helpful in contemporary theology. Numerous theologians have adopted it; recent variations focus on the notion of drama, e.g., Kevin Vanhoozer.

However, this narrative approach has been a challenge to at least one reading of Christian ethics, the just war theory. The story of Jesus is a story of non-violence and non-resistance. Jesus conquers the powers of evil not by raising up an armed rebellion, but by going to the cross. God the Father vindicates him by raising him from the dead; the

paradigm for Christian discipleship is that of “imitating Christ,” and the classic Christian ideal is that of the martyr. Hays’s exegesis follows in the earlier steps of John Howard Yoder and Stanley Hauerwas who argued in their works *The Politics of Jesus*<sup>2</sup> and *The Peacable Kingdom*<sup>3</sup> that following in Jesus’ non-violent way of the cross demands a non-violent ethic.

Hays is clear about the problems that this narrative approach to Christian ethics creates for traditional “Just War” ethics. He says that the “just war criteria” are not derived from, nor derivable from the New Testament. They depend on a process of “natural law” reasoning that has little biblical warrant. In Hays’s words: “[T]he New Testament offers no basis for ever declaring Christian participation in war ‘just.’ ” Accordingly, Hays concludes that the just war tradition, even if the Church’s majority position, has to be rejected as incompatible with the teaching of the New Testament (Hays, 341).

This is a fairly serious objection. If the just war tradition is incompatible with the central narrative structure of the New Testament, it would seem that Christians who wish to make the Jesus story their story must embrace pacifism.

Has Hays made his case for Christian pacifism and against the classic just war tradition? I am not convinced that he has. Yet I am not happy that advocates of the traditional just war position adequately address the issues he raises. In what follows I will summarize two just war advocates to see how well they measure up against Hays’s critique.

First to be examined is an essay by C. S. Lewis, “Why I Am Not a Pacifist.”<sup>4</sup> Lewis was one of the most popular Christian apologists of the twentieth century who also wrote numerous essays on Christian ethics, including this one. His essay is helpful because it represents just the kind of “common sense”

argument that is often raised against Christian pacifism.

At first read, Lewis's argument does indeed seem to be a classic case of "natural law" reasoning. (This is not surprising given that Lewis argued in an essay entitled "On Ethics"<sup>5</sup> that Christian ethics has no uniquely revealed content. In that essay he states that one can no more imagine a new moral value than one can imagine a new color. Jesus did not come to provide a new ethics but to challenge people to recognize their failure to live up to the ethic they had already learned from their parents and nurses.)

Confirmation that Lewis is arguing for a "natural law" critique of pacifism is his initial claim that the source of moral judgments is conscience. Fundamental to conscience seem to be a collection of what Lewis calls "intuitions," which are "inarguable," and are "such that no good man has ever dreamed of doubting" (38). These intuitions include "ultimate preferences of the will for love rather than hatred and happiness rather than misery" (37). Combined with these "intuitions" are "process[es] of argument" by which one arranges the intuitions to convince someone that a particular act is wrong or right. Lewis says such processes are "highly arguable." In addition, there are the facts themselves about which one raises moral questions or makes moral judgments. Finally, in order to exercise humility in judgment, there should be respect for previous authority as well, what we might prefer to call "tradition."

Lewis states the process by which one comes to a reliable moral judgment as follows: (1) The facts are clear and little disputed; (2) the basic intuition is unmistakable; (3) the reasoning that connects the intuition to a particular judgment is strong; (4) there is agreement (or at least not disagreement) with authority. If the above four criteria are met, then one can have "moral certainty" about an action.

Lewis then applies the four criteria to the question of

pacifism and finds it wanting.

On the question of fact, Lewis suggests that all agree that “war is very disagreeable” (39). The contrary claim made by pacifists, he claims, is that “wars always do more harm than good.” Lewis rejects this point as “merely speculative.” There simply is no way to know whether wars always do more harm than good. (But Lewis does seem to go beyond this claim. He ventures that “history is full of useful wars as well as useless wars.”)

Is this, in fact, the fundamental factual claim that Christian pacifists make? One at first is tempted to reject it as a caricature, but Hays does, in fact, seem to say something like this. He says a “serious case can be made, that, on balance, history teaches that violence simply begets violence.” To the hoary test case of resistance to Hitler, Hays responds with his own question: “What if the Christians in Germany had refused to fight for Hitler?<sup>6</sup> . . . The long history of Christian ‘just wars’ has wrought suffering past all telling, and there is no end in sight.” (Hays, 342).

But, rhetoric aside, I do not believe that the fundamental Christian pacifist claim about facts is that “wars always do more harm than good.” Rather, I think the fundamental pacifist claim is a rejection of the consequentialist ethics assumed in such a claim. That is, the rightness or wrongness of participating in war is not decided by the outcome of the decision in terms of its consequences in terms of tangible goods, but in terms of moral consequences. Some acts should not be done regardless of their possible benefits. One thinks, for example, of rape or torture or the deliberate taking of innocent human life. The historic ethical stance that I think even Lewis would have embraced would be that rape, torture, or the deliberate taking of innocent human life should be avoided regardless of their tangible consequences in terms of concrete goods because such actions are inherently morally repugnant. I

think the pacifist argument is somewhat the same in regard to acts of violence. And, of course, the facts that a Christian pacifist like Hays appeals to are not the facts of the perceived consequences of certain violent or non-violent actions, but the facts of a certain kind of community. The story initiated by the life, death, and resurrection of Jesus Christ is one of the non-violent confrontation of and redemption of evil. Those who make this story their own must live as Jesus did.

On the question of intuition, Lewis suggests that the relevant intuition is that love is good and hatred is bad; helping is good and harming is bad. Since, however, Lewis has already argued that such intuitions alone cannot lead to moral judgment, the question is whether, as he puts it, "reasoning leads from this intuition to the Pacifist conclusion or not." It could, of course, be objected that reasoning could lead to almost any number of conclusions from such broad abstract starting points. Lewis's own attempt to apply reasoning to the general principles supplied by intuition makes a number of questionable moves.

So Lewis notes correctly that it is impossible to do good to "simply Man as such." One must do this or that particular good to this or that human being. If one does a particular good to one human being, one is automatically precluding doing it for another. Lewis concludes from this that the law of benevolence involves not doing some good to some human beings at some times. Lewis then draws some rather dubious conclusions from this distinction, such that helping some human beings necessarily will involve harming others. So, for example, Lewis suggests: "[T]his most often means helping A at the expense of B, who drowns when you pull A on board. And sooner or later, it involves helping A by actually doing some degree of violence to B." If, for example, B is intent on harming A, one must either do nothing (which violates the principle of benevolence), or one must help A against B.

Lewis suggests that the pacifist can help A and remain a pacifist only by saying that violence is permissible short of killing, or by saying that the killing of individuals is permitted, but that the mass killing of war is not.

But surely Lewis's argument here shows a lack of imagination, and simply begs the question. First, he assumes that violence is the only way in which one can help A against B. The pacifist would argue, I think, that there are a number of ways in which one can help A that stop short of violence. Both Mahatma Gandhi and Martin Luther King, Jr. demonstrated that non-violent resistance can be an effective method of resisting evil. A pacifist who is true to his or her convictions should certainly be as willing to impose his or her own self between the perpetrator of violence and his victims, as much as the one who would use violence would do so. And Lewis's assumption that violence is the only way to restrain wrong-doers is often shown not to be the case in real life. I remember, when I was a high school student, watching a middle-aged female school teacher physically stepping in between two brawling students who were twice her size, and pushing them apart. While they were willing to beat up each other, they were not willing to strike her, and the fight ended.

Lewis's one solid objection in the argument is his statement: "In some instances—for instance in a small isolated community, death may be the only efficient method of restraint." (42). It seems to me that the pacifist might well agree, but would perhaps suggest that one's own death in such a situation would be preferable to causing the death of the aggressor. The Christian pacifist, in particular, would point to the example of one who did love his enemies precisely by dying for them.

Finally, in this section, Lewis demonstrates a real misunderstanding of the motivations of those whom he criticizes when he imagines that the goal of pacifists is political—to recruit enough people to the pacifist vision so that finally war will become impossible. Lewis responds to

this goal by noting that only liberal societies tolerate pacifists, and that the most likely result of a large number of recruits to pacifism in such communities would be the inability of the liberal community to defend itself against those societies that do not tolerate pacifists. The long-term result, then, of a large number of recruits to the pacifist cause would be a world in which there were no pacifists.

Whatever one might think of a certain kind of utopian secular pacifism, Christian pacifism has usually been embraced by Christian sects who viewed themselves not as converting the greater society as a whole to their pacifist vision, but as providing a non-violent alternative to the violence of surrounding cultures, e.g., the Mennonites. Hays's Christian pacifism is just such an alternative. The vision of church he embraces is that of a "community of peace," an alternative to a church "deeply compromised" by nationalism, violence, and idolatry (Hays, 343).

This brings us to the final point of Lewis's critique of pacifism, that having to do with authority. And, here, I think Lewis scores a few points. First, Lewis notes correctly that the pacifist is at odds with human authority in general: "To be a Pacifist," he says, "I must part company with Homer and Vigil, with Plato and Aristotle, with Zarathustra and the *Bhagavad-Gita*, with Cicero and Montaigne, with Iceland and with Egypt." I would think that, for the Christian pacifist, parting ways with all of these pagan worthies would not be particularly disturbing. After all, the Christian community is supposed to be an alternative community to the ways of the world. Augustine most famously contrasted *The City of God* and *The City of Man*. However, Lewis points out correctly that the pacifist also parts company with Christian authority. He points to the Thirty-Nine Articles, to Protestants, to Catholics, to Thomas Aquinas, to Augustine. Lewis is mistaken, however, when he claims that "All bodies that claim to be Christian—those who claim apostolic succession and accept the

Creeds—have constantly blessed what they regarded as righteous arms.” (Lewis, 48). While the majority of the Christian tradition has rejected pacifism, there have been exceptions, and highly honorable ones. One thinks, of course, of the historic peace churches like the Mennonites, but also, of celebrated individual Christians like St. Francis, Martin Luther King, Jr., Dorothy Day. (Hays rightly points to these people as praiseworthy examples.) Just as significant, a good case can be made that the pre-Constantinian patristic church was pacifist. Origen, for example, argued against the pagan Celsus that Christians do not take up arms. They pray for the emperor. They will not fight for him. The office of soldier was one of the offices that early Christians had to renounce when they were baptized. Moreover, the exemption of clergy from military service seems to harken back to an understanding that bloodshed was incompatible with a perfect following of Christ. Nonetheless, Lewis has a point. The vast majority of Christian history and tradition has seen the soldier’s role as an honorable one, and when Christians were no longer persecuted by the state, they did not hesitate to take public office, and a new role that did not exist before came into being, the Christian soldier.

This brings us to Lewis’s last point, which, if he were making a Christian argument, should, I think, have been his first. That is, what do the biblical texts actually say? Lewis concedes that the “whole case for Christian Pacifism” rests on “certain Dominical utterances,” specifically, the commands in the Sermon on the Mount not to resist evil and to turn the other cheek. (Lewis, 48). Interestingly, Lewis rejects the possible interpretation that Jesus’ command is hyperbole, a way of saying that we should “put up with a lot.” Lewis thinks that the text means “exactly what it says,” but with certain reservations that the hearer would understand without having to be told so (49). Specifically, Lewis understands the command of non-resistance are absolute when understood to apply to injuries to myself and to any temptation I might have



to retaliate. But the problem changes when other factors intervene. Lewis asks whether Jesus' hearers would have understood him to mean that one should simply stand aside and do nothing if a homicidal maniac attempted to murder a third party. Again, Lewis's argument supposes that the only alternative to allowing a homicidal maniac to murder his victim is to use violence, but his reading is, I think, a possible reading of the text.

Lewis says: "I think the meaning of the words was perfectly clear—Insofar as you are simply an angry man who has been hurt, mortify your anger and do not hit back." Lewis, then, interprets the command of non-resistance to apply only to individuals facing personal injury. He suggests that insofar as Jesus' hearers were "private people in a disarmed nation," they would not have been thinking of war. "The fractions of daily life among villagers were more likely to be in their minds." (50).

Lewis believes that this interpretation also harmonizes better with John the Baptist's commands to soldiers and to Jesus' praise of a Roman centurion. He notes that Paul speaks approvingly of the magistrate's use of the sword (Rom. 13:4) as does 1 Peter 2:14. He says little else to make his case beyond suggesting that the pacifist interpretation of Jesus invents a Jesus whom no one has ever imagined before, a reconstructed "historical Jesus" that would be contrary to Christian teaching.

What to make of Lewis's argument against the kind of Christian pacifism we find in Richard Hays? Hays has argued that the just war tradition is really a case of "natural law" based on reason rather than a case of listening to the biblical texts, and Lewis's argument is surely such an example. I have argued that insofar as he based his case on reason as such, his criticisms do not really meet their target. I think that Hays could easily match his points one for one. Interestingly, I think Lewis begins to make headway when he begins to address

the question of biblical exegesis, for it is here that I think Hays is vulnerable. In making a distinction between "private individuals" and magistrates, Lewis picks up on what I think is a real vulnerability in the kind of argument Hays makes. I think Lewis mistaken when he thinks that there is no corporate dimension to Jesus' command against non-resistance. In a culture where Zealot uprising represented a real option against Roman oppression, and in which such uprisings led to Israel's eventual destruction in 70 AD, Jesus' command not to resist evil, to "go the extra mile," and to "turn the other cheek" had real corporate relevance. In contrast to contemporary revolutionaries, the early Christian community responded to Roman oppression with non-violence. Yet not with capitulation. The Christian soldier of the first century is the martyr, not the zealot. If the modern parallel to the zealots might have been revolutionary radicals of the 1960's like the Weathermen or the SDS, one could certainly argue that the Southern Christian Leadership Conference or Martin Luther King, Jr. and the Student Non-Violent Coordinating Committee were parallels to the early Christians. Are there contemporary parallels to Pontius Pilate or Nero?

Yet Lewis does strike a point with his references to Christian respect for magistrates, and here Hays is at his weakest. Hays seems most uncomfortable when dealing with New Testament references to Roman soldiers. He compares them to other converts, such as tax collectors and prostitutes. He fails to note, however, that the New Testament presumes something questionable about these other occupations. Zacchaeus offers to make right what he has defrauded. The woman caught in adultery is told to "Go, and sin no more." While John the Baptist commands tax collectors to collect only what they are authorized, he merely tells soldiers to not "extort money" and to be content with their wages. Cornelius the Centurion is the church's first Gentile convert, and Paul does not hesitate to use a military escort to provide for his safety (Acts 23:12-35). Coupled with the statements in Rom. 12 and 1 Peter

about the magistrate, the New Testament seems to make a distinction between the sword as used by the magistrate to restrain evil-doers and the sword as an instrument of violence.

Lewis will not help us much here, however, so we turn to an earlier writing of Oliver O'Donovan, one of contemporary Anglicanism's foremost ethicists. O'Donovan has recently written a book entitled *The Just War Revisited*.<sup>7</sup> The book, while a masterful discussion of historic just war principles—authority, discrimination, proportionality—says virtually nothing about biblical exegesis. For that reason, it seems to confirm Hays's criticism that just war theory is a case of "natural law" ethics, not really faithful to the biblical material.

However, O'Donovan wrote an earlier essay entitled "In Pursuit of a Christian View of War,"<sup>8</sup> and in this essay he particularly addresses the biblical texts, and does so in such a way that challenges Hays where he is weakest.

O'Donovan raises a fundamental parallel between the soldier and the magistrate. Both have unpleasant duties insofar as both exercise power over other people's destinies, and they do so "not by invitation and with consent, but in the face of violent resistance or sullen reluctance." O'Donovan believes that agents of the state have a duty to do "real harm" to those who really object, and must do so, because "they deserve it." The Christian gospel, on the other hand, tells us that victory comes through renouncing power and accepting suffering, not through making others to suffer. So there is a real problem: "How, then, can the duties of the soldier and the magistrate ever live with the believer's response to the Gospel of Christ?" (O'Donovan, 5).

Hays's answer to this question is clear. They cannot. He writes: "Though the governing authority bears the sword to

execute God's wrath . . . , that is not the role of believers." And later, "Christians would have to renounce positions of power and influence insofar as the exercise of such positions becomes incompatible with the teaching and example of Jesus." (Hays, 331, 342). It needs to be clear that the kind of pacifism that Hays endorses precludes Christians from exercising government authority, and must do so. Not only may Christians not be soldiers, it is hard to see how they could be police officers, judges, mayors, perhaps even school teachers.

This, I think, is the fatal flaw of Hays's account, and it is here where O'Donovan makes his case. O'Donovan and Hays both agree that governments must rely on violence. Nonetheless, O'Donovan believes that the New Testament teaches that political authority, "though not the final answer of God who adopts men as their sons, nevertheless has divine authorization as a provisional arrangement for a world not yet redeemed." (O'Donovan, 8). O'Donovan's case against Christian pacifism rests on the New Testament case for divine sanction of government.

O'Donovan argues, first, that government is a divine institution. He cites Rom. 13:4 to the effect that the magistrate is "God's servant for your good." Government is necessary in a world of "house-breakers," but even in a utopian world in which there were too few resources, where individuals were less than wise, and less than impartial.

Second, he argues, that in the New Testament, governments exist to fulfill requirements of justice, "to execute God's wrath on the wrong-doer." O'Donovan argues that New Testament writers measured government by moral standards that they inherited from the Old Testament. They thus not only assumed that government had divine institution, but that it could become demonic. Nonetheless, the New Testament assumes that justice is the special task of political authority, defending the rights of the weak against the oppression of the strong.

Third, there is an inherent contradiction between the Kingdom of God and human political relationships. (O'Donovan cites Luke 22: 25 ff.) The Mosaic ideal was that government could be performed through divine rule. The New Testament, however, looks to the eschaton where Christ will reign as the new Moses, the new David. Consequently, government in this world must be a compromise, where justice is a "tragic virtue." The question is raised whether Christians can ever wield such limited political authority. In the New Testament, it is assumed that Christians will meet justice as those who are the powerless, but O'Donovan suggests that, given a changed political situation, it would be consistent for Christians to exercise political authority, recognizing its inherent ambiguity.

O'Donovan states that governments cannot exercise judgment without violence in that "the task God has given them is to control violent men." He defines government as "that institution in a community which is generally recognized to have the right to use force when all else fails."(12).

The "just war theory," O'Donovan notes, rests on making a case to interpret acts of war by analogy with acts of civil government, not justifying war-making, but bringing it under the restraint of moral standards that apply to other acts of government. The criteria of just war—proper authority, just cause, just motive, discrimination, proportionality, are, we might add, arguments of natural reason. However, O'Donovan notes that these criteria exist so that important distinctions are not overlooked, so that the state does not become a gang of terrorists (15). (One of the weaknesses of Hays's account is that insofar as he assumes that all use of violence is illegitimate, he does not distinguish between governments that initiate violence, e.g., Nazi Germany, and those governments that restore justice by resisting that violence.) O'Donovan spends the rest of the essay examining these criteria, and in his recent book does so more thoroughly. His arguments here

need not detain us.

Does O'Donovan's account for just war meet the case against something like Hays's argument for Christian pacifism? I think it does. O'Donovan raises the crucial question that Hays's approach can deal with only uncomfortably: What role does civil government play in the Scriptures? While Old and New Testaments both recognize that governments can become demonic, they also recognize that government plays a limited and necessary role, and that role is a good one. Government exists to bring about what justice there can be in a fallen world. Because this world is not yet the kingdom of God, government is necessary. In a world that is not the kingdom of God, force is sometimes necessary.

This does not mean that we can simply disregard Hays's reading of the New Testament texts as irrelevant. Hays makes a superb case for understanding the New Testament community as a community that must live a certain kind of life, modeled on the character of Jesus, who chose the cross over the sword. At the same time, however, the church is not the only community. Both Old and New Testaments recognize governments as having a limited role in executing justice, a role that the church cannot fulfill.<sup>9</sup> It seems, then, that Hays's reading stands in light of a certain correction, something like Luther's distinction between the two kingdoms, O'Donovan's reading points in something like this direction.

However, this does not get the Christian advocate of just war off the hook when it comes to answering the question of whether a Christian can partake in war. Where the Christian pacifist can simply dismiss any Christian participation in violence as inconsistent with what it means to follow Jesus, the Christian who intends to follow the just war tradition has a moral obligation actually to apply the criteria. Hays is right that Christians have been particularly compromised by repeatedly participating in wars that do not come close to

meeting just war criteria. In our contemporary setting, one needs to ask questions like: Can a pre-emptive war ever be consistent with just war criteria? Is it permissible to engage in war on the basis of a fear of what one's enemies "might do"? What are a nation's obligations when it goes to war based on presumptions about "weapons of mass destruction" that turn out not to exist after all? Are weapons that indiscriminately kill civilians and non-civilians alike like cluster bombs and land mines permissible to use in warfare? If it is permissible to invade a hostile nation for its ostensible possession of weapons of mass destruction, how can we justify our own possession of such weapons? If torture is inherently immoral, have Christians already failed when they argue about whether actions like water-boarding really constitute torture? Is it morally permissible to imprison people for years without trial and without charges because we have determined ahead of time that they must be terrorists when it is only the trials and charges that we have denied them that could determine whether they really are? The list is a long, and uncomfortable one.

[1](#) Richard Hays, *The Moral Vision of the New Testament: A Contemporary Introduction to New Testament Ethics* (New York: HarperCollins, 1996).

[2](#) John Howard Yoder, *The Politics of Jesus*, 2nd. Edition (Grand Rapids: Eerdmans, 1994).

[3](#) Stanley Hauerwas, *The Peacable Kingdom: A Primer in Christian Ethics* (Notre Dame, IN: University of Notre Dame Press, 1983).

[4](#) C. S. Lewis, "Why I am not a Pacifist," *The Weight of Glory and Other Addresses*, rev. and expanded ed. (New York: Macmillan Publishing Co., 1980), 33-53.

[5](#) C. S. Lewis, "On Ethics," *Christian Reflections* (Grand Rapids: Eerdmans, 1967), 44-56.

[6](#) One of the students in my ethics class pointed out that

there were Christians in Nazi Germany who did refuse to fight for Hitler – the Confessing Church. One of those Christians, Dietrich Bonhoeffer, notoriously participated in an unsuccessful plot to assassinate Hitler.

[7](#) Oliver O'Donovan, *The Just War Revisited* (New York: Cambridge University Press, 2003).

[8](#) Oliver O'Donovan, *In Pursuit of a Christian View of War* (Grove Books, 1977).

[9](#) One of the crucial distinctions in the modern Reformed political thought following in the footsteps of Abraham Kuyper is the notion of “sphere sovereignty”– that there are different spheres of authority within a community, and that what is permissible in one sphere is not necessarily permissible in another. So, families, schools, work places, churches, and governments each operate within their own spheres. Problems occur when the borders between these communities is not respected. Current attempts by court justices to redefine marriage to include same-sex relationships would seem to be just such a case of boundary violation. On sphere sovereignty, see especially David T. Koyzis, *Political Visions and Illusions: A Survey and Christian Critique of Contemporary Ideologies* (Downers Grove: InterVarsity, 2003).