JUST NOT ENOUGH: REFRAMING JUST PEACE IN AN ERA

OF PERSISTENT CONFLICT

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JUST NOT ENOUGH: REFRAMING JUST PEACE IN AN ERA

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PREFACE

I would like to express my appreciation to Chaplain (Lieutenant Colonel) Michael Burgess for encouraging me in the study of ethics, particularly the consideration of *jus post bellum*. His suggestion that I read Allman and Winright's book *After the Smoke Clears* was seminal in launching me towards this end.

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CHAPTER 1

INTRODUCTION

Jesus said there would be wars and rumors of wars. "In speeches in September and October 2007, Army Chief of Staff General George Casey coined the phrase 'era of persistent conflict,' by which he meant 'a period of protracted confrontation among states, non-states, and individual actors, who are increasingly willing to use violence to achieve their political and ideological ends.'"[1] United States Army doctrine reflects this, referring the twenty-first century as "an era of persistent conflict."[2] War is persistent.

In war, people and whole societies are often irreparably damaged. War rends the life-fabric of soldiers, leaders, and non-combatants. It leaves them irrefutably changed. Warfare can violate personal ethical values like nothing else. Erasmus warned, "There is no place for him [a prince] to be more deliberate or circumspect than in the matter of going to war. Some evils come from one source and others from another, but from war comes the shipwreck of all that is good and from it the sea of calamities pours out."[3] War is a tragic, often ghastly, affair.

Christians, and others concerned about ethical conduct, are always compelled to wrestle with the persistent and tragic realities of war. If war is a persistent

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[1]Chadwick Clark and Richard L. Kiper, "Strategic Thinking in an Era of Persistent Conflict," *Military Review* 92, no. 3 (2012): 25.

[2]ADRP 3-0, *Unified Land Operations*, Headquarters, Department of the Army, May 2012, 1-8, accessed December 11, 2015, http://www.apd.army.mil/ProductMaps/TRADOC/ADRP.aspx.

[3]Desiderius Erasmus, *The Education of a Christian Prince*, trans. Lester K. Born (New York: Columbia University Press, 1936): 249.

phenomenon, how can we reduce its commonness? Is there an ethical way to conduct warfare? Through centuries of wrestling, Christians accepted Just War Theory as an ongoing attempt to develop a system for war that upholds the justice displayed in God's moral character.

Just War Theory accepts nations as moral entities dedicated to peace who must war on occasion to meet the demand for justice. According to Montesquieu, "The state is also a moral entity which, in its ideal form, preserves peace both internally and externally by securing liberty and making it possible to achieve material well-being through production and trade."[4] Nations dedicated themselves to these principles, only engaging in war when certain criteria (*jus ad bellum*) were met and waging war in a manner that was ethically defensible (*jus in bello*). This was noble, reduced bloodshed, and staunched the flow of evil over the last 2500 years, but it only modestly addressed the chief question, "Why war?" What is the *Telos* at which war is aimed? Just War theorists resoundingly agree the proper aim of war is a just peace *(jus post bellum)*. If peace is the proper aim of war, how, after 2500 years of Just War Theory, does the globe arrive in an era of persistent conflict?

The question must be raised: is Just War Theory, as currently practiced, insufficient to bring a just peace? Is Just War Theory is just not enough to get a just peace? Perhaps the problem is not aiming for peace, but an ambiguous notion of peace.

If the end is vague, the best of *jus ad bellum* intentions will not yield peace. If peace is shrouded in mystery, noble *jus in bello* conduct will not result in *jus post bellum*. My thesis is Just War Theory cannot meet the challenges of an era of persistent conflict,

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[4]Gregory Reichberg, M. Henrik Syse, and Endre Begby, eds., *The Ethics of War: Classic and Contemporary Readings* (Oxford: Blackwell Pub., 2006), 477.

unless *jus post bellum* is reframed as a principal and primary consideration before war. My goal is to augment *jus ad bellum* practice in a manner which enables decision-makers to ethically and effectively compare the cost of war with the quality of the peace outcome.

Today's operating environment calls for a broader concept of peace. Hybrid-threats, non-state actors, terror networks, and lone-wolf/aspirational actors from widely varied cultural milieus are common. As a consequence, I propose that, along with a reasonable expectation of victory, policymakers must consider the maximum obtainable peace across a spectrum projected by the peace prism, while maintaining a call for ideally just peace. Additionally, this must be a precondition for any offensive war.[5] Carefully considering cost against a perceived post-conflict peace before engaging in conflict strengthens Just War Theory's ethical position. In exchange, one accepts the more complex notion of variegation across a spectrum of peace possibilities as the proper end to a just war.

War: What Is It Good for? Three Views

Just War Theory specifies war is to be conducted in pursuit of peace, restricted by *jus ad bellum* and *jus in bello* criteria. Other competing views seek different ends. Pacifism believes "offensive war of any kind is not morally justifiable."[6] War is inherently destructive and does no good. Justice cannot result. Regular War and Total War (theories I collectively refer to as realism) justify war as either ethically justifiable, on

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[5]Discussion throughout this paper will be confined to offensive war, as defensive wars are assumed, *de facto*, to be just.

[6]National Conference of Catholic Bishops, "The Challenge of Peace: God's Promise and Our Response, A Pastoral Letter on War and Peace" (Washington, DC: Office of Publishing services, U.S. Catholic Conference, 1983), 2, accessed December 15, 2015, http://www.usccb.org/upload/challenge-peace-gods-promise-our-response-1983.pdf.

utilitarian grounds, or morally neutral. In contrast, Just War insists the proper terminus of warfare is peace, full stop.

War Is Always Unacceptable–Pacifism

Pacifism rejects war completely, because it sees war as fundamentally immoral or so intrinsically destructive the cost is too high to offset any potential benefit. Brian Orend explains, "A pacifist rejects war in favour of peace . . . the specific kind and degree of violence that war involves [leaves] no moral grounds which can justify resorting to war. War, for the pacifist, is always wrong."[7]

Pacifism is inadequate in the current operating environment. First, pacifists rely heavily on Enlightenment principles calling for formal negotiations and agreements arbitrated by disinterested third-parties. Second, pacifism fails to address real world scenarios where bad faith exists, an appropriate arbiter cannot be found, or when one or both parties do not consider the other legitimate governing authorities. Additionally, pacifists define peace in an unrealizably utopian manner, leaving no viable mechanism for peace. Even when agreements are reached, enforcement often requires the use of military force which inherently contradicts the pacifist position. Third, Pacifism does not address the fallen nature of humanity or the responsibility to intervene to preserve justice for others. Evil is pervasive and persistent. Armed response is sometimes the only means of stopping the advance of evil. Anscombe decries pacifism's moral failure. "Pacifism teaches people to make no distinction between the shedding of innocent blood and the shedding of any human blood. And in this way pacifism has

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[7]Brian Orend, "War," in *The Stanford Encyclopedia of Philosophy*, accessed December 15, 2015, http://plato.stanford.edu/archives/fall2008/entries/war/#4.

corrupted enormous numbers of people who will not act."[8] Lastly, Pacifism promises an end to war, but as long as evil persists, pacifism will consistently fail. Pacifism's vision must be tossed, with other unworkable, philosophical relics, into the dustbin of history. As John Locke saw it pacifism multiplies injustice:

> If the innocent honest man must quietly quit all he has for peace sake to him who will lay violent hands upon it, I desire it may be considered what a kind of peace there will be in the world which consists only in violence and rapine, and which is to be maintained only for the benefit of robbers and oppressors.[9]

War for Other Ends–Realism

Realism encompasses a couple of schools of thought on the ethics of war. Broadly considered, it teaches that war is a means to accomplish any reasonable end that furthers national interests. Ultimately, war and peace are ethically decoupled. As Orend sees it, "Realists believe that moral concepts should be employed neither as descriptions of, nor as prescriptions for, state behavior on the international plane."[10]

Some realists believe war is an appropriate means for settling international disputes. Rousseau suggests, "The purpose and effect of war may only be to alter the Constitution of the enemy state and is also not difficult to justify."[11] Machiavelli and Hobbes considered war's end to be whatever legitimate governmental authority wants. They attribute no ethical weight to decisions made by states. War is simply another policy decision. Orend describes their view:

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[8]G. E. M. Anscombe, *Nuclear Weapons: A Catholic Response* (New York: Sheed and Ward, 1962), 49.

[9]John Locke and Robert Filmer, *Two Treatises of Government with a Supplement, Patriarcha, by Robert Filmer* (New York: Hafner Pub. Co., 1947), 237.

[10]Orend, "War."

[11]Grace G. Roosevelt, *Reading Rousseau in the Nuclear Age* (Philadelphia: Temple University Press, 1990), 193.

Once war has begun, a state ought to do whatever it can to win. In other words, "all's fair in love and war." During the grim circumstances of war, "anything goes." So if adhering to the rules of just war theory, or international law, hinders a state during wartime, it should disregard them and stick steadfastly to its fundamental interests in power, security and economic growth.[12]

This view is a completely utilitarian. One must only do what achieves victory most swiftly and at the lowest cost to oneself. In sum, this view suggests that war is simply another tool in the decision-maker's toolbox, used whenever the return on investment is high enough.

Realism is inadequate in the current operating environment. First, it gives no ethical import to the actions of states. Conversely, Hegel believed a nation's policy carried moral weight saying, "The state is also a moral entity which, in its ideal form, preserves peace both internally and externally by securing liberty and making it possible to achieve material well-being through production and trade."[13] It is unreasonable to suggest the actions of states do not constitute moral actions. Realism does so. Second, realism trivializes the ethical significance of actions taken in war. Montesquieu believed this would lead to an endless flood of wars: "The right of war derives from necessity and from a strict justice. If those who direct the conscience or the councils of princes do not hold by this, all is undone: when they proceed on arbitrary principles glory, conveniency and utility, torrents of blood will overspread the earth."[14] Doing whatever is necessary to minimize cost and ensure rapid victory eliminates justice and ethical rectitude. This is

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[12]Orend, "War."

[13]Reichberg, Syse, and Begby, *The Ethics of War*, 477.

[14]Montiesquieu, *The Spirit of Laws in Two Volumes*, accessed December 11, 2015, http://find.galegroup.com/ecco/infomark.do?&source=gale&prodId=ECCO&userGroupName=lou57655&tabID=T001&docId=CB3329480543&type=multipage&contentSet=ECCOArticles&version=1.0&docLevel=FASCIMILE.

what Machiavelli advocated. "It should be noted that in taking hold of a state, he who seizes it should examine all the offenses *necessary* for him to commit, and do them all at a stroke."[15] This approach is morally repugnant and inflames discontent, the driving force behind persistent conflict.

War to Obtain Peace–Just War

Just War Theory sees peace as the only valid reason for a nation to engage in offensive war. As a moral agent any state engaging in offensive war is ethically bound to seek a just peace. As John Rawls puts it,

> Above all, they are to hold fast to the aim of gaining a just peace, and avoid the things that make achieving such a peace more difficult. Here the proclamations of a nation should make clear (the statesman must see to this) that the enemy people are to be granted an autonomous regime of their own in a decent and full life once peace is securely reestablished . . . they are not to be held as slaves or serfs after surrender, or denied in due course their full liberties.[16]

Augustine, the initiator of Christian Just War thinking, firmly advocated the view that war is fought to secure peace. He said, "Even those who want war want nothing other than to achieve victory; by warring, therefore, they desire to attain a glorious peace."[17] Just War thinkers through the centuries consistently reaffirm this view. Raymond of Peñafort, in the thirteenth century writes, "The *cause* [requires] that [the war] be fought out of necessity, so peace is achieved by the fighting."[18] Hostiensis suggests even clerics "are allowed to exhort others to take up arms in defense of the

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[15]Niccolò Machiavelli, *The Prince*, trans. Harvey Mansfield (Chicago: University of Chicago Press, 1998), 38. Emphasis mine.

[16]John Rawls, "50 Years After Hiroshima," *Dissent Magazine*, accessed December 11, 2015, https://www.dissentmagazine.org/article/50-years-after-hiroshima-2.

[17]Augustine, *Political Writings*, trans. Michael W. Takcz, Douglas Kries, Earnest L. Fortin, and Roland Gunn (Indianapolis: Hackett, 1994), 150.

[18]Reichberg, Syse, and Begby, *The Ethics of War*, 134. Emphasis original.

oppressed . . . for war is conducted so that peace may be obtained."[19] Aquinas adds, "All wars are waged that men may find a more perfect peace."[20] Vitoria, following Aquinas wrote, "The purpose of war is the peace and security of the commonwealth."[21] Rousseau strikes the same chord, "War is born out of peace, or at least out of the precautions men have taken to assure themselves of peace."[22] In 1995, John Rawls said, "The aim of a just war waged by a decent democratic society is a just and lasting peace."[23]

Waging war to bring peace neither denies the reality of evil as pacifism does, nor devalues humanity as realism does. The pursuit of peace is the only option for offensive war which upholds both a duty to respond ethically to evil and to seek ends that are in accord with the rights inherent to humanity. This invites the question: What is peace?

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[19]Reichberg, Syse, and Begby, *The Ethics of War*, 163.

[20]"Summa Theologica," Christian Classics Ethereal Library, accessed December 9, 2015. http://www.ccel.org/ccel/aquinas/summa.html.

[21]Francisco de Vitoria, Anthony Pagden, and Jeremy Lawrance, *Vitoria Political Writings* (New York: Cambridge University Press, 1991), 298.

[22]Roosevelt, *Reading Rousseau in the Nuclear Age*, 190.

[23]Rawls, "50 Years After Hiroshima."

CHAPTER 2

PEACE: WHAT DOES THAT MEAN?

Peace is a dramatically nuanced term. The *Oxford English Dictionary* broadly defines peace as "Freedom from disturbance; quiet and tranquility . . . freedom from or the cessation of war or violence."[1] Catholic thought adds, "Peace does not consist merely in the absence of war, but rather in sharing the goodness of life together."[2] Freedom from something disruptive, particularly dispute, conflict, and violence between parties is the basis of peace.

What Must Be Considered Peace? Peace Components

Peace is built around five components. Combatants possess political, economic, social, international relations, and personal facets which must be addressed in the peace process. Once an end to hostilities is on offer, the parties must address each of these to obtain peace.

Peace must address the political system. How should the citizens of the opposing state be governed? The political system of the nation could continue in its antebellum fashion, could be modified, abolished in favor of new system, or subsumed within the system of the victor (a colonial approach robbing the nation of sovereignty).

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[1] *The Oxford English Dictionary*, accessed December 4, 2015, http://www.oxforddictionaries.com/us/definition/american_english/peace.

[2] The United States Council of Catholic Bishops, "The Harvest of Justice Is Sown in Peace," accessed May 26, 2016, http://www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/the-harvest-of-justice-is-sown-in-peace.cfm.

Peace must address the economies of the combatants. Will trade be equitable between former combatants? Will trade with noncombatant parties be embargoed or prohibited? Are tariffs, taxes, or tributes to be levied as part of a reparations agreement? Will economic institutions survive, be subverted, or devolve into a black market economy?

Building peace means rebuilding societies damaged by war. How will societies be structured? Will they remain consistent with their antebellum selves or will they shift dramatically as a result of the conflict?[3] The social aspect of peace comes with a high degree of variability. Will the society be open and free, restrict dissent, or be wholly subjected to the dominance of the other?

How former combatants see interaction with other nations speaks to the international relations component. Is a combatant to be ostracized from the community of nations, accepted on a limited basis, or recognized as a sovereign member? What restrictions might rightly be placed on international relations?

Finally, peace must engage the personal costs borne by soldiers and civilians on both sides. Are they free from prosecution and punishment for supporting their leadership? Can property be confiscated? Will they remain free from harassment by their former opponent? Will their physical and emotional wounds be addressed amicably and equitably? Former U.S. Navy Chief of Chaplains, Louis Iasiello believes,

> Nations that wage war have a responsibility to those who fight in wars, to their families, and to society at large. In the post bellum phase of war, belligerents have a moral responsibility to address and heal the wounds of war. . . . This criterion addresses a nation's moral obligation to heal the visible and invisible wounds of its

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[3]For example, was the cultural shift away from militarism and the Bushido Code in postwar Japan directed, or was it a sociological shift caused by the net effect of the war itself? The answer to this is probably, both.

warriors by adequately preparing them for the inevitable return and reentry into society.[4]

These five components of peace (political, economic, international, social, and personal) with all their concomitant questions provide insight into the challenges of implementing peace after war. This is the challenge of just peacemaking. So how might Just Peace be instituted?

Peace on Dictated Terms

One means of instituting peace is dictated terms where a nation compels another to surrender unconditionally. Anscombe rejects this approach stating, "The connection between such a demand and the need to use the most ferocious methods of warfare will be obvious. And in itself the proposal of an unlimited objective in war is stupid and barbarous."[5] Unconditional surrender often results in retributive, draconian terms. Reparations are enforced through threat. This was the mentality of the Treaty of Versailles. The armistice signed to bring an end to "the war to end all wars," became what David Fromkin calls, "A peace to end all peace."[6] "The treaty ending World War I is notorious for having planted the seeds of the second world war. It established draconian penalties for the losers and convinced many of the victors that this truly had been the war that ended all war."[7]

Under dictated terms, the victor completely controls of the process. Politically, the new government is beholden to, perhaps directed by the victor's. The victor structures

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[4]Louis V. Iasiello, "Jus Post Bellum," *Naval War College Review* 57, nos. 3-4 (2004): 50.

[5]G. E. M. Anscombe, *Ethics, Religion, and Politics* (Minneapolis: University of Minnesota Press, 1981), 62.

[6]David Fromkin, *A Peace to End All Peace:The Fall of the Ottoman Empire and the Creation of the Modern Middle East* (New York: Holt, 1989), provides many insights into the causative impacts of post-World-War-I politics on our era of persistent conflict.

[7]Doug McCready, "Ending the War Right: Jus Post Bellum and the Just War Tradition," *Journal of Military Ethics* 8, no. 1 (2009): 69-70.

the economy, to his benefit. He limits national sovereignty, dictating how and with whom the fallen nation can relate. The social structure is driven by edict, often restricting the reemergence of antebellum cultural norms. Civil freedoms are abridged and certain organizations and activities are prohibited or controlled.

Peace on dictated terms is highly unlikely to be just. When combatants strive for a dictated peace, due to the perceived severity of the injury which precipitated the conflict, they entertain the baser instinct of fallen human nature exploiting rather than respecting others.

Ultimately, justice depends on the values underlying the victorious society and the extent to which they animate its policies. The chief problem is men imperfectly implement even the best of values. As James Madison aptly pointed out,

> If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary . . . . A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.[8]

People in authority are not angels, nor do they regularly approach perfection. Democratic societies and societies with a Christian heritage may be more likely to dictate terms which meet the demands of justice, for instance under the surprisingly generous terms of World War II, but there are no guarantees.[9]

Dictating peace, even with noble intentions, is problematic. Pursuing peace on dictated terms fundamentally lacks justice. Conflict festers when one people dominates another. Peace on dictated terms plays well for Machiavelli but typically fails any

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[8]James Madison, *Federalist* no. 51, in *The Federalist Papers* (Ipswich, MA: Great Neck Publishing, 2009), accessed March 5, 2016, http://search.ebscohost.com/direct.asp?db=aph&jid=2635&scope=site.

[9]As will be shown later, the peace ending WWII presents a striking anomaly in the history of war. Never prior, nor since did a peace, concluded by dictated terms, result in such charity.

minimal test of justice or Christian charity. It does not meaningfully consider the fundamental rights of the vanquished as coequal people.

Non-binding or Total Peace

An alternative to dictated terms is a non-binding or total peace approach. The war may end inconclusively or the victor may simply abandon the field after defeating his enemy, leaving the defeated nation to its own devices. There are several potential scenarios for non-binding peace.

The first case involves a scenario where the goals of military or political victory are met (e.g., UN resolutions supporting the expulsion of Iraqi forces from Kuwait). Assuming the military and political goals were the totality of the commitment, some would say the victor is not ethically bound to ensure justice in the defeated nation. In some manner this is what happened at the conclusion of the Gulf War. The U.S. pulled out of Iraq leaving only no-fly zones designed to protect national interests, but leaving the people of southeast Iraq vulnerable to the horrors of chemical attacks by the Hussein regime.

A second case arises from a draw. On the one hand, this could motivate a peace that simply reflects a return to the antebellum status quo. This is an unjust peace, heaping new injuries on top of old. On the other hand, a draw might result in a new status quo, arguably worse than the original. North and South Korea testify to this.

When fighting formally ended on the peninsula in 1953, peace accords did little more than create a perpetual cease-fire. In the echo of World War II, the combatants largely just stopped where they were and went home, not wishing to fight another protracted war. The peace left behind the mute testimony of the Demilitarized Zone as irrefutable evidence that the Koreas remain conflicted. The peace is non-binding in that there is no expectation of justice for all. The South is unquestionably better off than the

North. The appalling human rights conditions of the North demonstrate a fundamental lack of justice.

A third case results when the victor is short of money or its people are war-weary and so they abandon the peace process. Wars are expensive and the national will to continue wanes rapidly. This may be happening in Afghanistan. Fiscal and political concerns, aided by a war-weary American people, are motivating a withdrawal which demonstrates little consideration for justice. Many are reluctant to expend further blood and treasure to ensure the benefits of peace for Afghans. This is more lack of compassion than reasoned and prudent policy. Chayes expands on this:

> Concern about the deficit and continuing high joblessness will also shape post-conflict reconstruction efforts. War weariness may precipitate an irrational early withdrawal of troops, or a reduction in assistance resources . . . . Domestic politics may prompt premature, ill-conceived peace negotiations, or support for a despised government.[10]

In all cases, the biggest concern for justice lies with non-combatants. The problem-set is exceptionally challenging, but the ethical obligation to seek a peaceful future remains. McCready explains the non-binding or total peace approach does not meet this ethical demand, offering no guarantees on anything. "After the fighting is over, the victor may not simply declare victory and walk away."[11]

The political system may devolve into the chaos of a failed state or an oppressive government (e.g., Somalia or Egypt under the Muslim Brotherhood). Ultimately, the political end state, like the man repossessed in Luke 11:26, is worse than before. This can result in economic collapse, shattered international relations, societal implosion, and individual harm.

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[10]Antonia Chayes, "Chapter VII½: Is Jus Post Bellum Possible?" *European Journal of International Law* 24, no. 1 (2013): 300.

[11]McCready, "Ending the War Right," 74.

Peace which does not bind the parties to justly care for people on all sides or which leaves people in a damaged state to fend for themselves, fails any minimal test of justice or Christian charity. It does not meaningfully consider fundamental rights endowed at Creation. While a peace on dictated terms becomes a sin of commission, a non-binding/total peace becomes a sin of omission.

Just War Requires a Just Peace

For a war to be considered just, meeting *jus ad bellum* and *jus in bello* criteria alone is insufficient. An offensive war must unreservedly seek a just peace to be just. There must be a *jus post bellum*. Aquinas said, "True peace is only in good men and about good things, the peace of the wicked is not true peace but a semblance thereof."[12] Any combatant, conducting military operations, is ethically bound to do all they are practically capable of to ensure justice prior to, during, and after war. Herein lies the requirement of *jus post bellum*. Orend offers a helpful metaphor:

> A war, justly prosecuted, is something like radical surgery: an extreme yet necessary measure to be taken in defense of fundamental values, such as human rights, against severe threats to them, such as violent aggression. And if just war, justly prosecuted, is like radical surgery, then the just conclusion to such a war can only be akin to the rehabilitation and therapy required after the surgery.[13]

An ideally just peace heals the relationship between former combatants. It resembles the Hebrew *Shalom*. Far more than the absence of conflict alone, ideally just peace includes a shared mutuality of purpose and benefit. It requires significantly more of combatant parties than simply ceasing hostilities. Kofi Annan explains:

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[12]"Summa Theologica" Christian Classics Ethereal Library, accessed December 9, 2015, http://www.ccel.org/ccel/aquinas/summa.SS_Q29_A2.html.

[13]Brian Orend, "Jus Post Bellum: The Perspective of a Just-War Theorist," *Leiden Journal of International Law* 20, no. 3 (2007): 581.

When fighting stops, the international commitment to peace must be just as strong as was the commitment to war. In this situation, too, consistency is essential. Just as our commitment to humanitarian action must be universal if it is to be legitimate, so our commitment to peace cannot end as soon as there is a ceasefire. The aftermath of war requires no less skill, no less sacrifice, no fewer resources than the war itself, if lasting peace is to be secured.[14]

Ideally just peace transforms a state of mutual harm into a state of felicity, fraternity, and freedom prospering all parties and peoples. The conflict is resolved and the manner in which it is done leads to a better tomorrow. Politically, both parties support and defend the right to organize a government providing the greatest freedom and prosperity for their citizenry. Economic policies are formed to benefit all. Rebecca Johnson highlights the need to integrate the peace components. She says, "Military rehabilitation cannot be dissociated from political and economic rehabilitation. The components of the overall mission are mutually reinforcing (or mutually corrosive). Again, *jus post bellum* provides a mechanism for thinking about this in a way *in bello* calculations ignore entirely."[15]

In the area of international relations, the parties work jointly, opposing those who seek evil ends. They uphold the ethical treatment of all people to the extent of their practical capacity. Socially, the former foes ensure mutually affirming messages are disseminated and social structures focus on strengthening the bonds of common purpose and tranquility. They systematically eliminate the seeds of discord. Individual citizens respect and honor those of the other party, planting the seeds for integration of values and feelings of mutual affection. The ultimate end of all these things is to forge an indivisible bond of love betwixt the peoples yielding perpetual freedom from conflict.

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[14]Kofi Annan, "Two Concepts of Sovereignty," *The Economist*, September 16, 1999, accessed July 18,2016, http://www.economist.com/node/324795.

[15]Rebecca Johnson, "Jus Post Bellum and Counterinsurgency," *Journal of Military Ethics* 7, no. 3 (2008): 226.

This is a utopian vision of the future. Its utopianism does not diminish the value of contemplating, desiring, and striving for peace along these lines. While not realizable in our world, progressively positive resolutions to future conflicts and the soothing balm of copious amounts of time can lead to a close approximation of this vision.

Jus Post Bellum: The Only Ethical Option

Jus post bellum, the view that wars are fought for the purpose of securing a just peace, alone retains the ethical high ground. It represents a moderate, thoughtful consideration of the views of realism and pacifism. It integrates the fruits of reason, realistic circumstance, and relationship. It neither denies the reality of human nature's bent to evil as pacifism does, nor devalues humanity by justifying all interest-driven actions in war, as realism does. It is the only option which upholds both a duty to respond ethically to evil and to seek ends that are in accord with the rights inherent to humanity.

Dictated terms of peace are generally incompatible with Just War Theory as they prohibit true liberty, encourage deplorable infringements of individual rights, and lead to unrest. Non-binding or total peace approaches are also incompatible with Just War Theory as they ignore critical ethical responsibilities, extend limited conflicts, indoctrinate people with disrespect for others, and omit compassion for innocents.

Just peace fulfills the ethical responsibility to respect human rights while acknowledging the fallenness of human nature and the need to counter evil. Ideally just peace averts the nearly inexorable sin of oppression brought by dictated peace terms while simultaneously emphasizing the compassion non-binding peace lacks. The problem is ideally just peace is not obtainable. It is far from what appears in history. If ideally just peace is not a truly realizable *telos* for Just War, what is? Is there a better, more realistic way to conceive of *jus post bellum* which allows for better decision making? There is, but another complication must be addressed prior to defining it.

CHAPTER 3

PEACE IN AN ERA OF PERSISTENT CONFLICT

An era of persistent conflict calls into question the possibility of peace as freedom from conflict. Valerie Morkevicius says,

> Ultimately, just war theory shares with realism the belief that war is inevitable. While this can be understood secularly, as Walzer does, by reference to the way the world works, this assumption can also be traced to the tradition's Christian theological roots. Augustine, Luther, and even Ramsey see violence as a profound shaper of the world. Given the corrupt state of mankind after the Fall, this is hardly surprising. War is the unfortunate side effect of our distance from God.[1]

War is an undeniable component of humanity's existence. Even a reasonably just peace is rarely attainable–generally, only when nations share similar cultural milieus. To appropriately address the complexities of an era of persistent conflict, Anthony Burke insists a new framework for seeking peace is needed:

> Our frameworks for the moral justification (and limitation) of strategic violence have failed us; and, moreover, they have failed at a cost of thousands of innocent lives and at the risk of creating a future in which we are not free of terror but condemned to its permanent presence. It shifts the normative ideal from just war to ethical peace, an ethics that eschews abstract moral theory in favour of a context-sensitive ethical orientation that is concerned with the outcomes of decisions and the avoidance of suffering.[2]

I disagree with Burke's assessment that Just War Theory must be abandoned to develop a "context-sensitive" approach to peace making. Rather, the era of persistent

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[1]Valerie Morkevicius, "Power and Order: The Shared Logics of Realism and Just War Theory," *International Studies Quarterly* 59, no. 1 (2015): 15.

[2]Anthony Burke, "Just War or Ethical Peace? Moral Discourses of Strategic Violence After 9/11," *International Affairs* 80, no. 2 (2004): 333.

conflict emphasizes the need to reframe the *jus post bellum* aspect of Just War Theory. It is possible to look at just peace in an era of persistent conflict by placing a new filter, the peace prism, on the lens of Just War Theory. While the hope for *Shalom* or Ideally Just Peace, albeit unrealizable, must remain the motivating principle to strive toward in conjunction with a spectral view of peace, the spectrum cast by the peace prism provides the best functional approach in an era of persistent conflict. Prior to a description of the peace prism, the era of persistent conflict requires further investigation.

An Era of Persistent Conflict
Reconsidered

With all due respect to General Casey, limiting the era of persistent conflict to the current operating environment is not as self-evident as he implies. On the surface, an era of persistent conflict refers to any period of time when international quasi-military conflicts are the order of the day. New conflicts invariably arise without end. Peace rarely prevails. The globe stumbles from one fight into the next, unable to resist the progression towards a swirling maelstrom of ceaseless failed attempts to stop the madness. This bleak fate is an overly dark characterization.

Labeling the current era alone an era of persistent conflict is a mistake. Despite the destruction of the World Wars, Korea, Vietnam, and others, the twentieth century was not labeled an era of persistent conflict. If one were to add the twenty-first century, as it is playing out, and lump in the nineteenth, some conflict, high or low intensity, is endemic. There were stints of peace, but one could honestly conclude conflict was persistent. Extrapolating the analysis farther into the past, two inescapable conclusions arise.

First, Jesus was right. The historical record is filled with wars and rumors of wars. If history is any guide, mankind will not stop fighting. James Turner Johnson laments, "Perhaps the most difficult problem posed by contemporary warfare, all in all, is

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the difficulty of achieving a stable, secure ending to it."[3] The era of persistent conflict concept characterizes history as a whole. Every era was and, likely, will be an era of persistent conflict.

The first conclusion drives home the second. Today's era is no different than any other. Conflict continues although the actors and the circumstances–the operating environment–change. Perhaps today's conflicts are more ideological (e.g. Radicalized Islam versus Western Democratization) than those of the past, but our era is no more conflicted than any other.

Returning to the primary question at hand, does an era of persistent conflict negate the possibility of peace? Some might argue that *jus post bellum* is a lost hope and suggest defaulting to the realist view. Carsten Stahn emphatically states, "It is clear that the classical conceptions of just war theory cannot simply be transported to a modern legal setting."[4]

Yet, the twin conclusions above do not necessarily lead to the ultimate conclusion that *jus post bellum* is impossible. Assuming that *jus post bellum* is not incompatible with an era of persistent conflict, what sort of *jus post bellum* can be hoped for? Reframing *jus post bellum* in an era of persistent conflict begins by focusing on combatants rather than nation-states.[5] Conflicts in our era often occur between hybrids of states, organizations, and networks. This is where a fourth way to consider *jus post bellum* provides promise.

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[3]James Turner, Johnson, *Morality & Contemporary Warfare* (New Haven, CT: Yale University Press, 1999), 191.

[4]Carsten Stahn, "Jus Post Bellum: Mapping the Discipline(s)," *American University International Law Review* 23, no. 2 (2008): 342.

[5]Although the term "combatants" is probably the best way to think of opponents in conflict in an era of persistent conflict, it is used interchangeably with the term "nations" in this paper.

CHAPTER 4

THE PEACE PRISM: LOOKING AT PEACE FROM A
SPECTRAL PERSPECTIVE

An era of persistent conflict requires a change of perspective on what peace

means to keep Just War Theory ethically functioning. Adopting a variegated peace

spectrum, cast by the peace prism, is more reasonable and useful for navigating the

turbulent waters of conflict and peacemaking. Once again, Stahn provides insight:

> The temporal scope of application of jus post bellum must be redefined.
> Historically, the dividing line between war and peace has been the conclusion of the
> peace treaty. Today, however, reality is more complex. A conflict can no longer be
> temporally defined simply by looking at the date of signature of the relevant peace
> treaty, nor will the conclusion of the peace treaty necessarily mean the definitive end
> of hostilities.[1]

An era of persistent conflict calls for a broader definition of peace. Applying

the peace prism in a pre-decisional context allows Just War Theory to recapture the moral

high-ground. Nico Vorster adds,

> Issues of character, virtue and right intent are important for a war . . . . It seems that
> modern just war discourse has relinquished some of its earlier moral roots . . . . The
> argument is that notions that belong to the assessment of character are not
> necessarily relevant to the assessment of actions . . . . Clear rules for anticipated
> situations of conflict are very important and should not be discarded, just war
> discourse will be open to abuse if it neglects constitutive moral principles. Rules
> cannot be formulated in a way that addresses every possible situation. When rules
> prove insufficient, we need to turn to conceptual frameworks and moral directives in
> order to make moral judgments within new situations.[2]

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[1]Carsten Stahn, "Jus Post Bellum: Mapping the Discipline(s)," *American University International Law Review* 23, no. 2 (2008): 334.

[2]Nico Vorster, "Just War and Virtue: Revisiting Augustine and Thomas Aquinas," *South African Journal of Philosophy* 34, no. 1 (2015): 55–56.

Just War Theory often losses moral authority because it is applied in a perfunctory, utilitarian manner. It was intended to be a morally grounded theory, not a method for justifying the whims of national interest.

The Peace Prism in Concept

The peace prism refracts the light of peace into a six-level spectrum of interaction ranging from war to ideally just peace (figure 1 below). The levels are (1) war, (2) marginally effective peace, (3) substantially effective peace, (4) optimally effective peace, (5) reasonably just peace, and (6) ideally just peace. The peace prism also includes a time dynamic driven by a continuing desire for an ideally just peace. A variety of positions along the peace prism spectrum can be considered *jus post bellum*. Additionally, the parties involved will seek to move towards the upper end of the spectrum.
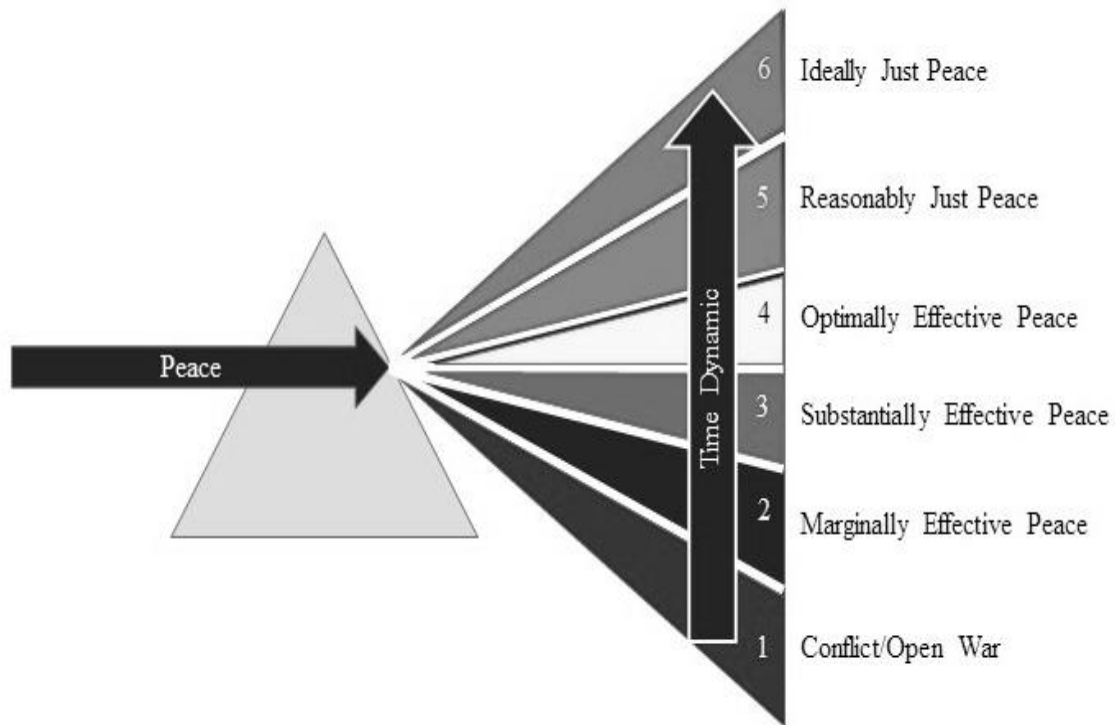
Figure 1. The peace prism

The peace prism, properly applied, puts *jus post bellum* considerations in their proper place as both principally more significant and primarily more fundamental than either *ad bellum* or *in bello* criteria in a policymaker's decision to undertake offensive war. A shift to the primacy of *jus post bellum* in prewar deliberations is crucial if modern Just War Theory wants to uphold the positive ethical position of limiting war. As Morkevicius makes clear, "If we want a just war theory that restrains violence, we must imagine a theory that treats the possibility of achieving justice through war far more skeptically."[3] Williams and Caldwell would concur:

> What happens after the shooting stops and the surrender is signed is important to the moral justification of warfare, just as the means employed is. And yet there has always been inadequate attention paid to the considerations of jus post bellum in the just war tradition . . . . The aftermath of war inevitably raises deep and difficult questions of justice.[4]

Applying the peace prism in the prewar process enables decision makers to factor in the maximum obtainable peace across the spectrum, prior to a decision to expend the nation's blood and treasure. Larry May laments the typical lack of this kind of consideration in prewar planning:

> It might be asked, who is the intended addressee of these jus post bellum principles? Here the answer is also not as easy as one might think. It would be easy to say that the addressee is any political leader who contemplates taking his or her country into war. But it is rare indeed when political leaders consider the Just War Tradition in their war-making decisions, let alone in their decisions on how to act after war is over.[5]

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[3]Valerie Morkevicius, "Power and Order: The Shared Logics of Realism and Just War Theory," *International Studies Quarterly* 59, no. 1 (2015): 11-12.

[4]Robert E. Williams and Dan Caldwell, "Jus Post Bellum: Just War Theory and the Principles of Just Peace," *International Studies Perspectives* 7, no. 4 (2006): 310-11.

[5]Larry May, "Jus Post Bellum, Proportionality and the Fog of War," *European Journal of International Law* 24, no. 1 (2013): 318-19.

This is why the peace prism, which integrates *jus post bellum* with *jus ad bellum* prior to arriving at the decision to engage in armed conflict, promises substantial ethical fruit. It provides numerous benefits and gives the decision-making process significantly more ethical legitimacy than the use of Just War Theory in typical checklist fashion.

Before specifically describing the various subdivisions the peace prism creates, I will handle a few objections. First, is it possible to apply end-state thinking to the pre-war planning process? While not everything can be foreseen with clarity prior to the commencing of hostilities, as per Clausewitz's enigmatic "Fog of War," it is possible to know that certain general things must be considered. The five aspects of peacebuilding provide an invaluable framework for thought about what must be done *post bellum* without requiring exact knowledge of the future. Although rarely considered in practice, *jus post bellum* is required by the *ad bellum* criteria of a reasonable expectation of victory and right intent. According to Allman and Winright,

> The Christian just war theorist must be a vigilant peacemaker ante bellum in strict adherence to the norms of jus ad bellum, jus in bello, and jus post bellum. In integrating the practices of just peacemaking as jus ante bellum to the "front-end" of traditional just war theory and jus post bellum to the "back end," we are proposing a more comprehensive and honest just war theory–one fully committed to seeking a just and lasting peace.[6]

Second, are the subdivisions of the spectrum itself plausible end-states? Levels two through five are plausible and supported by historical example, as will be demonstrated below. Level 1 is war, the lower anchor point of the spectrum. Level 6, ideally just peace, is not fully attainable this side of the *eschaton*, but represents the desired endpoint of *jus post bellum*. A spectral view of *jus post bellum* admits the reality of imperfect justice. As opposed to Orend, Allman and Winright accept this reality,

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[6]Mark Allman, and Tobias L Winright, "Growing Edges of Just War Theory: Jus Ante Bellum, Jus Post Bellum, and Imperfect Justice," *Journal of the Society of Christian Ethics* 32, no. 2 (2012): 180.

acknowledging that imperfect *ad bellum* decision-making yields an imperfect peace, but that such a peace can still be classified as *jus post bellum.* They write,

> For Orend, "failure to meet jus ad bellum results in automatic failure to meet jus in bello and jus post bellum" . . . . We challenge this presumption by proposing that a kind of good fruit (imperfect justice) can come from a bad tree. Injustice ad bellum doesn't necessarily poison all that follows . . . . Justice is not an either/or category. For Christians, there is a range from perfect justice (an eschatological hope) to perfect injustice (a bleak reality), and in between one finds the gray of imperfect justice.[7]

The Peace Prism in Detail

The calculus of how qualitatively effective a peace can be must figure into the reasonable expectation of victory and right intent. Assuming a victory in the military sense only denies the Clausewitzian axiom, "War is policy by other means." The corollary is that war ends, but policy endures. This leaves the challenge of charting a course that arrives at *jus post bellum* and sets a just bearing for future policy.

The bearing of future policy must be aimed towards ideally just peace, but war and ideally just peace are not linked by a straight course over flat policy terrain. On the contrary, combatants traverse an extremely variable path which may not proceed by increments along the spectrum. Some peace processes skip steps and advance much more rapidly, others stall at one point along the spectrum never to advance again.

With war and ideally just peace providing upper and lower limits on the spectrum, I will next examine the intervening waypoints, including examples from history to facilitate clarity. I will do so in succession despite the fact that real peace processes rarely proceed through the waypoints in succession.[8] Each waypoint is a

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[7]Allman and Winright, "Growing Edges of Just War Theory," 180.

[8]Given the vagaries of politics and human interaction, a number of peace processes will backtrack in a circuitous fashion from higher levels to lower ones and back again.

critical, evaluative criterion for assessing progress towards the ultimate aim of ideally just peace.

Marginally Effective Peace (Level 2). A marginally effective peace is the most tenuous of the waypoints along the spectrum, characterized by a high likelihood the situation will quickly devolve to a state of war. Forces from all sides remain in the field, prepared for a rapid resumption of hostilities. There is likely no formal peace agreement, although a cease-fire agreement may exist. Eruptions of violence will certainly occur. Human rights are only marginally better than at Level 1.

The status of the conflict between Ukraine and Russia, with its allied separatists, in late 2015 could be characterized as marginally effective peace. There is peace, although not characterized by justice. There is slightly more stability now than when the conflict began in February 2014. A rapid decline into chaos remains a reasonable possibility although the temporal dimension of the spectrum is pulling conditions towards higher levels. The limited focus of this paper does not allow for a full treatment of the situation, but an overview aids in grasping Level 2.

The political status is indeterminate in a long-term sense. Larry May illustrates this kind of situation suggesting flexibility in describing peace:

> It is hard to tell when war has ended just by looking at when major combat operations ended, and when troops return home. The "post" in postwar discussions may refer to when serious questions of peace building occur . . . *but there will be many wars where there is never a formal peace treaty and yet where surely there is an end of the war. And in other cases there will never be "peace building" at all . . . . I think we should be flexible in how we regard the "post" in jus post bellum*.[9]

What was once part of Ukraine, is now part of Russia, formally in the case of Crimea and informally in the case of parts of what was eastern Ukraine. Will this remain

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[9]May, "Jus Post Bellum," 316-17. Emphasis mine.

the status quo or will it change again? Are the political powers currently in place in Crimea and Sebastopol legitimate authorities? The political state is tenuous.

Economically, the areas taken by Russia are suffering by not being fully integrated into either nation. The disputed territories lack fixed trade agreements. Positive outcomes for the economy of the region remain questionable. Economic devastation is a common postwar condition.

Socially, the disputed territory is foundationless. The society is hamstrung between Russian and Ukrainian societal norms and expectations. The social fabric remains rent until a higher level peace materializes.

In international relations terms, the international community did not recognize Russia's claim on the disputed territory. On the other hand, the international community did not sanction Russia or make changes in Russian participation in the community of nations, despite patently unjust actions against Ukraine. This noncommittal response exemplifies the challenges of peacebuilding in an era of persistent conflict where non-nations, such as the Crimea, Pro-Russian separatists living in Ukraine, defecting Ukrainian military, Euromaidan demonstrators and, purportedly, even Russian motorcycle gang members, are major players.

From a personal standpoint, Soldiers and non-combatants on both sides are seeing no reconciliation. There is no impetus to heal the wounds, physical, emotional, and fiscal opened by the conflict. No agreement seeks to restore individual rights to a better state than prior to the conflict. Many in the disputed area are still under duress. Assuming conditions remain largely the same, the situation will stagnate and, as it does, perhaps drift in the direction of Level 3–substantially effective peace.

Substantially effective peace (Level 3). A substantially effective peace is the most obstinate of the waypoints. Like Level 2, it is often characterized by a lack of

formal peace agreements, but a *de facto* peace reigns. A formal cease-fire agreement may exist. Generally, a sense of normalcy settles in and forces on all sides default to a reactionary posture characterized by fixed sites, routines, and checkpoints. There is no expectation that major combat will recommence. Violence can and does occasionally erupt, but often at a much lower intensity and with less regularity than at Level 2–marginally effective peace. It is not an ideal situation. It is not even good, but it can be managed by policing or occasional, small-scale military engagements. Flare-ups of significant military action may occur. The situation may spiral downward and the human rights situation remains marginally better than at Levels 1 and 2.

The seemingly intractable relationship between Israel, the Palestinians, and the Arabs serves as a historical example of substantially effective peace. It is short of ideal, but with a manageable downside. The peace is characterized by a higher level of justice than that of the Ukraine/Russia scenario and is relatively stable. Negotiations take place and an effort towards a permanent resolution is ongoing. Occasionally, terrorist rockets land in Israel, a checkpoint is attacked, or a busload of non-combatants is bombed and Israel retaliates with helicopters, airstrikes, or the odd infantry engagement. This scenario replays itself with ceaseless regularity and the people of the region, although dismayed by the eruption of violence, accept it as an everyday risk. According to McCready, "The term jus post bellum is not precisely accurate. In the current environment, the end to significant combat does necessarily coincide with the end of the war."[10]

Examining this waypoint through the five components of peace, the political status is indeterminate. The *status quo* is a quasi-two-state situation. Neither Israel, nor the Palestinian Authority truly accepts the other. The political dimension of this peace

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[10]Doug McCready, "Ending the War Right: Jus Post Bellum and the Just War Tradition," *Journal of Military Ethics* 8, no. 1 (2009): 67.

process is unresolved, despite decades of negotiations. Substantial agreements were signed in 1993 and 1995, yet the problem remains unsolved. As James Bohman sees it, the currently prevailing conditions constitute peace:

> The Oslo Peace Process failed to achieve any popular support to build peace between Israelis and Palestinians . . . .While the peace is not perfect, the outcome was due in large measure to the formation of a shared, transnational perspective in terms of which actors begin to look at each other as members of the polity.[11]

Economically, Israel, the Palestinians (a non-state), and the Arabs are intertwined. Trade occurs but the economies are not benefitted by the ongoing violence. These economies are continuously disturbed.

Stark lines are drawn, socially, culturally and religiously. Terrorism is a fact of life in the region. Palestinians live in impoverished conditions with rampant social unrest and are easily incited. Israelis are edgy. The surrounding Arab nations are consistently nervous. None of these societies is at rest.

The international relations picture is murky. Many nations recognize, trade with, and support Israel. Others refuse to acknowledge Israel's right to exist. Some nations recognize, trade with, and support the Palestinian Authority, the Abbas government, and Hamas, others refuse to acknowledge their existence or legitimacy. Some, exhibiting a lack of ethical standards, interact to line their own pockets.

Personally, soldiers and non-combatants do not experience closure. Physical, emotional, and fiscal wounds are regularly reopened and fester. Although countless agreements came and went over the last seven decades, there is only minimal progress on securing individual human rights.

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[11] James Bohman, "Jus Post Bellum as a Deliberative Process: Transnationalising Peace-Building," *Irish Journal of Sociology* 20, no. 2 (November 2012): 12-13.

The intractability of the Arab/Palestinian/Israeli situation shows the journey between substantially effective peace and Level 4 (optimally effective peace) to be the most arduous on the spectrum. Peace processes became stalemated at this point with little hope for the future. This is one major reason why, as will be explained later, if pre-conflict calculus does not predict–at minimum–a high-end Level 4 or Level 5 peace, a nation would be exceptionally unwise to undertake an offensive war. Setting aside this difficulty for now, let us examine optimally effective peace.

Optimally effective peace (Level 4). Optimally effective peace is the most common waypoint visited in the history of just war. It describes the typical extent to which *jus post bellum* materializes, characterized by a formal peace agreement in which combatants negotiate the way ahead. A reasonably high degree of justice is evident in some of these situations whereas it is significantly lower in others. Generally, combatant forces leave the field and most security devolves to policing organizations. Johnson's description of counterinsurgency is informative. Quoting substantially from the U.S. Department of Defense's Joint Publication 3-0 "Joint Operations" she says, "The transition from military operations to full civilian control may involve stability operations that initially resemble PEO [peace enforcement operations] to include counterinsurgency operations, antiterrorism, and counterterrorism; and eventually evolve to a peace building (PB) mission. (JP 3-0 2006: V-27)"[12]

Violence may erupt, but is relatively rare and could not be classified as major combat operations. Human rights conditions are generally better, or at least overseen by authorities recognized as legitimate. It is more likely, given time, the situation will move

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[12]Rebecca Johnson, "Jus Post Bellum and Counterinsurgency," *Journal of Military Ethics* 7, no. 3 (2008): 222-23.

towards reasonably just peace, but this does not exclude retrograde to lower levels. Eric

Patterson suggests, "International politics is messy and perfect justice is rarely attainable.

Therefore, we should work toward post-conflict agreements that enact a minimal jus post

bellum: the promotion of international order and the preservation of human life."[13] This

clearly demonstrates there are orders of *jus post bellum* lower than ideally just peace.

Patterson "suggests three goals–order, justice, reconciliation–that progress from the

minimum necessary to richer and more comprehensive peace settlements."[14]

The optimally effective peace waypoint is very broad. Korea, Afghanistan,

and Iraq are illustrative. All three are what Mark Evans refers to as "sub-optimal," but he

also intimates they are acceptable forms of *jus post bellum*:

> Perhaps occupiers should be prepared in the final analysis to do something that
> should never be entertained as the goal from the outset, namely, to settle for a sub-
> optimal "acceptable peace" – recognizing that sometimes one has no reasonable
> alternative but to sacrifice elements of what one ideally ought to do (or what one set
> out to do). In fact, it might fairly be pointed out that 'just peace' is not always a
> readily quantifiable state of affairs (if it ever fully is). One cannot be sure that one
> has done what justice demands, and one might therefore be justified (or, at least, not
> wholly unjustified) in resting content with what has been achieved–even if there
> were, in fact, more that should have been done had, crucially, circumstances
> permitted.[15]

While Evans claims this level should never be the initial goal, he does believe

it can become an acceptable one. He further clarifies, "'Acceptability' obviously requires

determinate operational criteria of its own, not least–though not only–because any

shortfalls from just peace require justification in order to show that no moral backsliding

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[13]Michael W. Brough, John W. Lango, and Harry Van der Linden, eds., *Rethinking the Just War Tradition*, SUNY Series, Ethics and the Military Profession (Albany: State University of New York Press, 2007), 43.

[14]Brough, Lango, and Van der Linden, "*Rethinking the Just War Tradition*," 43.

[15]Mark Evans, "Moral Responsibilities," *Ethics & International Affairs* 23, no. 2 (2009): 160.

is going on."[16] This suggests a pre-established acceptability threshold be met to consider peace just.

Korea, Afghanistan, and Iraq all share recognition by the international community as postwar peace. Korea and Afghanistan are internationally acceptable ends to just wars, while Iraq, in contrast, is an internationally acceptable end to what many theorists, to include Walzer, consider an unjust war. Allman and Winright give credence to the idea that good postwar fruit can come from a bad tree.

> The US-led coalition failed to meet the *ad bellum* requirements. It was an act of aggression. *In Bello* violations also occurred (torture, violations of due process, high civilian casualty rates), and the *post bellum* conditions are still unfolding. Nevertheless, this unjust war did produce the removal of the dictator Saddam Hussein.[17]

Taken together, these three conflicts drive two important observations. First, optimally effective peace is particularly broad, taking on a multiplicity of permutations. Second, a spectrum is continuous even when subdivided by various waypoints. All three examples represent a relatively high level of postwar justice. From a political standpoint, they resulted in significant gains for the people of their respective nations. Both Koreas are governed by legitimate authorities and, although the North Korean regime is reviled by the majority of the international community, unjust terms were not imposed on them or their people. They chose their own ends.

While neither Afghanistan nor Iraq is free of corruption, both seated popularly elected governments and heads of state. Both retain sovereignty. Both provide national defense–granted not without its flaws. Both afford their citizens, most significantly minorities and women, previously unprecedented access to the political process.

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[16]Evans, "Moral Responsibilities,"160. I argue that the proper place for these "operational criteria" to be derived is in *jus ad bellum* as part of *jus post bellum* decision-making.

[17]Allman and Winright, "Growing Edges of Just War Theory," 186.

Economically, South Korea is a powerhouse. North Korea's economic aliments are an example of self-administered economic poison. The United States and its coalition partners made, and continue to make, significant contributions to rehabilitating the economies of both Iraq and Afghanistan. The outcomes in both cases are uncertain, but both nations are afforded an opportunity to choose a more prosperous future. With far more natural resources and a better educated populace, Iraq's potential for economic success is higher than Afghanistan's, but the future is, rightly, in the hands of the people.

In the social realm, South Korea's societal structure benefits greatly from international involvement on the peninsula. The North is free to be what it chooses to be. If North Korean society is an abysmal failure, it is a failure of internal, not international, design.

The peace processes in Iraq and Afghanistan are too recent to forecast conclusively. Yet, both nations continue to renew and rebuild their social structure. All that can be reasonably demanded in building peace and reconstructing a nation is moral conduct, just treatment, and an honest best effort. When it comes to the complexity of nation-building, guarantees are in short supply.

South Korea, Iraq, and Afghanistan are recognized by the international community. Their markets are unfettered and open for business. North Korea chooses isolation, yet is recognized by and trades with some nations. As far as international relations, all four nations could be considered participants in the international community. None suffers from restrictions placed on them by a burdensome peace process.

In personal terms, the South Koreans are better off than any of the others in this discussion. North Korea shut the door to aid. If they were willing to work with others, like their countrymen in Seoul, they might benefit equally as well. The Afghanis and Iraqis received massive aid, and history will tell if that can be transformed into South-Korea-like results for their people. Progress is hampered, in both cases, by

corruption and continued strife which threatens to reverse the positive time dynamic. They may instead slide away from reasonably just peace towards substantially effective peace. This is where the breadth of optimally effective peace becomes truly vivid.

Examining these examples leads inexorably to the conclusion that each is dynamically different. Even if they are currently stopped at optimally effective peace, all three are still in transition. It is impossible to deny that the peace in Iraq is tenuous at best. The rise of ISIS flung a substantial portion of Iraq back into armed conflict, albeit with different combatants. In a sense this is the era of persistent conflict at work in microcosm. Should ISIS continue to maintain its hold on substantial portions of Iraq, it could make shipwreck of the peace and plunge the region back towards war. Within the ISIS-occupied territory, the optimally effective peace is gone. In view of the deep-seated unrest, it would be fair to classify Iraq as a low-end optimally effective peace.

While Afghanistan is experiencing continued problems internally with corruption, eruptions of violence, and Taliban resurgence, the majority of the country is stable. Excepting portions of Helmand Province, the characteristics of an optimally effective peace still prevail and point towards a brighter future for Afghans. It appears Afghanistan will see continued progress and form stronger bonds with the United States and her allies. Afghanistan could be classified as a midgrade optimally effective peace.

The Koreas, despite provocation and saber rattling by the North, remain relatively stable. Major acts of violence do not disrupt the calm. This is a high-end optimally effective peace. It is peace, but far from ideal. It could be vastly improved and should continuously be viewed with an eye to elevating the level of justice. *Jus post bellum* truly means far greater justice for North Koreans, but this requires cooperation.

Reasonably just peace (Level 5). Reasonably just peace is an extreme rarity. It brings tranquility and mutually shared values short of ideally just peace, but is the most

robust level of peace obtainable in an imperfect world. Combatants exist in mutual harmony to such a broad extent that it explains the paucity of historical examples. I could find but one such in the American experience.

The peace after World War II, tested by over seventy years of history, is the best example of reasonably just peacemaking. The current trajectory of combatant relations seems headed towards a near ideally just peace. Although the idea of pursuing *jus post bellum* is nearly two millennia old, history's landscape is littered with Level 3 and 4 examples, while a Level 5 is exceedingly rare.

Japan and Germany came to *jus post bellum* with their former adversaries superseding the quality of relationship *ante bellum*. This is itself a triumph, as many advocates of Just War Theory see *status quo ante bellum* as the appropriate *telos* of Just War. Politically, Germany and Japan enjoy the freedoms and advantages of successful, representative democracies which secure the rights of citizens. Economically the successes are astounding. Consider Japan's meteoric rise in Asia and Germany's role as the preeminent economic power of today's continental Europe. Both shine as beacons of near boundless opportunity lit by the postwar peace process. Socially, both enjoy cultural autonomy, maintaining their heritage while fully embracing what it means to be twenty-first century Japanese or Germans. The former Axis Powers are considered members of the community of nations. Both are former and/or current members of the United Nations Security Council (Germany 9 times, Japan 11).[18] The citizens of these two nations are unarguably more sovereign, more autonomous, and more at liberty to live and pursue happiness than at any other time in their histories. This is the kind of *jus post bellum* reasonably just peace brings. Reasonably just peace is the proper target of prewar peace calculus.

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[18]United Nations, accessed April 29, 2016, http://www.un.org/en/sc/members/elected.asp.

One can set aside the argument that the World War II reasonably just peace occurred because the nations derived from similar cultural milieus. In the case of 1945 Germany a similar milieu existed, but not in the case of Japan. Rather, it appears the key dynamic was early effort and thought regarding peace in practical terms. Groups were considering *jus post bellum* as early as March of 1942.[19] Astonishingly, focused planning about reconstruction politically, economically, socially, internationally, and personally was in progress within the Allied (particularly the American) governments months after Pearl Harbor. It would seem the successful reconstitution of West Germany–and given time, a unified Germany–as well as Japan, was a direct result of the creativity and energy put into planning. This implies reasonably just peace is attainable, given sufficient effort. It further demonstrates a shared cultural milieu is valuable but not required for reasonably just peace.

While the war was defensive–just by definition–this does not prevent it from serving as a model for working towards a reasonably just peace as an end to an offensive, just war–assuming like levels of effort, creativity, and thought prior to the initiation of hostilities. I will explain what a prewar process might look like in the section immediately following a brief discussion of ideally just peace below.

Ideally just peace (Level 6). Ideally just peace serves as *jus post bellum's* ultimate desire and anchors the upper end of the peace prism. It is not fully obtainable in an imperfect world. On the other hand, a reasonably just peace can closely approximate it

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[19]John Foster Dulles, Federal Council of the Churches of Christ in America, and Commission on a Just and Durable Peace, *A Righteous Faith for a Just and Durable Peace*, (New York: n.p., 1942). I adapted the five peace components considered in this thesis (political, economic, social, international relations, and personal) from concepts in this document. I owe these individuals a debt for inspiring thought on this subject.

given willingness, effort, and sufficient time. The following overview of ideally just peace provides a brief sketch of the conditions peacemakers should desire.

The levels of political, economic, social, international, and personal rights post-conflict between two warring powers can soar to the Icarian heights near ideally just peace. Recalling that the *jus post bella* described remain only at reasonably just peace, there are perhaps two uniquely American historical precedents which approach ideally just peace.

In the 1770s the United States threw off the yoke of British rule. The conclusion of hostilities in 1781 was codified in Paris in 1783. Latent hostilities simmered and manifested themselves in the forms of economic sanctions, impressment, and, ultimately, the War of 1812. Viewing this situation through the peace prism, one can see a temporal progression across the spectrum from substantially effective peace–the Treaty of Paris, signed in September, 1783–to optimally effective peace–the Treaty of Ghent, signed in December, 1814.

Progress from war to marginally effective peace at Yorktown, 1781, to substantially effective peace at Paris to the War of 1812 and back to optimally effective peace at Ghent, took 31 years. Relations between the United States and United Kingdom explored the breadth of optimally effective peace–some times more hostile, sometimes less so, often over Canada and territorial disputes in the West and far North–until, near the turn of the twentieth century. As time passed the relations and international goals of the two nations converged to form a new norm of reasonably just peace. The transition from optimally effective peace to reasonably just peace took 86 years.

In the more than a century since, the U.S. and the U.K. continue to pursue ideally just peace. The two nations are arguably as close as two former combatants can get. There remain peaceful disagreements, but the idea that the U.K. and the U.S. would engage in war again is so remote as to be laughable in the minds of most. The journey of

the Americans and British from foes to friendship–one might realistically suggest kinship–indicates that the desire for ideally just peace should never be abandoned as a guiding principle, even if it takes two centuries.

An even more quintessentially American example of reasonably just peace approaching the ideal predominates my thinking—The American Civil War. The American Civil War is a qualitatively different example representing the potential results of a civil, as opposed to an international, war. It also represents an offensive war in view of secession and the subsequent attack on Fort Sumpter. The American Civil War, despite its many positive outcomes, represents a grand tragedy on the stage of history. The fragmenting of any nation is tragic, but it is astounding that a people at liberty to deliberate and decide in the most representative fashion should resolve their differences through war. This points up both the persistence of conflict and the need to pursue peace in our world. As Evans remarks,

> Just war is nevertheless seen as a tragic turn of events . . . . The concept of it being a lesser and necessary evil is meant to concretize in the minds of just combatants that what they are doing, though justified, is nevertheless terrible and therefore must be done with heavy hearts . . . . Killing is not a good act even when it is a justified one; if morally justified circumstances have nevertheless turned you into a killer, that is still a matter for deep regret.[20]

The conclusion of the conflict shows a *jus post bellum* moving from reasonably just peace to a unified nation. The United States is at peace, experiencing no abnormal internal conflict, despite a residue of issues which precipitated the war. Ideally just peace was not planned, but was conceptually described in Lincoln's second inaugural address:

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[20]Evans, "Moral Responsibilities," 153.

> With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.[21]

The 180-plus years since this address demonstrate there is no direct path to a nearly ideal peace. They do serve as an example of how closely it can be approached.

An ideally just peace is the perfect end to a just war. History, as an era of persistent conflict, demonstrates this to be an unrealistic expectation. As Allman and Winright lament, "In this world be strife or relative justice, the attainable approximation of perfect justice in an imperfect world. Accordingly, perfectly just wars do not exist in reality."[22] A more realistic option, than demanding ideally just peace, is considering peace across a spectrum by employing the peace prism, since examples of less-than-ideal peace programs dominate history. Given that a less-than-perfect peace is attainable, employing the peace prism when assessing one's reasonable expectation of victory and right intent *ad bellum* will yield better results. It front-loads the consideration of *jus post bellum* in the decision making process. Doing this strengthens Just War Theory's emphasis on peace as the proper end of war and sets it on more solid ethical underpinnings.

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[21]"Abraham Lincoln: Second Inaugural Address," U.S. Inaugural Addresses, 1989, accessed April 29, 2016, http://www.bartleby.com/124/pres32.html.

[22]Allman and Winright, "Growing Edges of Just War Theory,"181.

CHAPTER 5

NEWTON AND LEIBNIZ GO TO WAR: THE PEACE
PRISM AS A DECISION TOOL

Nico Vorster believes, "Decisions to go to war must therefore be informed, not only by legal, security, and rates considerations, but also by the impact that war will have on the moral identity and character of a nation."[1] Far too often Just War Theory's *ad bellum* criteria are employed as a functional checklist justifying a foregone decision to engage in war. It would be disingenuous to deny this charge made by pacifists and realists alike. Burke admits, "Moral rules about war's justification, process and restraint may function not so much as limitations on war as tools for its liberation."[2] McCready lends his voice to the argument against a checklist approach and the lack of focus on *jus post bellum*:

> Historically, in the run up to war, consideration of what should happen after the war usually gets lost in the shuffle. The focus is on getting ready to win the war. When the postwar situation is considered, the tendency is toward optimism, not realism, believing the fighting will be the hard part and cleaning up afterwards relatively simple. Also, postwar obligations may be downplayed before the war from fear that they will impact negatively on the decision to go to war.[3]

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[1]Nico Vorster, "Just War and Virtue: Revisiting Augustine and Thomas Aquinas," *South African Journal of Philosophy* 34, no. 1 (2015): 63.

[2] Anthony Burke, "Just War or Ethical Peace? Moral Discourses of Strategic Violence After 9/11," *International Affairs* 80, no. 2 (2004): 330.

[3] Doug McCready, "Ending the War Right: Jus Post Bellum and the Just War Tradition," *Journal of Military Ethics* 8, no. 1 (2009):67-68.

Just War Theory must permit the poles of pacifism and realism to realign it as the position best equipped to deal with real-world conditions. It must draw on pacifism for an emotionally richer attachment to peace and a more visceral revulsion of the horrors of war. Allman and Winright (quoting the U.S. Council of Catholic Bishops) emphasize, "'The possibility of taking even one human life is a prospect we should consider with fear and trembling,' and thus 'even the most justifiable defensive war' is to be regarded as 'only a sad necessity' . . . . War involves such evils as destruction, suffering, and death."[4]

Just War Theory must adopt some realist sentiment to disabuse it of the misconception that *jus post bellum* is quick, easy, and inexpensive. Likewise, according to the U.S. Army's FM 3-24, "[Counterinsurgency] involves the application of national power in the political, military, economic, social, information, and infrastructure fields and disciplines. Political and military leaders and planners should never underestimate its scale and complexity."[5] This wise, realistic advice must be applied to *jus post bellum* planning as well. Implementing the peace prism forces this kind of consideration. Using it as a practical, decision-making tool shores up the foundations of Just War Theory allowing it to be a dynamic and dominant ethical theory.

The Peace Prism User's Guide

Jus post bellum must be integrated within the *jus ad bellum* criteria of a reasonable expectation of victory and right intent. Policymakers cannot properly practice Just War Theory without initially considering *jus post bellum*. A truly just war requires it

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[4]Mark Allman, and Tobias L Winright, "Growing Edges of Just War Theory: Jus Ante Bellum, Jus Post Bellum, and Imperfect Justice," *Journal of the Society of Christian Ethics* 32, no. 2 (2012): 185.

[5]U.S. Department of the Army, *Counterinsurgency*, Field Manual 3-24, U.S. Department of the Army, Washington, DC, December 15, 2006, 1-1.

be integrated into preoperational planning. Citing Walzer's view that Just War Theory is free of temporal limits, Allman and Winright concur:

> According to Walzer, "just war theory has no fixed temporal limits; it can be used to analyze a long chain of events as readily as a short one." We believe that all of the criteria, as expressions of right intent, are interrelated and interlocking so that the categories jus ad bellum and jus in bello are basically shorthand devices that are actually meant to reinforce the way in which the object of a just peace should not be 'merely an afterthought of war,' but instead 'a guiding principle, present at the initiation of hostilities and continuing throughout all respective phases of war.' This guiding principle should extend as much as possible, moreover, before war, jus antebellum, and through the wake of war, jus post bellum.[6]

This affirms *jus post bellum* as a precondition guiding the use of force. Not considering *jus post bellum* within *jus ad bellum* eviscerates Just War Theory of ethical authority. Future *ad bellum* analysis should implement the peace prism to determine the maximum obtainable peace, while maintaining a call for ideally just peace. This is a critical addition to improve the ethical application of Just War Theory. Koeman sees prewar *jus post bellum* thinking as required:

> The intentions of a just state should be explicit with respect to trusteeship or regime change: it must outline the kinds of governance in institutions anticipated or intended, not simply provide vague promises of "holding elections" and "creating democracy"; it must have comprehensive strategies at the ready, and commit to "seeing them through." If not, it can be accused of acute risk irresponsibility . . . . The justness of the cause in the contemporary era requires strictness rather than leniency in the conduct and termination of war.[7]

Describing the end state clearly, as a function of the peace prism, is the best way to formulate a coherent policy truthfully aimed at *jus post bellum*. As Orend stipulates, "The idea here, first proposed by Kant, is that a state should commit itself to

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[6]Allman and Winright, "Growing Edges of Just War Theory," 179.

[7]Annalisa Koeman, "A Realistic and Effective Constraint on the Resort to Force? Pre-Commitment to Jus in Bello and Jus Post Bellum as Part of the Criterion of Right Intention," *Journal of Military Ethics* 6, no. 3 (2007): 212.

certain rules of conduct in war and appropriate war termination is a part of its original

decision to begin the war. If it cannot so commit, it ought never to start the process."[8] The

challenge is the calculus. How can decision-makers implement the peace prism to make

better ethical decisions regarding war?

It begins with the five components of peace (political, economic, social,

international relations, and personal). The components provide the framework for

formulating the equation to compute the maximum obtainable peace. Admittedly, the

politics of peacemaking are as much art as science. Carsten Stahn points out, "Some legal

scholars like Wilhelm Grewe continued to conceive of peacemaking as an 'art' rather than

a legal paradigm until the 1980s."[9] Despite my use of mathematical terms for peace prism

computations, they inevitably take on an artful quality.

To be honest, the hard work of peace prism calculus never yields

mathematically certain results. The projected outcome may not be reached. On the other

hand, an imperfect tool that succeeds in enhancing the quality of planning *ad bellum*

dramatically increases the likelihood that the best possible decision will be made. As

Williams and Caldwell argue,

> War is never a good thing, but can be considered justified if a persuasive case has
> been made that it is the lesser of two (or ten or a hundred) evils. It must be expected
> to produce less evil than any reliance on diplomacy, less evil than economic
> sanctions, less evil than passive resistance, less evil than doing nothing–less evil,
> that is, if anything we can plausibly offer as an alternative. Thus we must, to be
> moral, concern ourselves with the evils that war produces and that raises questions
> about how we fight and what we do after we have fought. This means that how we

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[8]Brian Orend, *Michael Walzer on War and Justice* (Montreal: McGill-Queen's University Press, 2000), 94.

[9]Carsten Stahn, "Jus Post Bellum: Mapping the Discipline(s)," *American University International Law Review* 23, no. 2 (2008): 320.

intend to fight and what we intend to do after we have fought must be part of the moral calculus in determining whether or not we may justly go to war.[10]

Striving to accomplish the best possible end in an imperfect world is the only option which honestly acknowledges a true affinity for peace and the horrors of war. Engaging in war without considering *jus post bellum* fails the soldiers, non-combatants, and families needlessly harmed when methods other than war could be employed.

Cost Dynamics

Implementing the peace prism as a decision-making tool is intended to engage policymakers in robust consideration of the cost of an offensive war. They must consider the monetary cost, as well as, the human cost, but these costs are not fixed and static. Buying into a war means bringing about change across the five components of peace and each component comes with a cost. Each cost increases as the amount of change from the status quo increases. In simple terms, more change (politically, economically, socially, in international relations, and personally) equals higher cost and more time.

Maximum Obtainable Peace Equation

One method of implementing the peace prism is quantifying each of the peace components and plugging them into the maximum obtainable peace equation (figure 2).

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[10]Robert E. Williams and Dan Caldwell, "Jus Post Bellum: Just War Theory and the Principles of Just Peace," *International Studies Perspectives* 7, no. 4 (2006): 310.

$$G + E + S + IR + P + T = MOP$$

Where:

G   = The Political Calculus value
E   = The Economic Calculus value
S   = The Social Calculus value
IR   = The International Relations Calculus value
P   = The Personal Calculus value
T   = The Time and Transition Calculus value
MOP = The maximum obtainable peace

Figure 2. Maximum obtainable peace equation

Once each component of the calculus is plugged into the maximum obtainable peace equation, results can be interpreted using the chart below (table 1). The sum indicates where *jus post bellum* efforts will likely lead, viewed through the peace prism.

Table 1. Maximum obtainable peace prediction chart

Expected Outcome	Prism Score
Reasonably just peace	7-9
Optimally effective peace	10-13
Substantially effective peace	14-17
Minimally effective peace	18-24

To illustrate how the peace prism and maximum obtainable peace equation function, I will begin with a hypothetical scenario and a completed equation followed by a discussion of the individual component variables and the calculus used to obtain them. Consider the following hypothetical scenario: After years of tension and diplomatic dispute, covert agents of the Democratic Republic of Snuffia are infiltrating the border region of Smedlapland disrupting the political process, facilitating terror bombings of local railway stations by local separatist groups, and inciting a popular uprising against the Smedlapian government. Ultimately, Snuffia wants possession of the border region.

The Smedlaplians exhaust all economic and diplomatic means to halt the actions of Snuffia. Smedlapland is considering military action, the last resort, to stop the incursion. The Minister of Defense recommends an assault on Snuffia beginning with covert strikes against selected command targets and follow on land operations against the Snuffian military in the border region until Snuffia agrees to peace.

Smedlapland is exceptionally dedicated to *jus post bellum* and decides to implement the peace prism using the maximum obtainable peace equation. Based on the fact that invading Snuffia will be costly in blood and treasure and having met all *ad bellum* criteria, the parliament of Smedlapland realizes the conflict must end with, at minimum, reasonably just peace. After a great deal of analysis by the ministries of state and defense, Smedlapland assigns the values below to each of the variables within the equation.

They assign the political value (G) at 2, seeing the real issue within Snuffia as an overzealous premier, not the structure of the government. Additionally, an exiled Snuffian political leader convinced them the current premier will fall if Smedlapland takes military action and supporters inside the country will rally to support the exile as the new premier. The economic value (E) is set to 1 because the Snuffian economy is as robust as Smedlapland's and would require little support to get back up to speed after a brief conflict. The social component (S) is assigned a value of 2 because human rights conditions inside Snuffia are moderately acceptable. The international relations variable (IR) is set to 1 because Smedlapland does not intend to make any changes in the international relations status of Snuffia. They want to remove any covert agents, prosecute the separatists, and topple Snuffia's premier to alleviate the problem. The personal component (P) is valued at 2 because the Smedlapian military believes, with the assistance of local authorities, they can maintain the basic services needed by the populace, pay claims for damages against noncombatants caused by collateral damage,

and be out of the country in a short period of time. This leads to a time variable (T) of 2 because Smedlapland believes this will be a short engagement, they will be able to partner with the new premier and his government to facilitate a rapid transition to full local control, and return Smedlapland's forces to home station quickly.

So the maximum obtainable peace equation for the conflict between Smedlapland and the Democratic Republic of Snuffia is therefore: 2+1+2+1+2+2=10. When checked against the chart above (table 1), this yields a forecast of optimally effective peace as the outcome. Since the leaders of Smedlapland set a threshold of reasonably just peace as the appropriate aim, the equation suggests the costs in blood and treasure for Smedlapland to take military action against Snuffia are too high.

This leaves Smedlapian leadership with a final decision to make. They retain several options. First, they could choose to continue with the current policies or devise new policies to deal with the trouble short of military intervention. Second, since the maximum obtainable peace equation result, a high end optimally effective peace, is close to their initial goal, they might choose to engage in war and adjust minimum conditions for engagement. Should they choose to engage, they can expect a cost their constituents may not be willing to bear. Third, perhaps Smedlapland choses to engage with a reduced scope of operations or dial back their hopes to topple the premier to shift the value towards the higher level peace.

In the final analysis, it must be taken into account that decision-makers are elected to make hard decisions. The maximum obtainable peace equation indicates that those demanding war as the solution are likely underestimating the pitfalls of engaging in war while overselling the ease of success. Regardless of the outcome of the mythical scenario, the valuation process and calculus itself can greatly inform the process. What follows is a discussion of how each value factored into the equation is derived.

Political calculus. The genesis of peace prism calculus is politics. Since war is an extension of policy and policy is the business of striving to achieve political ends, the political outcome is a decisive factor in any war (e.g. a change in regime, a new relationship between combatants, or righting of past perceived wrongs). A clear understanding of the local situation prior to engaging in hostilities is, as Koeman explains, "Pertinent for achieving both immediate jus post bellum (Peace settlement/treaty) and the long-term jus post bellum (regime change in nation building): you need to understand your enemy if you want to maximize the possibility of getting things right."[11] The problem is, in typical practice, the true political end is often unclear, unstated, or intentionally concealed as Burke points out:

> If war is seen as policy, we must do what so many just war thinkers fail to do: treat war as part of a historical and policy continuum, rather than an isolated event limited to the conduct of high-intensity military operations whose impact can somehow be limited in time, scope and spatial reach . . . we need a moral and analytical framework which can better deal with historical and geopolitical complexity.[12]

Employing the peace prism and considering *jus post bellum*, before concluding *ad bellum* criteria are met, provides such a framework forcing an open discussion of a clearly defined political end state. McCready helpfully adds,

> Consideration of the jus post bellum before hostilities began also encourages decision-makers to be prudent and realistic in setting goals and even when making the decision for war (even if by that jus ad bellum criteria it would be a just war) and how one fights–weapons and tactics employed, treatment of prisoners and noncombatants, environmental destruction significantly affects the possibility of a just peace in the war's aftermath.[13]

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[11]Koeman, "A Realistic and Effective Constraint," 207.

[12]Burke, "Just War or Ethical Peace?," 333.

[13]McCready, "Ending the War Right," 71.

The chief political aim of a war must be to leave the opposing nation with a stable government, locally considered legitimate. A variety of approaches must be carefully considered in *ad bellum* planning for locals to see a postwar government as legitimate. Chayes points out, "Creating a moral norm of jus post bellum . . . is unlikely. It could occur only if the rebuilding process encompassed careful, thoughtful, and accountable efforts to help the still troubled society create a government on its own terms that truly supported and protected its people."[14]

The value assigned to each political approach increases as change from the status quo and cost increase. The initial valuation of the political component (G) in the maximum obtainable peace equation begins by asking, does the nation pursuing offensive operations intend to change their opponent's government or leave it intact? In the case where the *antebellum* government is left essentially unchanged (similar to what was done with the Hussein regime in Iraq, 1991), a value of 1 is appropriate.

The second question asked is, should a change in government personnel without structural change be pursued, as in the case in the Smedlapland/Snuffia scenario above? In this instance, the national leader or a political party appears to be the barrier to peace. The desired end, removal of government personnel, is assigned a value of 2 in the maximum obtainable peace equation.

The third question is, does the attacker seek some moderate structural change in their opponent's government? This view sees the leadership *and* the structure as problematic. Removing a dictator and restructuring a corrupted national assembly with the victor guiding the process (current postwar Iraq is an example) is assigned a value of 3 in the maximum obtainable peace equation.

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[14]Antonia Chayes, "Chapter VII½: Is Jus Post Bellum Possible?" *European Journal of International Law* 24, no. 1 (2013): 305.

Fourth, do the liberators prefer a holistic remove and replace policy? This can be done either directly, by forcibly deposing the leadership and restructuring the government or indirectly, by motivating the popular overthrow of leadership and a locally led internal movement to fundamentally change the government structure. Deposing a communist system and replacing it with a democratic one is illustrative.[15] This desired end is assigned a value of 4 because it represents the largest change from the *antebellum* condition and involves the highest cost in time, money, material, and blood.

Once a value is assigned, it is plugged into the maximum obtainable peace equation as G (for government) to represent the level of political change.[16] Additional research, far beyond the scope of this paper and my personal expertise, is needed to refine political valuation. As a start, considering an expanded range of values and more subdivisions within the realm of political change might yield better results. Accessing the value of this idea fully also requires testing across a number of future scenarios before implementing it as a formal policymaking procedure.

Economic calculus. War is disruptive to the economy of a nation. Often this is exacerbated by antebellum economic sanctions and embargoes. In considering *jus post bellum*, plans must be made for a self-sustaining, functioning postwar economy, one able to bear the costs of the future. It can be fairly assumed that the victorious nation will provide some economic input in the defeated nation's economy to meet the demands of *jus post bellum*, but the extent of that involvement cannot be interminable. Once again the level of change from the status quo *ante* is the crucial consideration.

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[15]A note of caution, using the indirect method can backfire spectacularly as it did for the U.S. in Libya.

[16]I chose to keep the valuations limited from 1 to 4 for simplicity. They are intended to be a proof of concept in applying the peace prism. The values are experimental.

A value of 1 is assigned to those interventions where the victor does not foresee the need for changes in the structure of the economy; minimal aid is needed to put the defeated nation back on its economic feet. A value of 2 is assigned to a situation where moderate aid is required and regulatory restructuring is considered necessary, encouraging broader trading partnerships and tax code revisions for example. A value of 3 would be appropriate for substantial changes to the economy–like taking it from a centrally-planned structure to a more mixed plan. A value of 4 would apply to an economic restart where a wholly failed economy or one built on corrupt underpinnings, for example Somalia, North Korea, or Haiti is completely revamped. Not only does the financial investment increase with the level of change attempted, but the investment of time does as well. Once a value is assigned it is factored as E (for economic) in the maximum obtainable peace equation.

There are vast challenges to accurately assigning these valuations. To begin with the relative sizes of the economies involved is significant. It would be arguably far more expensive, but less time consuming to rebuild Germany than to rebuild Haiti. Additional consideration must be given to why the economy was in failure *ante*, if it was. The plans for rebuilding North Korea, Haiti, Argentina, or Russia would all be unique. This points up another area for further research. How does one adequately assess the nature and health of a foreign economy and develop an effective plan to lead it forward? Another area for research and potential development in scoring economies is to factor in the impact a proposed war and subsequent rebuilding would bring to the economic fortunes of the nation doing the rebuilding. Can the offensive-minded nation even afford to rebuild the foe's economy?

Social calculus. With conflict comes a clash of societies. Differing views of human rights enter the picture. *Jus post bellum* means that human rights post-conflict

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must be acceptably upheld. Evans proposes five areas in which *jus post bellum* functions. The fourth addresses the social and personal aspects of peace. He says all parties must, "Take [a] full and proactive part in the ethical and sociocultural processes of forgiveness and reconciliation, which are central to the construction of a just and stable peace."[17]

There will never be a perfect scenario. Nations disagree on what constitutes an acceptable view of human rights, but as Evans explains, "Occupiers do not have to eradicate every systemic injustice to establish just peace in the occupied territory."[18] A reasonable goal would be that human rights be guaranteed to meet some minimal international standard. Evans insightfully suggests, "The concept of 'reasonable' as used here can be especially elusive . . . . We should expect such latitude as to where *jus post bellum's* tenets may lead."[19] How to properly assess and factor in the level of human rights afforded citizens is another area which exceeds the scope of this work but should characterize further research. Setting a value for the social (S) variable in the maximum obtainable peace equation uses the status quo *ante* and the amount of change planned as mitigating factors.

To assess the Social component, I propose five questions as a simple, experimental framework: (1) Can citizens of the target nation participate freely in the political process of forming and administering government? This echoes the idea of a government holding local legitimacy. (2) Are the citizens involved in the economy, at least partially, for their own benefit? (3) Do citizens generally feel safe from their own government? (4) Do citizens possess some voice in international relations? (5) Do the

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[17]Mark Evans, "Moral Responsibilities," *Ethics & International Affairs* 23, no. 2 (2009): 155.

[18]Evans, "Moral Responsibilities," 151.

[19]Evans, "Moral Responsibilities," 157.

citizens retain substantial personal liberty (e.g. freedom of religion, speech, and assembly)?

Assigning a social value of 1 indicates the status of human rights in a society *ante* met an agreeable standard. Based on my framework, citizens could affirmatively answer 4, more likely 5, of the questions. A value of 2 indicates that some change is needed and citizens could affirmatively answer 3 of 5 questions. A value of 3 suggests a situation where human rights are significantly imperiled and the citizens could answer only 1 or 2 questions affirmatively. Lastly, a value of 4 represents a situation where human rights are substantially restricted. Citizens could answer at best 1, most likely none of the questions affirmatively.

International relations calculus. Just War Theory, as commonly practiced, neglects the importance of international relationships in *jus post bellum*, much to its discredit. As Ben-Porath points out, the nature and significance of international relations is indispensable when considering *jus post bellum*:

> To date, the underlying assumptions of prevalent attempts to tackle this issue are similar to that of just war theory in its modern, especially Walzerian, manifestation. This theoretical framework, while invaluable, pays little attention to questions of international interdependence. Thus, it requires supplemental consideration of relational commitments, which, I suggest, should augment the normative account of jus post bellum.[20]

By granting international relations coequality with the political and economic dimensions of peace prism calculus, my approach rectifies this lack in Just War thinking. This aspect chiefly concerns national sovereignty and how it plays out in relation to both

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[20]Sigal Ben-Porath, "Care Ethics and Dependence: Care Ethics and Dependence--Rethinking Jus Post Bellum," *Hypatia* 23, no. 2 (Spring 2008): 62.

the aggressor nation and the world at large. In essence, the amount of control that the victorious nation exercises over the defeated nation is the key.

The international relations value (IR) is assigned a value of 1 when the victor intends the defeated nation to remain autonomous in terms of international relations. A value of 2 is assigned when the victorious nation maintains only moderate influence on the international relations of the defeated nation. Here the victor intends to shape the international relations of the defeated nation in a manner favorable to its own interests by advising and pressuring the latter's government. A value of 3 is assigned when the victorious nation intends a continuous, active partnership. An active partnership means representatives of the victor's government work in concert with personnel within the defeated nation's government to shape policies concerning the defeated nation's international relationships. For example, this joint effort would shape trade policies for the defeated nation (e.g. the U.S. relationship with the Iraqi Government in the aftermath of the late war with Iraq). The level of control could range from protectorate to just short of a possession. A value of 4 is assigned when the victorious nation expects to exercise dominance over the defeated nation's international relations. In essence, the interests of the defeated nation cannot be separated from those of the victorious nation. This deprives the defeated nation of sovereignty.

More control may mean igniting an insurgency leading to violence. Control of international relations cannot also justifiably be endless. Sovereignty must eventually be returned to the people of the defeated nation. Iasiello believes, "Just restoration is complete when full sovereignty is returned to a once-defeated people and former enemies become allies"[21] This minimally requires a reasonably just peace. Johnson criticizes

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[21]Louis V. Iasiello, "Jus Post Bellum," *Naval War College Review* 57, nos. 3-4 (2004): 44.

Iasiello's view. She says it, "Seems more fanciful than necessary, [but] it is important to note that the *jus post bellum* period ends with the restoration of sovereignty and the rebranding of a 'defeated people' as a 'friendly country.'"[22] This is how significant the international relations component is to the equation. Without adequately addressing this issue, there is a high probability of the resumption of hostilities.

Personal calculus. The personal value (P) in the maximum obtainable peace equation refers to the personal component of *jus post bellum*. It attempts to quantify the manner in which individuals in the defeated nation are treated postwar. This is a more holistic concept than is commonly practiced. Bohman sees the common practice as inadequate. "After the war, such negotiations have traditionally often involved various elites from both sides and remain closed from public view. While closed-door deliberation may sometimes be needed to overcome mutual hostility, such deliberations just as often undermine useful sources of legitimacy and may even exacerbate festering conflicts."[23]

Ensuring personal *jus post bellum* is complicated, but must be attempted. Healing the conflict between combatants at this level draws former enemies closer with irrepressible strength. Knowing that care for individuals was entertained prior to the conflict sets a tone that paper agreements made by social elites can never approach. Take the work of independent groups which continue to ameliorate the animosity between Vietnam and the U.S. It drastically reconfigured the relationship between two former foes.

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[22]Rebecca Johnson, "Jus Post Bellum and Counterinsurgency," *Journal of Military Ethics* 7, no. 3 (2008): 220.

[23]James Bohman, "Jus Post Bellum as a Deliberative Process: Transnationalising Peace-Building," *Irish Journal of Sociology* 20, no. 2 (November 2012):11.

A more public pre-conflict process encouraging open dialog about a potential conflict and how it will impact individual soldiers, families, and citizens could potentially lead to more rapid postwar healing and transition to higher levels of peace. Such discussions must include the personal impact on soldiers, civilians, and wartime leadership within both nations. Iasiello suggests the importance of the personal aspect of *jus post bellum* is on the rise, especially for the young:

> The percentage of noncombatants affected by warfare has risen since the eighteenth century, and the number of noncombatant casualties rose significantly throughout the last century's wars. Some analysts claim that by the end of that bloody century a frightening proportion (70-90 percent) of all the victims of war were noncombatants. Of particular note is war's impact on children.[24]

Williams and Caldwell point out that not all personal aspects of war will be remedied, but attention should be given to "individual acts" since they deal with individual persons:

> Both the transcendent policies, planned and implemented by the state, and the individual acts of decency or depravity committed by soldiers and civilians in the occupied territory must be taken into account in assessments of *jus post bellum. Consequently, rather than being able to conclude that a particular postwar situation is just or unjust, we may have to acknowledge that there only degrees of justice and injustice in the aftermath of war.*[25]

Setting a value for the personal variable (P) is tricky. There are no perfect fits, only best efforts. A value of 1 is assigned when the victor intends to provide citizens with minimum basic services (meaning food, shelter, power, and clean water–likely not commensurate with pre-conflict conditions) during a brief transition period. A value of 2 is assigned when, in addition to providing basic services, the victor remunerates losses of individual noncombatants and provides minimum security for the general populace during a more extended period, fostering stability until local authorities take over. A value of 3 is assigned when the victor adds war crimes trials, provides reconstruction funds, and

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[24]Iasiello, "Jus Post Bellum," 44.

[25]Williams and Caldwell, "Jus Post Bellum," 317. Emphasis mine.

assists local government over a moderate period. A value of 4 is indicated when punitive reparations will be enforced or victor forces remain in a rebuilding role for an extended period of time.

Time and transition calculus. The final factor in the maximum obtainable peace equation is time and lead role transition. The time and transition value (T) is based on the length of time the victor's forces expect to remain in the defeated nation. The transition element is based on who is taking the lead role in reconstruction and daily security for the populace. Iasiello proposes three phases for *jus post bellum* before restoration is complete: protectorship, partnership, and return to sovereignty.[26] Iasiello's phases describe the postwar transition Francis Fukuyama suggests as typically led by, "Constabulary forces, which are usually provided with armored vehicles and some heavy weapons. Their missions include disarmament of local militias and military units, large-scale crowd control, curfew policing, and, at the high end, some types of peace-enforcement operations."[27]

A value of 1 is assigned when the time the victor's forces remain in the defeated nation is brief (days or weeks) and when control of daily security and rebuilding is substantially retained by local government. A value of 2 is assigned when the victor's forces remain in the defeated nation for less than a year, reconstruction efforts are primarily conducted in partnership between a reconstruction corps from the victorious nation and local organizations. Security remains largely under the auspices of local authorities, perhaps with the assistance of an international policing force.

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[26]Iasiello, "Jus Post Bellum," 42-44.

[27]Francis Fukuyama, *Nation-Building beyond Afghanistan and Iraq* (Baltimore: Johns Hopkins University Press, 2006), 234-35.

This was cobbled together in Iraq and Afghanistan and consequently yielded poor results. A civilian corps dedicated to reconstruction would yield significantly better results. Johnson suggests, "Iraq and Afghanistan have both demonstrated that the military is the only body with the resources sufficient to conduct political and economic reconstruction in the relatively unstable circumstances found in stage two [Iasiello's partnership phase]."[28] Yet, leaving all tasks in the hands of the military conflicts directly with any real transition toward civilian control. Johnson points out, that as the process moves forward from Iasiello's partnership to sovereignty phase, "It becomes increasingly reasonable to allow civilians to take on the tasks of cultivating host-nation political and economic capacity. This requires the external power to possess the civilian resources needed to undertake these tasks."[29] It seems developing a corps of civilians prepared, supplied, and trained to execute a restoration program in a postwar environment would yield substantial fruit.

A value of 3 is assigned when forces remain in-country advising, rebuilding with victor-nation funds, and training local authorities while maintaining a moderate level of security duties for a period of 1 to 3 years during which these efforts are incrementally transferred to local authorities. The value of 4 is assigned when the victor's military remains in-country providing daily security for the general populace; advising, rebuilding, and training local authorities; and conducting the bulk of reconstruction efforts using victor nation funds for a period of more than 3 years.

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[28]Johnson, "Jus Post Bellum and Counterinsurgency," 227.

[29]Johnson, "Jus Post Bellum and Counterinsurgency," 227.

Maximum Obtainable Peace Equation
Factor Valuation Recommendations

The maximum obtainable peace equation and the factor valuation methods presented above grossly simplify what is actually being attempted. The equation and the factor valuations forecast the future. The factor valuations are loosely focused at this stage of development, allowing greater flexibility. There are a variety of reasonable ways to tighten the focus of the maximum obtainable peace equation and the factor values.

First, increasing the specificity of valuation criteria could yield results more representative of future realities. By increasing the breadth of the scale for some or all of the variables (from 1-to-4 to 1-to-8, perhaps) might more accurately assess the maximum obtainable peace as it would allow finer definition of the conditions.

Second, the number of factors considered could be expanded. A broader set of peace components, each with unique valuations, might enhance accuracy. Another possibility is to subdivide the peace prism spectrum beyond the six areas presently accounted for. This might permit more nuanced analysis. Optimally effective peace seems to be especially ripe as it is naturally so broad. The prediction table would require revision accordingly.

Third, the method for valuing each of the peace components could be retooled. A better method of assessing the social or personal calculus might focus on the amount of disruption for the populace at large or even factor in the disruption of the society of the aggressor nation. Using operations conducted in the Persian Gulf War (1991) and the Iraq War for instance, one might assess the disruption from minimal (1 - Operation Desert Shield) and moderate (2 - Operation New Dawn) to substantial (3 - Operation Desert Storm) and massive (4 - Operation Iraqi Freedom) for the Iraqi people.

Fourth, each factor could be differentially weighted or the prediction chart reconfigured to reflect increased difficulty or cost associated with certain courses of action or capabilities of the potential combatant considering action. Doing so allows the

concept to scale up or down based on factors unique to the nation implementing it. This might account for the real likelihood less will be achieved than hoped for *in bello* or *post bellum*. In essence, I am suggesting a "fudge factor" or multiplier might be employed to slant the process in one direction or another as cases are studied.

There is much room for future development and consideration. The maximum obtainable peace equation provides a starting point which outlines a methodology intended to encourage practitioners of Just War Theory to consider what *jus post bellum* might entail. In doing so, they are brought face-to-face with the potentially negative consequences of applying Just War Theory without considering *jus post bellum*. It is hoped that the latent complexity in the process will encourage the implementation of the peace prism and a modified maximum obtainable peace equation in *jus ad bellum*.

As a rule, the experts in their respective fields should conduct comprehensive cost analysis to inform decision-makers. The U.S. Army can, for example, apply the calculus commonly used to assess the cost in casualties, war material, and operational expense to advise policymakers. The State Department can advise regarding the extent of foreign-aid provided by its plethora of agencies. Economists can advise on the extent of challenges the intended operations present to the national economy and that of the target nation. Even with all this expert information, the cost versus peace outcome assessment is a judgment call for the decision-makers. The peace prism and maximum obtainable peace equation are tools designed to remind policymakers of costs and Just War responsibilities, ethically and economically, which extend well beyond the end of hostilities.

**Challenges to Using the Peace Prism as a
Pre-decision Tool**

First, Forecasting the end from before the beginning, of armed conflict is an arduous task. Truth be told, establishing *jus post bellum* is always more difficult and costly than expected. As Morkevicius points out, "Recent experience suggests that regime

change and state building, no matter how noble the underlying cause, prove highly complex and lengthy endeavors. They often fail."[30] I consider this simple statement axiomatic. You will always accomplish less than you expect. It might be discovered that revising the valuation of one or more of the factors within the maximum obtainable peace equation up by 1 to 2 points, or revising the solution down one level or half-a-level more accurately reflects the real world.

Second, some might claim there is no need to implement the peace prism as a pre-decisional tool because all things can be solved by democratization. Opponents might argue that as long as democracy is the end state aimed for all *jus post bella* resolve themselves. Ben-Porath argues strongly against this:

> Wars that aim for regime change, democratization, or 'liberation' stem from a conception of justice as universally achievable through democracy. This is a rendition of the Enlightenment view of freedom and reason as universally desirable, and furthermore, universally achievable . . . . Going to war to pursue a universalist notion of political justice, a contemporary version of the "white man's burden," does not correspond with a proper understanding of either justice or culture.[31]

Ben-Porath points up a dangerous misconception that might lead one to oppose the peace prism's concrete approach to considering *jus post bellum*. Using the peace prism does not require that the final political outcome be democratic. While democracies, typically engender a higher level of justice, they are no guarantee. Other forms of governance can provide what is needed. It is unreasonable to oppose the consideration of *jus post bellum* within *jus ad bellum* because one sees democracy as a panacea for postwar peace. Implementing the peace prism makes us vigilant against just this kind of hubris.

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[30]Valerie Morkevicius, "Power and Order: The Shared Logics of Realism and Just War Theory," *International Studies Quarterly* 59, no. 1 (2015): 21.

[31]Ben-Porath, "Care Ethics and Dependence," 67.

Third, someone could argue the peace prism method excessively extends the *ad bellum* process. Using the peace prism coupled with a modified maximum obtainable peace equation forces decision-makers to recognize the long-term nature of *jus post bellum*. This is something Ben-Porath says Westerners, particularly the United States, do poorly. "[There is a] typically modern tendency to prefer rapid military based solutions to long-term relational considerations. The long view of premodern wars was based on the expectation that a stable hierarchical relationship would be created between victors and conquered." [32] The desire for a rapid process rather than a long term solution is a chief driver in failing to consider *jus post bellum* as a precondition. Gaining popular support will be complicated and extended when *jus post bellum* is considered. It will likely be difficult to convince the electorate that a war against a smaller nation will not be resolved for years, rather than months. Ben-Porath continues, "The tendency of democratic, capitalist societies to be target-oriented–and thus less inclined to witness gradual changes patiently and to participate in measured processes–informs the battlefield along with other areas of practice."[33]

Fourth, some would view this kind of calculation as unnecessary because *jus post bellum* is already assumed in *jus ad bellum* as it stands. While I would agree *jus post bellum* is at least implied in *jus ad bellum*, in practice it is not considered by decision-makers as McCready says was the case with the war in Iraq:

> Because the postwar aspect of the jus ad bellum criteria is already contained within these criteria in such a way that no one paid it much attention in the run-up to the Iraq war–and those who did were summarily dismissed. Establishing jus post bellum as a distinct element will make it more difficult to ignore next time–and there will be a next time.[34]

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[32]Ben-Porath, "Care Ethics and Dependence," 62.

[33]Ben-Porath, "Care Ethics and Dependence," 63.

[34]McCready, "Ending the War Right," 67.

Since "there will be a next time" there is a desperate need for the benefits offered by the peace prism. Its requisite emphasis on *jus post bellum* in planning for future operations is critical to long-term success.

Fifth, since planning for and calculating the likelihood of an outcome better than the prewar conditions is so difficult, some might argue that attempting to define an aim beyond restoring the status quo *ante* is fruitless. This is false for two reasons. One, expending the blood and treasure necessary to defeat an enemy without any attempt to improve the conditions that led to the conflict in the first place is a fool's errand. As Stahn notes,

> The rationale of a return to the *status quo ante* itself is misplaced in some contexts. If an intervention has been preceded by an internal armed conflict, it does not make sense to return to the situation that led to the conflict in the first place or restore the social and political order that caused the humanitarian crisis . . . . The peace settlement should ideally achieve a higher level of human rights protection, accountability, and good governance than in the period before the resort to armed force. A modern *jus post bellum* would be focused on the sustainability of peace, rather than on simply brokering an end to violence. This focus gives *jus post bellum* a dynamic scope of application.[35]

Two, as I am sure Ruti Teitel would agree, today's citizens and soldiers expect something more than a simple return to the way things were before the war:

> There is a need to rethink the earlier classical approach to postwar justice as being fundamentally restorative. Posing the question today of what values and related principles regarding rights and duties should apply, post bellum inevitably constitutes a departure from a focus on restoration (which takes implicitly or explicitly the prewar status quo as a decisive normative benchmark).[36]

The status quo *ante* can no longer be the focus of *jus post bellum*. It is likely to rekindle the fires of conflict, devalues the lives of those killed, and confuses soldiers on the battlefield who cannot see a clear end worth fighting for. While the requirements

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[35] Stahn, "Jus Post Bellum," 335.

[36] Ruti Teitel, "Rethinking Jus Post Bellum in an Age of Global Transitional Justice: Engaging with Michael Walzer and Larry May," *European Journal of International Law* 24, no. 1 (2013): 337.

of properly implementing the peace prism are indeed steep, doing so promises outcomes both superior to the status quo *ante* and prejudged worth fighting for.

Sixth, some might argue current *jus ad bellum* criteria are complicated enough and sufficiently meet the demands of Just War. Considering the conflicts involving the United States over the last 30 years, it is clear that a lack of focus on *jus post bellum* planning leaves a host of unsavory results. As Anthony Burke points out, "We need a moral and analytical framework which can better deal with historical and geopolitical complexity."[37]

The peace prism provides such a "moral and analytical framework." Seeing peace as a spectrum, dynamically influenced by time, and requiring consideration of *jus post bellum* prior to a decision to engage in military operations addresses this complexity. Should policy-makers take the peace prism proposal seriously, with continued efforts to develop it, Burke's call for something better will be realized.

Seventh, it could be argued that implementing the peace prism and maximum obtainable peace equation would make garnering public support impossible. Detractors could argue the public discourse would be so extensive as to be self-defeating. In effect, they would argue against implementing the peace prism/maximum obtainable peace equation because it would, *de facto*, eliminate the possibility of offensive war by overcomplicating the decision-making process. This is erroneous for a several of reasons.

One, as May points out, "Political and military leaders have to understand the rules of war (at the initiation of war, the conduct during war, and the aftermath of war) as true restraints on their behavior, not as things to be got round by clever arguments."[38] The whole intent of Just War Theory is to limit war to only necessary cases. Inconvenience to

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[37] Burke, "Just War or Ethical Peace?," 333.

[38] May, "Jus Post Bellum," 327.

politicians in terms of generating public support for their decision to go to war is not a factor. As Johnson puts it,

> It is of little practical value and disproportionate to the cost of lives and resources expended to permit a nation to justly engage in war and successfully terminate a conflict, yet allow conditions to remain that permit violence and aggression to again erupt. Just war theory is ultimately about the "responsible use of force in response to wrongdoing."[39]

Just War Theory, properly applied, includes *jus post bellum* considerations in any decision to engage in war. It must be factored into planning as a primary and principal part of *jus ad bellum*. If this is ignored, policymakers are acting immorally. Claiming to follow Just War Theory without a commitment to *jus post bellum* is dangerous and irresponsible. Sending the sons and daughters of a nation to war *should* be difficult.

Two, as Koeman explains, there is manifold benefit in writing the political calculus on the proverbial blackboard before the international community:

> The idea of the pre-commitment introduces the possibility that, if states had to spell out in public what they will and will not do against each *in bello* and *post bellum* criteria, motives can be revealed in advance of going to war/intervening. This could lead to domestic and international pressure if the motives are considered inappropriate . . . [and] also hold states accountable for the fulfillment of their commitments to a greater extent.[40]

For the nation considering war, it gives the citizenry an opportunity to fully consider the desired political outcome. A robust public debate about the necessity for war and the reasons for going is healthy. It ensures the ethical boundaries of Just War Theory remain firmly anchored. For example, in the case where a government states a desire to remove and replace the government of another nation by force of arms, citizens may fairly ask and require morally justified responses to questions as varied as: Is it just to

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[39]Johnson, "Jus Post Bellum and Counterinsurgency," 221.

[40]Koeman. "A Realistic and Effective Constraint," 202.

attempt an overthrow of the opponent's government? What sort of government will replace it? Will the outcome be better or worse than conditions now? Is it realistically obtainable or wishful thinking? Should a war with more limited ends be undertaken? Could the situation worsen or devolve into an irresolvable threat if military action is not taken? The questions are as limitless as the creativity of citizens asking them.

Employing the peace prism as a precondition to engaging in war is far less streamlined and does, admittedly, tip the process towards a decision against war, but it does not guarantee a negative outcome. Some wars, even chosen ones, need to be fought as Larry May points out. "A War cannot be just unless the evil that can reasonably be expected to ensure from the war lessens the evil that can reasonably be expected to ensure if the war is not fought."[41] In some way, this constitutes a "must-go" criterion and would encompass the concept of humanitarian intervention.

The point of using the prism is to yield a more refined result and make the right decision. Right decisions are both circumspect and arduous. Struggling through the process requires the government to make a stronger case to support its position. It brings the question of engaging in warfare into sharper focus. It reduces the likelihood of passions carrying the nation into war unnecessarily and without dutiful consideration of *jus post bellum*. Conversely, should the government make a truly compelling argument, it would yield stronger citizen support.

This objection does commend a reasonable limitation on the extent of debate. The legitimate authority, Congress in the case of the U.S., would be wise to limit the extent of the debate period and fix a time to make a decision on the subject. This balances the need for robust consideration of the validity of the argument for war with the real-world need for decision-makers to make timely decisions.

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[41]May, "Jus Post Bellum," 324.

Eighth, someone might object the peace prism and the maximum obtainable peace equation are not developed enough to implement. Both are experimental, yet novelty is an insufficient reason to dismiss them. This is a new idea and trials must be conducted. My approach to *jus post bellum* does require further development. As Mark Evans states, "*Jus post bellum* is still relatively novel and it is thus not unexpected that the conceptualizing of it is in flux."[42] The study of *jus post bellum*, itself, is still in its infancy—Michael Schuck first suggested *jus post bellum* be studied as a separate consideration in 1994. In a *Christian Century* article he asked, "If Christians are called upon to probe the moral propriety of entering and conducting war by using the seven *jus ad bellum principles* . . . and two *jus in bello* principles . . . should they not also be called upon to monitor the moral propriety of concluding a war through some set of *jus post bellum* principles?"[43] Since the study of *jus post bellum* is itself novel, the peace prism and maximum obtainable peace equation are enmeshed in the "flux" of developing views on *jus post bellum*.

A ninth perceived challenge is carrying out what the peace prism requires will often exceed the political durability of Western administrations. In other words, in committing to reasonably just peace on the spectrum, a government is promising what it cannot deliver because the current administration will not last long enough to fulfill the promise. This is a significant objection to the model. It is unknown if the full implementation of *jus post bellum* would exceed the longevity of any particular administration, but it does seem highly likely. It might be necessary to hand off continued reconstruction to an international body should a government be unable to completely

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[42]Evans, "Moral Responsibilities," 163.

[43]Michael J. Schuck "When the Shooting Stops: Missing Elements in Just War Theory," *The Christian Century* 111, no. 30 (1994): 982–83.

fulfill its pledges. This alone is problematic and presents a substantial challenge to *jus post bellum*. On the other hand, it is not impossible that a plan, well-conceived and supported by a majority of citizens, could be carried forward by a successor administration. In fact, it is more likely that the nation as a whole, regardless of current political administration would remain committed to a peace-prism-influenced process because the initial approval requires a significantly stronger case leading to more enduring buy-in than a conflict begun under the checklist approach to Just War Theory.

Conclusion

Many other issues must be explored before the peace prism and any sort of maximum obtainable peace equation are fully effective. I invite others to assist in preparing these ideas for implementation. I hope development and analysis would bear twin fruit. First, when wars are truly justifiable, they will be well supported and fought ethically with due consideration for *jus post bellum*. Second, that unnecessary wars and wars which fail to consider *jus post bellum* would cease.

Just War Theory's focus on *jus post bellum* as the proper end of war is superior to both the views of realism and pacifism. While wars of self-defense, national survival, or to uphold treaty obligations are considered inherently just, many wars are chosen and bear a more stringent burden for justification. While there is no realistic possibility that an ideally just peace will occur in our world, the goal of peace must not be abandoned. Instead peace must be viewed as a spectrum. I propose that a peace prism which casts a six-level spectrum of peace is a reasonable way of examining that spectrum and that levels 4, 5, and 6 could fairly be considered *jus post bella* because they appropriately address the dimensions of politics, economics, societal structure, international relations, and personal liberty. Further, the peace prism should be integrated into *jus ad bellum* decision-making as part of the right intent and reasonable expectation of victory criteria.

A maximum obtainable peace on levels 4 through 6 at a reasonable expense in blood and treasure must become a precondition to engaging in conflict.

Implementing the peace prism strengthens Just War Theory by holding combatants accountable to their stated ends. Striving for *jus post bellum* using the peace prism as a decision making tool is a more faithful implementation of Just War Theory. Using the peace prism allows combatants to perform more realistic cost analyses of wars, forcing a realistic consideration of the cost of *jus post bellum* before deciding to go to war.

Accepting variegation across a spectrum of peace possibilities, as the proper end to a just war, may make shaping public opinion in favor of commencing hostilities more difficult. The peace prism will result in fewer decisions to go to war and yield stronger, more ethically sound support when a nation must. The peace prism rightly answers the question, "Can a nation justly undertake offensive military operations against a foe?" I believe, in view of the ethical fruit and the potential for reducing the expenditure of blood–our nation's true treasure–adopting the peace prism as a pre-decisional tool and seeking the maximum obtainable peace, as a principal and primary aspect of *jus ad bellum*, is a risk worth taking.

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ABSTRACT

JUST NOT ENOUGH: REFRAMING JUST PEACE IN AN ERA
OF PERSISTENT CONFLICT

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Just peace is the proper end of an offensive just war. An ideally just peace is impossible must not be abandoned as a goal. This thesis argues peace is best viewed through a peace prism creating a six-level spectrum from war to ideally just peace. Levels 2 and 3 (marginally effective and substantially effective peace) do not qualify as *jus post bella*, while levels 4 and 5 (optimally effective and reasonably just peace) do because they address politics, economics, societal structure, international relations, and personal liberty postwar. Further the peace prism should be integrated into *ad bellum* decision-making as a precondition to meeting *jus ad bellum* criteria by using the maximum obtainable peace equation to estimate whether a just peace can be obtained at a reasonable expense in blood and treasure. Doing so will result in fewer decisions to go to war and a more ethically sound application of Just War Theory.

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