

AUTHORITY, LIES, AND WAR: DEMOCRACY AND THE DEVELOPMENT OF JUST WAR THEORY

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The American government's use of deception in making its case for the Iraq War to the American people, argues the author, revealed a deficit in the integration of democratic ideas into Catholic conceptions of just war theory. The article places the call for the deeper integration of such ideas into Catholic thought on war and peace in the context of contemporary scholarly debate between schools of just war theory: "presumption against violence" versus "presumption for justice."

NO LASTING BORDER between politics and war has ever been fixed. Today, in theological scholarship, the border is in sharp dispute. Scholars who argue that the Catholic just war tradition has a "presumption against violence" or a "presumption against war" see the border as a justifiably difficult boundary appropriate to cross when necessary. Neoconservative writers reject such a high wall of division and understand the justified use of force as a rightfully untrammelled exercise of statecraft and an extension of proper politics. Christian pacifist theologians like Stanley Hauerwas radically redefine the border altogether: For them, the pacifying power of politics today must come from the peacemaking church, because politics in the form of the nation-state has become an inevitable engine of war. This article will argue that Catholic thought on war and peace should be developed in a more democratic direction and that doing so would make clearer the actual nature of the border between politics and war. More specifically, the article will focus on the just war criterion of legitimate authority and on the arguments used by the government of the

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United States in the course of justifying its war with Iraq. The example of the Iraq War is telling in its own regard and, I will argue, points toward the need for the *ius ad bellum* criterion of legitimate authority to be developed in order to protect citizens against the indignity of being duped by a government bent on war. But the troubling justification of the Iraq War is also more broadly relevant and points beyond itself in illuminating what should be the sharp split between democratic politics and war.¹

The argument will proceed in four steps. First, I will consider the American government's arguments for going to war with Iraq in light of theological and philosophical literature on lying and politics. Second, I will argue that Roman Catholic writing on war and peace has been too deferential to the prudential judgment of government officials. Third, I will argue that the use of deception to justify war points toward the need for Catholic thought on war and peace to develop in a direction that highlights democratic citizens' rights and responsibilities in wartime. Last, I will conclude with recommendations for the development of the criterion of legitimate authority and with reflections on lying, politics, and the discursive practices that make war more likely.

An explanation is in order before beginning the heart of the argument. It would be a mistake to assume that the moral significance of the use of deception to justify war pertains only to issues present at the start of a conflict. Rather, it will be the assumption throughout this article that such significance extends far beyond the initial deception that may have launched a war. The moral philosopher Sissela Bok has said that the "most serious miscalculation people make when weighing lies is to evaluate the costs and benefits of a particular lie in an isolated case, and then to favor lies if the benefits seem to outweigh the costs."² Rather, she argues, lies germinate amid self-deception and bias and thus distort judgment from the start of a venture.³ Moreover, lies linger after the fact. They pose ongoing doubts in the body politic about the integrity and judgment of the liars.⁴ They establish precedents that propel analogous events of the future: the controversy over the justification of the Iraq War had its pedigree in the

¹ The article is a later version of a paper presented at the 2005 annual meeting of the Catholic Theological Society of America. I have been particularly influenced in my thinking about democracy and just war theory by Mark Douglas's "Changing the Rules: Just War Theory in the Twenty-First Century," *Theology Today* 59 (January 2003) 529–45. I wish especially to thank William O'Neill, S.J., of the Jesuit School of Theology at Berkeley for his assistance. I dedicate the article in loving memory to William C. Spohn, whose work often appeared in this journal and who at his death on August 3, 2005, was the Augustine Cardinal Bea, S.J., Distinguished Professor of Theology at Santa Clara University.

² Sissela Bok, *Lying: Moral Choice in Public and Private Life* (New York: Vintage Books, 1999) xix.

³ *Ibid.* 15, 18–19, 26.

⁴ *Ibid.* 26–27.

misinformation that bedeviled the American involvement in Vietnam.⁵ And lies ripple out, affecting men and women in places far removed from the halls of power where the deceit was hatched.⁶ It will also be the assumption of this article that the moral significance of such deception may extend into the aftermath of a war itself. The theologian Oliver O'Donovan has argued that political and military leaders in a time of war are responsible for a "certain articulate precision in the account they give of the wrong they propose to remedy, for the way the situation is described determines the shape of the enactment which may remedy it."⁷ O'Donovan's point here, in line with developments in contemporary scholarship, helpfully connects theoretical concerns about the justice of going to war with such concerns about war's aftermath. But beyond its connection to such scholarship, O'Donovan's claim also provides an interpretive key for understanding what went so awry with the American war in Iraq. The lack of an "articulate precision" at the start of the war—indeed, the deception and confusion amid which it was launched—coheres fatefully with the multi-year chaos that followed the April 2003 fall of Baghdad.⁸

THE IRAQ WAR AND POLITICAL LYING

Bad intelligence is one thing. But the manipulation of intelligence is another. And there are numerous indications that American government officials knowingly misused intelligence in making the case for the Iraq War to the American people. By now the highlights of the intelligence failures in the run-up to the war are broadly familiar. Despite emphatic claims by many American government officials that Iraq possessed weapons of mass destruction, no such weapons have been found.⁹ Despite

⁵ Ibid. 178–81. About deception, the American government, and the Vietnam War, see also Neil Sheehan, *A Bright Shining Lie: John Paul Vann and America in Vietnam* (New York: Vintage, 1989). For a recent discussion of newly declassified material related to the controversial Gulf of Tonkin incident in 1964 that prompted increased American military involvement in Vietnam, see Scott Shane, "Vietnam War Intelligence 'Deliberately Skewed,' Secret Study Says," *New York Times*, December 2, 2005, A11.

⁶ Bok, *Lying* 26–27.

⁷ Oliver O'Donovan, *The Just War Revisited* (Cambridge: Cambridge University, 2003) 51–52.

⁸ For an account that correlates prewar concerns with postwar confusion, see Walter Pincus, "Memo: U.S. Lacked Full Postwar Iraq Plan; Advisers to Blair Predicted Instability," *Washington Post*, June 12, 2005, A1.

⁹ See, for instance, President George W. Bush's statement on the eve of the war: "Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised"—from "President Says Saddam Hussein Must Leave Iraq within 48 Hours: Remarks by the President in Address to the Nation," March 17, 2003: <http://www.whitehouse.gov/news/releases/2003/03/print/20030317-7.html> (accessed

repeated pre-war references to collusion between Saddam Hussein's regime and Al Qaeda, no substantial connection between the Iraqi dictator and the terrorist network has been established.¹⁰ Joseph Cirincione, director of nonproliferation at the Carnegie Endowment for International Peace, has said: "Not one of the dozens of claims they made about Iraq's alleged stockpiles of chemical and biological weapons, missiles, unmanned drones, or most importantly, Iraq's nuclear weapons and ties to Al Qaeda, were true. Not one."¹¹

A more specific consideration is in order of some of the allegations of intelligence misuse. For instance, in a representative episode, Vice President Dick Cheney said in September 2002 that the discovery of thousands of high-strength aluminum tubes was "irrefutable evidence" of Iraqi efforts to rebuild a nuclear weapons program.¹² Then-National Security Adviser

April 24, 2003). For a summary of the work of the Iraq Survey Group, which after the war exhaustively searched Iraq for WMD but found none, see http://www.cia.gov/cia/reports/iraq_wmd_2004 (accessed March 6, 2006).

¹⁰ See, for instance, President Bush's statement: "The [Iraqi] regime has...aided, trained, and harbored terrorists, including operatives of al Qaeda." From "President Says Saddam Hussein Must Leave Iraq within 48 Hours," March 17, 2003: <http://www.whitehouse.gov/news/releases/2003/03/print/20030317-7.html> (accessed April 24, 2003). See, also, the President's statement: "We know that Iraq and the al Qaeda terrorist network share a common enemy—the United States of America. We know that Iraq and al Qaeda have had high-level contacts that go back a decade to al Qaeda leaders who fled Afghanistan [and] went to Iraq." From "President Bush Outlines Iraq Threat: Remarks by the President on Iraq," October 7, 2002, <http://www.whitehouse.gov/news/releases/2002/10/20021007-8.html> (accessed March 9, 2006). For a rebuttal to the assertion of a Saddam-Al Qaeda link, especially with regard to the 9–11 attacks, see *The 9–11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States*. (New York: Norton, 2004) 228–29. For an exhaustive and critical examination of the U.S. government's pre-war claims about the Iraq threat, see John Prados, *Hoodwinked* (New York: New Press, 2004). For a discussion of the porous nature of the claims of an alleged Iraq-Al Qaeda link, see *ibid.* 111–19. For a report that the key source for the allegations of an Iraq-Al Qaeda link was also thought to be a likely fabricator even at the time such allegations were made, see Douglas Jehl, "Report Warned Bush Team about Intelligence Suspicions," *New York Times*, November 6, 2005, A1. Jehl's report begins: "A top member of Al Qaeda in American custody was identified as a likely fabricator months before the Bush administration began to use his statements as the foundation for its claims that Iraq trained Al Qaeda members to use biological and chemical weapons, according to newly declassified portions of a Defense Intelligence Agency document."

¹¹ Joseph Cirincione, review of *Hoodwinked: The Documents That Reveal How Bush Sold Us a War*, by John Prados, *Bulletin of the Atomic Scientists* 61.1 (2005) 65.

¹² The information in this paragraph is taken from David Barstow, William J. Broad, and Jeff Gerth, "How the White House Embraced Disputed Arms Intelli-

Condoleeza Rice, referring to the same tubes, said at that time that they “were only really suited for nuclear weapons programs” and added, apocalyptically, “We don’t want the smoking gun to be a mushroom cloud.” However, a year before these statements were made, the top U.S. government nuclear weapons experts told Dr. Rice’s staff that they seriously doubted the tubes were intended for nuclear weapons. Rather, the tubes were likely meant for use in conventional artillery. Subsequent work by the International Atomic Energy Agency confirmed the earlier, less threatening estimation of the tubes by the American nuclear experts. The IAEA released that finding on January 27, 2003. In his State of the Union address the next night, President George W. Bush repeated the claim that Saddam Hussein was trying to buy tubes suitable for nuclear weapons.

What was the case with the aluminum tubes was also the case with the publication of the Central Intelligence Agency White Paper in October 2002,¹³ with claims that Iraq had sought uranium ore from Niger,¹⁴ and with assertions of an Iraq-Al Qaeda link.¹⁵ In each of these instances, American government officials tried to persuade the American public of the need for war by promoting ominous pieces of data at the expense of evidence that these officials knew or should have known contradicted or highly qualified such foreboding information. Beyond chronologies that point to such deceptive practices, there has also been testimony from government insiders that further indicates the knowing misuse of information. In perhaps the most noted case, the former American diplomat Joseph C. Wilson IV in July 2003 said that he “had little choice but to conclude that

gence,” *New York Times*, October 3, 2004, A1. On the aluminum tubes, see also Prados, *Hoodwinked* 93–104.

¹³ For a detailed discussion of the misleading nature of the Central Intelligence Agency White Paper and the related National Intelligence Estimate on Iraq from the fall of 2002, see Prados, *Hoodwinked* 32–93.

¹⁴ See Joseph C. Wilson IV, “What I Didn’t Find in Africa,” *New York Times*, July 6, 2003, op-ed page. Wilson’s article provoked a firestorm of protest and a years-long controversy reaching into high-levels of the American government. For an account of Wilson’s charges, the controversy over uranium ore and Niger, the outing of his wife as a CIA agent, and the subsequent investigation by a special prosecutor, see Tom Hamburger and Sonni Efron, “A CIA Cover Blown, A White House Exposed,” *Los Angeles Times*, August 25, 2005, A1. See also Prados, *Hoodwinked* 186–98, 327–47. For a critical view of Wilson, see Max Boot, “Plamegate’s Real Liar,” *Los Angeles Times*, November 2, 2005, op-ed page. For Wilson’s response to criticism, see Wilson, “Debunking Distortions about My Trip to Niger,” Letter to the Editor, *Washington Post*, July 17, 2004, A17. For a report that Italian intelligence warned the United States months before the invasion of Iraq that claims of Iraq’s attempt to buy uranium in Africa were false, see “Italian Lawmaker: U.S. Told of WMD Forgeries,” November 3, 2005, <http://www.msnbc.msn.com/id/9912352/> (accessed March 9, 2006).

¹⁵ See n. 10 above.

some of the intelligence related to Iraq's nuclear weapons program was twisted to exaggerate the Iraqi threat."¹⁶ While on official U.S. government assignment in 2002, Wilson had investigated and found "highly doubtful" the claim that Iraq had purchased nuclear weapons materials from Niger; he reported this result to his superiors after returning from Niger in 2002. Nevertheless, he noted, President Bush referred to Iraqi efforts to buy uranium from Africa in his 2003 State of the Union address. In a similar vein, the so-called Downing Street Memo leaked in May 2005 by a British government insider revealed the assessment in the summer of 2002 by the chief of British foreign intelligence of the tactics and intentions of top American counterparts. The so-called "C," having returned then from discussions in Washington, D.C., said that American officials at the time already viewed military action against Iraq as "inevitable" and that the "intelligence and facts were being fixed around the policy."¹⁷

There are several possible explanations for how the overall intelligence failure came about. The first is that intelligence analysts were honestly if flatly wrong: they just misread the data. A second explanation is like the first—but with a twist: the analysts committed collective "group think" and handed up the chain of command honestly but wrongly read data to please the obvious desires of hard-charging bosses bent on war. A third explanation is that policymakers honestly but wrongly misread the data made available to them by intelligence analysts. A fourth is that analysts and policymakers were deliberately fed false data by Iraqi exiles intent on getting the United States to overthrow Saddam Hussein. The fifth is that policymakers intentionally manipulated the presentation of intelligence data in order to make a more persuasive case for the prudence and justice of going to war with Iraq. The first four explanations cannot be called lying or deception by American government officials (who could nevertheless be faulted for sloppiness, fawning, or gullibility). Even so, each of these four explanations raises a significant ethical challenge to the presumption in just war theory of governmental competence, accuracy, and insight in time of war. The theologian John Howard Yoder has noted that the capacity of citizens to judge the legality and morality of war depends in part on information.¹⁸ But the possibility that information supplied by the government

¹⁶ The quotations and discussion by Wilson in this paragraph are taken from Wilson, "What I Didn't Find in Africa."

¹⁷ For an analysis of the implications of the Downing Street Memo as well as a copy of the memo itself, see Mark Danner, "The Secret Way to War," *New York Review of Books*, June 9, 2005, <http://www.nybooks.com/articles/18034> (accessed March 9, 2006).

¹⁸ John Howard Yoder, *When War Is Unjust: Being Honest in Just-War Thinking* (Maryknoll, N.Y.: Orbis, 1996) 77–79, 148–50. Archbishop of Canterbury Rowan Williams has argued that governments, in preparing for war, certainly have information that others do not, but that others in such situations also have information

could be so honestly if manifestly wrong poses a powerful normative challenge to democratic citizens with such a right and responsibility. In any case, the fifth explanation for the Iraq War intelligence failure can be called lying or deception. While all five explanations may explain aspects of the intelligence problems leading up to the war, the fifth explanation should be the decisive interpretive lens by which to understand what happened. The preponderance of evidence requires this. There are simply too many indications that U.S. government officials made statements not justified by data existing at the time of their statements, and that these officials had reason to know of the data contradicting or crucially qualifying their statements. In turn, these knowingly false statements were made with the apparent intention to deceive the American people into supporting a war to which they might not otherwise have consented.

In both their knowing falsity and in their purpose to deceive, these statements conform to the two-part structure of what Augustine calls the “manifest lie” and of what Thomas Aquinas calls the “perfection of lying.”¹⁹ That is, the statements by American government officials contain both the essence of what constitutes a lie—a “duplicious utterance”—and the de facto thing that usually completes it—the intention to deceive.²⁰ The two great Doctors of the Church likewise forbid specifically political lies, finding no reason in the great affairs of state for the duplicious utterance of kings. Scholar Robert Dodaro has described Augustine’s unqualified opposition to such political duplicity: “Lies, in addition to being intrinsically evil, are more often than not destabilizing in their effects. Therefore, even if one refuses to obey the divine precepts against lies, deception, *even in situations where human liberation is at stake*, should always be regarded

that governments do not. In any case, he said, a central purpose of the democratic process is to ensure that governments hear what they may not already know. See Williams, “War and Statecraft: An Exchange,” *First Things* 141 (March 2004) 14–22, at 17. William Cavanaugh has argued that what is crucial in the government’s use of intelligence is not access to the information itself but the formation in Christian virtues of those who have such access. And, Cavanaugh says, “There is no reason to think that the leaders of a secular nation-state are so formed”: William T. Cavanaugh, “At Odds with the Pope: Legitimate Authority and Just Wars,” *Commonweal* 130 (May 23, 2003) 11–13, at 12.

¹⁹ For Augustine on lying, see his treatises “Lying” and “Against Lying” in *Saint Augustine: Treatises on Various Subjects*, ed. Roy J. Defarri (New York: Fathers of the Church, 1952) 45–178. For Aquinas on truth and lying, see *Summa theologiae* (hereafter *ST*) 2–2, qq. 109–10.

²⁰ The phrase “duplicious utterance” is used by Paul J. Griffiths, *Lying: An Augustinian Theology of Duplicity* (Grand Rapids: Brazos, 2004) 14, to describe Augustine’s fundamental view of the lie. I am indebted to Griffiths’s very helpful reading of Augustine and Aquinas on lying.

as illicit on the grounds that greater evils will inevitably result.”²¹ Aquinas is more qualified in his rejection of political lies. A person is not permitted to make use of anything “inordinate,” which a lie always is, even to ward off injury to a neighbor. Or, as he puts it: “Therefore it is not lawful to tell a lie in order to deliver another from any danger whatever.”²² Moreover, he says that if a lie is “about something the knowledge of which affects a man’s good . . . a lie of this description inflicts an injury on one’s neighbor, since it causes him to have a false opinion, wherefore it is contrary to charity, as regards the love of our neighbor, and consequently is a mortal sin.”²³ These rejections of the licitness of lying make unacceptable the most common moral justifications of political lies—to help another. But Aquinas qualifies this rejection by speaking at length of factors that may diminish or aggravate the gravity of such lies. Thus he argues that the greater the good intended—one can imagine, for instance, the intention of the defense of the common good—the more the sin of lying is diminished.²⁴

The political lie is forbidden, then, by the two leading figures in the Catholic theological tradition. But what of that prohibition in light of the modern political context? Hannah Arendt has said that the modern political lie is characterized by efforts to manipulate fact or opinion on a mass scale.²⁵ Such lies, then, are not so much concerned with self-evident or philosophical truth.²⁶ Rather, they pertain to facts and events—to things that could be otherwise and that as such “constitute the very texture of the political realm.”²⁷ The truth or falsity of statements about such facts and events depends on the testimony of eyewitnesses and documents. Such evidence is not immune to the pull of interpretive bias. But, Arendt argues, the nature of the modern political lie concerns the attempt to deny “brutally elementary data,” the existence of which is taken for granted even by hard-core historicists.²⁸ The means vary by which such data are denied: powerful image-making, re-written history, and underhanded political public relations teams. But, for Arendt, what is common to all of the modern methods of political lying is an element of violence: the systematic denial

²¹ Robert J. Dodaro, “Eloquent Lies, Just Wars, and the Politics of Persuasion: Reading Augustine’s *City of God* in a ‘Postmodern’ World,” *Augustinian Studies* 25 (1994) 77–138, at 88–89 (original emphasis). Dodaro argues that Augustine’s analysis of the rhetoric of Roman imperial deception in the first five books of *The City of God* is a highly relevant analogue of the kind of critique needed today of just war discourse by the American government and media.

²² *ST* 2–2, q. 110, a. 3, ad 4.

²³ *ST* 2–2, q. 110, a. 4.

²⁴ *ST* 2–2, q. 110, a. 2.

²⁵ Hannah Arendt, “Truth and Politics,” in *Between Past and Future: Eight Exercises in Political Thought* (New York: Penguin, 1968) 227–64, at 252–55.

²⁶ *Ibid.* 233–43.

²⁷ *Ibid.* 231.

²⁸ *Ibid.* 238–39.

of data is in fact an attempt to destroy the reality that the data represent.²⁹ This tendency is evident in the form of political lying especially pertinent to the American experience in Vietnam—and to the recent American experience in Iraq. Arendt calls this lying by “problem solvers.” In it, theories, laws, predictions, and hypotheses reign supreme. Reality is made to fit into theory, or reality is ignored if it is irrelevant to theory.³⁰ Writing of Vietnam, Arendt said that the fundamental cause of the failure of the American effort there was the “willful, deliberate disregard of all facts, historical, political, geographical, for more than twenty-five years.”³¹ American policymakers had an “inability or unwillingness to consult experience and to learn from reality”³² and thus inhabited a “defactualized world”³³ in which political and military goals were set. It is not far from the imperial intellectual hubris of that world to a like-minded frame of reference inhabited by an anonymous American government official who explained the attitude toward facts that propelled the way to war with Iraq. Speaking to a journalist, the official said that reporters were

“in what is called the reality-based community,” which he defined as people who “believe that solutions emerge from your judicious study of discernible reality. . . . That’s not the way the world really works anymore. . . . We’re an empire now, and when we act, we create our own reality. And while you’re studying that reality—judiciously, as you will—we’ll act again, creating other new realities, which you can study, too, and that’s how things will sort out. We’re history’s actors . . . and you, all of you, will be left to just study what we do.”³⁴

WAR AND DEFERENCE TO CIVIL AUTHORITY

Consistent with their premodern context, both Augustine and Aquinas give great deference to the judgment of political authorities in the determination of the prudence and justice of going to war. Augustine, for instance, argued:

Since, therefore, a righteous man, serving under an ungodly king, may do the duty belonging to his position in the state in fighting by the order of his sovereign—for in some cases it is plainly the will of God that he should fight, and in others, where this is not so plain, it may be an unrighteous command on the part of the king, while

²⁹ Ibid. 252–56. Arendt, “Lying in Politics” in *Crises of the Republic* (New York: Harcourt Brace Jovanovich, 1972) 3–47, at 7–13.

³⁰ Ibid. 9–13.

³¹ Ibid. 32.

³² Ibid. 42.

³³ Ibid. 21.

³⁴ Ron Suskind, “What Makes Bush’s Presidency So Radical—Even to Some Republicans—Is His Preternatural, Faith-Infused Certainty in Uncertain Times. Without a Doubt,” *New York Times Magazine*, October 17, 2004, 44–51, 64, 102, 106, at 51.

the soldier is innocent, because his position makes obedience a duty—how much more must the man be blameless who carries on war on the authority of God?³⁵

Aquinas stated that the first thing necessary in order for a war to be just was “the authority of the sovereign by whose command the war is to be waged.”³⁶ Such political authorities, to be sure, are obliged to seek the truth and to be truthful. Aquinas spells out in detail the requirements of a prince to use “regnative prudence” in pursuing with diligence all the facts relevant to the political issue at hand.³⁷ Writing in the early modern period, Francisco de Vitoria pushes further the truth-seeking requirements of a prince’s prudence in time of war. Vitoria insists that a just war may only be undertaken on the basis of an “exceedingly careful examination” of the causes of war. Moreover, in the course of such an examination, the prince should consult with many who are wise and upright, who speak without fear, and who oppose in justice the war being considered.³⁸ There are many aspects of this tradition that point in a democratic direction. Oliver O’Donovan has argued, for instance, that early modern thinkers like Vitoria in fact carved out a space in which a common soldier could focus not on the rightness or wrongness of a prince’s decision to go to war but on the soldier’s “own role and responsibility” in the face of his own decision—not the decision of the prince—to fight or not.³⁹ But the tradition, even with changes at the Second Vatican Council,⁴⁰ has come down to the present day with the strong presumption intact of deference to the judgments of civil authority in a time of war. And this presumption presents a challenge to just war theory when a government uses deception in order to go to war.

³⁵ From “Reply to Faustus the Manichean” 22, trans. R. Stothert, in *The Nicene and Post-Nicene Fathers* (Series 1); quoted in Arthur Holmes, ed., *War and Christian Ethics* (Grand Rapids: Baker Book House, 1975) 65.

³⁶ *ST 2–2*, q. 40, a. 1.

³⁷ See *ST 2–2*, q. 47, a. 3, a. 8; *ST 2–2*, q. 48; *ST 2–2*, q. 49, a. 2, a. 3, a. 5, a. 7, a. 8; *ST 2–2*, q. 50, a. 1, a. 2.

³⁸ Francisco de Vitoria, “*Relectiones: On the Law of War*” nos. 20–24, http://www.constitution.org/vitoria/vitoria_5.htm (accessed March 9, 2006).

³⁹ O’Donovan, *Just War Revisited* 16.

⁴⁰ See, for instance, the significant change in this regard that occurred in the short time between the late 1950s and the Second Vatican Council. In his 1956 Christmas Message, Pius XII said that so long as freely elected leaders of government decided to go to war “a Catholic citizen may not appeal to his conscience as grounds for refusing to serve and to fulfill duties fixed by law.” Only several years later, the council fathers undermined this presumption of rightness on the part of the state by their affirmation of the primacy of the individual conscience as stated, for instance, in *Gaudium et spes* no. 16. I am indebted for this discussion to Francis X. Meehan, “Conscientious Objection,” in *The New Dictionary of Catholic Social Thought* (Collegeville, Minn.: Liturgical, 1994) 229–32.

Problems posed by this deference were apparent during the run-up to the Iraq War. As a pastoral matter, the misplaced confidence that accompanies such deference was evident in a letter sent just after the start of the war by Military Vicar Archbishop Edwin F. O'Brien to Catholics serving in the U.S. military. In the letter, O'Brien wrote, "Given the complexity of factors involved, many of which understandably remain confidential, it is altogether appropriate for members of our armed forces to presume the integrity of our leadership and its judgments and therefore to carry out their military duties in good conscience."⁴¹ As a theoretical matter, a problematic, narrow interpretation of such deference to civil authority was evident in the efforts by U.S. Catholic neoconservatives to interpret paragraph 2309 of the *Catechism of the Catholic Church* to mean that political authorities—and not bishops, theological critics, or the broader citizenry—had a special charism for determining the morality of any given war. The paragraph in question reads: "The evaluation of these conditions for moral legitimacy [of war] belongs to the prudential judgment of those who have responsibility for the common good."⁴² For the neoconservative George Weigel, this meant that a "charism of responsibility" in war lies with "duly constituted public authorities, who are more fully informed about the relevant facts and who must bear the weight of responsible decision-making and governance."⁴³ To be sure, these affirmations of the moral insight and better information belonging to civil authorities were roundly and effectively rebutted.⁴⁴ The incisive response by theologian Drew Christiansen, S.J., was especially relevant to the issue of deception and war. He made three crucial points. First, the experience of the Iraq War shows that political and military leaders do not necessarily have more accurate information than many others. Second, the responsibility for the common good in time of war belongs to every person and group—even if civil authorities obviously have a decisive role in such matters. Third, the Catechism paragraph 2309 needs to be updated to show no more than a "weak" presumption in favor of the moral insight of civil authorities in time of war and no less than a "weighty" duty of "citizens to make their dissenting judgments

⁴¹ See Letter from Archbishop Edwin F. O'Brien, March 25, 2003, <http://www.milarch.org/archbishop/obrien/hab030325.pdf> (accessed March 9, 2006). I am indebted for awareness of the O'Brien letter to William Cavanaugh, "At Odds with the Pope" 11.

⁴² *Catechism of the Catholic Church*, Libreria Editrice Vaticana (Mahwah: Paulist, 1994) 555–56.

⁴³ George Weigel, "Moral Clarity in a Time of War," *First Things* 129 (January 2003) 27.

⁴⁴ See, for instance, Drew Christiansen, S.J., "Of Many Things," *America* 191 (November 15, 2004) 2; Cavanaugh, "At Odds with the Pope" 11–13; and Williams, "War and Statecraft" 17–18.

public.” Christiansen’s comments provide a template for the consideration of democratic theory and the criterion of legitimate authority in the remainder of this paper.⁴⁵

DEMOCRACY AND THE DEVELOPMENT OF JUST WAR THEORY

It will be helpful now to consider more specifically the challenge that lying poses to legitimate authority in light of the under-determined democratic character of just war theory. Some positioning of my argument is in order in terms of current theological debate between the “presumption against violence” school of just war theory and their neoconservative opponents, a number of whom provided key theoretical justification for the Iraq War. Theologians of the presumption against violence school hold that the decision about a war’s justice is characterized by the conflict between the duty to use force to protect the innocent and the duty to do no harm by refraining from violence. A heavy burden of proof is required in order for the duty to use force to outweigh the duty to do no harm.⁴⁶ The historian James Turner Johnson has long argued that theorists of this school have undermined the possibility of using force on behalf of political justice.⁴⁷ In particular, they have done so by usurping the prerogative of political authorities in two ways. First, these theorists have assumed for themselves a capacity to engage in prudential reasoning about war and peace in a manner wholly at odds with their actual access to the sort of restricted information to which political authorities are in fact and by right privy. Second, they have used such prudential reasoning to argue frequently against the moral legitimacy of the use of force; in doing so, they have ignored the requirements of duty incumbent on political leaders to use force to protect the innocent. By contrast, Johnson has recently asserted the preeminence of “sovereign authority” (his preferred term for “legitimate authority”) among all the just war criteria.⁴⁸ Aquinas has the

⁴⁵ Christiansen expanded on these comments in a paper, “With Responsibility for the Common Good: The Question of Authority under the Just War in Contemporary Catholic Social Teaching,” presented at the annual meeting of the Catholic Theological Society of America, St. Louis, Mo., June 10, 2005.

⁴⁶ For a representative discussion of this school of thought, see James Childress, “Just War Criteria” in *Moral Responsibility in Conflicts: Essays on Nonviolence, War, and Conscience* (Baton Rouge: Louisiana State University, 1982) 63–94.

⁴⁷ For a concise summary of Johnson’s critique, see Johnson, “The Broken Tradition,” *National Interest* 45 (Fall 1996) 27–36.

⁴⁸ Johnson, “Just War, As It Was and Is,” *First Things* 149 (January 2005) 14–24. See also the analysis of Johnson’s article by John Langan, S.J., “Authority to Conduct War: Reflection on Current Uncertainties,” a paper presented at the annual meeting of the Catholic Theological Society of America, St. Louis, Mo., June 10, 2005.

criterion first, Johnson notes, and so, too, should we.⁴⁹ Especially important to Johnson is the need to awaken from a “relentlessly negative”⁵⁰ view of nation-states and an “equally uncritical attitude”⁵¹ toward the United Nations to the properly moral, proactive character of national sovereign authority. The just war criterion of sovereign authority derives its coherence from the responsibility of the sovereign for the good of the entire community. Or, more specifically, the authority and right of any sovereign to initiate war is derived from the responsibility of that sovereign “to secure and protect the order and justice, and thus the peace, of his own political community and also to contribute to orderly, just, and peaceful interactions with other such communities.”⁵² Sharing with Johnson a concern to recover the political character of just war theory, Helmut Baer and Joseph Capizzi take issue with the “de-politicizing” logic of the presumption against violence school.⁵³ They argue that Christian political theory provides both the justification and limitation of legitimate authority. A government has the right to use deadly force because it has the responsibility to protect and promote such political goods as order, justice, liberty, and community.⁵⁴ Such a right to use force is an “integral part” of God’s providential care of creation.⁵⁵ What is crucial for the recovery of the political logic of just war theory is recognition of this right. “Only when we know who has the right to use deadly force,” they say, “can we begin to address the question of who decides to go to war.”⁵⁶ For Baer and Capizzi, the presumption against violence school has proceeded in abstraction from such requirements of Christian political theory.

I think that Baer and Capizzi (and Johnson, whom they follow in this regard) are correct in this judgment: The presumption against violence school has detached itself too much from political theory. But Capizzi, Baer, and Johnson are incorrect in failing sufficiently to integrate democratic theory and correlative principles of dignity and freedom into their account of just war theory. Accordingly, they provide little theoretical check—other than a sovereign’s personal sense of responsibility—on a practice like the use of deception to justify going to war. Moreover, the reliance of the three on political theory unmediated by ideology and history makes less likely the scrutiny of the mixed motives—and, hence, the

⁴⁹ Johnson, “Just War” 17.

⁵⁰ *Ibid.* 22.

⁵¹ *Ibid.*

⁵² *Ibid.* 14.

⁵³ Helmut David Baer and Joseph E. Capizzi, “Just War Theories Reconsidered: Problems with Prima Facie Duties and the Need for a Political Ethic,” *Journal of Religious Ethics* 33 (2005) 119–137, at 128.

⁵⁴ *Ibid.* 126.

⁵⁵ *Ibid.* 124.

⁵⁶ *Ibid.* 127.

possibility of lying—of political leaders going to war.⁵⁷ While, however, the presumption against violence school has sidestepped political theory, the school has nevertheless maintained itself as a way of reasoning fit for engagement with democratic citizens. This democratic character arises from a number of sources but from none more so than the assumptions about politics built into the notion of the presumption against violence itself. Theologians in this school have been criticized for making just war criteria into a theory of paralyzing exceptions that are functionally impossible to meet and that, thus, inhibit the use of force in defense of justice. According to this criticism, this school fails to see the appropriate continuities between normal politics and the use of violent force for the sake of political ends. The former is not utterly discontinuous with the latter, this critical view holds. And the latter can be controlled and guided by the resources of the former. But this criticism fails sufficiently to integrate democratic political theory into its account of the continuities—or lack thereof—between politics and war. And here the presumption against violence school helps out. By its insistence that there is a presumption against violence, this school highlights the distinction between the force appropriate to democratic politics as usual—persuasion, reason, civic friendship, love—and the coercive force necessary at times in democracy for the protection and promotion of political ends. And because of its emphasis on this distinction, this school provides a better theoretical framework for seeing the extent of the ethical problems raised by the use of deception in going to war. Lying to justify war is not simply a failure of a single, sovereign prince responsible for the protection of the common good. Rather, lying is a kind of coercion analogous to the use of physical force. I noted earlier that Arendt linked the mass manipulation of modern political lying with violence: Such lies seek to overpower stubborn fact. Striking a related note, Sissela Bok argues that the coercive character of political lying is a violation of the persuasive force proper to democratic politics.⁵⁸ I will return to this point shortly.

I have noted already Bok's counsel not to make the common mistake of evaluating a lie in isolation. I would like here to recall a second kind of interpretive mistake that she cautions against: The evaluation of a lie from the perspective of the deceivers but not from the "perspective of the deceived."⁵⁹ It is not difficult to imagine the motives behind those who may

⁵⁷ For an illuminating discussion of such issues—especially as they pertain to the American ideologies of historical progress and cultural exceptionalism—see Richard B. Miller, *Interpretations of Conflict: Ethics, Pacifism, and the Just War Tradition* (Chicago: University of Chicago, 1991) 193–246.

⁵⁸ Bok, *Lying* 170–75.

⁵⁹ *Ibid.* xxix, 20–22.

deceive out of a desire to advance the public good.⁶⁰ They may do so because they believe it is right and necessary. They may believe that the public is only ready for the short-term pain suggested by the deception but not for the long-term sacrifice that could be the consequence of the truth. They may fear that the public will respond in the wrong way in a crisis to truthful information. They may be lying to stir up war fever in order to advance a political career. But to consider any of these explanations, as relevant as they may be, is to view the situation from the perspective of the deceivers. And to view a situation only from this perspective is to risk, among other things, underestimating the anti-democratic pretension and distorted judgment that accompany political lying.⁶¹ Instead, it is imperative to view every political lie also from the perspective of those who have been deceived and who thus have a “radically different” view of the effects of deception from the view of those who have done the deceiving.⁶²

What, then, from the perspective of the deceived, can deception to launch a war do to democratic citizens?⁶³ First, such lies undermine trust about the meaning of language and action that are the foundation of community. Moreover, such lies obscure alternative courses of action and impede the accurate estimation of risks and benefits. These lies beget more lies and call into question the integrity of the liars. When the leaders of democratic governments lie to justify war, they bypass the consent of the governed—and at times the consent of the representatives of those governed. In doing so, such governments prohibit citizens from making choices according to the best possible information. Moreover, by lying, the leaders of such governments gather power to themselves that they may not otherwise have been permitted to have by citizens. Meanwhile, these same citizens lose power they may not otherwise have consented to lose. Such lies, then, strike at the heart of democracy understood as self-government by free citizens of equal dignity.

To see more clearly the nature of the violation of lying in a democracy, it will be helpful to return to Bok’s observation that lying is a kind of coercion analogous to violence. And, in particular, it will be helpful to consider Bok’s observation in light of Rowan Williams’s recent argument on behalf of the validity of the Christian theological claim that there is a presumption against violence (understanding violence as the external re-

⁶⁰ Ibid. 166–68.

⁶¹ Bok notes the long tradition going back to Plato’s “noble lie” of political leaders’ aristocratic assumptions of superiority to those deceived (ibid.). She also notes: “Bias skews all judgment but never more so than in the search for good reasons to deceive” (ibid. 26). For Plato’s “noble lie,” see *The Republic*, trans. B. Jowett (New York: Modern Library) nos. 412–15.

⁶² Bok, *Lying* 20.

⁶³ For the following paragraph, I am especially drawing on ibid. 18–22, 165–81.

striction of another's freedom).⁶⁴ For Williams, the validity of the presumption becomes especially clear when we consider that the "essence of a healthy social life is the *voluntary* restriction of any one agent's liberty in the corporate act of the social life" (original emphasis).⁶⁵ Moreover, he adds, the Christian doctrine of the Body of Christ understands the social life first as an "exchange of free gift before it is a community ruled by coercion."⁶⁶ In light of this presumption in favor of freedom—a presumption entirely consistent with Catholic notions of the "free society"⁶⁷—it is more evident why violence always requires justification. But this presumption in favor of freedom also makes more evident the nature of the violation that occurs when democratic citizens are lied to in order to garner support for a war to which they otherwise might not consent. Bok speaks of lies as coercing belief and action: lies change what we do by manipulating what we think and choose. As such, they are an assault on the innermost aspect of democratic personhood: That is, on the reason and freedom and responsibility by which persons live as free gifts for each other and by which citizens govern themselves in political society.

CONCLUSION

The central argument of this essay is that democratic theory should be more fully integrated into Catholic thought on war and peace and, in particular, into the just war criterion of legitimate authority. Without such integration, it is more difficult to see the nature of the injustice when a government deceives its citizens in order to go to war. The following steps could be taken in order to advance this integration. First, when addressing issues of war, Catholic thought should rely more consciously on the political model of a free society articulated in a document like *Dignitatis humanae*. Too much writing on the ethics of war and peace retains trace effects of premodern models of political authority. Second, consistent with such sources as the Second Vatican Council and recent writing by theologians like Drew Christiansen, Catholic thought should pay increasing attention to the rights, responsibilities, and virtues of democratic citizens in time of war. Third, consistent with such increasing attention, Catholic thought

⁶⁴ Williams, "War and Statecraft" 14–22.

⁶⁵ *Ibid.* 16.

⁶⁶ *Ibid.*

⁶⁷ John Courtney Murray explained the principle of a free society at work in *Dignitatis humanae* by saying: "Freedom is the end or purpose of society, which looks to the liberation of the human person. Freedom is the political method par excellence, whereby the other goals of society are reached. Freedom, finally, is the prevailing social usage, which sets the style of society." See *Dignitatis humanae* no. 21, in *Documents of Vatican II*, ed. Walter Abbott (New York: America, 1966) 687. See also Charles Curran's discussion of the principle of a free society in *Catholic Social Teaching, 1891–Present: A Historical, Theological, and Ethical Analysis* (Washington: Georgetown University, 2002) 222–43.

should be more bold in assessing claims to go to war made by government leaders and more inclined to view such claims from the perspective of the possibly deceived. Fourth, the criterion of legitimate authority should specifically include a requirement for truthful speech to citizens about going to war. A political authority that failed to fulfill such a requirement would fail the *jus ad bellum* test of legitimacy. Fifth, Catholic thought should be more cognizant of the multiple sources and free flow of information in democratic society relevant to establishing the justice of going to war. Sixth, all of these suggestions can be understood as articulations of aspects of a criterion called “shared authority” that Mark Douglas has said captures better the democratic reality of citizens as subjects and rulers than does the prevailing top-down notion of political authority at play in many discussions of legitimate authority.⁶⁸

A final, sobering thought is in order. John Howard Yoder warned that integrating just war criteria and democratic theory was not a cure-all for warring nations. Democratic politics can quickly be transformed into demagogic war fever.⁶⁹ The discourse that is the lifeblood of democracy can be derailed to create a consensus that violence and war are no more than a continuous, if flagrant, manifestation of politics. Think-tank policy papers, with their air of theory and ironclad prediction, help create this consensus by masking the real-world price of violence. The real cost of violence is also obscured by the binary language of conflict in which “the enemy” becomes absolute and abstract and thereby dehumanized and fit for killing.⁷⁰ The inevitability of war is cloaked, too, in what Augustine calls the deceptive political rhetoric of personal glory in which the “pure heroic deed” of martial virtue supplants the reality of Christian hope. For Augustine, such rhetoric signals the presence of political deception because its false bravado seeks to cover up the fear of death at the root of all political ideology.⁷¹ The integration of democratic ideas into just war theory alone cannot stop the air of inevitability attached to such violence-prone discursive practices. But the more deliberate inclusion in the criterion of legitimate authority of concepts like the principle of a free society and the requirement of truthfulness can check the corrosive force of such rhetoric. In any case, without such an integration, the border between politics and war will remain too easy to cross.

⁶⁸ Douglas, “Changing the Rules” 541–42.

⁶⁹ Yoder, *When War Is Unjust* 24–26.

⁷⁰ Jean Bethke Elshtain, “Reflections on War and Political Discourse: Realism, Just War, and Feminism in a Nuclear Age,” in *War in the Twentieth Century: Sources in Christian Ethics*, ed. Richard B. Miller (Louisville: Westminster John Knox, 1992) 395–416, at 406–8.

⁷¹ I am following here the discussion of Augustine in *City of God* in Dodaro, “Lies, Wars, and Politics” 89–92. The phrase “pure heroic deed” is Dodaro’s.