
Part II: **Ethical Perspectives from a German Context**

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Just Peace and Revisionist Just War Approaches: Striking a Balance between Contingent Pacifist Conceptions

Since February 24, 2022, discussions whether to deliver weapons to Ukraine erupted and continue ever since, not only but also within the Protestant Church in Germany (Evangelische Kirche in Deutschland, EKD). Arguments range from a specific German responsibility never to resort to weapons anymore and therefore to abstain from any delivery thereof (Kramer 2022) to the idea that such deliveries are a “reasonable”, even “necessary” means in the given situation (Felmberg 2022). With respect to the peace ethical approach of the EKD, called *Just Peace* (in German: *Gerechter Friede*), the call for actualization of the concept has been issued (Felmberg 2022; Becker 2022) and there have been proposals to apply it to the current situation (Ackermann et al. 2023). Contrary to the intense debates within the church, the concept of just peace has a rather dormant theoretical existence within the English-speaking and philosophical world, as it is an inherently German and “churchy” concept that beyond the German Christian bubble no one has ever heard of, made methodological use of, even less.¹ This article, however, aims at bringing the concept of just peace into discussion with wider known concepts, namely contingent pacifism and approaches of *jus post bellum*. It serves to show the structural and substantial commonalities and also to demonstrate the benefits that result from bringing these concepts into contact, thereby proposing to update both of them. Yet this must not remain a purely scholarly endeavor, but should, on the contrary, result in sketching some consequences for the current war in Ukraine from a contingent pacifist perspective. In order to reach that goal, I will at first take a look at the ongoing philosophical discussion of the concept of just war and its revision as well as elaborate on the idea of contingent pacifism. Secondly, I will turn to the contextual circumstances within which the

¹ This is true at least for the contingent pacifist concept of the Protestant Church as it is laid out in the Peace Memorandum from 2007 (EKD 2007a) and has been adapted in various articles and anthologies ever since, mainly in the book series *Gerechter Frieden*, which has been published by the Springer publishing house. Other contributions stemming from the English-speaking world normally understand the concept differently, as can be seen at the absolute pacifist approach in *Advancing Nonviolence and Just Peace in the Church and the World* (2020), edited by Rose Marie Berger, Ken Butigan, Judy Coode and Marie Dennis; or Fernando Enns’ and Annette Mosher’s *Just Peace: Ecumenical, intercultural, and interdisciplinary perspectives* (2013).

concept of just peace originates and sketch the historical background against which it developed. In a third section, I will delve deeper into the concept of just peace, elaborating on its implications and main ideas, until I finally draw a conclusion.

1 From Just War to Contingent Pacifist Thinking

When it comes to pondering questions of war and peace ethically, there is a huge spectrum of different ways to evaluate belligerent undertakings: While on the one side there is an absolute pacifist stance, rejecting the use of violence whatsoever and categorially, opposite this view lies the valorization of war, where there are no moral issues at all and war is thought to be morally good in itself. In between these extreme positions, there are – beginning with pacifism – some middle positions, ranging from moderate pacifist views that consider some wars justified, to traditional just war thinking that considers war to be the last resort, to a realist view that accepts war as a political option, even though not a favored one (Fox 2014, 107).

The theory I want to focus on here is a kind of moderate, or contingent pacifism. Such a form of pacifism is located between just war reasoning and absolute pacifism, which means that even though peace is seen to be the only way to achieve peace, the use of force is not ruled out categorially; it remains contingent on the situation: There might be circumstances permitting, or even necessitating the use of force (Fiala 2018). Depending on the contingency that the respective theory focuses on, there are different forms of contingent pacifism such as prudential pacifism, which maintains that it is unwise to go into war because the costs are too high, or political pacifism, entailing the rejection of a particular military system or a set of military policies (Fiala 2018). In most of the cases, just war theory informs these kinds of pacifisms, because the criteria of just war still play a role in contingent pacifist reasoning, which is why it makes sense to outline the main ideas and discussions of just war thinking at the beginning.

It is not my aim to unpack the whole history of just war thinking, but only to hint to its roots in Latin and Christian antiquity, generating throughout history some main criteria for going to war (*jus ad bellum*) and fighting it (*jus in bello*). The seminal work on that topic in the last century is *Just and Unjust Wars* (1977), written by the American philosopher Michael Walzer with reference to the Vietnam war. It was not the first but became the most prominent book in that time, discussing the morality of war. Walzer's main interest is to confine war and to make clear that war is not the end of legal rules, but that there are indeed princi-

ples that need to be applied. For his claim, he draws a sharp line between *jus ad bellum* and *jus in bello*, making clear that: “The two sorts of judgment are logically independent. It is perfectly possible for a just war to be fought unjustly and for an unjust war to be fought in strict accordance with the rules” (Walzer 1977, 21). What Walzer means is that even though *jus ad bellum* can be violated, for instance by an aggressive attack, this does not mean that the way soldiers fight necessarily contradicts given rules such as the discrimination of combatants and noncombatants or the proportionality of means, as it is laid out in International Humanitarian Law (concerning the principle of distinction: Protocol I additional to the Geneva conventions, 52[2]; concerning proportionality: Protocol I additional to the Geneva conventions, 51 [5][b] and [2] [iii]). This is true also the other way around: Not every war that is fought for just reasons, such as defense against an aggressor, is fought justly, for instance when soldiers are not distinguished from civilians or unproportional means are used. From that Walzer infers that it is inherently important for combatants to fight according to the given ruling, because it is their assignment to do so, while it is the responsibility of policymakers to decide over the beginning and the end of a certain war (Walzer 1997, 304). Only if that distinction can be upheld, all parties involved benefit from juridical war regulations.

These general assumptions have been criticized by thinkers demanding a revision of just war thinking, such as the American philosopher Jeff McMahan in his book *The Ethics of Killing* (2009). To his mind, the sharp distinction between *jus ad bellum* and *jus in bello* cannot be upheld because soldiers fighting in an unjust war cannot be justified by simply fighting according to the rules. He writes: “[W]e must stop reassuring soldiers that they act permissibly when they fight in an unjust war, provided that they conduct themselves honorably on the battlefield by fighting in accordance with the rules of engagement” (McMahan 2009, 95). For McMahan this kind of reasoning does not only pertain to soldiers but also to civilians because, according to his mind, also civilians supporting a war need to be held responsible for that. For that matter, he introduces four categories of persons according to their involvement in a war, making two main distinctions: innocent and non-innocent, morally and materially. The category of (non-)innocence refers to support of a war by whatever means, the category of materiality refers to the use of force and morality refers to ideological endorsement. Along those lines, persons who neither use force nor support a specific war ideologically are morally and materially innocent, while persons who do support that war ideologically and use force are morally and materially non-innocent. Persons who do support war ideologically but abstain from using force, such as politicians, are morally non-innocent, but materially innocent, and persons that do not support a war ideologically, but use force are morally innocent, but mate-

rially non-innocent (McMahan 1994, 200–205). An example for the latter is the conscripted soldier, who is bound to fight but does not necessarily support the violent endeavor (McMahan 1994, 200).

What is important here is that it is no longer exactly clear who needs to be seen as a combatant – and therefore poses a legitimate target – and who not. It is rather important to know who is supporting a war ideologically and individually, which is not always easy to find out (Meireis 2017, 336).

On that ground, the American philosopher Larry May argues for his concept of *Contingent Pacifism* (2015). To his mind the main moral problem that comes with such a revision of just war thinking is that it is impossible to find out who is fighting for just reasons, because not every person using force might be morally non-innocent, therefore not posing a legitimate target. Especially the risk of harming a morally innocent person in war is high because you never know whether the person fighting has been forced or deceived by their government. The main debates here revolve around the legitimacy of killing soldiers who fight in war. While this poses no problem according to Walzer, since he distinguishes *jus ad bellum* and *jus in bello*, this distinction is no longer upheld in revisionist just war thinking, and it is not so easy to tell who exactly counts as a legitimate target. Larry May takes this exact thought as his starting point when he writes: “Contingent pacifism begins with the idea that there is a presumption against going off to war and against using violence during war because of the risk that a soldier takes given how difficult it is in any given war to tell whether soldiers will be justified in serving in that war” (May 2015, 44). May infers that, under the given circumstances, the moral risk to participate in a certain war is too high, because the soldiers can never know whether they are killing morally innocent persons. Furthermore, they cannot know whether they themselves have been deceived, actually fighting an unjust war (May 2015, 82–83, 105). In the contingent pacifist thought of May, this idea is combined with the concept of *jus post bellum*, which is the reflection on how to end situations of war (May 2012, 6). Such a perspective turns the idea of just war upside down by keeping in mind that the way wars are begun and conducted influences whether and under which circumstances they end. For May, the main goal is achieving a form of sustained peace by six normative principles, which are “rebuilding, retribution, reconciliation, restitution, and reparation, as well as proportionality” (May 2012, 1). This, however, cannot be obtained when a war is fought for unjust reasons or unjustly, because that prevents the achievement of peace in the aftermath of the conflict from the get-go. Accordingly, considerations such as who is a legitimate target under which circumstances are inherently important for the eventual outcome.

To conclude, revisionist just war approaches, as well as contingent or moderate pacifist ideas, pose significant challenges for just war theory and with it to the com-

mon assumptions made in International Humanitarian Law: If it is no longer possible to distinguish between combatants and noncombatants, it is also extremely hard to ponder proportionality. This is because, if the assumed combatants might pose legitimate targets, while the assumed noncombatants might not, one cannot make any reasonable decision on the use of force. Moreover, if it turns out in the aftermath of a conflict that the use of force has been illegitimate from the beginning, achieving peace might be forestalled. Here, the contingent pacifist perspective, in conjunction with *jus post bellum* reasoning might help to develop a different and more reasonable model of pacifist thought, reducing the use of force to a minimum and in doing so fostering nonviolent or even peaceful ways of solving conflicts.

With that in mind, I will elaborate now in greater detail on a Christian-rooted contingent pacifist approach, namely just peace. First of all, I will contextualize this theory in its historical and local background, so that the conditions of its formation become clear.

2 Contextualizing Just Peace

While the traditional roots of the concept of just peace are found in the Bible and will be discussed later in this article, the historical circumstances under which the term and the gist of just peace became important in Protestant and Christian history can be illustrated briefly with reference to two focal points in German history. This is important for understanding how and why this concept emerged in 20th century Germany, and what its main focus is, even though I cannot cover that development in detail here, due to restricted space.

The first stage is the controversy about Nazi-Germany and WW II. In a letter written in December 1939, addressed to France, namely the Pastor Westphal, the Swiss reformed theologian Karl Barth discusses Swiss neutrality towards the German situation and demands to speak up against it.² He writes: “It would be regrettable if the Christian churches [...] wanted to remain thoughtlessly neutral and pacifist in this war in particular. Today they should pray with all penitence and sobriety for a *just peace* and with the same penitence and sobriety testify to all people that it is necessary and worth the effort to fight and suffer for this *just peace*” (Barth 1945, 105; my translation and emphasis). Karl Barth, observing that Germany is in the middle of fighting an unjust war, appeals to the churches to react to the critical situation – not only by doing nothing or remaining neutral. His demand is rather to

² I am very thankful to Sabine Plonz, who directed me to this important theological source and gave me the opportunity to access her work on that topic.

stand up against this injustice by praying for a just peace, on the one hand, but also by confessing the importance of fighting and suffering, on the other. While praying, confessing and suffering might very well go hand in hand with the absolute renunciation of violence, fighting does imply violent means. This, however, does not suggest that Karl Barth joins in the cheering for war. Rather, it suggests that in his current and dire situation, absolute pacifism might not be an appropriate option. This coincides with other and earlier writings of Barth, for instance the second, 1922 edition of his commentary on the *Epistle to the Romans*, where he makes clear that the church can neither hail militarism nor follow pacifism blindly, but needs to find some middle ground depending on the given situation. For that matter, the biblical imperative for peace must not be seen to rule absolutely, but in “brokenness (‘insofar it is possible’)” (Barth 2010, 625; my translation). His main argument is that God can be used to legitimize war enthusiasm on either side of the conflict (Lienemann 2016, 117). Accordingly, even though Barth favors nonviolent and peaceful solutions, he does not deem pacifism to concur with God’s will directly (Lienemann 2016, 114) – the emphasis is put on the historical context.

A second important step is the conciliar process within the Ecumenical Council, which met three times in the years 1988 and 1989 in the GDR, discussing the well-known triad of justice, peace and integrity of creation (in German: *Gerechtigkeit, Frieden und Bewahrung der Schöpfung*). In the document resulting from these consultations, the following formula was coined: “Having through necessity overcome the institution of war, the doctrine of a just war intended by the Churches to humanize war is likewise becoming invalid. That is why we need to develop a doctrine of just peace now, grounded in theology and oriented by virtue of its openness towards universal human values” (Ecumenical Council of the GDR 1989; quoted after: German Bishops 2000, 1). This formula can be read as an outspoken milestone in turning away from the idea of just war to the concept of just peace. In doing so, it acknowledges the total failure of belligerent methods, even if there has been attempts to limit its methods with the help of just war throughout history. Even more importantly, it paves the way for a new idea, bringing together two of the main ideas of the conciliar process, namely justice and peace. This also entails that injustice needs to be seen as a source of violence worldwide (Werkner 2017, 244), so that the recognition and realization of universal human values are an integral part of peaceful thinking.

Especially in 1988/89 Germany, these ideas were important and cannot be separated from the historical context in which the people of the GDR were experiencing injustice. Here, the central ideas of the conciliar process have mentally paved the way for the peaceful revolution, especially with respect to its em-

phasis on non-violence (Ziemer 1995, 1443–1444). Accordingly, the conciliar process can be seen as an important step towards the peaceful revolution, leading to the reunification of Germany.

I have chosen these two examples, situated in WW II and on the eve of the peaceful 1989 revolution respectively, in order to demonstrate the historical and political background against which the idea of just peace developed. Both texts demonstrate the context of origin as well as the main intention of just peace. Both turn against a certain political injustice, deeming traditional ways of curbing violence insufficient and characterizing their standpoint as one of just peace, in direct opposition to the term *just war*. In that process, Karl Barth marks the beginning of a transformation, advocating some middle ground in between an outright pacifism and belligerence, while the ecumenical council has seen the advent of atomic bombs, situated in the times of Cold War, which clearly changed the viewpoint on the possibility of fighting wars justly. Turning away from just war doctrine is therefore rooted in the conviction that this kind of reasoning has come to an end, while it must not necessarily mean that absolute pacifism is the only solution. In that vein, just peace seeks to find some middle ground.

3 Just Peace – a (German) Contingent Pacifist Approach

As a concept,³ just peace has been developed mainly in the last three decades, commencing with the already quoted demand of the Ecumenical Council in 1989. For the EKD, currently, the most important work on that topic is the peace memorandum from 2007, which embodies the aspiration to find new basic and guiding peace ethical answers to contemporary severe political challenges (EKD 2007a, 12–13). Even though there have been several attempts to adapt the memorandum to the quickly changing political situation, it can still be seen as the seminal text on that topic.⁴ Due to the changing situation, however, there are some issues with this text, and I will point to some of them below. Yet, this does not make the general insight of the peace memorandum obsolete.

³ This approach is also described in great detail by Hans-Richard Reuter as well as by Torsten Meireis in this volume.

⁴ The book series *Gerechter Frieden* was meant to serve that purpose, for instance. Yet, it is very disparate and presents divergent opinions. There is another attempt to update the ideas of the peace memorandum to present problems, which is currently still in progress.

The general idea of just peace, as it is presented in the peace memorandum, is to supersede just war thinking by a pacifist approach that nevertheless leaves room for the possibility to use force. It does so, however, only with respect to certain preconditions and to the understanding that violence in whatever form always implies guilt and can thus never be called *just*. Accordingly, the name given to this theory can no longer be a collocation of justice and war, suggesting that warfare can be just, but rather points out that peace can only be achieved in concert with justice. This is mirrored in changing the Latin adage: *Si vis pacem, para bellum*, (if you want peace, prepare for war) to *si vis pacem, para pacem* (if you want peace, prepare for peace) (EKD 2007a, 51–52).

The close connection between justice and peace is laid out with respect to the Bibel: here, peace and justice qualify each other, for instance in Isaiah 32:17, which reads: “And the effect of righteousness will be peace, and the result of righteousness, quietness and trust/security forever” (ESV). The Hebrew word for righteousness, *זֶדָקָה* (zedakah), stems from the same root as justice, which is *זֶדֶק* (zedek), so that both terms are brought into line with each other: justice and peace go hand in hand and are closely intertwined. Another example is James 3:18, which treats peace as a direct consequence of acting peacefully: “And a harvest of righteousness is sown in peace by those who make peace” (ESV). Here, too, justice⁵ and peace cannot be separated easily, but peace comes with just actions. Accordingly, peace and justice qualify each other, so that peace necessarily entails justice, while justice necessarily entails peace. This implies that peace is more than the absence of war (EKD 2077, 52): Not every situation in which the guns fall silent is a situation of peace. On the contrary, a forced peace might be violent when it does not promote justice. For that matter, justice and peace develop in unison with each other: the more justice is promoted, the more peace is achieved.

This whole process is an open development, which means that in an eschatological process there is always room for more justice and more peace. Such an eschatological – or, more philosophically spoken: utopian – surplus does not

5 In both English translations the original word, be it *זֶדָקָה* (zedakah) in the Hebrew original, or *δικαιοσύνη* (*dikaïosune*) in the Greek version, is translated with righteousness, while I interpret it as the more common word justice. As the English Oxford Dictionary maintains, justice can refer to the “observance of divine law; righteousness; the state of being righteous or justified in the eyes of God” (OED 2024a), while righteousness is explained with “the state or quality of being righteous or just” (OED 2024b). The ESV, as well as other English translations with that translation point to the divine quality of the biblical word. Since the translation to justice is possible as well – as the reference to the OED shows – and German translations do use the word justice (*Gerichtigkeit*) instead of righteousness (*Rechtschaffenheit*), I interpret the terms to refer to justice. In any case, the peace memorandum proceeds that way. For further information on that terms, see also the contribution of Torsten Meireis in this book.

mean that we can wait for an overall peace to come on its own. It rather indicates that we can and should do the best we can to achieve at least parts of it in our time and age. For making clearer what this requires, the peace memorandum designates four aims that constitute dimensions of peace, namely the rejection of violence, the promotion of freedom, the alleviation of the want and the promotion of cultural diversity. While the rejection of violence is a basic need within a pacifist theory, this also means that persons need to be protected from violence, be it privately, or on a greater scale, such as the prohibition to use force against any state, as it is laid out in the Charta of the United Nations. Furthermore, also civil conflict management and diplomacy are part of that demand (EKD 2007a, 54–55). As for the promotion of freedom, the peace memorandum refers mainly to just legal structures, preventing oppression and making room for political influence of the individual (EKD 2007a, 55). This paragraph especially reflects the change from a war- to a law-paradigm, where law (and justice underlying that law) is seen to lead to peace, instead of war. With the demand to alleviate the want, roots of injustice and envy are in focus. Here, preserving natural resources and the just distribution of material goods as well as access to them is the main focus, also making the case for just trade relations: Every person should be able to make their living (EKD 2007a, 55–56). Finally, cultural diversity refers to the peaceful social and cultural coexistence of different persons that hinders discrimination, because all human life is based on the same dignity (EKD 2007a, 56).

In sum, these dimensions rest on the possibility to implement and enforce law: be it the Charta of the UN, just legal structures, the just distribution of material resources, or the protection from discrimination – all of these demands need to be secured by law. Or, as the memorandum puts it: “Law must be enforceable” (EKD 2007a, 65). That is why within just peace, the concept of law-sustaining force is embedded.⁶ In contrast to other peace ethical theories, law-sustaining force does not make a difference between different kinds of violence, such as war, police, or its private use. This is because it follows an overall approach towards violence, where the criteria for resorting to violence in war might not be different from the criteria for using violence in other contexts. For that reason, the classical criteria of the just war tradition are invoked, but not divided into *jus ad bellum* and *jus in bello* because both approaches belong together. Right at the outset, it is made clear that the use of force is by no means natural and cannot be applied

⁶ In the peace memorandum this principle is called law-abiding force. Yet, Hans-Richard Reuter proposed to use the term law-sustaining force instead, because it expresses that law is not wrapped up in the thought of a positive given right, but merely refers to a very basic law that finds its expression in the human rights (Reuter 2014, 39).

lightheartedly. With respect to the *permissible cause* it reads: “[T]he use of force may be permitted to oppose the most severe forms of violent attack, where human rights and universally recognized justice are under threat, for the protection of life, and the strength of universal law must not be left defenceless against the ‘law of the strong’” (EKD 2007b, 37). This passage makes clear that only in extreme cases the use of force might be permissible – while permissible does not mean just. As for further criteria, an *authorization*, which means acting in the name of the universal interest of all those potentially concerned and by the rule of law, is mentioned, as well as the *right intention*, which can only be the defense against a present and evident attack. Even though the use of violence is the *ultimate resort*, it must not necessarily mean that it is chronologically the last, and pondering the *proportionality of consequences* entails that no greater harm is inflicted. Furthermore, *proportionality of means* requires the likelihood to achieve success, while the principle of *discrimination* demands to distinguish combatants and noncombatants (EKD 2007a, 68–69).

The concept of just peace places a principal emphasis on the existing political bodies and procedures. Especially international codices and bodies, such as the Charta of the UN and the Security Council, form the foundation of the political thoughts laid out in the theory. While this emphasis mirrors the important role the system had internationally and especially for Europe in the last century, it is understandable, in particular with respect to the history of Germany, namely the disastrous outcome of WW II, the Cold War and its termination, including the peaceful revolution. The importance of the historical background I sketched above cannot be overemphasized for the development of the form of the theory. This focus, however, is called into doubt (not only) since the Russian attack on Ukraine on February 24, 2022, so that this is the main point where the theory is called into question currently (Jäger 2022). I argue that the theory still is valid because it works very well also without emphasizing certain political bodies and puts forward demands and dimensions that are important also today and are not necessarily bound to the specific political framework they emerged in. To put it concretely: In order to achieve peace, poverty and lack of freedom need to be addressed by whatever institution. This, however, must not hide the fact that the trust in international political bodies can no longer be upheld in the naive way the peace memorandum does.

4 Conclusions

4.1 Intertwining Just Peace and Contingent Pacifism

Discussing just peace thinking and revisionist just war approaches side by side served the interest of showing the relevance of contingent pacifist approaches in general and just peace thinking in particular. This is because the challenges the revisionists theories present call into doubt the fixed premises of just war thinking, demanding a different approach (Meireis 2016, 336). In doing so, revisionist just war approaches no longer separate *jus in bello* and *jus ad bellum* but see them intertwined more closely. This means arguing that both civil and military persons need to ponder intentions and means of war all the time, questioning reasons, circumstances and resources used, asking whether given information holds true, or if circumstances have changed, so that the reason for using violence no longer prevails. If they answer these questions in the negative, they consequently need to stop fighting. This puts a much stronger moral emphasis on the individual, especially those individuals who are materially able to use force: They constantly need to question their own presumptions and decisions, never being sure whether they are right. Therefore, in associating *jus ad bellum* and *jus in bello* more closely with each other, the seriousness of the decisions taken in war is highlighted. To my mind, this concurs with emphasizing that belligerent undertakings are not natural but must aim at establishing a situation where justice and peace can flourish again. This goes well with the stance of a *jus post bellum*, as it is maintained by Larry May, for instance: The overall perspective of beginning and fighting in a war needs to be the termination of the conflict in a way that enables establishing just and sustaining peace. Fighting for unjust reasons or in an unjust manner forestalls that aim from the get-go so that, also from that perspective, *jus post bellum* and *jus ad bellum* cannot be separated easily. This again is substantially in line with just peace thinking, because here the separation between beginning and fighting wars is no longer upheld either, so that the emphasis is put on an overall perspective: Only if all the above-mentioned criteria are met all the time, violence might be used.

There are, however, some points where the different teachings set a different focus, and bringing them together might enrich them each other. With respect to just peace, this means that the responsibility for fighting does not stop at the barracks but involves civic persons as well and even a whole society. This involves that persons who are typically thought to be unconcerned might indeed be part of the undertaking, while persons who are thought to bear responsibility per se, such as every person in military service, might actually be excused. Here, the categories

McMahan brings into play offer an important improvement that just peace thinking should definitely take into account.

With respect to revisionist just war thinking and Larry May's contingent pacifism building on that, two points taken from just peace thinking might help to outline that theory even more. This is, first, the idea that pacifism does not only address war but violence in general. This is because other uses of violence, such as by police officers, can be viewed as well along the indicated lines. Secondly, it is the basic thought that violence in every form cannot be separated from guilt. To the extent that every decision we make is made under the condition of uncertain and limited knowledge, we can never be sure whether a decision we made has indeed been the right one: there can never be moral certainty, especially when it comes to decisions over life and death. Or, as the peace memorandum puts it: "In any situation where the responsibility for our own or others' lives forces us to take actions that will themselves endanger or destroy life, not even the most careful assessment of consequences will free us from the risk of incurring guilt" (EKD 2007b, 37). While this thought is in line with Larry May's argument that the moral risk of harming an innocent person is too high under the given circumstances, it underscores exactly that point even more, leaving persons morally injured. The booklet *Land der Steine* (Land of stones), published by the Protestant Church office for the German armed forces, illustrates that topic: people coming back from military missions, dealing with moral injuries and trauma resulting from what they saw and did. In that booklet there is a scene with a seesaw its one half suspended over an abyss and a person sitting on it, hugging an enormous stone. The text reads: "One question haunted me night and day and I couldn't think about anything else: How much does guilt weigh?" (Evangelisches Kirchenamt für die Bundeswehr 2022; my translation). This is the central question of the booklet and the one persons who support belligerent undertakings by whatever means need to ask themselves: whether they incur guilt by endorsing or hindering violent undertakings.

In sum, weaving these concepts together helps to enhance the profile of the pacifist approach by expanding the circle of the persons involved responsibly for the sake of limiting violence, and to emphasize the seriousness of the contingency it rests upon. Following a pacifist rationale consequently on the one hand, and highlighting the seriousness of the decisions taken on the other limits the use of force, because it unveils the consequences for the individuals involved, a point that might be concealed by the strict distinction between *jus ad bellum* and *jus in bello*.

4.2 Framings

Secondly, I want to discuss some thoughts that originated in feminist thinking, focusing on and scrutinizing the underlying law-paradigm and the importance of political bodies maintained within just peace thinking.

In her book *Self-Defense: a Philosophy of Violence* (English edition 2022) the French philosopher Elsa Dorlin addresses the paradox of self-defense. This is a crucial topic in contingent pacifist (and just war) thinking because violence in the context of self-defense is generally understood to be legitimate. (EKD 2007a, 27; May 2015, 153.255; see also the article of Hans-Richard Reuter in this volume).⁷ Dorlin, however, argues that not every person is able to defend themselves. On the contrary, there are persons whose attempt to defend themselves will lead to even more violence against them, a thought she illustrates with reference to the case of Rodney King: The African American became the victim of police brutality in 1991. In the attempt to defend himself, he was beaten up even more, sustaining severe injuries. In the trial following the event, juridical procedures failed to sentence the four police officers involved, resulting in riots of racial minorities. In a second trial two of the formerly acquitted officers were sentenced (Dorlin 2022, XI–XVI). What becomes clear in that case is that Rodney King, an African American and therefore part of a minority, was not able to defend himself, neither physically nor juridically. This is because he is part of a system that does not deem him to be worthy of defending himself. To illustrate this observation, Dorlin refers to the verdict which was literally “whitewashing” (Dorlin 2022, XII) the officers: Their lawyers argued that they had been under threat by Rodney King, who in turn argued that he had only been trying to stay alive. Therefore, finally there were two contradicting interpretations, both claiming self-defense, either by Rodney King, or by the police-officers (Dorlin 2022, XII–XIII). Dorlin infers that the perspective, the framework somebody argues from, is decisive: “In the courtroom and in the eyes of the white jurors, Rodney King could be seen only as an ‘agent of violence’” (Dorlin 2022, XIV; emphasis by the author). Along similar lines, Dorlin illustrates her point with reference to numerous historical examples of people enslaved, colonized and oppressed, making clear that there are individuals who are not seen to be worthy of defending themselves. For such persons, self-defense becomes a “martial ethics of the self.” (Dorlin 2022), which means that there is no

⁷ It needs to be mentioned though that the peace memorandum makes clear that preemptive attacks, used for obscuring real reasons, do not fall under that concession (EKD 2007a, 72). Similarly, Larry May argues that even though the Charter of the UN allows for self-defense, it needs to be an exception only applicable in “very rare cases” (May 2015, 153).

self before violence is used, because the persons and their interests remain invisible. This kind of reasoning, separating between persons who are visible and others who are invisible, respectively worthy and unworthy of defending themselves, resembles the ideas that American philosopher Judith Butler has proposed. Butler's recent book, *The Force of Nonviolence* (2020), addresses a similar topic, suggesting that also forms of nonviolent resistance can be used as a pretense to address them violently. Similar to what Dorlin describes, the power and possibility to interpret a certain behavior are decisive for the ability to raise one's concerns in general, and to defend oneself in particular. While Butler emphasizes that nonviolent approaches are indeed forceful, Dorlin maintains that there are individuals that cannot do otherwise but resort to violence.

It is not my aim to take a stance in that matter, but I want to highlight the importance of that debate because it shows that the interpretative framework within which questions of the permissibility of violence are negotiated internationally is decisive for the outcome. To put it bluntly: Even though a law-focused approach seems far more plausible when it comes to sustaining peaceful solutions, some questions remain, such as: *Who speaks? Who is profiting?* And, especially when it comes to violent scenarios: *Who is permitted and who is denied the right to use violence for what reasons?*⁸ And here indeed the answers to specific problems might differ, depending on the position somebody takes. This is also why the historical background against which certain ideas – such as just peace thinking – are developed is inherently important for understanding the ramifications of these ideas.

4.3 Ukraine

Having scrutinized contingent pacifist thought with respect to revisionist just war theory, as well as just peace thinking, and having mentioned some general critical thoughts that need to be kept in mind regarding the overall frame of theories of violence, I will draw some conclusions with respect to the Ukraine war. As I pointed out in the beginning, the question that has been discussed in Germany intensely in recent years is the issue of whether it is legitimate to support Ukraine by means of weapons deliveries or not.

While classical pacifist thought, on the one hand, generally prohibits for moral reasons the delivery of weapons, contingent pacifism argues differently by

⁸ Especially this last question is an issue that is discussed also with respect to (revisionist) just war thinking (Fabre and Lazar 2014).

asking what outcome such deliveries, or the denial thereof, would have presumably on the development of just and sustaining peace, thereby preferencing non-violent means.

With respect to classical just war reasoning, on the other hand, the case is clear as well: Since the attack on Ukraine is evidently a violation of existing treaties and has offensive character (Daase et al. 2022), it is certainly a case of self-defense, which is legitimate in this framing. Accordingly, there is no impediment for delivering weapons. Also here, a contingent pacifist approach is expected to argue differently, taking into account the seriousness of the use of force and the harm that follows in its wake.

What becomes clear in that line of reasoning is that within contingent pacifist approaches such as just peace theory there is no general and once-and-for-all decision that can be made: how the situation and the use of force is evaluated ethically is contingent on the circumstances. With respect to the war in Ukraine this means that the overall situation needs to be taken into account all the time, time and again. According to the ideas I have presented so far, this means that the main focus rests on the issue of just and sustaining peace, which is more than the absence of war. Considering the capability of Ukraine to defend itself without foreign support, a forced peace might be a possible outcome of not delivering weapons. This, however, is not in line with just peace reasoning, so that delivering weapons does at least not stand against the concept. Yet, this does not absolve the countries that deliver weapons from endorsing nonviolent means to terminate that war. To the degree that nonviolent means are not reasonable in the given situation, delivering weapons is a plausible but inferior way of dealing with the situation (for a similar solution to that question, see the articles of Hans-Richard Reuter and Torsten Meireis in this volume).

Depending on the overall frame, however, assessments may differ considerably. In that regard, the importance of the war might be contested, compared to problems in one's own country, for instance. Or, if the legitimacy of the Russian claim to have prevented a genocide is taken for granted – a claim that is obviously a false pretense (Daase et al. 2022). Especially the question of who is allowed to defend themselves is contested and needs to be addressed from different angles. This is important, not only for dealing with the war in Ukraine but also for finding ethically sound solutions to issues of war and peace generally. With this in mind, different conflicts and wars come to the fore that do not find their way into the headlines of mainstream European newspapers, such as the civil war in Myanmar or the fighting in the Democratic Republic of Congo. That is why an intercontinental and interdisciplinary discussion and approach toward this topic is crucial. Such an approach shows that monetary aspects might be much more important than ideological ones because countries and communities that are de-

pending on either Russia or Europe monetarily will hardly take an official stance opposing their positions (see the articles of Funlola Olojede and Nancy Bedford in this volume). Here the demand for the just distribution of resources is decisive in order to address such sharp political dependencies.

All in all, just peace thinking is very well suited to address the war in Ukraine by pointing out that just peace cannot be achieved by unjust means and that the aim of the belligerent undertaking can only be to sustain legal structures that in turn enhance the possibility of achieving just and sustaining peace. Demanding the resort to nonviolent means only, however, might rather hinder achieving just peace, just as the endorsement of violent means per se. With respect to the missing juridical framework, international and interdisciplinary debates as they take place in this book are of inherent importance in order to understand the various viewpoints and constraints.

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