JUST WAR THEORY AND THE IRA

Introduction

One of the arguments used by the Irish Republican Army (IRA) and their supporters to justify their activities is drawn from the *Just War* doctrine. After Pope John Paul II delivered his speech at Drogheda appealing to the “men of violence” to lay down their arms, a spokesman for the IRA responded by asking what had happened to the Church’s traditional teaching on the idea of just war. The implication was that what the IRA were doing came somehow under the heading of justifiable war and that, accordingly, the Pope could not both make his appeal and also maintain that teaching, or at any rate could not make his appeal without indicating how the idea of just war was supposed to tie in with it. Now while it is true that theorists of just war have applied it to cases of armed rebellion or resistance, and also that popes have conceded, if with reluctance, the justice of some rebellion (so that to this extent the IRA’s question is a fair one), it is not true, at least to my knowledge, that anyone has expressly taken up the issue with respect to the situation in Northern Ireland. This may be, of course, because no one believes that the IRA will change whatever is said about just wars—they are considered to be so committed to their cause that they will not cease short of victory or death. Whether this belief is justified or not, the question is in itself an important one and deserves to be taken seriously, not just for reasons of theoretical interest (though they are strong enough), but also for practical advantage. Men’s minds are

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1 I use the phrase ‘Irish Republican Army’ or the initials for convenience. I mean to refer to those groupings in the nationalist community (of which there have been many over the years and with several names) that have, from time to time, had recourse to arms against British rule in Northern Ireland.
2 The Pope’s speech can be found in *Acta Apostolicae Sedis*, vol. 17, July-December 1979, pp. 1076-1085, especially pp. 1082-85. The appeal to just war in response was actually made by Sinn Fein, the political wing of the IRA. Their statement, along with a separate one by the IRA, can be found in the *Irish Times*, Wednesday, 3 October, 1979.
3 For example, Francisco Suarez *De Bello* sect. 8, St. Thomas Aquinas, *Summa Theologiae* IIA Ilae, q.42.
swayed by what they hear and think (as well as by their passions), and if one can, by one’s
efforts to think through an issue, help to improve the quality of debate about it, both public and
private, that, though small, is not a gain to be despised.

**The Idea of Just War**

The idea that some wars in some circumstances are just is probably as old as mankind itself.
What is not as old is the philosophical attempt to give a reasoned account of what wars and what
circumstances. Some ideas are already found in Plato, Aristotle, Cicero, and others, but by far the
most sustained efforts in this direction came during the middle ages. It is mainly because of this
that just war theory has become associated with the Catholic Church (hence the reason, in part,
that the IRA appealed to it when replying to the head of that Church). There is nothing necessary
about this. One does not need to be a Catholic or a Christian, or religious at all, to theorize about
the morality of war. My aim in this article is not to give an account of the historical development
of theorizing about just war. My aim is rather to use the principal tenets of the doctrine to assess
a specific case, that of the IRA. To do this it will be necessary for me to give a summary account
of those tenets together with some indication of their rational basis.

The key idea behind just war is that of the common good. It is in terms of the common
good that war and the resort to force are to be justified. By the common good is meant the good
of all the members of the relevant political community. The notion of goodness that is operative
here is the notion of the flourishing of human existence, that is to say the most complete

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realization possible of human needs and potentialities, physical, emotional, mental, spiritual. Of course there is dispute about the details of this human flourishing, though this dispute is not as extensive as it is sometimes made to appear. After all it would be hard to deny that decent human flourishing, whatever else it includes, must include adequate food, clothing, shelter (the fundamental physical goods), as well as basic opportunities for such things as education, employment, leisure, companionship etc. Disputes arise and become harder to reconcile the more one descends to details. But that need not have any serious effect on my argument which can comfortably proceed for the most part at the level of generalities. The important question in the present context is whether and how an appeal to the notion of the common good (however that good eventually has to be spelt out) could constitute a justification for the recourse to arms.

If force is the only, or the only reasonable, way to preserve and promote the common good, is the community justified in having recourse to it? The answer seems to be an unambiguous yes in the case of criminals who threaten the common good from within. One could hardly conceive of a community, at least a decent community, that did not protect itself and its members, using force if need be, against such criminal activities. Since such activities serve to undermine any community and threaten its viability, and the more so the more they are left to grow unchecked, a community that does not undertake to defend itself against them has, to all intents and purposes, given up the desire to survive as a community at all. By parity of reasoning the same should hold in the case of enemies who attack the community from without. In other words, the justification for armies and wars is of the same sort as the justification for policemen and prisons.

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Warfare; M. Walzer, *Just and Unjust Wars*.  
There is, however, a paradox here, a paradox that lends considerable support to the case of pacifists. Some uses of force against some kinds of threat may need to be so great that they become counter-productive. In the attempt to suppress some threat political authority may become oppressive and tyrannical, or in some other way fall into great evil. This is what some argue with respect to nuclear war. If slaughtering, or threatening to slaughter, millions of innocent civilians is the only way to defend oneself against one’s enemy, then it would be better, all things considered, simply to give up that defense and, if other means of defense are lacking, to face inevitable defeat and death instead. Community may be among the chiepest of human goods, but some deeds may be so bad that one should rather accept death--collective death in this case--than commit them. Further, apart from these extreme cases, any use of force seems always to be an attack on the common good as well as a defense of it. Policemen have sometimes lost their lives in the attempt to arrest criminals by force, and their families and friends have suffered all the grief of bereavement as a result. If such harm arises in these cases, how much more does it do so in time of war? Not only are more people maimed and killed in war (and in more awful ways), and more families tortured with grief, but the loss of civilian life, to say nothing of the destruction of property, the suspension of so many peacetime activities, the disruption of the national economy, and so forth, make the damage to the common good so excessive as to render war quite unacceptable.

This paradox admits of an answer and an answer that points to the true place of force in human affairs, namely that it is a last resort, to be undertaken reluctantly and only because no other reasonable course of action is available. A situation where force is necessary is something regrettable, which one would avoid if possible, because it is a situation where one is unable to

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preserve all the goods that one would ideally wish to preserve. Some have to be sacrificed for the sake of others more important. The survival and continued prosperity of the community as a whole can sometimes only be secured with the loss of life of some of its members and the (temporary) disruption of most of the rest. That it is right to sacrifice some goods for the sake of others when harsh fate compels such a choice would be conceded by most of us, because it is conceded by most of us in many other contexts besides war. We consider it right to amputate a diseased limb to save the whole body, or to cast overboard precious cargo to save the ship from sinking. One must look at war in the same way. Awful though it is, it is yet the only sensible way forward in some circumstances. (Of course sometimes war may be so bad that recourse to it will cause far more harm than good, just as this may sometimes be true of surgery. In such cases war would not be justifiable.)

It follows from the above that justifiable war is essentially defensive in origin. It is for the sake of preserving and defending the common good (and not for the sake of despotic rule over others, say, or for self-aggrandizement or self-glorification). This does not mean that it must always take a defensive form. One’s enemies can threaten or harm the common good without actually launching an attack. For instance, they could cut off some important trade route, seize one’s vital goods abroad, hold one’s citizens hostage for purposes of blackmail, or commit some other injustice. In suchlike cases it might be necessary, if the threat or damage to the common good was serious enough, to initiate hostilities oneself. In this way one would have a justified offensive war for a defensive purpose. The common good that was being attacked in this way need not, in fact, be immediately the common good of the party engaged. It might instead be the common good of some ally or even of some country in need of assistance. Just as individuals can

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and sometimes should come to the aid of other individuals who are suffering injustice, so also
can and should countries do the same for other countries.

The distinction between offensive and defensive war needs to be carefully considered. It
has not always been noticed that the greater part of the traditional discussions of just war and of
the conditions that must apply if a war is to be just are confined to offensive war.¹² Defensive
war was passed over fairly quickly because it was regarded as falling under the general right of
self-defense, and that was something that needed no special argument to justify it. If just war is
based on the idea of defending the common good, and if an attack has already been launched,
there is no question of whether that good may be defended in kind. It is a matter of immediate
necessity. Questions only arise when defense requires one to initiate hostilities oneself. Where
immediate self-defense is concerned it is sufficient to advert to the maxim: *vim vi repellere licet
cum moderamine inculpatae tutelae*.¹³

There is nevertheless something of a lacuna in the tradition here. Once the legitimacy of
self-defense was established, theorists generally left aside questions about defensive war and
concentrated on offensive war instead. But it is clear that some of the conditions attached to
offensive war should also attach to defensive war (as indeed the Latin quotation just given partly
indicates), and with respect to those that do not it is worth considering why and how they do not.

The conditions for just war include first and foremost the fundamental one of just cause
already mentioned (namely that war is only justified as a defense against a real and serious attack
on the common good). Secondarily they include also those of lawful authority, right intention,
and legitimate and proportionate means. The first three (just cause, lawful authority, right
intention) belong to *ius ad bellum*, or to the justice of resorting to arms at all. The last one

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¹² Regout, *La Doctrine de la Guerre Juste*, pp. 19-20, 81; Suarez, *De Bello*, sects. 1.6 and 2.1.
¹³ “One may repel force with force provided the protection is controlled and guiltless.” Regout, *La Doctrine de la*
(legitimate and proportionate means) belongs to *ius in bello*, or to the justice of conduct in war once started.

To take the condition of lawful authority first, if a country is to initiate hostilities against an enemy this cannot be left to any private individual to decide on his own account, but must belong to the authorities lawfully constituted. It is their job to decide things for the community as a whole. A private individual would be usurping an authority not his own if he were to try to do this himself. (One is, of course, supposing here that there is a legitimate authority in place, and that it is competent and not corrupt. Where this is not so, and there is no higher authority to appeal to, many things descend to particular decision that are ordinarily denied to it.)\(^{14}\)

Will this condition also attach to defensive war? In a sense yes and in a sense no. It will not attach as far as the resistance to an already launched attack is concerned. The right of self-defense comes immediately into play here. It is not necessary to wait for the sanction of legitimate authority before one exercises it. The condition will attach, however, to the extent that the defensive action becomes more organized and more lasting. The defensive action will then take on more of the aspect of a concerted campaign against the enemy, perhaps involving offensive actions of its own. But even apart from this, defense without control and direction of some sort will quickly dissipate. The authority whose care is for the common good of the whole must ultimately be in charge of decisions that concern the defense of the whole. Perhaps here one should say that while no lawful authority is required for defensive action to begin (as there is in the case of offensive action), that action will soon need to be controlled and directed by lawful authority if it is to be sustained successfully.

The requirement of right intention, namely that one should initiate war for the sake of the

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\(^{14}\) Regout, *La Doctrine de la Guerre Juste*, p. 32.
common good and not out of lust, hatred, cruelty and so on, is something that must apply to
defensive as well as offensive wars. Since both are justified in terms of the common good, to
intend other than this good is to intend something unjustifiable. The requirement to use only
legitimate and proportionate means will also apply to both kinds of war. If war is for the defense
of the common good, whatever goes beyond what is necessary for that defense, or whatever is in
fact contrary to that good, cannot be justified. So, for instance, rape, pillage, deceit, wanton
destruction, massacre, and so on can form no part of a pursuit or defense of the common good.
They are either excessive or inimical to that good. Once the enemy has surrendered or yielded
his unjust gains, one does not have to go on killing his soldiers (to say nothing of his civilians).
Also one does not have to rape one’s enemy’s wives and daughters to re-open a closed trade
route, nor does one need to do this to repel an attack. On the contrary one only corrupts one’s
own morals in the process and hence becomes oneself an enemy to one’s own good (if one
supposes, as is reasonable, that to possess a decent moral character is part of what it means to
flourish as a human being).

Integral to this requirement of legitimate means is that one distinguish between
combatants and non-combatants, or between those engaged in hostilities and those who are not,
and that one not use force against the latter. This further requirement will apply to defensive and
offensive war. Only those who are engaged in hostilities need to be repulsed by force, for it is
only they who constitute the threat or attack on the common good. Prisoners and the wounded
have necessarily been removed from the war, and innocent civilians never entered it. This is so
regardless of where their sympathies lie. Hostility does not need to be forcibly repulsed until it
issues in action.\(^\text{15}\)

\(^{15}\text{Where precisely to draw the line between combatants and non-combatants is not always easy. For this reason some have sought to abolish the distinction altogether. This is absurd. It is obvious that soldiers at the front are}\)
Another requirement that is worth mentioning here, and that is usually attached to the requirement of just cause, is that the cost of war should not be excessive and outweigh all advantages. This condition evidently attaches to offensive wars. War is for the common good, but if it only serves further to damage that good, it becomes counter-productive and defeats itself. One might suppose that a defensive war could also become counter-productive, say if the price of further defense was total destruction of one’s community by the enemy. Here it might be better to surrender. But this cannot be made a requirement. In some cases it would be better to fight to the death than yield to an oppressive and tyrannical enemy. Perhaps, indeed, defending oneself to the death is always a right, even against a milder aggressor. Surrender is itself a kind of death--not of physical life but certainly of freedom, which is as it were the life of a sovereign community. The limit on defense is probably best understood in terms of the attack it is a response to: one may defend oneself (using legitimate and not excessive means) as long as the attack is being pressed home.

This may conclude, for present purposes, the discussion of the basic requirements of just defensive and offensive wars.

**Just War and Rebellion**

Just war doctrine applies principally to wars between independent countries. It may also apply to internal war, or rebellion, when one part of the community opposes another or when the whole community opposes the ruler. Since war is justified in terms of the common good, such action could only be taken justly where the common good was being attacked. This will occur internally in cases of tyranny where the ruler or some powerful group turns power from serving the combatants, and it is equally obvious that nursery teachers and infants in school are not, even if this is not so obvious about certain groups in between; cf. Anscombe, ‘War and Murder.’
common good of all to serving the ruler’s or the group’s own private good. This is a perversion of political power, which, like political community itself, exists for the sake of the common good. The aggrieved party may take up arms against such perversion as a matter of simple self-defense. What form this defense will take and how far it may be pursued will depend on the sort of attack it is a response to.

In principle, since a tyrannical ruler has abandoned the only just title to political power, he may be deposed and replaced.\(^\text{17}\) This, however, could hardly apply where the tyrannical party was a whole section of the community. They would certainly not deserve to be obeyed and the oppressed party could repel attacks by arms if need be. But it is doubtful whether the oppressed party could set up an alternative rule. They could do this for themselves (and would obviously need to), but if they were to try to do it also for their oppressors this would be a kind of injustice in its turn. Among free and equal citizens, even where some are behaving badly, rule must arise, as far as possible, with consent and in such a way that all have a fair share in it.

A distinction must be noted between resistance to an invading and occupying enemy who sets himself up as ruler, or sets up a puppet government to rule in his interest (as in Vichy France or the communist bloc countries of Eastern Europe), and resistance to a tyrannical regime that is established by, and composed of, not aliens, but fellow citizens (as in Nazi Germany or Soviet Russia).

In the case of an occupying enemy, the situation is that of an alien element in the community, forming no part of that community but using it for its own advantage. Here resistance will rightly have as its goal the complete expulsion of that alien power and all its members, if this is possible, and the restoration of a government run for the common good by the

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\(^\text{16}\) Regout, *La Doctrine de la Guerre Juste*, p. 21.

\(^\text{17}\) St. Thomas Aquinas, *Summa Theologiae*, IIa IIae, q.42, a.2.
indigenous members of the community. Such was evidently the aim of the French Resistance, and that resistance was in principle just.

In the case of a government that is sectarian or tyrannical because it is usurped by one party or interest group at the expense of the good of the others, and not by an alien power, then while resistance will be just here also, it cannot have as aim the complete expulsion of the tyrant party. For the tyrant party are a part of the community, however badly they are behaving. Rather the aim can only be the restraint and, if possible, reform of it, so that the community may be restored to its original form. Perhaps the expulsion or execution of the leaders would be in order, and any others who were irreformable, though if the sectarianism ran especially deep then maybe the only solution would be to establish two distinct communities in place of the original one.

The above points are of importance for understanding the case of Northern Ireland.

The Case of Northern Ireland

The situation in Northern Ireland is not accurately described as one of occupation and rule by an alien power, whether this alien power be identified with the indigenous Unionists or the British troops and government officials.

As regards the Unionist population, it may be true that most of them are descended from settlers or planters brought over in the seventeenth century (though the existence of Ulster as separate and distinct from the rest of Ireland goes much further back).\textsuperscript{18} It may also be true that such settlements were unjust, involving as they did the forced dispossession of the indigenous inhabitants and the setting up of a sort of colony to serve British imperial interests. The question, however, does not concern the justice of actions three or four hundred years ago. It concerns the

justice of things as they are now. This point may be illustrated by some parallel examples, for if one goes back to the beginnings of almost any nation one is likely to find dubious or unjust elements in how it came about. The history of the present population in the oldest of the States in the United States is about as long as that of the Unionists in Ulster (and in the younger States it is much less so), and that history includes the forced and deceitful seizure of lands from the indigenous inhabitants (or from the Spanish). Yet it would be absurd to suppose that justice requires that the situation now be reversed and that the land be restored to the indigenous inhabitants and the rest of the population sent back to Europe or Africa. The absurdity is even more manifest when one considers other cases, as expelling the current population of Britain back to the Continent and returning the land to the Celts. The point surely is that what it was unjust to do in the past it is not necessarily just to undo in the present. Time is of the essence here. It changes the complexion of nations and peoples and therefore changes the groupings with respect to which the common good is to be understood. An occupying and alien people will, with occasional exceptions, eventually come to form part of the new community that emerges.

This is evidently the case with the Unionist population in Northern Ireland. Whatever the beginnings and the justice of those beginnings, justice now must be understood with reference to the status quo. According to that status quo the Unionist population is a genuine part of the population of Northern Ireland with legitimate interests there and a right to be involved in the political process. Fortunately this is not a point in dispute. It is accepted by Nationalist politicians in Ireland, both North and South, and also, significantly by the IRA and Sinn Fein. Consequently it is no part of Nationalist or IRA policy to expel the Unionist population from Northern Ireland.

As regards British troops and government officials the case is more complex and more
controversial. If they constitute an alien, occupying power, this is not as obvious as it is in the case of the Nazis in occupied France. The reason is, firstly, that the Unionist population regards itself as being British (in the same way as the Scots, Welsh, and Cornish do) and thus as an integral part of the political entity called the United Kingdom. Consequently they regard British troops and officials in Northern Ireland as being in some sense their own, not as foreign.

Secondly, not only do the Unionists view things this way, they have made it very clear in both words and actions that they want things to stay this way. The problem is, of course, that the Unionists are only part of Northern Ireland and the other part, the Nationalists, do not at all share the same perception of things. They may regard the Unionists as really part of Ulster but they do not regard Ulster as really part of the UK. On the contrary they regard the Union as forced and alien. This view of theirs is not mistaken. As far as they are concerned the Union *is* forced and alien (the separation of Ulster from the rest of Ireland was something the Unionists secured without consultation with their fellows in Ulster and by violent means). In short the British presence in Ulster is regarded as foreign by one section of the community and not by the other.

Since both sections are legitimately part of Ulster with real interests and rights there, both views about the British presence must be accorded a certain validity. Accordingly the sensible position to adopt would seem to be that neither side should try to force its view on the other, but that they should instead come to some compromise or agreement generally acceptable to all. This is easier said than done, and in fact it is not the course that has been historically adopted. The Unionists (along with their allies in the United Kingdom) have already forced the Union on the Nationalists, and though the Nationalists as a whole have been less disposed to press their case against the Union by force, a significant section of them have always thought themselves justified in doing so (the IRA, Sinn Fein, and most of their supporters). But the question here is
not about what has been done; it is about what it is just to do. Since the differences between the two elements of the one community (not numerically equal, it is true, but both significantly large) are so sharp, justice would seem to require--if the two sides are not to separate entirely--that neither force its opinion on the other.

The conclusion one must draw from this (apart from the fact that the current situation in Northern Ireland must be considered unjust--a point I shall return to) is that the presence of the British in Northern Ireland cannot be regarded as a clear case of occupation by a foreign power (unlike that of the Nazis in occupied France). Hence violent resistance to the British as if they were such an occupying power is not justifiable. This has one immediate implication of considerable significance, namely that the unity of Ireland, with Ulster ceasing to be part of the UK, cannot justly be an object to be pursued by force (as the expulsion of the Nazis from occupied France could justly be such an object). It may indeed be justly an object of pursuit, but only of pursuit by political and peaceful means.

Those, however, who strive for the unity of Ireland by force do not just claim that they are expelling an alien power (a claim that cannot be fully sustained). They, or some of them, also operate on the basis of a particular vision of the nature of Irish unity. They seem to regard this unity in a mythical and even mystical way, as if the geographical integrity of Ireland somehow required its political unity, to violate which is to violate some natural right and justice. But it is absurd to suppose that the just and good could be defined by reference to the limits of the sea, as opposed to the objective needs of the people who live within those limits. There is no reason that the promotion of the common good should require a political rule coinciding with the accidents

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of geography. This is to confuse things existing in different orders. Besides there is nothing sacrosanct about the modern nation-state. It is not necessarily the best political arrangement and it may be that not unity, but greater disunity, that is to say devolution, involving partial (or total) independence for the provinces, counties, and even cities, would serve people’s interests better. This is a real question which is not often faced by politicians.\(^20\)

So much then may be said about the use of force to secure the unity of Ireland. The question still remains whether armed resistance to the ruling forces in Ulster on the part of the Nationalist community is justifiable on other grounds, that is to say, not as against an alien and occupying power, but as against a tyrannical and oppressive regime.

A regime may be tyrannical as regards the legitimacy of its rule (because it possesses power unjustly), and as regards the exercise of this rule (because it uses power unjustly). The regime in Northern Ireland is tyrannical in both these ways. The evidence here as recorded by historians is clear enough.\(^21\)

I will take first the question of legitimacy. Partition and the establishment of a self-rule at Stormont were achieved by the Unionists through force or the threat of force (in fact by a kind of blackmail) against the (initial) wishes of Parliament at Westminster (which wanted to introduce home rule for the whole of Ireland as one unit). The non-Unionist population in Ulster were not consulted at all about their interests or wishes in the matter (contrary to the established

\(^{20}\) Note that the European Union is now beginning to loosen the grip of nation-states in Europe and is, in principle, opening the way for greater devolution within those states while still providing a principle of overall unity for the European peoples. A solution for the problems of Northern Ireland might be best found in such a devolved European Union. For the political entities that now lie at the root of those problems--Northern Ireland, the Republic of Ireland, the United Kingdom--would cease to matter so much. In this respect the European Union represents a welcome recovery of certain features of Europe under the Roman and Holy Roman Empires. The only problem is that the European Union is itself something of a bureaucratic monster and threatens to replace the several existing nation-states with a super nation-state of its own making, which would be far worse.

\(^{21}\) Laffan, *The Partition of Ireland*, passim. This is an excellent book containing a lot of fascinating information for those interested in the present topic. See also Foster, *Modern Ireland*, pt. 4; and A.C. Hepburn, *The Conflict of Nationality in Northern Ireland*, passim.
procedures of the time—something which appears to have given the British some qualms of conscience).\textsuperscript{22} The motive and aim of partition on the part of the Unionists was sectarian. What they desired was to ‘save’ as many Protestants as possible from rule by Catholic Dublin, that is, the aim was to secure a sort of Protestant haven, run for and by Protestants, where Catholics also caught up willy nilly into it were regarded at best as an inconvenience and at worst as seditious. In fact the desire originally was for a nine-county Protestant Ulster, but when this proved not to be feasible because the number of Catholics also caught up (amounting to significant majorities in certain areas like Donegal) would be too large safely to control, the decision was for a six-county Ulster instead. This would still have Nationalist majorities in Derry, Fermanagh and Tyrone (whose wishes were ignored), but the whole was felt to be more manageable. Such considerations (which might be extended from accounts of the period) demonstrate that the Ulster state, however much it may ultimately have had the backing of the British Parliament, was unjustly, indeed tyrannically, established. It was established without regard for, and contrary to, the wishes and the good of all those who were to become members of it. Moreover this injustice concerns not merely the past establishment of the Union but also its continuing existence now as so established. For the Union as so established remains for the Catholic or Nationalist community a forced and alien imposition. They were not treated then as free and equal citizens when all parts of all six counties were included by force in the Union, and they are not treated now as free and equal citizens when all parts of all six counties are kept by force in the Union. Certainly they have never been allowed any choice to secede and form a government of their own.

The tyrannical character of Ulster is further confirmed by consideration of the way the province was actually run by the Protestant Unionists when they had a free hand in affairs. Since

\textsuperscript{22} Laffan, \textit{The Partition of Ireland}, pp. 78-79, 88, 90, 102.
their aim was a Protestant Ulster for Protestants, it is not surprising that they ran it that way when they got it. Catholics were from the start excluded from any real share in the political life of the state. Power from Stormont down was concentrated in Protestant hands, either because of natural Protestant majorities where these existed, or by artificially created ones where they did not (as in Derry and elsewhere where boundary-fixing and gerrymandering in general ensured that Protestants always held power in local councils even against natural Catholic majorities). Discrimination existed in other walks of life as well, from employment (notably in the shipyards in Belfast) to housing, education and health. These facts are well enough documented.\textsuperscript{23} In short the Protestants aimed at, and secured, a partisan, that is to say, tyrannical state where a large minority of the population were systematically excluded from the advantages and rights of full citizenship. This minority, far from being regarded (according to the requirements of justice) as fellow-sharers in the common good, were on the contrary viewed as an alien and rebellious party within Northern Ireland’s borders.\textsuperscript{24}

The Protestant Unionists had many motives for their behavior, principally religious ones since they feared to be part of a regime dominated and run by Catholics. Whether these fears were justified or not (and the facts about Catholic/Protestant relations in the Republic of Ireland do not really bear them out),\textsuperscript{25} they could not justify unjust practices. Besides there is a certain inconsistency in the Unionist attitude. What they feared and thought evil for themselves--being a minority in a state tyrannized over by a majority of a different religious persuasion--they did not

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\textsuperscript{24} Laffan, \textit{The Partition of Ireland}, pp. 109, 124, and also 5-6.

\textsuperscript{25} When commenting on the friendly overtures sometimes made by Dublin to Belfast, Ian Paisley has been fond of quoting the remark: “’Come into my parlor,’ said the spider to the fly.” But if the historical facts are followed, it will be found that Northern Protestants have been far more spider-like in their relations with Northern Catholics than Southern Catholics have been in their relations with Southern Protestants. See Laffan, \textit{The Partition of Ireland}, pp. 75-76, 91, 95, 117-18.
fear and did not think evil for others, since they created, and created deliberately, for the Catholics in Ulster precisely such a tyranny. If it is not right for others to despotize over you (and it is not), then it is not right for you to despotize over others.

The one exception there might be to this is when rule is imposed on inferiors who are incapable of rule and deserve only to be ruled. The belief that Catholics are such inferiors has in fact prevailed in the Unionist community, and this helps in part to explain their attitudes. This belief is nevertheless false. The empirical evidence is sufficient to demonstrate that Catholics, whether in Ireland or elsewhere, are as capable, or incapable, of rule as anyone else. If men do divide into superior and inferior, as they divide into good and bad, this does not happen along religious lines. No religious grouping has an exclusive share of either.

The British also must take their share of the blame for the situation in Northern Ireland. They failed to stand up to Unionist threats of violence--indeed in the case of the Conservative Party under Bonar Law they actively supported these threats. They connived at the sectarian regime the Unionists created, and ignored their duty (as the superior authority) to do anything to rectify the evil until more or less forced into it by the severity of the violence in the 60s and 70s. Even then, after the prorogation of Stormont and the institution of direct rule, while things improved, problems have remained. But most seriously, despite the injustice of the establishment and continuance of the Union, the British have steadfastly refused to do anything to rectify it. This is because they still maintain the guarantee that the Union will not be dissolved until the majority wish it. But this is just to confirm that injustice indefinitely. By this I do not mean that there should be no Union. I mean that there cannot be a just Union as long as a significant minority have been forced into it and are kept in it without consultation and against

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27 See Dennis Faul and Raymond Murray, ‘The Alienation of Northern Ireland Catholics,’ in *Doctrine and Life*. 
their will (just as there could not be a just united Ireland if a large minority--i.e. the Northern Unionists--were forced into it and kept in it without consultation and against their will). At the very least the minority should be asked what they wish, and the majority should be told that they cannot cling to the Union as now established merely because they are the majority, when so many of their fellow citizens have no regard for it and have no valid reason to have regard for it. Minorities too have rights that must be respected.

**Justifiable Violence in Northern Ireland**

The above argument is sufficient to establish that the Northern Ireland regime was and is unjust. It was created to serve the interests of one group over another and, in its present form, continues still so to do. The question that must now be asked concerns what responses to this unjust regime on the part of those who are suffering the injustice are themselves justifiable, and in particular whether violent responses are justifiable.

It is evident from the outset that the excluded and disaffected party has no reason to feel any loyalty or any duty towards such a regime, and every reason to hold that to secure its own legitimate interests it has some natural right to ignore the constitutional authorities and take matters into its own hands. By the same token it is also evident that the regime has no right to demand, let alone to expect, loyalty or obedience from them. Even less therefore can it have the right to use force to make good its rule over them. A tyranny has no right even to rule, and so *a fortiori* no right to use force to sustain its rule. This is, however, exactly what the regime does do. Consequently resistance to this force on the part of the Nationalist community must be justified according to the principle of self-defense, namely that one may use violence to repel violence.

1984, pp. 61-72.
This, however, is the only justification for violence. As already argued, violence to expel the British or create a united Ireland is not justifiable. Nor is violence to impose a regime on the whole of Ulster justifiable. The tyranny in Northern Ireland is not being exercised by one man or one small group against the whole community, but by one part of the community against the other. What this means, following what was said earlier, is that the oppressed part has the right, in self-defense, to resist the tyrannical part, but not the right, by violent overthrow of the existing regime, to impose another one that will be legitimate for all. A regime legitimate for all could only be set up by the common consent of all, not by the unilateral action of one part on its own (unless, as is not anyway here the case, that part were manifestly and morally superior and the other part manifestly and morally inferior). The oppressed party does, however, have the right to remove itself from the rule of the tyrant party, and to set up an alternative authority and an alternative form of rule.

It is important to note these facts. They remove the need for calculations of proportionality between the degree of injustice and the violence of the Nationalists’ response (according to some the injustice might sanction protests but not violence). The violence will not so much be a response to the injustice as to the violence which is used to enforce the injustice. If the Northern Ireland regime were not to use force to retain its rule, there would be no case for violence in response to it. For if the Nationalists wanted to be rid of that rule and to set up some alternative one for themselves, they could do so without opposition. But of course the regime does use force; otherwise its rule over the whole six counties would have ceased long ago.28

If there is going to be any dispute here about the degree of injustice involved, it will be

28 All regimes, even just ones, sometimes use force or coercion to back up their rule, and in this, according to the initial argument about just war, they can be right. The point about an unjust regime is that while it uses force like any regime to retain its control (though its use of force is more likely to be excessive and to extend to illegitimate means), it has lost the right to do so, at least as regards those it oppresses.
about the original judgment that the injustice makes the Northern Ireland regime a tyranny, and is not the sort of injustice one could find in almost any regime (for to create an absolutely just regime is probably beyond merely human capacity). That is to say, the dispute will be about whether the injustice is deliberate, attacks central and important elements of the good of its victims, is persisted in nevertheless, is backed up by force if need be, and lacks any effective and peaceful means of redress. It seems clear from the facts related above that this is the sort of injustice one finds in Northern Ireland. The case for violence in response to its violence therefore follows automatically.

It is still necessary to spell out in concrete terms the sort of violent activities on the part of Nationalists that are hereby rendered justifiable. They are the sort of activities that involve either resistance to the regime’s attempts to impose its rule, or defense of the opposing attempts to escape that rule. As was said, an oppressed section of a community, while it does not have the right to impose rule on its oppressors, does have the right to secede from their rule and set up an alternative one.

So, for instance, the Nationalists may repel by force any army and police patrols that tour Nationalist neighborhoods (and which have sometimes, adding injustice to injustice, indulged in gratuitous beatings, verbal obscenities, invasions of privacy, arrests, destruction of property, and the like). They may also attack the barracks from which such patrols come in order to prevent other patrols. What goes for the official forces goes even more for any unofficial groupings or individuals that undertake similar assaults. In addition the setting up of alternative centers of rule, such as no-go areas in places like Derry, may be undertaken and defended with arms against the regime’s attempts to recover them. Even whole ares (say parts of Fermanagh and Tyrone) might bodily secede and set up their own rule and enter alliance with friendly powers. In short,
whatever is necessary to defend against the attempts of the regime to impose its rule, and whatever is necessary to create a political arrangement that will better respond to the requirements of the common good, is in principle just. I say in principle because some of these things may be impracticable, and the attempt to do others may be met with such violence that the result would be worse than before. Even as regards those that are practicable and would not provoke such a violent response, one is not obliged to do them, or not obliged to do them always.\(^2^9\) One may, for one reason or another, choose to refrain from violence altogether, as in fact most Nationalists have done for most of the time. The IRA too have been inactive for longer or shorter periods, and have declared occasional cease-fires, including several in recent years (a point I shall return to when discussion comes to the IRA specifically).

Not all violence is, however, justifiable. A lot of what has been done is not and it is worth stating why. One may begin with the bombings in mainland UK. It is evident that these are not cases of immediate self-defense against present attack (as resistance to patrols in Belfast might be). Are they then cases of legitimate offensive action for the sake of defense? If so one must ask by what authority they are undertaken, and it is clear that this cannot be by the authority of the Nationalist community in Northern Ireland (the IRA have support there, but it is not universal nor unambiguous; sometimes it is the result of intimidation). One must also ask how such actions are supposed to serve the cause of defending the common good of the Nationalist community in Northern Ireland. This is not evident. The only function they could have is to cause such havoc in mainland UK that the British people would clamor for Parliament to withdraw from Northern Ireland. But the withdrawal of the British presence there is not something one may legitimately employ violence for. Besides, using innocent citizens of mainland UK as tools to force the hand of Parliament is necessarily illegitimate. One may defend oneself against those who attack, and

\(^{2^9}\) These things belong to obedience to positive and not negative principles of natural law.
one may even launch some offensive of one’s own, but one may not use those who do not attack one at all as pawns in a game of blackmail. Such things are clearly contrary to the rules governing *ius in bello*.

What goes for mainland UK goes even more for the Irish Republic. There is simply no just cause for violence here at all. The Republic is neither part of the Northern Ireland regime nor does it support and preserve it. The Republic does cooperate with Northern Irish and British officials on matters of common concern and has in recent years been allowed some say in representing to them the interests of Northern Nationalists. It should be welcomed as a friend by those same Nationalists, rather than treated as an enemy. There can be no excuse for robberies, kidnappings, and so forth in the Irish Republic to get money to finance violence in the North. Such robberies and kidnappings are anyway intrinsically immoral and can only be construed as unprovoked, criminal attacks on an innocent and even friendly third party.

Not all cases of violence in Northern Ireland can be justified either, but only those that are cases of self-defense or extensions of it. So tit-for-tat killings are illegitimate. Even if some of the security forces have indulged in a shoot-to-kill policy with respect to members of the Nationalist community, this does not give one the right to do something similar, or worse, in return. Unjust actions do not become just because they are done in reply to the unjust actions of another. Further, indiscriminate killings of soldiers and policemen are not justifiable. By indiscriminate I mean the killing of them merely because they are soldiers or policemen, and not because they are involved, or about to be involved, in some attack or some forced imposition of rule (the distinction between combatants and non-combatants will clearly come into play here). Some of the activities of policemen even in a tyrannical regime are good and necessary, as directing traffic, apprehending common criminals, keeping a watchful eye on children going to
and from school, or, when off duty, doing ordinary things like delivering milk. One must not forget that the situation in Northern Ireland is not like the situation in occupied France. Here it was legitimate to take up arms against German soldiers generally because they were a foreign and alien imposition, having no business there even to perform the non-violent duties of keeping the peace. In such a case it would be legitimate to make things so difficult for German occupying forces that they were compelled to withdraw. This is not so in Northern Ireland. Most of the members of the security forces are native born and have every right to be and live there. It is right to resist them only insofar as they use their position to tyrannize over others, and not as a matter of course. As for those members not born or living there but serving in regiments drawn from elsewhere in the UK, they too cannot be considered as simply alien, so the same holds for them too.

In addition campaigns of violence against Protestants, especially in border areas, in order to drive them out, are unjustifiable. Such people are generally innocent of oppression of their Catholic neighbors. If some are not, only they may be resisted and, if necessary, expelled.

The Question of the IRA

Such a list of legitimate and illegitimate acts of violence in Northern Ireland is not meant to be exhaustive. It is meant to be illustrative only, in order to give some concrete idea of how the principles of just war would operate when applied in practice. In addition, one must keep in mind the ever-changing situation on the ground. As that to which the principles are to be applied changes, so inevitably must the conclusions one should draw from those principles also change. For instance, there have been significant moves made in recent years towards reconciliation between the opposed sides and the several political parties representing those sides have agreed
to engage in discussions in order to try and resolve their differences in a just and peaceful way. The IRA and their Protestant paramilitary counterparts have also declared cease-fires. These efforts to achieve a peaceful reconciliation of differences are certainly to be welcomed. While they are being pursued with good faith on both sides, and in particular while the powers that be are not engaging in any oppressive activity, there can be no case for violence. The reasons that justify violence do so only in principle and not under all circumstances whatever. Specifically they do not justify violence in circumstances of truce and good faith talks about peace.

Nevertheless these reasons will justify violence again if the talks break down and things return to what they were before. Truce and peace talks are but the way to removing the injustice that justifies violence; they are not yet such removal. After all, the regime in Northern Ireland, with its forcing of the existing Union on the Nationalists, remains as unjust as ever. Only some fundamental change there could remove the case for violence against it. This fact, indeed, is what justifies the refusal of the Nationalists to hand over their arms as part of the truce and as a precondition for talks. It also justifies their similar refusal to renounce violence altogether. The Nationalists are entitled to arms as a simple matter of self-defense and they may keep them, and may remain ready to use them, as long as those against whom they may need to defend themselves, namely the British troops and the Northern Irish police, also have arms which they are ready to use. No one can justly be required to give up his means of self-defense, especially when those against whom he may need such means are making no move to give up their own arms.

The reasons that justify violence also lay down some pretty strict conditions for peace talks too. It cannot be a condition of such talks that the majority Unionists be allowed to veto any peace plan just because that plan would change the existing Union.
precisely what is unjust and unless it is changed in some way, or unless the Nationalists come freely to agree with it in some way, there can never be a just peace in Northern Ireland. As already remarked, the majority cannot go on imposing injustice on the minority just because they are the majority. By the same token, however, the Nationalists cannot be allowed to veto any peace plan just because it does not bring the whole of Ulster into a united Ireland. For just as the majority Unionists cannot rightfully insist that the minority remain in the Union, so the minority Nationalists cannot rightfully insist that the majority enter a united Ireland. Both sides must instead be ready to compromise. One may doubt whether either is really ready to do so, but such compromise must, nevertheless, be what justice requires.\textsuperscript{30} Hence if either side breaks off talks and returns to the use of force because its (unjust) demands are not met, its use of force will, to that extent, be unjust.

These further elaborations about justice with respect to truce and peace talks in Northern Ireland are necessary for understanding the case of the IRA. Now that these elaborations are in place it is possible to conclude that as an organization the IRA is illegitimate both in general and in particular. It is illegitimate in general because it is, or has hitherto been, committed to the use of violence for an end that does not justify violence, namely the achievement of Irish unity. It arose for this purpose initially and is, as far as one can see, still committed to it. Certainly there is no strong reason to think that it would not continue the violence if peaceful attempts to secure a united Ireland fail. The IRA is also illegitimate in particular because, given its general aim, it undertakes acts of violence (such as those mentioned in the previous section) that have no justification in terms of self-defense against tyranny.

\textsuperscript{30} That is why one may doubt if any resolution of the situation in Northern Ireland is possible as long as the modern system of sovereign nation-states remains in effect and furnishes all sides with their model of political rule. Some looser arrangement, whereby local differences do not inevitably become differences between nation-states, may be the best way forward. A modified European Union, as suggested in note 20 above, might be that looser arrangement.
This does not mean that everything the IRA does or has done is illegitimate. Insofar as they have come to the defense of the Nationalist community and have helped to organize the people into groups to run their own affairs (as in the no-go areas), their actions are justifiable. Yet even here they have often gone too far, imposing a sort of despotism of their own on the people, using their weapons to run things as they wish and not as the community wishes (as in the case of knee-capping and other rough and ready punishments handed out to malefactors or those who just disagree with them). In other words, while it is legitimate in principle for Nationalist communities to set up their own authorities, it has not always been the case that the IRA should have been this authority although they often took it upon themselves. Perhaps some groups would have preferred to operate under the auspices of the non-violent Socialist and Democratic Labor Party.

One might say similar things about Sinn Fein. While they do not, as an organization, participate in IRA activities, they have supported the ‘armed struggle’ (as they term it) to remove the British. Again, as in the case of the IRA, there is no strong reason to think they would not go on supporting this struggle if peaceful attempts to secure a united Ireland fail. To this extent, therefore, they have adopted an unjust stance. But a lot of what they do and have done is not connected with violence at all, not even with legitimate violence. It is rather directed to community action, that is to say, to helping the Nationalist community take more of its own affairs into its own hands, and thus to soften or even altogether circumvent the effects of discrimination and oppression. Since such activity is not only just but also desirable as a way of coping with the realities of life in Northern Ireland, Sinn Fein is not an organization one can wholly condemn. The late Cardinal O Fiaich came closest to the truth when he said that one could with good conscience actively support Sinn Fein provided that what one supported them
for was such things as community action, and not the encouragement of the campaign to expel the British.\(^{31}\)

**Conclusion**

The above concludes my remarks about violence and the IRA in Northern Ireland, and how just war theory applies. This conclusion coincides pretty largely with what the Pope said or intended in his appeal to the men of violence. For I presume that the Pope, while calling on such men to give up force, was not calling on them, or anyone, to give up force always and everywhere, including in cases of immediate self-defense. Still, even in self-defense force is not absolutely required. One can opt for total non-violence, as Mahatma Gandhi did. Perhaps the Pope also had this thought in the back of his mind. Certainly it is difficult to say what might have happened in Northern Ireland if instead of the likes of the IRA, with their false vision of Irish Unity and their unjustifiable uses of force, some Gandhi figure had emerged and given the lead to the country. The Unionists would have had to respond, eventually, in some reciprocally peaceful way, and there is a question whether, without force and until very recently, they would have done so. Still, given the violence that has been going on since the early 70s, and given how little good seems to have been achieved despite fearful destruction and loss of life, one may well wonder if giving up on legitimate violence, the violence associated with self-defense, and resorting instead, where necessary, to passive disobedience after the manner of Gandhi would not be preferable. Of course there are cease-fires and peace talks to welcome and encourage. But Gandhi’s example still stands, and that of others too who have refrained from violence even in cases of legitimate self-defense. They give us a vision by which the great-souled may be inspired.

\(^{31}\) As quoted in a broadcast for Irish Radio early in 1984.