The Contextual Declaration: "The Lord is a Man of War" (Exodus 15:3) and Evaluation of Just War theory: Intricacies and Justifications

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Abstract: This article attempted to explicitly examine the self-elucidatory contextual biblical declaration "The Lord is a Man of War" contained in Exodus 15:3 and uses the context of the pre-existed and predated biblical warfare to evaluate the intricacies and justifications of Just War Theory embedded in theological postulation, philosophical rationalisation and multilateral legal codifications. The bible anthropomorphically portrays God as a "Man of War" who engaged in warfare against the enemies of His Chosen people, Israel. God reveals Himself as mighty in battle (Psalms 24:8) and equally describes Himself using warfare armaments in retribution against the enemies of His people (Cf. Deuteronomy 34: 41-42). Meta-ethically, if warfare is seemingly and axiomatically evil and God is depicted as the Lord of peace in Romans 15:33, how then could God shows His nature and ways by warfare and reference to war? Analogically, the fact that God extensively associates Himself with warfare is an evidential indication that war can be just. Consequent upon this backdrop, this article analyses the historical antecedents of Just War Theory and thematizes the salient legal principles of International Humanitarian Law underscoring the Just War Theory. From the perspective of International Law and Jurisprudence, Just War Theory postulates global ethical and rational conceptual legal framework to address the conduct of belligerency or armed conflict. Driven by the detailed historical context of war and the thematic concern of this article, the contextual declaration of the "Lord is a Man of War and the Just War Theory are scholarly systematize within the dynamism of their varieties, realities, intricacies, complexities and justifications.

Introduction

The boldness, straightforwardness, and the strong contextual biblical panegyric anthropomorphism of the statement—"The Lord is a man of war" in Exodus 15:3, implies that Yahweh is a God that is Almighty, and All Powerful; endowed with all the needed and unimaginable capabilities to prevail in all battles on behalf of His chosen people. The statement underscores the fact that God has the unlimited strength to necessarily conquer all those that strive with Him. Contextually, the depiction of God as a man of war is a declaration in a text of an ancient holy song of praise to God, exaltation of His holy Name, magnification of His deeds, and the celebration of His people Israel. In the views of biblical scholars, Moses attributably composed this song, after the great deliverance of Israel from captivity in Egypt.

Indisputably, the God of Israel is very dreadful to his enemies. He is the King of Glory, the Lord strong and mighty, the Lord mighty in battle (Psalm24:8). God did wondrous things out of the common course of nature for the Israelites and He still wrought wonders for His chosen people, though unworthy they maybe, and have no justification to expect such wonderful works. Across biblical history and events, God's might has been proven. He alone has annihilated the most potent and well organized army in the world in favour of His chosen people, Israel. To accentuate this fact, God shocked the obstinate Egyptian armies by plunging them into the sea in Exodus 14:28 and 15:10. Pharaoh together with all his chariots and horsemen were drowned in the Red Sea.

However, the concept of 'Just War Theory' in juxtaposition and contradistinction to the biblical anthropomorphism, 'God is a Man of War' is religiously, pragmatically, and multi-disciplinary dimensional. That is, it contains broader religious, philosophical, legal, political, and secular elements. Just War Theory is a Western concept notionally distinguished from the Islamic concept of Jihad (Arabic: holy war or striving). The theory deals and focuses on the ethical and legal justifications on why and how war should be fought. Codification of international agreements in International Law such as the Geneva and Hague Conventions are rules aimed at

limiting certain kinds of warfare, which are classified as prosecuting transgression in International Law.

The rationale to embark on just war is predicated on Christian ethics contained in the writings of Roman Catholic theologians such as St. Augustine of Hippo, the original and principal advocator of Just War Theory and St. Thomas Aquinas whose Summa Theologiea outlined and examined justifiably the fundamental and permissible reasons to go to war. Notable secular theorists and ethicists of Just War Theory include the Roman jurist and philosopher, Marcus Tullui Cecero who persuasively argued that just wars must be legitimately and openly declared and characterised by a just cause and just conduct . Similarly, the Dutch jurist Hugo Grotius opined that war is substantively just if a nation faces imminent danger and as such the use of force should be necessarily proportionate to the threat.

In view of the aforementioned overview and in sequential procedure approach, this article will synthetically examine the following discourses as main tenets of why it is ever right to go to war or vice visa:

- The seemingly paradoxical and dichotomous description of God as a Man of war (Exodus 15:3) and the Lord as a God of peace (Romans 15:33).
- The origin and historical background of Just War Theory.
- The views of St. Augustine of Hippo and St. Thomas Aquinas as advocators of Just War Theory.
- Jus ad Bellum (Justification for War) as moral framework and legal determinacy.
- The principles of Jus in Bello (How war should be fought) as ethical legitimacy
- Evaluation of all of the above in their entirety with allusion to the notion and advocacy of Jus
 Post Bello (the moral necessity of post war settlement, rehabilitation, and reconstruction)
 and
- Conclusion of the article, which would highlight the theoretical and meta-ethical considerations as practicalities and paradigmatic imperatives crucial for conventional coherence of the idea of a Just War.

Obviously, the tradition of just war spans through the ages and the consideration of thoughts of various theologians, philosophers, ethicists and lawyers of different epochs amounted as the bedrock to the theory, bearing in mind the biblical background of urgent, cogent, and coherent existential reality of war approbated by God.

Contextual Analysis of the Lord as a Man of War: (Exodus 15:3) and the Lord as a God of Peace (Romans 15:33)

The biblical characterization of God both as a man of war and God of peace, is contextually and distinctively true depending on the circumstances and usage of each expression in the bible. Analytico-critically, wars are rationally fought for the attainment of peace and in some cases for the ascertainment of a just cause. God is understood as a God of peace in the context of His original created perfectly and peaceful world. However, the peaceful world created by God has been reduced and subjected to wars because of mankind's rebellion and man's inhumanity to man. Exemplification of this fact is Pharaoh's cruelty and oppression of the people of Israel.

The promises of peace and the depiction of the Lord as God of Peace in Romans 15:33 and elsewhere in the bible are meant for only God's people. Peculiarly, intercalated benedictions and doxologies are frequently used by St. Paul in his writings of his pastoral epistles (Cf. Romans 9:5, 11:36; Ephesians 3:20-21, et al). The Lord is a man of war in Exodus 15:3 reveals the enormous power and control God has over and above all situations in general and in waging

war against the oppressing Egyptian army aggression against the Israelites in particular. God has never promised peace to the wicked. "There is not peace says the Lord for the wicked" (Isaiah 48:28, 57:21). Fathomably, within the perspective of a wider spectrum, God is both a man of war and a God of peace for the Israelites. On the one hand, He fought against the Egyptians on their behalf, and on the other hand, He gave the Israelites peace of victory and deliverance. In the same way, God made it very clear through the prophet Joel when he says:

Proclaim this among the nations – prepare a war, rouse the mighty men! Let all the soldiers draw near, let them come up! Beat your ploughshares into sword. And your pruning hooks into spears; let the weak say, I am a strong.

This passage is an implication of the Israelites salvation from their hitherto plagues and droughts and an indication of recognition of Yahweh in the midst of Israel's profound present and future. From the foregoing, there is neither contradiction nor ambiguity of God as a 'Man of War' who saves His chosen people from oppression, and the Lord as a God of peace, who loves peace and epitomised in peace.

The concept of warfare and God being the primordial author of victory of war predated man and the biblical creation stories. Heaven itself was once the scene of revolt and open rebellion, that is, there was war in Heaven (Cf. Revelation 12:7-9). If war found its way in heaven, it necessary implies that God determined the timeline of pre-history and victory of war. With the victory of the war in heaven, we read in the book of Apocalypse "Now have come the salvation and the power and the kingdom of our God and the authority of His Messiah" (Revelation 12:10). Inferentially, it is a direct sound and valid logical deduction that does no require modus tollendo ponens or a propositional calculus in complex predicate logic to decipher that God has been ontologically victorious in war before becoming anthropomorphically a man of war".

The first recorded biblical event of war is in Genesis 14:1-17, where Lot, Abraham's nephew was held hostage in a war involving alliance of ally kings. Next is in Exodus, the famous exodus and deliverance of the Israelites from Pharaoh's enslavement and oppression in Egypt. Pharaoh fearfully envisaged that war may break out and the descendants of Joseph may possibly enter into alliance with his perceived enemies (Cf. Exodus 1:8). So, the fear of Pharaoh became the justification of his oppression of Israel. After the exodus experience, Israel's first battle is in Exodus 17:8-13, where God empowered them to defeat the Amalakites in as much Moses' arms were raised. In Exodus 23:22, God assured and promised the Israelites, that He will be an enemy to their enemies and an adversary to their adversaries.

Furthermore, the book of Numbers begins with a census, enlistment, and preparation for warfare. The rationale behind the census for which the book derived its name is to determine the number of able-bodied Israelites who are capable of "going to war". Going to war, is a phrase that occurred twelve times in the first chapter of the book of Numbers. Ironically, Israel's next war against the Amalakites and the Canaanites resulted in defeat because they went to the war presumptuously, without Moses and the Ark of the Covenant and God was not fighting for them (Numbers 14: 40-45). Extensively, the rest of the book of Numbers is punctuated with accounts of Israel's army victories in war because God fought for them. The successes of the battles of Israel are recorded in the "Book of Wars of the Lord (Numbers 21:14). The phrase "Wars of the Lord" rather than War of Israel is a clear presupposition and interpretation that God is a man of war. This truism served as the springboard for the emergence and development of Just War Theory.

The origin and precise historical background of Just War theory

The Just War Theory is in fact as old as warfare itself. Its origin is rooted and traceable to both biblical Hebraic and Roman cultures embedded in religious and socio-political statecraft administrative tendencies. Initially, just war was coalesced as a coherent thought and practice

during the epoch of the Middle Ages and later snowballed into canon law (law of the Roman Catholic Church) and theology. In the same vein, the concepts of jus natural (Latin: natural law) and jus genuim (Latin: law of nations) are derivatives of Roman law that formed the basis of statecraft practices and the Chivalric Code that developed between 1170 and 1220. Thus, theologians and canon lawyers pieced together Christian belief system on the justification of war and immunity of non-combatant in warfare.

The historical antecedent of just war implies a tradition of mutually acceptable rules of combat involving two culturally belligerent states. Classical history of communal and mutual warfare suggest that some ethical considerations and rules of engagement were adopted and applied by ancient warriors to minimally limit the outcome of potential devastation and ostensible calamitous effects of wars. The long history of just war includes the biblical and ethical conduct in war arising from a just cause. The justification for war predicated on Christian ethics are found in the theological writings of St. Augustine of Hippo and St. Thomas Aquinas, that developed into the restraints on the means and modes of warfare and modern rules of engagement in armed conflicts or civil upheavals.

The views of St. Augustine of Hippo and St. Thomas Aquinas as advocators of Just War theory St. Augustine of Hippo (354–430) was the pioneer Christian theologian and scholar who advocated and provided moral justification for war in contradistinction to the unbridled inclination for violence associated with religion extremism of Islamic jihad. St. Augustine tenaciously believed that the only just cause to go to war was the ultimate desire for peace. He succinctly expressed the reason for a just war as follows:

We do not seek peace in order to go to war but we go to war that we may have peace. Be peaceful, therefore in warring, so that you may vanquish those whom you war against, and bring them to the prosperity of peace.

It was for this reason St. Augustine is known in history as the advocator of just war theory in the Western tradition. Essentially, St. Augustine identified and classified Jus ad Bellum (right to go to war) and Jus in Bello (right sort of conduct in war) as two major aspects of moral requirements and justifications for war. These classifications of Jus ad Bellum and Jus in Bello would be examined extensively in the next two succeeding sub-headings.

In conformity with St. Augustine's identification and classification of *Jus ad Bellum* and *Jus in Bello* as requirements for a just war for the attainment of peace, St. Thomas Aquinas (1225–1274) made clear three criteria that must be met before a war can be just. They are: war must be declared and waged by a legitimate authority; it must be fought for a legitimate and ultimate reason; and peace must be the driving force and central focus for a just war.

The direct view of St. Thomas Aquinas on a just war as contained in the second part of his Summa Theologiea and read thus:

The first thing is the authority of the prince by whose command the war is to be waged. It does not belong to a private person to start a war, for he can prosecute his claim in court of his superior. In like manner the mustering of people that has to be done in wars does not belong to a private person. But since the care of the commonwealth of the city, kingdom or province subject to them. And as they lawfully defend it with the material sword against inward disturbances by punishing male-factors, so it belong to them also to protect the commonwealth from enemies without by the sword of war.

Jus ad Bellum (Justification for War) as Legal and Moral Frameworks

Jus Ad Bellum is the legal term containing the legitimate and moral justification a State has to engage in warfare. The principles of Jus ad Bellum were developed by St. Augustine of Hippo

and supported by St. Thomas Aquinas. These principles determine what make a war just. International agreement in International Law regarding a justifiable cause for a country to engage in any war is predicated on the principles of *Jus ad Bellum*. Article 51 of the United Nations Charter says: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations". The five principles of *Jus ad Bellum* that characterise a war as just are:

- 1. Legitimate Authority and Public Declaration: This principle implies that a war is just if and only if it is declared and waged by proper and legitimate authority such as the command of a sovereign state. This is in line with St. Thomas's three criteria of a just war in his Summa Theologiea.
- 2. Just Cause and Right Intention: In view of this principle of just cause and right intention, the aim of war is to pursue a just peace. This pursuit of peace should supersede the situation that would have happened if the war was not fought.
- 3. Probability of Success: For a war to be just there must be sufficient reasons and very high possibility of achieving the aim of success. To this end, armed conflicts and wars should not be undertaken if they are unlikely not to result in the attainment of peace.
- 4. Reasonable Proportionality of Success: In any just war, the principle of proportionality must apply. This principle implies that violence, force and armoury used in armed conflict, must be proportionate to the military objective. Therefore, certain weapons such Weapons of Mass Destructions (WMD) are prohibitive in just war.
- 5. Last Resort: This principle presupposes that for a war to be considered just, all diplomatic efforts, peaceful negotiations and non-military options must have been exhausted before the deployment of armaments and the engagement of armed forces. This principle primarily purports and supports the use and engagement of minimum force to determine whether there would be peace, before an escalation that involve maximum force and complete military deployment and engagement.

The principles of Jus in Bello (How war should be fought) as Ethical Legitimacy

The term *Jus in Bello* is a body of legal and ethical norms in International Humanitarian Law (IHL) that refers to the rightful conduct in war. The underlying factor of *Jus in Bello* is the distinction between combatants and non-combatants in warfare. Contraventions of *Jus in Bello* in terms of the conduct of individuals and troops toward combatants, non-combatants, property, and the environment are punishable under international legal instruments of Customary International Law, including War Crime and International Criminal law.

Jus in Bello has two broad principles: namely, discrimination and proportionality. The principle of discrimination focuses on the legitimate targets in war, while the principle of proportionality deals on commensurate force ethically appropriate in war. In waging a just war, it is essential to ensure the avoidance of unjust and unfair indiscriminate attacks on non-combatants and innocent civilians as well as the environment. The principles of discrimination and proportionality are aimed to ensure responsibility which now serves as a third principle indicating an implication of justice in warfare.

General Analysis and Evaluation

In practical procedure terms, just war tradition indicatively encompasses legality, morality, religiosity and philosophy. The need for secular society to justify going to war is a reflection of the practical influences of religious obligation, moral necessity, legal norms, military ethics and philosophical rationalisation. Just War Theory was developed in the 4th century by St. Augustine of Hippo and promoted in the 13th century by St. Thomas Aquinas.

However, contrary to biblical times as well as ancient and medieval epochal periods, modern day wars are now characterised by sophisticated technology, superior military capabilities,

intellectual advancement, political hegemony, superiority of weapons of mass destruction, together with nuclear weapons tension and rearmament. These characterisations of wars have raised fundamental questions on the justification and permissibility of war as just in the 21st century vis-a'-vis the principles of *Jus ad Bellum* and *Jus in Bello* which are seemingly unrealistic in contemporary terrorism context and inapplicable in modern warfare.

Remarkably, during armed conflicts, belligerency, or civil upheavals, women and girls are concomitantly and collaterally routine sexual targets and they are faced with a situation of 'between the devil and the deep blue sea' characterised by limited economic alternative perspectives and opportunities required for the needs of their families and self-support. As a result, more often than not, they are coerced into sexual and illicit alliances with military forces, including regional and international peacekeepers and humanitarian officials, as means to negotiate their protection, solicit for their safety and exchange for their survival. This obnoxious sexual recrudescence, which has not been prevented in wars, is a lamentable fundamental contradiction and credibility deficit beyond the formulation and control of Just War Theory. In the same vein, effectuated conscription and selective massacre of men in wars is an absurdity that encapsulates the complex humanitarian catastrophes and emergencies associated with wars.

Generally, Just War Theory idealistically assumes high moral standard, religious ethics, military restrain, diplomatic mutuality, and legal obligation of refraining from war, which obviously are not always the case. Consequently, the Just War Theory as it is, requires continuous development and refinement in conformity with political, military, and technological advancement of contemporary context, bearing in mind the recognition of international inter-agency strategic contributory plans for avoiding wars and civil hostilities.

Imperatively, driven by the aforementioned reality in view of cessation of war, three possibilities inevitably occur: a state and its army have been defeated, a state and its army have been victorious or both warring states have agreed to a ceasefire on condition of no victor no vanquish. Based on these possibilities, the principles of application of justice may now arise to each of these situations. Hence, the proposition of *Jus post Bellum* as an essential component of Just War Theory is emerging as a principle. Just like the principle of discrimination, *Jus post Bellum* as a concept should be adopted to address termination phases of war; encompassing mobilisation, rehabilitation and reintegration of innocents and non-combatant victims of war as well as disarmament of arms and demobilisation of combatants of war.

As a corollary to the thematic concern of Just War Theory and with 'apocalyptic emphasis' on the anthropomorphic description of God as a "Man of War", if we can access the Book of Wars of the Lord (Numbers 21:14), and consider the successes of military engagements of the Israelites contain therein and juxtapose them with the great deliverance of Israel from the Egyptians, in the event of crossing the Red Sea and the annihilations of Pharaoh and his armies; the statement: the Lord is a man of war in Exodus 15:3 will be exegetically and superlatively refreshing in our understanding of God as a man who fights for His chosen people. For the sake of His people, God has never avoided armed conflict, belligerent hostilities, confrontation, and conquest. The depiction of God as a Man of war, also echoes and is corroborated in Isaiah 43:13;

The Lord shall go forth like a mighty man, He shall stir up His zeal like a man of war. He shall cry out, yes, shout aloud; He shall prevail against His enemies.

Abraham engaged in warfare with God's approval and God gave him victory. Throughout the Deuteronomistic history, God commanded Israel under Moses, Joshua, Gideon, Samuel, Saul, and David to go to war and He went forth to give them victory. Therefore, the panegyric anthropomorphism, "the Lord is a man of war" in Exodus 15:3 is not just consequential within the context of Israel victory over Egypt in Yahwistic poetry, but resonates in all the victories of Israel's wars.

In the same vein, it is obvious that Just War Theory was formulated and premised on the presumption against any armed conflict or war. The phrase just war is a denotation to deny the horrific nature of war, hence, the theory would have been tantamount to paradox of both legal and logical principle of 'excluded middle. Significantly, Christian just war tradition is the promotion of the culture of peace rather than the intervention of military engagement. Ostensibly, Just War Theory is the only visible and viable ethical framework against the unbridled inclination for war in the slightest provocation. Therefore, Just War Theory stands not as a mere formulated theory to justify a war but it is a theory intended to prevent wars.

Conclusion

In recognition of the Just War Theory, the 1648 Peace of Westphalia (Treaty of Westphalia) brought about European settlements that include the eighty years War between Spain and the Dutch (the Netherlands) and the thirty years German phase of the war. Since then, there has been a concerted and collaborative efforts in International Law that developed into applicable and enforceable laws of war and military codes of conduct known as International Humanitarian Law (IHL) or Law of Armed Conflict. The Geneva Conventions (1864-1949) and their affiliated Protocols (1977), together with various international agreements and treaties are aimed at limiting the means allowable in belligerency.

Consequently, contemporary legal and philosophical debate has centred on human rights abuses in the engagement of war classified as just, apparently as a result of increased global attention given to human rights abuses during wars and the tremendous growth in International Human Rights Law. Imperatively, human rights seek to protect and promote human dignity upon these four legal advantages of the right holders: liberties, claims, power, and immunities. Correspondingly, since the 1990, different Just War exponents have persuasively argued for the need to utterly end such abuses, which on itself constitute a just cause for the use of international military interventions in putting an end to perceived human rights abuses. Ultimately, the rationale for the Just War Theory is the necessity of reestablishing peace and responding to injustices. Justice establishes the baseline for rightful treatment as the impartial and consistent application of principles of law that are substantively just. It is on this basis of understanding of the concept of justice within the context of war that our horizon and comprehension of the contextual biblical panegyric anthropomorphism of 'God as a Man of war would be broadened.

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