

**THE JUST WAR DOCTRINE:  
ST. THOMAS AQUINAS (1225-1274)  
WEEK 4: OCTOBER 4, 2008**

**I. BACKGROUND/OVERVIEW**

**A. Aquinas' History and Influences:**

***Background:***

- Born in southern Italy
- Attended University of Naples and University of Paris, where he studied Aristotle and Augustine
- Studying as an intellectual renaissance was happening in Europe (founding of several universities), and Aristotle's works had just been translated into Latin.

***Just War Context:***

- Burst on the scene after years of relative silence regarding Augustine's just war concepts
  - o Crusade era was at its height, with both popes and laity equating the notion of "just war" with that of "crusade."
    - Church and secular leaders had "constructed a just war built on the strength of traditional and accepted notions as is witnessed by the calls of a holy war or crusade as a way to internal peace."
- Revisited just war doctrine:
  - o Did not parrot the religious and military leaders of his day, did not address the crusades at all
  - o Fused Augustine and Aristotle together
  - o It is this extensive adaptation of Aristotle that set Aquinas and his followers apart from earlier theologians
    - The naturalness of political authority
    - Superiority of the common good over the good of the individual
- Addressed just war theory primarily in his seminal work, *Summa Theologica*

**B. Organization of the Summa Theologica:**

- Divided into three parts
- Each part is broken down into "questions"
- Each question consists of articles
- Each article has the same format:
  - o A statement of the problem,
  - o The objections against Aquinas' position,
  - o The solution proposed by Aquinas, and
  - o His responses to each of the objections

- The section on war (second part of Part II) is divided into four articles:
  - o “Whether it is always sinful to wage war”
  - o “Whether it is lawful for clerics and bishops to fight”
  - o “Whether it is lawful to lay ambushes in war”
  - o “Whether it is lawful to fight on holy days”
- Also other parts of the Summa Theologica and the Summa Contra Gentiles address issues affecting war

## II. SUMMA THEOLOGICA: QUESTION 40: “OF WAR”

### A. Article 1: Moral Purposes of War and Killing (“Whether It Is Always Sinful to Wage War)

- “Whether it is always sinful to wage war”
  - o By phrasing the anticipate question in this manner, he not too subtly implies that war, in general, usually *is* sinful
  - o But that in some cases, perhaps it is not sinful (i.e., it is just)
- ***Reply to First Objection: “Those Who Live by the Sword Die by the Sword”***
  - o To the argument that “those who live by the sword die by the sword,” he counters with Augustine’s opinion that the use of the sword is licit for those in public authority.
    - “As the care of the common weal is committed to those who are in authority, it is their business to watch over the common weal of the city, kingdom or province subject to them.”
      - Quotes Rom. 13: “He beareth not the sword in vain.”
    - “Live by the sword, die by the sword” refers to *individuals* acting in a private capacity, not to soldiers.
  - o To have recourse to the sword under the commission or authority of God is not to “take the sword” and thus not deserving of punishment.
    - “To have recourse to the sword as a private person by the authority of the sovereign or judge, or as a public person through zeal for justice, and by the authority, so to speak, of God, is not to *take the sword*, but to use it as commissioned by another, wherefore it does not deserve punishment.”
    - Those who use the sword under the authority of the Lord are not sinfully using the sword.
- ***Reply to Second Objection: Beatitudes and Gospels Teach to Resist Evil and Avoid Wrath***

- War can be good for two reasons:
    - Vanquishing sinners
      - Cites Augustine (“men go to war to have peace.”)
    - Defending the common good (Aristotle)
  - Repeats Augustine’s notion of the “inward disposition of the heart” when it comes to applying the Beatitudes and other teachings of Christ and the apostles
  - Augustine also imports the Aristotelian concept of *common good* that on occasion must be defended
    - Views wars waged for reasons other than pursuit of the common good as dangerous to both the soul and to the community (because they are waged out of motives of greed and vainglory).
- ***Solution Proposed by Aquinas:***
- Three things are necessary for a war to be just: proper authority, just cause, and rightful intention.

1) *Proper Authority:*

- As did Augustine, held that only the state possesses the authority to engage in warfare.
- A private individual cannot on his own initiative declare war, or engage in warlike activity.
- “It is the authority that beareth the sword that is *divinely appointed* to declare and wage war.” (Romans 13)
- Reaffirms to the punitive model of the divine rights of kings (*Augustine*), but also expands by including the notion of “commonwealth” (*Aristotle*).
  - The idea of the “common good” and the “common wealth” come directly from Aristotle.

2) *Just Cause:*

- Those being attacked “must deserve it on account of some fault.”
  - Like Augustine, this includes the doctrine that the prior guilt of an enemy justifies resort to war- i.e., not just self-defense!
- Reinforces Augustine’s earlier position regarding what “faults” create a just war:
  - “A just war is wont to be described as one that avenges wrongs, *when a nation or state has to be punished for refusing to make amends for the wrongs inflicted by its subjects*, or to restore what has been seized unjustly.”

***Questions to Consider:***

1. How does this second scenario fit into asymmetrical warfare?

2. What does this mean when a non-state actor acts within a state to harm other people/states (i.e., uses the state's territory as its home base)?
  3. What if that non-state actor merely "resides" or has "taken haven" within the state?
  4. What if that state is unwilling to contain the non-state actor?
  5. What if that state is unable to do it?
  6. What does this mean about territorial integrity of a state? (i.e., a state waives its territorial sovereignty by refusing to punish its own evildoers when those evildoers harm others?)
  7. WHO may be punished within that state? (the non-state actor? The state itself?)
  8. What about the scenario where the state is refusing to punish the non-state actor within its borders, but no other states are palpably hurt? (i.e., genocide within a state's borders?)
- In Augustine, one of the main goods of war was that it punished individual sinners and kept them from sinning more (this is how killing could be good- i.e., you could show love in killing your enemies).
    - o *Augustine* had said: Just war benefits all, in that even those warred against benefit from the loving punishment inflicted by an adversary in the role of God's scourge.
    - o The sovereign can legitimately kill evildoers so long as the sovereign is motivated by charity.
  - Aquinas accepts this notion, but adds Aristotelian political postulates to justify the princely authority to wage war
    - o Notion that war is for the good of a society, in the judgment of its prince.
    - o Man by nature is a social and political animal; the ideal is thus a virtuous community where the community's welfare overrides individual claims.
    - o Law exists to pursue the common welfare whose chief feature is *peace*.
    - o Since princes are instituted by God to further the common good, they have the duty to defend it.
    - o An unprecedented injection of Aristotelianism into the theology of the just war.
  - Augustine: Individuals are units of war, and to them that justification of war must be addressed.
  - Aquinas: War is between societies and can be justified by reference to the good of societies.
  - Aquinas: War has a twofold purpose: to punish sin and to right a wrong that detracted from the common good.
    - o The characterization of a just war as punishment is borrowed from Augustine.
    - o The characterization of it as promotion of the common good is borrowed from Aristotle.

- No longer is warfare seen only as a consequence of sin-- it is now viewed as rooted in the *nature of human communities*.

### 3) *Rightful Intention:*

- To do or to seek good, and avoid evil.
- Quoting Augustine, notes that wars fought with the right intention are those waged “for the sake of peace, to restrain the evildoers and assist the good.”
- As Augustine, insists that the goal of all wars is peace.
- “*Duty*” language:
  - o Draws on Augustine’s “duty” language, linking defense of the common good to a moral imperative
  - o Suggests that *inaction* in the face of attack is as sinful as *action* by attack when unwarranted
    - Duty compels the just sovereign to act justly; when attacked, the sovereign must defend his community.
- *First to explicitly insist that ALL criteria must be met:* A war may be declared by the proper authority, with a just cause, but still be unlawful in the intentions are wrong.

## **B. Article 2: Whether Clergy can Lawfully Fight**

- Interesting take on “put up thy sword!”
  - o “It was said to Peter *as representing bishops and clerics* (Matt. 26:52): ‘Put up again thy sword into the scabbard.’ Therefore it is not lawful for them to fight.”
- Warlike pursuits are incompatible with a clergyman’s role because:
  - o “*All the clerical Orders are directed to the ministry of the altar, on which the Passion of Christ is represented sacramentally. Wherefore it is unbecoming for them to slay or shed blood, and it is more fitting that they should be ready to shed their own blood for Christ, so as to imitate in deed what they portray in their ministry.*”
- Role of the cleric instead is to take part in war “by affording spiritual help to those who fight justly, by exhorting and absolving them, and by other like spiritual helps.”
  - o *Role of the military chaplain today?*

### III. SUMMA THEOLOGICA: OTHER PROVISIONS

#### A. “Double-Effect” (Question 64: Of Murder):

- An action taken can produce two consequences, “only one of which is intended and the other outside our intention.”
- For example, a sovereign may choose to attack another nation’s enemies, knowing that innocent bystanders may also be killed in the process
  - o Here, the “double effect” is hastening the war’s end through the killing of enemy soldiers (a “good”), and the death of innocent bystanders (an “evil”).
- *Whether the decision to attack is good or evil depends upon the intent of the sovereign.*
- If sovereign’s goal is to end the war by killing soldiers, he possesses a rightful intention; if his goal is to cause suffering to the civilian population, he does not possess a rightful intention.
  - o *And what does this mean? That the war is NOT just!*
- The ultimate question then becomes:
  - o Is the sovereign’s purpose in going to war to promote the good by bringing *peace to the state*, or is it to make the enemy, particularly the noncombatant, suffer?
- While Aquinas’ calculus does not explicitly address the issue of *proportionality*, this “double-effect” description suggests that such a calculus is necessary as a matter of course.
- Also, clearly fits in with the *rightful intention* prong of just cause (discussed above)

#### B. The Evil of Slaying the Innocent (Question 64: Of Murder)

- Addresses the issue of “rightful intention” and of *jus in bello*’s criteria (though this article does not specifically mention war!)
- If the sovereign enters a war with the rightful intention (e.g., to defend his nation), should that intention become evil, then a just war no longer exists.
  - o Promoting evil rather than good reasonably includes killing noncombatants; Aquinas echoes this proposal (but does not flat-out state it), in his statements here.
  - o Or, a rightful intention can be sullied by destroying more than what military necessity requires, perhaps out of rage or a desire for revenge (*jus in bello*).
- Quoting Augustine, he notes: “True religion looks upon as peaceful those wars that are waged *not for motives of aggrandizement*, or cruelty. The passion for inflicting

harm, the cruel thirst for vengeance and suchlike things, all these are rightly condemned in war.”

### C. Self-Defense? (Question 41: Whether Strife is Always a Sin, and Question 64: Of Murder)

- Unlike the Church fathers *and* Augustine before him, Aquinas asserts that Christians may use violence in self-defense
- Self-defense has two effects:
  - o Saves the life of the defender
  - o Slays the aggressor
- A permissible act of self-defense is not unlawful because the defender’s intent is to save himself, not to kill the aggressor.
- Human organism seeks to continue living- this is a natural orientation and therefore an orientation toward the good (*this is an Aristotelian concept*)
- While Aquinas does not explicitly relate self-defense to war, the way he constructs the doctrine applies directly to the *jus in bello* notion of **proportionality**:
  - o The intention to defend one’s own life, although licit in natural law, can become illicit when it is disproportionate to its end
    - For example, when the intended victim uses more violence than necessary to repel an attack
- Lays out when self-defense is ok, when it is a venial sin, and when it is a mortal sin (proportionality and inward disposition of the heart!).
  - o “For if his sole intention be to withstand the injury done to him, and he defend himself with *due moderation*, it is no sin. But if his self-defense be inspired by vengeance and hatred, it is always a sin.”
  - o “It is a *venial* sin if a slight movement of hatred or vengeance obtrude him.”
  - o “It is a *mortal* sin if he makes for his assailant with the fixed intention of killing him, or inflicting grievous harm on him.”
- Similarly, he considered it vicious to refuse to defend others against attack when such defense was possible.
- Logical to extend Aquinas’ notion of self-defense and resistance to injuries to support defense of country by a just war
  - o Even though in Aquinas’ own writings war was justified rather by its protection of the common good.
  - o Aquinas himself did not explicitly champion defense of the country as a just cause for war.

#### D. Accidental Killing (Question 64: Of Murder)

- Aquinas examines whether one is guilty of murder through killing someone by chance.
- Issue of accidental killing is the issue of *collateral damage* when applied to war.
- Cites Augustine to assert that an otherwise moral and lawful action, unintentionally causing harm to another, will not result in immorality.
- This is consistent with his *double-effect* doctrine (*applied jus in bello*)
- If a person takes due care, he is not liable for another's accidental death
  - o "A penalty is inflicted on those who cause death unintentionally, through doing something (else?) unlawful or failing to take *sufficient care*."

#### E. Other Just War Doctrine Notions:

##### 1) "Offensive" versus "Defensive" wars? (Question 41: "Of Strife"):

- Nowhere in Aquinas do we see a hint of the modern distinction between offensive and defensive wars.
- Indeed in some cases, a person who defends himself may be the guilty party ("guilty of strife") if he is resisting the sovereign who has attacked him (presuming the sovereign has met the three criteria).

##### 2) What About Overthrowing Tyrants? (Question 42: "Whether Seditio is Always a Mortal Sin"):

- It is morally permissible for citizens to overthrow a tyrant (*question 42: whether seditio is always a mortal sin*):
  - o "A tyrannical government is not just, because it is directed, not to the common good, but to the private good of the ruler."
  - o "Consequently, there is no sedition in disturbing a government of his kind."
  - o "Indeed, it is the tyrant rather that is guilty of sedition, since he encourages discord and sedition among his subjects."

##### 3) Legitimacy of Ambushes?

- Aquinas saw ambushes as a deceptive device, but deception was of two sorts: by word and by deed.
- To lie or break a promise *by word* was always illicit according to the laws of war.
  - o Hence faith once promised must be maintained even with enemies.
- But to deceive by war *through deed* was different.
- Aquinas used the reasoning that since in Christian doctrine many things are hidden ("give not that which is holy to dogs" (Matt. 7:6)), preparations for attack could be hidden from the enemy.