

**THE JUST WAR DOCTRINE:
ST. THOMAS AQUINAS (1225-1274) (Part II)
WEEK 5: OCTOBER 11, 2008**

I. AQUINAS VS. AUGUSTINE

A. Anthropology and Natural Humanity

- **Augustine:** Emphasis is on the divine basis of order and the disruption of order in history by sin.
- **Aquinas:** Commitment to a reasonable moral order, knowable in principle by *all* human beings and forming the basis of a common morality, moves to center stage.
- **Augustine:** Clearly distinguishes the “City of God” from the “City of Man” (though the two may overlap, they do *not naturally* coincide in essentials!)
- **Aquinas:** The Christian is *at home* within this order, and the gradual sanctification of the Spirit in Christ takes place *within* it, not over against it of it.
 - o Christian and non-Christian morality coincide in essentials
 - Our natural inclination toward the good of society,
 - Our natural ability to reason our way to establish justice in personal and social relationship, and achieve a peaceful political order governed by law.

B. Loving and Killing: “Killing as Love” Paradox?

- **Augustine:**
 - o Just war benefits all
 - o Even those warred against benefit from the loving punishment inflicted by an adversary in the role of God’s scourge.
 - o *I.e., this is how you can both love and kill your enemy- the “killing as love” paradox (through “loving punishment”)*
- **Aquinas:**
 - o All persons, including sinners, are to be loved equally.
 - o **BUT-** love of enemies does not require us to feel a special attitude of love toward our enemies, nor to show them “the signs and effects of love.”
 - o To do so would constitute the “perfection of charity,” which is neither possible nor obligatory now.
 - o Although “we should be ready to love our enemies individually, if the necessity were to occur,” nevertheless “it is not necessary for salvation” that we actively show love to our enemies.
 - o *Thus, we can love them and kill them- but it’s not that we are inflicting “loving punishment” so much as it is that we are loving them, but failing to show that love (which is fine in certain circumstances, Aquinas would say!)*
 - o *Aquinas seems to pull no punches or use semantics*

- *Don't have to love the enemy in the sense that the early Church fathers, and even Augustine seemed to espouse.*
- *Augustine, recall, tried to reconcile, or explain how this love was possible even in killing*
- *Aquinas seems more "ok" with the notion of killing, because perfect love is not obligatory here (and recall his other writings, where sometimes it's obligatory to fight (and presumably to kill!))*
- Aquinas makes little attempt to argue that killing can be done out of love to its unwilling victim.
 - In fact, a judge who sentences a sinner to death may be motivated by charity to "prefer the common good to that of the individual, although conversion and expiation may also be effects of the sentence in the sinner."

II. RIGHTFUL INTENTION

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
 - 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").
 - **Questions:**
 - But what about "attacking" innocent bystanders? (carpet bombing? Hiroshima?)
 - To Aquinas, would non-incidental (i.e., knowing) killing of the innocent ever be ok?
- *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.
 - **Questions:**
 - What if the intent is to bring surrender, and the means are through "bringing the war to the people"? What would Aquinas say to that?
 - Sherman's March to the Sea?
- The ultimate question then becomes:

- 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?
- **What just war criteria do we see in this "double-effect" notion?**
 - *Proportionality*? (this "double-effect" description suggests that such a calculus is necessary as a matter of course.)
 - *Rightful intention*

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

- 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.
 - Promoting evil rather than good reasonably includes killing noncombatants; Aquinas echoes this proposal (but does not flat-out state it), in his statements here.
 - 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. 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
 - "A penalty is inflicted on those who cause death unintentionally through doing something unlawful or failing to take *sufficient care*."

III. PROPER AUTHORITY and Tyranny

Proper Authority (Question 40: "Of War," Article 1):

- As did Augustine, held that **only the state** possesses the authority to engage in warfare.

- “It is the authority that beareth the sword that is *divinely appointed* to declare and wage war.” (Romans 13)

What About Overthrowing Tyrants? (Question 42: “Whether Seditio is Always a Mortal Sin”):

- It is morally permissible for *citizens* to overthrow a tyrant
 - 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 this kind.”
 - o “Indeed, it is the tyrant rather that is guilty of sedition, since he encourages discord and sedition among his subjects.”

Questions:

- How does this marry up with the “proper authority” notion?
- Who’s to measure what constitutes “tyranny”? (the masses, the clergy, etc?)

IV. ROLE OF THE CLERGY

- 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.”
 - o *View of the priesthood? (icon of Christ)*
- 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?*

V. POST-AQUINAS JUST WAR DOCTRINE: Developments and Departures

A. Franciscus de Victoria (1492-1546)

- *Jus ad Bellum*: Legitimate authority (expressed in a declaration of war), just cause, right intention, and the purpose of peace or the common good (with a “reasonable hope of success)
- *Jus in Bello*: Discrimination (noncombatant immunity) and proportionality
- First to insist that the just war doctrine applied, not just between Christian (or European nations) but between European nations and, for instance, the Indians in South America
- Killing is legitimated as a requirement of natural justice and right order (Thomist influence)

B. Martin Luther (1483-1546): German Protestantism:

- Resistance to tyranny is *never* justified- Never may the “peasant” rise up against the prince.
 - o Sharply condemned the “peasant” uprising
 - o Only the magistrate may wield the sword
 - o Luther informed the prince, regarding the peasant uprising, to “smite, stab, slay, and kill” because no justice can result from rebellion.
- “Selective conscientious objection”:
 - o A private citizen may refuse to serve in war if he knew the cause to be unjust and opposed to the good.

C. Reformed Churches: Calvinism

- Theocratic concept of the church
- Commission to establish a holy commonwealth (a new “crusade”)
- The mission itself made it a just war (*reverting to equating “just war” with “crusade”?*)
 - o *John Calvin (1509-1564):*
 - The more holy the cause, the less restrained must be the means.
 - No consideration could be paid to humanity when the honor of God was at stake.
 - Resistance to tyranny *through rebellion by the people* is not OK, *but* an inferior magistrate might resist a superior.
 - o *Theodore Beza (1519-1605):*
 - Resistance to tyranny is OK: Justified rebellion on the part of the community
 - A covenant exists between God, the king, and the people which, if it is violated by the king, may be vindicated by the people.

D. 39 Articles of the Church of England (1563):

- “It is lawful for Christian men, at the commandment of the Magistrate, to wear weapons and serve in wars” (*Article 37*).
- Similar endorsements of just war in the Augsburg Confession (Lutherans) and the Westminster Confession (Presbyterians)

E. Soldier’s Pocket Bible: England (1643):

- “Matthew 5:44. But I say unto you, Love your enemies. 2 Chronicles 19:2. Wouldst thou help the wicked and love them that hate the Lord? Psalm 139:21-22. Do not I hate them, O Lord, that hate Thee?...I hate them with an unfeigned hatred as they were mine utter enemies.”
- The soldier must “love his enemies as they are *his* enemies, and hate them as they are *God’s* enemies.”