

An Intellectual Genealogy of the Just War: A Survey of Christian Political Thought on the Justification of Warfare

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This warping of war from a tool of last resort, theoretically aimed at improving a state's nonmilitary position, into a twin-headed monster of abstract methodology and cathartic bloodletting, is one of the most unexpected children of reason. In some ways, it is linked to the killing of God and his replacement by both the Hero and the modern military planner.

--John Ralston Saul¹

*Earth is sick,
And Heaven is weary, with the hollow words,
Which States and Kingdoms utter when they talk,
Of truth and justice.*

--William Wordsworth²

Introduction

This paper will briefly outline the development of the just war doctrine, with special emphasis on the developments in Christian thought which ultimately influenced modern international legal documents³. Numerous legal documents, such as the *Geneva Conventions*⁴ (1864-1948) contain within them references to just war. More recent attempts to codify the just war include the Report of the International Commission on Intervention and State Sovereignty entitled

¹ John Ralston Saul, *Voltaire's Bastards: The Dictatorship of Reason in the West*, Penguin Books, (1993), 178.

² William Wordsworth, *The Excursion*, at

www.everypoet.com/archive/poetry/William_Wordsworth/william_wordsworth_402.htm.

³ In addition to international legal documents, from the time of St. Thomas Aquinas' *Summa Theologica* (1265-1274) (see <http://ethics.sandiego.edu/Books/Texts/Aquinas/JustWar.html>) to the *Catechism of the Catholic Church* (1993) (online at <http://www.scborromeo.org/ccc/p3s2c2a5.htm#2309>), the Catholic Church also continues to uphold the tradition of the just war. In the most succinct terms, my paper will look at how the ideas of a very Christian document (*Summa Theologica*) came to be incorporated into a very secular, international document (*Responsibility to Protect*) that aspires to describe and influence current international normative and legal frameworks. I will in essence try and follow the paper trail and provide a literature review of the writings that inspired the thinking behind these documents.

⁴ *Geneva Conventions* at <http://usmilitary.about.com/od/deploymentsconflicts/1/blgenevaconv.htm>.

Responsibility to Protect. In examining the development of Christian thought with respect to war, I will illustrate the link between developments within Christian philosophy, the precepts of the Bible, and ultimately, the eventual universalisation of certain elements of Christian morality through the intermediary of natural law.

The need for just war criteria represents the efforts of Western cultures to regulate and restrict violence by establishing rules which specify the situations in which war can be legitimately used as a tool in international statecraft, as well as by setting out rules which govern ethical conduct during combat. However, today these regulations and restrictions are not confined to only Western cultures but, because of developments in international law and the establishment of international organisations such as the UN, this once Western narrative is seen to have universal relevancy, and to a large extent, universal appeal and applicability.⁵ While this paper will focus mainly on the rules dealing with the decision to go to war, both sets of rules arise from the same intellectual narrative which recognises recourse to violence not as the preferential *modus operandi* for dealing with disputes, but the exception. Both sets of rules trace their genealogy to developments in Christian thought, and understanding this genealogy is important, not only for academics, but for military strategists and foreign policy planners alike, since it highlights that these rules are never static because the rationale for these rules is situated in various historical contexts, and interpretations vary depending on the prevailing socio-political atmosphere. This, therefore, always leaves open the possibility that at the very least, the interpretations of these rules can be modified, or at the most, that the rules themselves ought to be more closely scrutinised, given that Christianity itself is constantly evolving and reinventing itself to retain contemporary social, political and ethical applicability.

In order to observe how Christian thought has influenced modern statecraft with respect to the institution of war, I believe two approaches are possible. One can explore the dogmatic, metaphysical and theological bases that may account for the Christian attitudes towards war. This could involve discussing the relationship created in Christianity between God and man, the Christian conception of time and progress, the effects of the dogma of the incarnation, as well as the influence of Christian eschatology and views of the end of the world. The other approach is to ignore the spiritual and metaphysical, and instead focus on developments of Christian morality and on the generation of rules and ethical principles, which came to be derived from interpretation of scripture and the teaching of religious leaders. When one approaches the just war from this angle, the connection between Christian views on war and modern international legal stipulations on the morality of war is more easily seen, as the modern conception is purposely stripped of any reference to Christian dogma or metaphysics. This will be the purpose of this paper. I will survey some of the writings of Christian philosophers, with a special emphasis on the Middle Ages, during which time significant contributions and developments of the just war doctrine were made by Augustine and Aquinas. I will then explore how these ideas were appropriated by Western jurists and eventually came to influence modern international law. I will examine some influential passages in various religious and secular texts, and will try and connect interpretations of these texts to political developments. Although this is a historic survey which tries to connect Christian and modern political thought on war, I will also look at

⁵ See James Turner Johnson, *Just War Tradition and the Restraint of War: A Moral and Historical Inquiry*, New Jersey: Princeton University Press, (1981), 4.

how some contemporary authors have dealt with the historical development of the doctrine of just war, and its application today.

I do not imply that the just war doctrine is the only available Christian approach to war. In some factions of the early Church, as well as amongst later groups (such as Quakers, Mennonites and Brethren), pacifism and an abhorrence of all forms of war were, and continue to be advocated. Since my goal is to show the continuity of thought from the ideas of the early Church to the ideals of modern institutions, such as the United Nations, I will not be focusing on these dissenting ideas within the Christian tradition, as from a political perspective, and with reference to modern international law, the just war appears to dominate. As Inis L. Claude Jr. argues, “the League of Nations and the United Nations are among the organizations that have served as instruments for the implementation of the doctrine of just war.”⁶ Also, while I acknowledge just war concepts do pre-date Christianity, and that non-Christian perspectives may also include just war formulations, my assertion is simply that modern, international, secular discourse on the justifications of war, such as those found in documents of international organisations, find their genesis in the Christian tradition of just war. I will, therefore, focus mainly on the evolution of the just war doctrine and its distinctly Christian lineage.

War and Christianity

There are two types of war that are permissible within Christian thought, the holy war and the just war. Holy war is fought for the goals or ideals of the faith (such as the Crusades) and is waged by divine or religious authority. In a holy war, Christian participation is a positive duty, whereas, in a just war it is permissible, but restricted. Therefore, a holy war is automatically a just war, but a just war is not necessarily a holy war. As Frederick H. Russell says about the differences between holy and just wars:

“The crusading ideal is bound up with a theocratic view of society, while the just war is usually fought on public authority for more mundane goals such as defense of territory, persons and rights. Content with the achievement of more concrete political objectives, the just war stops short of countenancing the utter destruction of the adversaries and tends to limit the incidence of violence by codes of right conduct, of non-combatant immunity and by other humanitarian restraints lacking in the holy war”.⁷

Initially, differences between holy and just wars were less discernable, as the crusades had both religious motivations and juridical institutions designed to punish those who offended Christian values (ibid). Therefore, both will be considered. However, wars in the name of religion or for conversion later came to be outlawed. Today, violence in the name of some direct theological agenda tends to be the result of terrorist activity rather than the actions of a state. Furthermore, as stated earlier, there exists another dichotomy; just war rules are generally characterised as *ius in bello* and *ius ad bellum* – the latter refers to the rules governing the decision to go to war, while the former refers to rules of engagement once the war is already underway. For the purposes of this paper, I will focus on *ad bellum* requirements.

⁶ Inis L. Claude, Jr., “Just Wars: Doctrines and Institutions”, *Political Science Quarterly*, Vol. 95, No. 1. (Spring, 1980), 83-96.

⁷ Frederick H. Russell, *The Just War in the Middle Ages*, Cambridge University Press (1975), 2.

Christianity's Jewish Heritage

In the Jewish Bible, God commands the waging of war through religious leaders. If they obey God's command, the Hebrew people would prevail against their enemies. Besides conquest and destruction of enemies, war was also used to discipline the people. For example, in the Golden Calf incident in Exodus 32:36-8, Moses is ordered to kill those who did not worship Yahweh. The Jewish approach to war is best described by Michael Walzer. Walzer claims that there is no Jewish theory of war and peace because Jews, being stateless and in exile until recently, write only for themselves with regard to their circumstances and not with reference to any actual existing international society⁸. Jews were usually the victims of wars, not the agents, and without a state, they were also not theorists of war (Nardin, 96). The state of international affairs, from a Jewish perspective seems rather Hobbesian – as a state of war, since peace (*shalom*), which Walzer says is related to the word for completion, wholeness or perfection – the ultimate peace which is only really possible in the Messianic age. The Jewish dichotomy of war is not one of 'just' and 'unjust' but 'divinely commanded wars' (*mitzvah*) and 'permitted wars' (*reshut*) – optional or discretionary. There is no category of 'forbidden war'. There are some conditions that are disapproved of, but these only occur in the context of a permitted war (such as disapproval of wars of religious conversion or wars for civilisation. Permitted wars are those which include wars of self-defence (for the Talmud contains the maxim: If someone comes to kill you, kill him first (Nardin, 97-99)) or wars to safeguard the nation of Israel (see Nardin, 117). Walzer notes that "there is nothing in the Jewish tradition that requires, or even that provides a vocabulary for, a moral investigation of particular Jewish wars" (Nardin, 104). There are certain *jus in bello* criteria (only besieging a city on 3 sides, not attacking civilians or their property) but nothing like the *jus ad bellum* criteria of just war that Christianity advocates. Walzer states that God is not known to have made any specific or general prohibitions in warfare in Jewish scripture and these have been derived mainly through interpretation (*s'vara* – commonsense, reasonableness) (Nardin, 97-117).

However, as I will later explore, the existence of war in Jewish Scriptures, and reference to the many divine commands to engage in war became incorporated within Christian philosophy, as these scriptures were incorporated into the Christian canon as the Old Testament.

The New Testament and War: From Pacifism to Just War

Compared to the many references to wars in the Hebrew Bible, the New Testament is generally lacking in teachings on warfare, and what it does say appears contradictory. Many passages do not condemn the use of violence. For example, in John 2:15, Jesus uses a whip of cords to cleanse the temple, perhaps condoning violence to bring about social change. In Matthew 10:34, Jesus said that he came not to bring peace, but the sword. John the Baptist does not condemn soldiers for their profession but tells them to do violence to no-one, to refrain from false accusations and to be content with their wages (Luke 3:14). Jesus also says in Luke 22:36 that he who has no sword should sell his garment to buy one. However, certain other passages seem to prohibit Christian participation in war. Peter was commanded to sheath his sword, for those who lived by the sword would die by the sword (Matthew 26:52). Even self-defence is

⁸ Michael Walzer, "War and Peace in the Jewish Tradition" found in Terry Nardin, ed. *The Ethics of War and Peace: Religious and Secular Perspectives*, Princeton, NJ: Princeton University Press (1996), 95.

prohibited as in the Sermon on the Mount, Jesus advised his followers not to resist evil but to turn the other cheek. He said that they should love their enemies and not judge one another. (Matthew 5:39, 41; 7:1; cf. Luke 6:27-9; Romans 14:13) He tells his followers to give place to wrath and to leave vengeance for their injuries to God (Romans 12:19).

It is because of this ambiguity in the New Testament text that Christian writers had to accommodate Biblical precepts to the Hebrew and Roman examples of holy and just war (Russell, 11). Aviezer Ravitzky states that Christianity originally started off with the pacifist message, which is seen to arise from the Sermon on the Mount⁹. Clergy tended to condemn all warfare, especially Roman wars. They rejected military service in favour of the *militia Christi* – a pacific struggle against evil. Church father Origen (c.185-c.254) argued that Jesus' message was one of non-violence, and that Christians have a spiritual vocation to support the emperor and fight his enemies by prayer to God rather than through military service. Priests and the religious were especially enjoined against engaging in battle. In fact, participation in political matters, even for the maintenance of the laws and the support of religion was discouraged because the rule of the Church (in accordance with the Word of God was seen as far more pertinent and important to the life of a Christian than state matters¹⁰. Origen described the Old Testament wars authorised by God as necessary for Jewish kingdoms, but since wars were no longer permitted by Christ, God allowed the kingdoms to disintegrate (Russell, 11). "Origen considered the Old Testament as an allegory of the New, consequently Christians should study the historical books of the Old Testament with the understanding that these wars should be understood as spiritual wars against the devil. They functioned as *exempla* for moral edification rather than as guides for making decisions" (Russell, 11). Lactantius (c.250-c.330) echoes this commitment to non-violence but also has a marked disdain for the state. The evolution of human society from cave to village and later to city and state is almost abhorred as "foolish trifle" of "wretched and pitiable men" and "the greatest impiety" (Holmes, 53) because ultimately this separates man from man, whereas God created man as one collectivity.

However, it was with the Emperor Constantine's conversion to Christianity, and after Christianity became the official religion of the Roman Empire that the "just war" doctrine began to develop. The peace that Constantine maintained within the empire, and his many benefactions to the Church may have influenced Christian theologians to accommodate Roman wars. Rome had a tradition of the just war from the time of Cicero (106-43 B.C.), in which he defines just wars as those undertaken for defence of honour or for safety. He also states that wars without provocation are unjust and that only war waged for revenge or defence could be just. Finally, he says that to be considered just, a war must be proclaimed and declared, or reparation must first be demanded. (Holmes, 25). Many of these elements later found their way in Christian formulations. Constantine's bishop and advisor, Eusebius of Caesarea, identified the Roman Empire with the divine peace-keeping mission. He developed two forms a Christian vocation: the laity had to shoulder the burdens of citizenship and wage just wars, while the clergy was to

⁹ Aviezer Ravitzky, "Prohibited War in Jewish Tradition" found in Terry Nardin, ed. *The Ethics of War and Peace: Religious and Secular Perspectives*, Princeton, NJ: Princeton University Press (1996), 123.

¹⁰ Arthur F. Holmes, ed., *War and Christian Ethics: Classical and Contemporary Readings on the Morality of War*, 2nd ed. Grand Rapids, MI.: Baker Academic, (2005) 48-50. This text is an anthology of various excerpts from original texts. Although I cite the original text, my page numbers will refer to the Holmes text and not the section from the classic or contemporary extract.

remain outside of society and dedicated solely to God. Thus, the participation of Christian laity in Roman wars was now approved (Russell, 12).

Ambrose (c.339-397) recognises the necessity of war for the sake of a secure peace, but denounces needless bloodshed. Already, there are elements of certain *ius in bello* rules. The Christian is charged with showing compassion to his enemies (Holmes, 55). After the Edict of Thessalonica in 381, Christianity became the official religion of the Empire. Legislation obliged the government to defend the teachings of the Church from heresy, and ultimately, heresy was assimilated with the crime of treason, thus sowing the seeds of animosity between believer and unbeliever. Ambrose prayed for the success of Roman armies, because he saw them as defending the empire from thieves. Roman defeats came to be viewed as punishment for sin, and war as punishment for sinners. Ambrose, thus combines Roman and Christian morality, by supporting just wars by reference to the Old Testament. The cause of the war must be just, as were the divinely-ordered wars of the Old Testament. However, the Roman rules of warfare, fidelity, and respect for the enemy's rights, were also to be maintained (although such rules seem to be relaxed when dealing with heretical barbarians) (Russell, 13-15). This illustrates how a grounding of the just war doctrine based on both Old and New Testament moral principles was still lacking.

Augustine and the Concept of the Two Cities

It was Ambrose's student Augustine (354-430) who combined Roman and Judeo-Christian thought. He explains the existence of war as one of the unavoidable consequences as well as remedy caused by human sin, although the right end of society is peace and justice, even in war. He alters Cicero's definition of the state as "an assemblage of reasonable beings bound together by a common agreement as to the objects of their love" (Holmes, 61). In order to have justice, man had to serve God, and the only object worthy of love is God, therefore to truly be a "people" individuals must be "bound together by higher interests" (Holmes, 62) because only God and the law of God can truly command the soul and reason. The soul and reason by themselves are incapable of controlling the vices. Augustine cites David and Moses from the Old Testament (who were commanded by God to fight), soldiers being baptised by John and a centurion from the New Testament whom Jesus does not instruct to change his profession as a tacit approval for soldiering. He has no problem approving of violence towards "him who rebels and resists", but advocates showing mercy to "the vanquished or the captive" (Holmes, 63). He argues that Christ's command to turn the other cheek is an inward disposition rather than a bodily action (Holmes, 65). According to Augustine, it is not war-making that the Bible prohibits, but the violence, cruelty and lust for rule that accompany war (Russell, 16). As Ravitzky argues:

"Augustine, the chief spokesperson for this [just war] doctrine, buttressed his arguments by citing the sayings of the prophets in their literal, original senses; the pacifist verses in the New Testament, however, had to be given a new, nonliteral interpretation. Here too, this was done by way of spiritualization – not, however, of texts that called to battle, but of those that rang with pacifism. The latter were interpreted as referring to man's inner state, to the depths of his spirit, and not to concrete historical reality" (Nardin, 124-5).

Regarding authority, Augustine has God as the highest authority that might compel men to engage in war. The monarch is also delegated a legitimate authority to wage war for the safety and peace of the community (Holmes, 65) and all this must be in obedience to God. He reasons that soldiers are to have impunity because they are following orders from a higher authority – the King. Even if the King is misguided or ungodly, since obedience is the duty of a soldier, he is still morally innocent. In some ways war is cited as something that brings people together, because they become more unified within the Empire, and an imposed common language may also strengthen a bond of peace between people (Holmes, 71). He describes peace between man as “concord among citizens”. A perfectly ordered peace, however, can only be found in the heavenly city. He says “there may be peace without war, but there cannot be war without some kind of peace, because war supposes the existence of some natures to wage it, and these natures cannot exist without peace of one kind or another” (Holmes, 71). Even things that are evil (including the nature of the devil himself) have some good. He notes that war is temporal, and that periods of war also give way to periods of peace, which may be longer than those periods of war, but nonetheless, these conditions are mortal and they necessarily shall pass away (see Holmes, 79). He says that “the earthly city, that does not live by faith, seeks an earthly peace”, achieved usually by “the combination of men’s wills [read: commonwealth] to attain the things which are helpful of this life” (Holmes, 78). In other words, the state system itself is a result of the imperfection of the earthly plane whose imperfection originates in the Fall of Adam, for the heavenly city has no such seemingly arbitrary “diversities” (Holmes, 79).

Augustine still had to deal with the New Testament precepts of ‘turn the other cheek’ (Matt. 5:29) and ‘give place to wrath’ (Rom. 12:19). He developed the doctrine by which war, broadly described as the punishment of a sinner, was motivated by love of the sinner (Russell, 57). Augustine thus transformed the Christian notion of love (*caritas*) into a motivation for waging war. A private citizen or cleric, however, could not kill an attacker, even in self-defence, since this would entail loss of love. Therefore, the pacifism of the early Church still extended to civilians. Because state leaders had the sole authority to make war, the need for legitimate authority was later emphasised as necessary to wage a just war. The actual justification of war came from the need to avenge injuries, or to punish wrongs by members. This seems similar to the Ciceronian view that the aims of the just war are to address grievances and secure compensations for loss, and to return the aggrieved part to the *status quo ante bellum*. However, Augustine went further, since his definition of justice extended beyond simple legal rights and included a respect for divine rights. Therefore, the justification of war was also made possible in cases where Christian law, or Christian orthodoxy or the rights of Church hierarchy were violated. This eventually paved the way for the Crusades which synthesised holy war with the just war (Russell, 19-26, 38). Church canon law would eventually come to codify the support for the Church to combat against heretics, excommunicates, enemies of the peace and infidels. Around 1085, Anselm of Lucca published the *Collectio Canonum* which justified coercion against the enemies of the Church. The Crusades, being directly authorised by the Pope became the Church’s ultimate just war (Russell, 38-39).

Developments in Roman Law

In the Roman Empire, codes of conduct for soldiers (for example those developed by Italian jurists Azo (1190-1220) and his student Accursius (c.1182-1263)) were formulated, which

delineated the rights and obligations of soldiers. Roman law limited the authority to wage war to the Emperor alone. Feudal lords, counts, kings or other rulers fell out of the scope of the just war, perhaps because these were viewed as private violence, and not in defence of Empire or Church (Russell, 46). However, Odofredus (d. 1265), when inquiring whether a vassal could aid his lord against his own *patria*, by reference to canon law, concluded that loyalty to one's *patria* overrode the fidelity owed to one's lord, and subsequently, wars waged for the defence of the *patria* came under the purview of the just war (though, *patria* was never defined as a specific political unit). It is worth noting that for a war to be recognised as such in Roman law, the opponents had to be specifically considered enemies, and the violence or unjustness of their act was less in issue. However, Accursius may have extended the right to a formal declaration war, which could only be made by the emperor against the enemies of the Empire; a formal declaration of war was now also possible by Rome against her rebellious subjects, "probably as a veiled reference to the wars waged between Christian princes within Europe, especially within the empire" which further extended just war conditions to other disputes which were not before recognised as war. Civil lawyers in the late thirteenth century appropriated the just war as "a tool of statecraft in the arsenal of kingdoms, that, *de jure* or *de facto*, operated outside the jurisdiction of the Holy (Roman) Empire" (Russell, 50).¹¹

Perhaps one of the most important documents of canon law in the Middle Ages was Gratian's *Concordia Discordantium Canonum*, often called the Decretum. This had a great impact on European canon lawyers and theologians alike. In *Distinctio I*, Gratian states that the repulsion of violence by violence was justified by natural law. In *Causa 23*, in which he deals with warfare, he draws heavily on the writings of Augustine. In his interpretations of scripture, he determined that military service appeared to be sinful (he cites Matt 5:39,41; Rom. 12:19; Matt. 26:52; Deut. 32:35; Matt. 7:1; Matt. 13:30; Rom. 14:4) and he agreed with Origen that Christians were not to emulate the wars of the Old Testament, since they were an allegory of the spiritual wars Christians fight against the devil. However, using Augustine, he ultimately affirms that not all military service was sinful, if done to punish evil-doers (which included defending justice and fighting against the pagans). Punishing evil-doers is, rather, an act of benevolence, performed in their best interest, although against their will. Therefore, wars had to be waged with a benevolent disposition. He then cites Luke 3:14 in which John the Baptist tells Roman soldiers to be content with their wages, rather than asking that they lay down their arms. He interprets this as merely a prohibition on soldiers from seeking more than their legitimate wages for their services. He stated that the precept to love one's enemies did not go so far as to permit sinning with mercy, and from his views on capital punishment that he viewed those who enforced the punishment "not as guilty of cruelty, but as ministers of God and avengers of his wrath" (Russell, 59).

To be just, a war had to meet Christian standards of morality. Gratian's first canon, inspired from Cicero, defines the just war as one waged by an edict to either recover lost goods to defend against enemy attack, and to avenge prior injuries¹². He also adds the requirement of justice, which had the effect of enshrining the just war with judicial process. As the laws of the city were enforced by city authorities, the procedure of war had to be undertaken by the right

¹¹ For further distinctions on the legal terms *hostes* and *guerra* in Roman law, see Russell, 49.

¹² Russell cites the original text: "*Cum ergo iustum bellum sit, quod ex edicto geritur, vel quod iniuriae ulciscuntur*" – A just war is waged by an authoritative edict to avenge injuries (Russell, 64, footnote 30).

authorities, rather than private individuals. However, he does not specify what just war causes were or what constituted an injury. He did not specify which authorities could declare a just war, but he justifies war as a means of defence not only of the *patria* or commonwealth but of self, of the Church and of associates¹³ (Russell, 62). If repelling injuries done to one's associates is justified, the right of intervention by a third party might also be justified. From this may stem the rudimentary formulations for a right of third party humanitarian intervention (see Russell, 66)¹⁴.

From this development, it becomes clearer how the Crusades came to be associated with the just war. For example, Bernard of Clairvaux justifies war in the Holy Lands (a Holy War) because "the Lord of heaven is losing his land" and "the enemy of the Cross has begun to lift his sacrilegious head there" (Holmes, 88)¹⁵. All the wonders of Christendom had to be fought for, such as the holy relics, for they were the basis of the faith in the medieval period¹⁶. However, developments in Christian thinking would later come to condemn wars for conversion or in the name of Christ.

Aquinas: Creating a Manual of Christian Theology

St. Thomas Aquinas (1225-1274) unites natural law tradition with biblical ethics. In his most important work, the *Summa Theologica*, he sets out both *in bello* and *ad bellum* criteria grounded in Christian ethics. He teaches that war should only be declared for a "just cause" although first, an offer of peace should be made. (Holmes, 104). He reasons that all wars are unlawful, that war is always sinful, but war is not a sin in itself because John the Baptist said to soldiers "Do violence to no man... and be content with your pay" (Luke 3:14). By telling them to be content with their pay, he did not forbid soldiering" (Holmes, 107). In order for a war to be just, three things are necessary: the authority of the sovereign, a just cause (that those who are being attacked deserve this on account of some fault, such as inflicting wrong on its subjects, or not restoring what it has seized unjustly), and a rightful intention (so that they intend the advancement of good, or the avoidance of evil) (Holmes, 107-8). Aquinas recognises fighting might be required for the common good. Even prelates and clerics can fight (as shepherds guarding the flock against wolves) (Holmes, 109). However, for Aquinas, one of the most important criteria for a just war was that it be legitimately authorised. Since war is a public matter,

¹³ Russell does note that the word *socii*, translated as 'associates' did not refer to non-arm's length third party relations, such as allies subject to another prince, but it referred to persons over whom the defender already had some jurisdiction (Russell, 66).

¹⁴ As C. S. Lewis says regarding Jesus' command to turn the other cheek, "Does anyone suppose that our Lord's hearers understood him to mean that if a homicidal maniac, attempting to murder a third party, tried to knock me out of the way, I must stand aside and let him get his victim?" C.S. Lewis, "Why I Am Not A Pacifist," in *The Weight of Glory and Other Addresses*, ed. Walter Hooper, rev. ed., New York: Macmillan, (1965), 49-50.

¹⁵ Interestingly, de Clairvaux says that the Jews are not to be persecuted, killed or even put to fight, because they are "the living words of the Scripture, for they remind us always of what our Lord suffered. They are dispersed all over the world so that by expiating their crime [of crucifying the Messiah] they may be everywhere the living witnesses of our redemption" (Holmes, 90). It seems as though Jews are only to be preserved for their eventual conversion, since they were God's chosen people (Holmes, 91).

¹⁶ Note that in many cases, part of the arguments for wars such as the Crusades were based on notions of Christian theology, namely the belief in the divinity of Christ. The acquisition of relics and protection of the holy lands were justified by linking them directly to God Himself, since Christ, as God, lived on the earth as a man. However, any discussion on these issues is beyond the scope of this paper.

he says that “those who hold supreme authority” are the only legitimate authority. Of course, the nature of the authority may change, depending on the nature of political organisation, but Aquinas allows for those changes, and an interpretation of Aquinas in which the UN Security Council is the only international body through which states or others can legitimately engage in war is possible¹⁷. And perhaps it is owing to Aquinas’ legacy that the same safeguards were established by UN legal documents. However, Aquinas did not tackle questions of veto power or who has the power to vote or the red tape that is associated with eliciting Security Council action; the process itself might jeopardise human lives by delaying necessary military action. It is Augustine’s criteria, however, that become the basis of later just war developments and which also form the basis of the sections in the *Catechism of the Catholic Church* (1997) that deal with war.

The Early Modern Period

Until the beginning of the sixteenth century, the medieval characterisation of war continued to be influential, however, with the Peace of Westphalia, and the state system, many of the features of war in Middle Ages ceased to exist. Christian authority was now questioned, with Martin Luther and the Reformation. Europeans had also begun to explore and colonise the world, and lawyers and philosophers were stimulated to develop a just war theory that relied on natural law rather than Christian morality so that the people they conquered could be held accountable.¹⁸ Armies of common men replaced ancient armies with long heritages and codes of chivalry which formed the code of ethic relating to war. In addition, advances in weaponry made it possible to inflict terrible destruction on less militarily advanced foes. Naval warfare had developed, with overseas lands to conquer. All this required the establishment of codes of conduct. Christian legalists like Vitoria and Grotius would attempt to respond to this need.¹⁹

Protestant reformers like Calvin (1509-1564) and Luther (1483-1586) condone the vocation of the soldier.²⁰ Luther cites the New Testament (Rom 13:1-4; 1 Pet 2:13-14) to describe war as a sword “instituted by God to punish the evil, protect the good, and preserve the peace” (Luther cited in Charles, 50). This view is a result of his Two Kingdoms theory: the sacred and the secular, each with their own authorities, or in more modern parlance, separation of church and state. Like Augustine and Aquinas, Luther also characterised a just war as an act of charity, and

¹⁷ *The Responsibility to Protect* specifies that the Security Council ought to remain the only legitimate body to authorise humanitarian intervention. This may avoid accusations of bias, ulterior motives or illegality that occur when regional powers like NATO intervene unilaterally. However, relying on the Security Council is not without its problems for it can act as a hindrance to taking swift action to end humanitarian atrocities. For example, the 1999 NATO-led intervention in Kosovo showed how “[r]elying for legal authority upon the Security Council, which includes Russia and China, two notorious human rights abusers, almost guarantees inaction, even where the human stakes are colossal” (Samantha Power “Humanitarian Intervention: A Forum,” *Nation*, July 14, 2003, at www.globalpolicy.org/empire/humanint/2003/0714nation.htm). Russia, China and India were the strongest opponents of the NATO action. They view unilateral humanitarian intervention as a representation of the West’s imposition of a new “standard of civilisation” that will be used to justify intervention by strong states against weaker ones using humanitarian concerns as a pretext for their own interests.

¹⁸ John Kelsay and James Turner Johnson, eds., *Just War and Jihad*, Westport, CT: Greenwood Press, (1991), 17.

¹⁹ James Turner Johnson, *Just War Tradition and the Restraint of War: A Moral and Historical Inquiry*. Princeton, NJ: Princeton University Press (1981), 172 also 179-185.

²⁰ J. Daryl Charles, *Between Pacifism and Jihad: Just War and Christian Tradition*, Downers Grove, IL: Inter Varsity Press (2005), 49-50. Charles has many extracts from original documents and I cite from his text rather than the original document.

argues that it is an act of Christian love to defend and protect a community by the sword. Luther analogises war and soldering to the acts of a good doctor who may be required to amputate a limb to stave off disease from the rest of the body. For Luther, it is “both Christian and an act of love to kill the enemy without hesitation... until he is conquered... And when victory has been achieved, one should offer mercy and peace to those who surrender and humble themselves” (Charles, 51). Just wars are necessary in a world of injustice and unjust peace, and soldiers are as “useful to the world as eating or drinking or any other work” (Charles, 51). In fact, military service was considered a duty of the Christian to bring about peace and justice, and such service is a “work of love” done “for the sake of others”. Not serving as a soldier would consequently be acting “contrary to love,” thereby “setting a bad example to others”. Luther even advocated coming to the aid of third parties, or neighbours²¹ as he says “although you do not need to have your enemy punished, your afflicted neighbour does” and war could be an integral part of Christian discipleship so long as it is not for “avenging yourself or returning evil for evil, but for the good of your neighbour and for the maintenance of the safety and peace of others” (Charles, 52). Only abuse of the office of the soldier was condemned. However, Luther was no crusader, and he did not advocate inciting war in the name of Christ.

Like Luther, Calvin finds a scriptural basis for the need for war as an instrument of God, and of the magistrate as acting as the agent of God, when he is acting not out of his own accord, but according to the precepts of the Christian faith. In *Institutes of the Christian Religion*, he states that Kings and nations too “have been entrusted with power to preserve the tranquility of their own territories, to suppress the seditious tumults of disturbers, to succour the victims of oppression, and to punish crimes” (Charles, 53). He saw it as part of “the nature of the office, therefore, that princes are armed, not only to restrain the crimes of private individuals by judicial punishments, but also to defend the territories committed to their charge by going to war against any hostile aggression (*ibid.*). In response to the New Testament objections against war, he responds that the causes of war which existed in the ancient (Old Testament) world still existed, therefore, government authorities retained their primary function of preserving the peace. Finally, he argues that the New Testament did not contain any explicit teaching on war because it was mainly a book on salvation, not on the justification and organisation of civil government. He also cites John the Baptist’s encounter with the soldiers as tacit approval for war in the New Testament. He did acknowledge however, that in addition to a just cause, right intent and last resort are moral imperatives: “the evident object of war ought to be the restoration of peace, and certainly we ought to make every other attempt before we have recourse to the decision of arms” (*ibid.*).

As explained earlier, many legal scholars at the time adapted just war principles for the modern period by appealing to principles of natural law. As Charles explains

“Justice has a deeper basis than mere religious confession. It is known though nature and intuited universally as binding on all people everywhere. This the law of nature becomes a law to the nations (*ius gentium*), holding them accountable to the unchanging demands of justice.

²¹ Note that in the Gospels, when Jesus describes the “neighbour” whom he asks us to love, he says that everyone is one’s neighbour (Luke 10:29) – thus making all of humanity neighbours, and the concept of Christian love (*agape*), described as unconditional love or disinterested love.

Just-war principles then find confirmation in natural law and are not a mere appeal to religion” (Charles, 56).

Consequently, unlike the Middle Ages, where the emphasis of theorists was primarily on Christian doctrine, and secondarily from natural law, in the Age of Discovery, the natural law basis for the doctrine came to be of primary importance. The application of the doctrine came to be questioned in the face of a divided Christendom, and increasing contact with the non-Christian New World. Francisco de Vitoria (1480-1546), after hearing reports of the Spanish treatment of native Americans in the New World, argues for equal rights of Spanish and Indians regardless of religious background, and argues that Indian had property rights that the Spanish king could not just seize. Therefore, war with the native Americans to acquire their land was unjust. However, as with previous thinkers, he says that war may be warranted if it is in defence against aggression, for the recovery of stolen property or as punishment for wrongdoing, and he affirms *in bello* requirements of proportionality and that war be waged only against the guilty party (Charles, 56-58). He also acknowledges that only a proper authority can use coercive force, stresses that proper authority lies with government officials who must have recourse against enemies, through the institution of war, in order to “adequately protect the public weal” (Charles, 60). In Vitoria’s writings, we see the emergence of an “international law” with its moral basis in natural moral law. And perhaps in his questioning of the role of war, and by exempting from fighting those convinced of the injustice of a particular war, he made room for selective conscientious objection (Holmes, 118).

Francisco Suárez (1548-1617), like Augustine and Aquinas, viewed war as a duty of love, and in his most important work, *The Three Theological Virtues*, he stressed that the laws of war are binding on all nations, and enlarges Aquinas’ concept of the law of nations (*ius gentium*) – the often unwritten body of general laws, which has gained acceptance in the course of history because it serves the well-being of all men and because it conforms to the universal and primary principles of natural law, which are unchanging (Holmes, 195, see also Charles, 61). He argues for a “required mode of uniformity” as to warfare which must be observed at the beginning of a war, during it and after it since these rules were “founded upon natural law, [and] is common to Christians and unbelievers” (Charles, 62). He argues that war is not intrinsically evil, and that Christians are not forbidden to fight. His interpretation of biblical passages is interesting and often contradictory to previous’ thinkers. For example, he says that Christ’s command to Peter in the garden is not an interdiction against war but an interdiction against private initiative to use to sword against the wishes of the prince (Holmes, 200). Greater evils may occur if war were never allowed. He states that defensive war is not only permitted but commanded (Holmes, 200) because these are often to repel evil. Defence may also be undertaken under one’s own authority (Holmes, 202). In order to wage a just war, in addition to Aquinas’ stipulations of a legitimate power, a just cause and just reason, Suárez added proportionality, last resort, and reasonable chance of success (Charles, 62). Regarding what is a just cause, he lists the following: a state guarding itself from molestation, it must be against a group that has committed some wrong that is deserving of punishment e.g. seizure of property, for reparation, as punishment (Holmes, 206-7). War against infidels or wars of colonisation and conquest are argued against (Holmes, 212-13).

Perhaps the most influential thinker in the area of just war and international law was the Dutch legalist Hugo Grotius ((1583-1645). Incorporating much of the writings of Augustine, Ambrose and even the early church fathers, he advocated the applicability of universal, natural laws, and he clearly articulated rules that specify both *ad bellum* and *in bello* requirements. In *Law of War and Peace*, for a war to be just, Grotius specified six criteria: just cause, sovereign authority, formal declaration, proportionality, reasonable chance of success, and last resort (Charles, 64-65). Grotius also advocated the use of pre-emptive force in some cases, for example, to ensure the commercial right of passage, to punish treaty violations, to assist an ally in a just cause, or to defend oppressed Christians (*ibid.*)

The significance of the contributions of these early modern thinkers cannot be overstated, as it drastically shifted the focus of the justification of war away from a religious ethic, grounded in revelation and on scriptural interpretation, to the attempt at a more universal conception of morality. As a result, certain moral standards were upheld, and new standards were aspired to which lay the foundation for contemporary international relations. As Arthur Holmes summarised, these early modern thinkers made possible the ideas that

“all people have equal rights by virtue of their common humanity. Justice insists that we treat equals equally. Religious differences and causes are therefore as irrelevant to the pursuit of justice as are differences in race or culture or economic status. Justice cannot allow for morally irrelevant considerations”.²²

Many of their contributions were to set the standard for the development of the just war theory in international law. While their work may have been subject to increasing philosophical refinements over the centuries that may have influenced how and when states go to war, for all practical purposes, the same arguments they used to restrain war were used to broaden the acceptable conditions under which it was undertaken. More people have been killed in modern warfare than ever before possible, as the combination of nationalism and modern weapons of mass destruction fuel wars that are always justified as being fought for the ultimate cause.²³ For example, in his “fireside chats” in the 1930s, U.S. President Roosevelt used Biblical terms referring to the division of countries in a war as the divide between good and evil and justified American involvement in the war with reference to a Christian tradition.²⁴ Similarly, George W. Bush said “there is a higher father that I appeal to” when asked about whether he had ever consulted his father about the invasion of Iraq.²⁵

The just war continues to be the dominant view, even amongst modern just war thinkers. I will now examine some of these viewpoints.

²² Arthur F. Holmes, “A Just War Response,” in *War: Four Christian Views*, ed. Robert G. Clouse, rev. ed., Downers Grove, Ill.: InterVarsity, (1991), 182.

²³ Donald A. Wells, *The War Myth*, New York: Pegasus, (1967), 39.

²⁴ Roosevelt, Franklin D, Address of the President delivered by radio from the White House, September 3, 1939 at <http://www.mhrcc.org/fdr/chat14.html>.

²⁵ Robert Scheer, “With God on His Side... By Invoking a Higher Power, Bush Sidesteps Pesky Constitutional Issues” *Los Angeles Times*, Tuesday, April 20, 2004, <http://www.commondreams.org/views04/0420-01.htm>.

Just War – The Contemporary Viewpoint

While the Catholic Church clearly embraces the notion of just war and has incorporated this teaching in their *Catechism* of 1997, there have been many influential Protestant thinkers who have also been staunch supporters of the existence of a just war doctrine. One contemporary thinker, American-born Protestant Rheinhold Niebuhr (1872-1971), begins his work *Christianity and Power Politics* by arguing why the Church is not pacifist. Niebuhr points to the Gospel, calling Christianity “not simply a new law, namely, *the* law of love” (emphasis added) and he refers to Christian morality as “the final norm of human conduct” (Holmes, 301-2). However, the morality he advocates is not pacifist. He argues that pacifists, like Meno Simons were trying to achieve a certain perfectionism that was only accomplished by “disavowing the political task and by freeing the individual of all responsibility for social justice”. Niebuhr thus asserts the fact that most pacifist Christians do tend to live within a micro-society created by their church leaders; many live in small, rural communities, are staunchly apolitical and often have little need for anything provided by the state as they live in self-sufficient communities, often with no need for electricity. This kind of pacifism, therefore, he sees as impossible if one wishes to remain within mainstream political society. In fact, he goes so far as to call these pacifists heretics (Holmes, 303) and describes their interpretations of scripture as a fruit of a futile Renaissance faith that was the result of a “Renaissance spirit, which pervaded the whole of modern Protestantism” which in turn assumed that the “highest measure of peace and justice” would be made possible by man “among selfish and sinful men”. Niebuhr continues this work in support of a Christian just war doctrine, offering the example of preventing the violence of Nazi Germany as a justification of war. He argues that a “simple Christian moralism” may be unsuitable when faced with issues such as this which are a reality of the modern world (Holmes, 312). He cites the injunctions of Jesus that he came “not to bring peace but a sword” or that he asked the disciples to sell a cloak and buy a sword. And while recognises the injunctions to “love your enemies” and “be ye perfect as your father in heaven is perfect” are other sayings of Jesus, he states that these are finally and ultimately normative but “not immediately applicable to securing justice in a sinful world” (Holmes, 305).

Another important Protestant writer and just war proponent is Paul Ramsey (1913-1988). Ramsey’s interpretation of disinterested love or the concept of *agape* creates a preference for just-war claims that seems to trump a call for non-violent resistance or pacifism, by creating a “protection paradigm” which authorises force in some conditions to protect the innocent.²⁶ “Violence can be an expression of love” when one is seeking to protect others (*Ibid.*). However, Ramsey, like Augustine confines use of violence to the level of the state, and proscribes non-resistant pacifism at the individual level (Miller, 150). However, Ramsey appears to be very liberal in his approach, even allowing for so-called collateral damage if it is done to serve a greater good of protecting others. Even self-defence is allowed not as “self-defensive self-protection” but as “neighbour-regarding self-protection” (Miller, 152). Ramsey places the importance at the intention of the party involved, not the end results (Miller, 151-2). It is not justice that is the concern in social relations except in the context of some *pax-ordo* or *ordo pacis* – this is what is to be preserved – order (Miller, 153). Ramsey even justifies using nuclear weapons in a war, that is, he argues against what he terms “nuclear pacifism” (Holmes, 342),

²⁶ Paul Ramsey, *Basic Christian Ethics* as quoted in Richard B. Miller, *Interpretations of Conflict: Ethics, Pacifism, and the Just-War Tradition*, University of Chicago Press (1991), 149.

though he said that this does not extend to first strike use but only for use as a deterrent to war. This raises the possibility of nuclear deterrence as an expression of Christian love, and this certainly makes me question then whether the politics of nuclear non-proliferation and reduction are actually efficacious in a world that has seemingly wholeheartedly embraced a just war doctrine.

Pacifism is viewed with a certain amount of scorn within mainstream political thinkers. For example, in his influential book, Michael Walzer says that non-violent defence

“differs from conventional strategies in that it concedes the overrunning of the country that is being defended. It establishes no obstacles capable of stopping a military advance or preventing a military occupation. [...] This is a radical concession, and I don’t think that any government has ever made it willingly.”²⁷

As J. Daryl Charles vehemently argues:

“And while pacifism as self-defense is morally legitimate, pacifism as public policy is not. *Someone* must protect society. *Someone* must protect the citizenry. *Someone* must protect the neighborhood. *Someone* must perform those untidy public services that often are taken for granted. To say that Christians cannot serve in such positions or that political power is inherently evil or that force cannot serve just purposes is simply misguided and lacking support from the Christian Scriptures. Moreover, it is thoroughly out of line with mainstream Christian thinking about vocation throughout the ages, even when it is currently regnant within the academy” (Charles, 93).

Conclusion

In this paper, I have illustrated the continuity of thought regarding justifications of war from the early Church Fathers to the development of modern legal codes on warfare. The importance of the Christian influence cannot be underscored, despite attempts at secularisation and universalisation of the rules of war by distancing them from Biblical precepts, or Church doctrine. While this paper has concentrated on the development of rules and norms, by examining how the authors of the Bible, and Christian thinkers throughout the ages have interpreted and defined Christian morality, perhaps, an examination of Christian theology and dogma will demonstrate how these interpretations are also connected with particular kinds of Christianity. Consequently, current norms of international relations rely not only on Christian morality but are also intimately linked to Christian theology and metaphysics. In his book, Franziskus Stratmann, although presenting the Catholic viewpoint, questions why war cannot be eradicated. He does not say that there will be no more fighting or contention – which he calls “struggle” – since man has free will. Free will results in individual wants and needs. It also leads men to form groups, and the common will of some groups differs from the common will of other groups. However, if these groups no longer has trained and equipped armies, war could be eradicated. Stratmann argues that for centuries slavery was considered part of the divine and unchangeable ordering of the world, and thinkers from Aristotle through to Church leaders

²⁷ Michael Walzer, *Just and Unjust Wars*, New York: Basic Books, (1977), 330.

justified slavery. But in the nineteenth century, slavery was abolished. So too might war be abolished²⁸.

“Both slavery and war are incompatible with the solidarity of the nations. As long as the power of the slave owner and the weakness of the slave lasted, so long slavery was looked on as part of the Divine ordering of the world; and so long as the present system of armaments and its result the explosion of war is considered a necessity for the State, just so long shall we go on hearing that war is part of the Divine economy” (*ibid.*).

Perhaps it is simplistic and overly idealistic to believe that in today’s world, countries will voluntarily give up their professional armies and recourse to war. However, perhaps by re-examining the justifications of war, changes can be made within legal codes to better clarify the criteria for war, so as to avoid as much destruction of human life as possible. I have tried to show how, although the world may have changed greatly since the time of Aquinas or Grotius, we continue to apply the principles which they expounded, which are all ultimately connected to one point of view. Both in the past, and now, application²⁹ (or in some cases, non-application³⁰) of these rules has resulted in large scale losses of life. A re-examination of the doctrine of just war, with reference to the Christian pacifist view, or to non-Christian, non-Western sources of morality may indeed result in vastly different concepts of morality and more nuanced formulations of the just war criteria.

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²⁸ Franziskus Stratmann, *The Church and War: A Catholic Study*, New York: Garland Publishing, Inc, (1971). 50-51.

²⁹ For example, the US-led intervention in Somalia in 1992, or the US/NATO bombing of Serbia in 1999 were justified with reference to just war theory.

³⁰ For example, the lack of intervention from the international community in Rwanda in 1994, or Bosnia in 1995 was justified by saying that it did not meet the criteria for humanitarian intervention.

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