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Saint Augustine and the
Theory of Just War



CONTINUUM STUDIES IN PHILOSOPHY

connections, and postulate systems for the purpose of representing interrelationships in a productive way.

Augustine's genius lies, in part, in his ability to synthesize potentially disparate themes into unified wholes. There were many who came before Augustine and who had access to the same writings as he did but who failed to notice the subtle interconnections among biblical, patristic, and other philosophical writings in general, which constitute the foundation of Western just-war thought. If due consideration is given to these intricately woven interconnections, one can dissect the web without destroying the pattern and conclude, with Markus, that Augustine's 'theory of the just war' is actually quite 'easy to isolate from the web of concepts, assumptions, and attitudes which go into the making of a man's mind: particularly a mind as complex, subtle, and differentiated as Augustine's'.⁶² In what follows, we shall seek to separate out the individual strands of Augustine's just-war thoughts and organize them under headings corresponding to what have come to be the traditionally accepted principles of just-war theory – principles upon which the influence of Augustinism is clearly evident. Some may argue that such a structural imposition claims for Augustine that which he does not claim for himself, and thereby runs the risk of distorting his intended meaning. Indeed, in fairness to Augustine, we must allow that, were he systematically to have presented his views on just war, he might well have produced a structure that differs from what we might attempt to reconstruct sixteen-hundred years later. However, anything short of such an attempt at reconstruction leaves one faced with the risk of failing to notice many or any of the important connections that transform merely random observations into a philosophical system; and it is difficult to conceive that a philosophical mind of the stature of Augustine's operated merely on the basis of random observations.

The traditional criteria for a just war

The modern theory of just war typically is presented under two major headings: *jus ad bellum* and *jus in bello*. *Jus ad bellum*, or 'the justice of war', seeks to specify principles which define the right of one sovereign power to engage in violent action against another. In contrast, *jus in bello*, or 'justice in war', specifies the limits of morally acceptable conduct in the actual prosecution of a war – in support of the claim that 'it is not permitted to employ unjust means in order to win even a just war'.⁶³

The traditional list of *jus ad bellum* and *jus in bello* principles typically varies in minor degree from author to author. This is not so much due to a basic disagreement as to what the principles should be as it is to one of presentation. Some authors tend to combine multiple principles under a rather more

general heading, while others opt for a greater range of distinctions. We shall tend to the latter approach inasmuch as this will enable us to examine the specific details of the theory of just war with a much higher degree of resolution than otherwise would be possible.

Jus ad bellum principles

Just cause The reason for resorting to war must, itself, be a just reason. Traditionally, just causes have included the defence of the innocent against armed attack, the recovery of persons or property wrongly taken, or the punishment of evil.

Comparative justice Although war exists as an ethical possibility, there also exists a *strong* presumption against the resort to war as a means to resolve difficulties. Comparative justice requires – in addition to a state's having a just cause for the prosecution of war: a position which, for good or ill, both (or multiple) parties to a conflict are likely to claim – that the claims of an aggrieved party also must be of such magnitude that the presumption against war is overridden.

Right intention The outward disposition of parties contemplating war is not a sufficient guide as to whether the resort to war is actually justified; the invisible (but no less real) inward disposition is also important. The internal motivation must itself be just. Evidence of right intention might include the pursuit of peace negotiations to avoid war, the avoidance of potentially unreasonable demands, etc. A right intention would not involve the desire for territorial expansion, intimidation or coercion, and it would be devoid of hatred for the enemy, implacable animosity, or a desire for vengeance or domination.

Competent authority The decision to go to war can be weighed and declared only by that person, or body of persons generally recognized, by virtue of position in the social framework, to possess authority to make such a declaration, namely, that person or body with no political superior.

Last resort Not even those authorized to declare war are justified in doing so if there be any reasonable means to avoid it. That is, the prevailing circumstances must clearly indicate that no means short of war would be sufficient to obtain satisfaction for just grievances or wrongs against the state.

Public declaration The aggrieved state must set forth the reasons that impel it to war as an indispensable part of its demonstration that all other means for

peaceful resolution short of war have been exhausted. Such a declaration serves, among other things, as an occasion for national reflection as to whether all means short of war truly have been exhausted prior to the commitment to the enterprise of the nation's resolve, energies, and resources. The declaration may come in the form of an ultimatum, which sets forth those remedies short of war that remain available, with the requirement that the offending party avail itself to those remedies prior to a specified time.

Reasonable probability of success Unless the cause that impels military action is of such importance as to merit defence even in the face of seemingly overwhelming odds, a war that presents little or no hope of serving as a vehicle for obtaining satisfaction for just grievances is not morally justifiable.

Proportionality The moral good expected to result from the war must exceed the amount of evil expected naturally and unavoidably to be entailed by war.

Peace as the ultimate objective of war The end of violence, the avoidance of future violence, and, to the greatest extent possible, the establishment or restoration of happiness and human flourishing – in short, a just and lasting peace – must be *the* end toward which the war is fought.

These nine principles, or similar expressions of them in different combinations, traditionally are taken to specify the *permissibility* criteria for a just war. That is, given that the conditions specified by these nine principles are met, a state normally would thereby be considered to have acquired moral *licence* to engage in war, although not necessarily the moral *obligation* to do so.

Jus in bello principles

The fundamental assumption of *jus in bello* is that even a just war can cease to be a just war if it is not fought in a just manner. Two *jus in bello* principles traditionally define the moral boundaries for the just application of force in a conflict already begun.

Proportionality Only minimum force, consistent with 'military necessity', may be used – and even then, only with an eye toward bringing the conflict to a just conclusion as quickly as possible. Violent means which cause gratuitous suffering or otherwise cause unnecessary harm fall outside the scope of what is 'proportional'. This principle prohibits torture and traditionally has served to justify limitations on, for example, the kinds of weapons that can be used. (This *jus in bello* principle differs from the *jus ad bellum* principle by the same name in that the latter is essentially a utilitarian calculation of expected

outcomes before the decision is made to go to war, whereas the former pertains to actions permissible to be taken once a war has begun.)

Discrimination Belligerent parties must distinguish between combatants and non-combatants, with the former normally constituting the only acceptable objects of violent action. Traditionally, non-combatants have included wounded soldiers, prisoners of war, clergymen, women not in the military, children, the aged, and the infirm, all of whom are presumed not to be engaged in the war effort.⁶⁴

To these two *jus in bello* principles we may add a third (as Augustine appears to do), namely, the requirement to maintain *good faith* with the enemy by keeping promises made to the enemy, observing treaty obligations, etc.

Notes

- 1 Paul Christopher, *The Ethics of War and Peace* (Englewood Cliffs: Prentice-Hall, Inc., 1994): 30. The author is particularly indebted to Professor Christopher for his insights concerning the antiquity of the just-war tradition. See also Louis J. Swift, *The Early Fathers on War and Military Service* (Wilmington, Delaware: Michael Glazier, Inc., 1983).
- 2 O. J.-B. Du Roy, 'Augustine, St.', in *The New Catholic Encyclopedia*, 1967 edn.
- 3 Etienne Gilson, *The Christian Philosophy of Saint Augustine*, trans. L. E. M. Lynch (New York: Random House, 1960): ix.
- 4 Frederick Copleston, *A History of Philosophy* (New York: Bantam Doubleday Dell Publishing Group, Inc., 1985): Book 1, vol. 1, 40.
- 5 Albert C. Outler, 'The Person and Work of Christ', in *A Companion to the Study of St. Augustine*, ed. Roy W. Battenhouse (New York: Oxford University Press, 1955): 359.
- 6 See Richard N. Ostling, 'The Second Founder of the Faith,' *Time*, 29 September 1986, 76.
- 7 Paul Edwards, ed., *Encyclopedia of Philosophy* (New York: Macmillan Publishing Company and The Free Press, 1972): s.v. 'Peace, War, and Philosophy', by F. S. Northedge.
- 8 Plato, *Laws* XII 955b9-c6 in *Plato: The Collected Dialogues*, ed. Edith Hamilton and Huntington Cairns (Princeton: Princeton University Press, 1961): 1500.
- 9 Plato, *Republic* V 471a5-b5 in *Plato: The Collected Dialogues*, ed. Edith Hamilton and Huntington Cairns (Princeton: Princeton University Press, 1961): 710.
- 10 Coleman Phillipson, *The International Law and Custom of Ancient Greece and Rome*, vol. II (London: Macmillan and Co., Limited, 1911): 192-3.
- 11 Xenophon, *Cyropaedia, or Institution of Cyrus, and the Hellenics* Book VII, 1, 41-2 (London: George Bell and Sons, 1891): 208.
- 12 Euripides, *Heracleidae* 960-974 in *The Complete Greek Tragedies*, trans. Ralph Gladstone, ed. David Greene and Richmond Lattimore, vol. III: Euripides (Chicago: University of Chicago Press, 1959): 152-3.