"THAT TRUTH THAT LIVES UNCHANGEABLY": THE ROLE OF

ONTOLOGY IN THE JUST WAR TRADITION

A Dissertation

by

PHILLIP WESLEY GRAY

Submitted to the Office of Graduate Studies of
Texas A&M University
in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

December 2006

Major Subject: Political Science

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ABSTRACT

"That Truth that Lives Unchangeably": The Role of Ontology in the Just War Tradition.

(December 2006)

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The just war tradition as we know it has its origins with Christian theology. In this dissertation, I examine the theological, in particular ontological, presuppositions of St. Augustine of Hippo in his elucidation of just war. By doing so, I show how certain metaphysical ideas of St. Augustine (especially those on existence, love, and the sovereignty of God) shaped the just war tradition. Following this, I examine the slow evacuation of his metaphysics from the just war tradition. Through the systemization of just war by St. Thomas Aquinas, aided later on by Bartolomé de Las Casas and Hugo Grotius, the doctrine became a shadowy reflection of the tradition. By analyzing the notions of morality in warfare by political realists (Waltz, Morgenthau), international law, and liberal thinkers (Rawls, Walzer), I show the incoherence of the doctrine when it is separated from its ontological and metaphysical roots.

In Memory of Paul C. Gray
1944-2004

beati qui habitant in domo tua adhuc laudabunt te semper

beatus homo cuius fortitudo est in te semitae in corde eius

transeuntes in valle fletus fontem ponent eam

benedictione quoque amicietur doctor ibunt de fortitudine in fortitudinem parebunt apud Deum in Sion

Psalm 83: 5-8

ACKNOWLEDGMENTS

I would like to thank my dissertation committee for their help throughout this process. I especially thank my dissertation chair, Dr. Cary J. Nederman, for all his suggestions and attention to detail during my years under his tutelage.

This work would be much the worse if not for the constant assistance of many individuals, far too many to identify. However, some individuals do deserve special mention. Courtney Eschbach gave me great support in the initial writing. My fellow graduate students in the Department of Political Science, in particular Hassan Bashir, Jesse Chupp, David Rossbach, and Renat Shadkudinov, gave many helpful suggestions along the way. The greatest help came from my dear Sara R. Jordan, who read through the work, provided helpful suggestions, and brought comfort in stressful times. All help I received is appreciated, though all errors are, of course, my own.

Finally, I thank my family, my mother, Linda, and brother, Justin, for their constant support during my time at Texas A&M University. My father, Paul, passed away before he could see this work completed. This dissertation is dedicated to him.

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CHAPTER I

INTRODUCTION:

ONTOLOGY AND JUST WAR

War is one of the most clarifying events in human existence. It is clarifying because it shows what truly matters to those engaged in it. An oft-quoted line is "there are no atheists in a foxhole," but it is more than that. In war, what one believes to be true comes to the forefront – whether something is worth dying for or killing for, whether life's preservation is all that matters, whether there are such things as "inalienable human rights" (even in war), and the like. War, especially total war, is clarifying because its participants lack the luxury of happy illusions and puffed-up notions that they do not, at their core, believe. War is one of the few human activities that is known to most (if not all) societies, and it raises some of the deepest questions of what it means to be human, and what it means to be good. Are these deepest questions (and their answers) illusions in and of themselves? For the participants, these cannot be illusions. The extremity of the situation calls for reality and truth, not placating illusions.

But if you are facing extermination at the hands of the enemy, is there any reason to hold back from the use of total and brutal force? Is there any reason not to raze the cities and kill the populations of your opponent? While the leader as an individual may

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This dissertation follows the style of the *American Political Science Review*.

be willing to withhold total force rather than save his/her own life, should the leader reserve using total force even at the risk of his/her experiential world? Should one hold back when one's family, fellow citizens, cities, institutions, and entire way of living may cease to exist?

Yes. There are reasons, even in the latter situation, to restrain one's self. The just war tradition, accepting that war is sometimes necessary, also explains how fighting a war must be restrained. Under its prescriptions, to do immoral acts, even for the preservation of the state or its interests, is unacceptable. But why is this so? What could be the reasons for restraining force, even for survival? The answers lie in the ontological and theological assumptions of the just war doctrine's creators. When asking for reasons to restrain force, we need to investigate what the just war doctrine considers the whole of reality, and how this whole can serve to limit activities in the visible world.

It may be odd to approach the just war doctrine from this angle. Often, the question of just war is centered on determining when is it moral to fight. However, this paradigm seems of somewhat limited value. Conflict has always been part of the history of humanity, and seems ofttimes to be inescapable. Rather than approaching the notion of war and just war from an ideal setting where war is a matter that must be debated endlessly before being undertaken, I would rather take it as axiomatic that war exists in the world, and inquire into the means or measures by which such wars can be limited (if they should exist at all).

In studying the just war doctrine, scholars too often focus on the form of the doctrine rather than its substance. This means that scholars are ready to ask questions

about "last resort," "legitimate authority," "noncombatant," and "proportionality" as if these terms mystically fell from the sky and need no context. I will therefore make a distinction between the just war *doctrine* (the simple categories) and just war *tradition* (the categories, along with the ontological background). Rather than just taking these terms as given, I will explore the assumptions about reality and faith held by the originators of the just war doctrine, in order to understand better how these categories fit into a larger view of reality (both political and ontological). Engaging in such an investigation will clarify the logic of how the doctrine comes together, and thus what decisions can be logically concluded and expected from the doctrine.

But why should the ontological assumptions of the just war theorists matter so much? Why are the categories not enough, especially if we happen to agree with them? Without an examination of the assumptions, the corrosive nature of relativism and *Realpolitik* can pervert a just war doctrine. The tradition walks a fine line between pacifism and militarism, and can very easily fall into one or the other extreme. Without the underlying assumptions, the categories lose their meaning, and either all war becomes inconceivable, or any war is as justifiable as any other, as are any tactics. The categories, without context, are essentially of no use, for sooner or later, the question of "why be proportional?" and "why *not* attack civilians?" will arise. A definitive answer is needed to defend the limitations on force, since without such a base, the just war doctrine effectively ceases to exist. Limits on force will be driven either by certain utilitarian calculations (i.e. what amount of bloodshed can be stomached) or by shifting public opinion, neither of which seems terribly suitable for moral questions.

The question of ontology is too often left to the side in modern discussions of political philosophy generally, and the just war doctrine specifically. The vague notion of "morality" put forth by Michael Walzer at the beginning of his *Just and Unjust Wars* (1977) is an excellent example. By viewing morals without considering their context in the whole of Being, one is asking for a relativist response, as illustrated by MacIntyre (1984). In effect, I am arguing that no moral system makes sense until its ontological premises are accounted for. In the case of the just war doctrine, it must by necessity have an idea of higher Being, most likely theological but perhaps even a mere natural law or a "cosmic blueprint" view of reality. Ideas such as consensus, utility maximization, and the like will not be adequate to keep the doctrine from falling into logical disarray. Why? Because the just war doctrine presumes something greater than human beings and their organizations, something that makes necessary the acceptance of the destruction of life and ways of life instead of doing what would be morally wrong.

In the particular case of the Christian tradition, the just war doctrine relies on two ideas of reality. First, it assumes that there is a God and a natural order of Being, and humans should follow God's commandments even at the cost of their own life. Second, the doctrine (specifically, Christian versions of it) also assumes that to act morally and do good is what a human being as a human being should seek. It is humanity's *telos* to try as best it can against the effects of sin but helped by God's grace to be what they were before the Fall, namely, the servants of God. Advocates of the doctrine usually emphasize one or the other of these two elements, but both are useful in bringing out what is needed for the doctrine. The doctrine requires leaders to believe that all the

world is not worth the price of their soul. In other words, leaders must believe in obligations and goods that are greater than temporal success or even survival (should things reach such a horrible impasse), that there is an order that goes beyond the temporal realm that still makes binding claims upon temporal actions. As such, the leader should act morally, even if it leads to military disaster.

Ontology and theology play major roles in this work. But, the interrelations of the two can be difficult, and one must be cautious to clearly explicate what is meant when ontology is discussed in the theological context. Following the example of Gilson (2002[1969], 1991[1936]), I will examine ontology by examining how the theologians delved into questions of Being, especially in relation to God, and how these considerations informed the structure of their metaphysics. In doing so, it will become clear how ontology played a key role within the context of Christian theology, and especially as regards the just war theory. Moreover, the difficulty in maintaining this connection will be explained, especially as regards the experience of what I will call the "Inexpressible" and the move towards systemization in the medieval period.

"Experience," in this usage, means a type of living knowledge of the existential universe, termed the Inexpressible. In other words, "experience" expresses the holistic connection a human being can make, indeed, naively always makes, with what *is* (or at least believed *to be*). Joseph Conrad, in his short story "The Informer," gives an illustration of this notion, specifically as regards the mentality of an anarchist. As the story's narrator states,

> But, indeed, I don't understand anarchists. Does a man of that–of that–
> persuasion still remain an anarchist when alone, quite alone and going to bed, for

instance? Does he lay his head on his pillow, pull his bedclothes over him, and go to sleep with the necessity of the *chambardement général*, as the French slang has it, of the general blow-up, always present to his mind? And if so how can he? I am sure that of such a faith (or such fanaticism) once mastered my thoughts I would never be able to compose myself sufficiently to sleep or eat or perform any of the routine acts of daily life. I would want no wife, no children; I could have no friends, it seems to me; and as to collecting bronzes or china, that I should say, would be quite out of the question. But I don't know. (Conrad 1982[1908]: 389)

Conrad presents the issue of whether one could really live with one's beliefs in day to day life. Indeed, what would a life be like if one held to the ideas in their fullest? What must the interior life of the individual be like? So too, I will argue, with the just war doctrine. Can a leader decide to fight a war only if just, and also only fight to such an extent that is just, and still feel comfortable in his skin before going to sleep? If the just war tradition is understood in its Augustinian form, yes, such a leader can sleep soundly and in peace. But without such a form, the leader, in these moments between wakefulness and sleep, will be deeply conflicted. The just war tradition presupposes certain ontological assumptions, without which it is hard to conceive of the just war doctrine as genuine.

This work will explain how the just war tradition, in the form originated by St. Augustine of Hippo Regius, depends upon a certain notion of ontology. By analyzing St. Augustine's works and ideas, I will show the intersections between his metaphysics and his statements on morality in warfare. I will then describe the slow decline of the just war tradition over the centuries. By replacing the ontology of the tradition with systemization, the just war doctrine began losing its coherence. By the time we reach

the contemporary era, the just war doctrine's propositions become meaningless, tending to reinforce *Realpolitik* goals or pacifistic inaction.

In Chapter II, I discuss the theological and historical context in which St. Augustine wrote. By explaining the influences of Tertullian, St. Ambrose, the Donatist movement, and the Manichaeans upon the Bishop, we can better understand the response of St. Augustine to these ideas and tensions of his time.

In Chapter III, I consider the general outline of St. Augustine's metaphysics. In particular, I analyze the Bishop's views on loves (*caritas* and *cupiditas*), the goodness of existence, order in the moral universe, and God's sovereignty. These various concepts fall under what I will call the Inexpressible. In attempting to describe this experiential notion of what exists, I will briefly show the strengths (and potential weaknesses) of this type of holism.

In Chapter IV, I address how these metaphysical views shape and reinforce St. Augustine's views on just war. By connecting God's sovereignty, the goodness of existence, and the importance of order to the political realm, St. Augustine provides a system where coercion can be used justly, while also limiting this use of coercion even if its is destructive to the justly acting agent. This Christian political realism, dependent upon a certain notion of metaphysics, therefore sanctions both military action and military restraint.

Chapter V discusses the beginning of the decline of the just war tradition. The main culprit for this decay was systemization of the doctrine. By examining certain exemplary thinkers in the medieval and early modern period, I explain how this

corrosion occurred. Beginning with St. Thomas Aquinas, on to Bartolemé de Las Casas, and finally with Hugo Grotius, the removal of ontology from the doctrine becomes complete.

Having studied the historical origins and decline in the metaphysical elements of the just war doctrine, in Chapter VI I begin to consider some contemporary notions on morality in warfare. Specifically, I consider political realism in its various forms. I discuss Kenneth Waltz's neorealism as a form of political amoralism, then consider Hans Morgenthau's classical political realism, that in the end becomes a form of *Realpolitik*.

Finally, in Chapter VII, I consider the relation of the just war doctrine to modern liberalism and international law. Thanks to the legalistic systemization evident in international law as it exists and within liberalism, I argue that just war propositions become absolutized in such a manner as to lead, in practice, towards pacifism. Also, certain versions of liberalism (that of John Rawls) will replace the just war traditions focus on actions and replace them with a concern for regime-type, while other forms of liberalism (that of Michael Walzer) will best encapsulate the dangers of completely removing ontology from morality in warfare.

In the conclusion, I briefly summarize a differing view on the Christian perspective on morality in warfare. Also, I consider whether, and what type, of theology is necessary for the just war doctrine to remain coherent. Finally, I discuss whether the just war doctrine, with its metaphysical presuppositions, is worth preserving in the contemporary era. It may be the case that the type of reasoning required by the just war

tradition is irrelevant today, or indeed may never have reflected reality at all. If this is the case, I will recommend whether the just war doctrine as it has reached us has any place in modern considerations on warfare.

A Note of Clarification

Throughout this work, I will use the term "Inexpressible." This term will be used in order to describe an experiential understanding of the wholeness of Being indicated by St. Augustine. It is this awe of the Divinity and Its creation that are necessary for making the just war tradition coherent. The difficulty in defining this term is the nearly mystical explanation of this phenomenon by St. Augustine. An experience of the Inexpressible serves as a background awareness of the universal structure, perhaps a good example of this awareness being piety. It should not be understood as some constant, full clarity of the universe. Moreover, it should not be mistaken for the idea that experience of the Inexpressible is some type of continuous intuition, much less communication, with God. Certainly, such a constant communication would make deciding what just actions should be done in war much simpler, but not even St. Augustine would claim such a serendipitous situation in the *saeculum*. Except for a brief moment of conscious knowledge, the Inexpressible remains as a background phenomenon in the mind of the decision-maker. In many ways, therefore, the Inexpressible remains just that – inexpressible.

CHAPTER II

ANTE AUGUSTINUM

Among Christian thinkers, St. Augustine, bishop of Hippo Regius, is generally given credit for explicating the idea of the just war. It should be noted that St. Augustine does not present a just war "doctrine" *per se*. Rather, he does something of much greater importance, in that he provides the foundations upon which a just war doctrine would be built. These foundations involve various threads of the Bishop's thought that come together, and find unity. It can be summed up in one in this idea:

> Love, and do what thou wilt: whether thou hold thy peace, through love hold thy peace; whether thou cry out, through love cry out; whether thou correct, through love correct; whether thou spare, through love do thou spare: let the root of love be within, of this root can nothing spring but what is good. (Augustine 1999[c.416], 504[VII.8][1])

To understand what this sentence means requires delving deep into St. Augustine's work. Love is the great motivating force for all things – he refers to it as the "weight" for rational beings as weight is to objects under gravity (cf. Augustine 1961[c.398]: 316-317[XIII.9]; Augustine 1982a: 109-110[IV.4]). Indeed, as one scholar summarizes the matter, "[i]n every soul, as in every body, there is a weight drawing it constantly, moving it always to find its natural place of rest; and this weight we call love" (Gilson 1960: 134). For human souls, love directs their actions, for good or for ill. But love is not limited to the human – the relationships of love define the persons in the Trinity. Moreover, it was out of love that the universe was made – the love of God for what

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[1] Throughout this chapter, citations from works of St. Augustine will consist of page number, followed by book or sermon in Roman numerals, with chapter or section illustrated by Arabic numerals.

would exist (cf. Augustine 1982a: 121-122[IV.16]). The universe itself, and all within it, are good, insofar as they exist. By God's constant participation, these things continue to exist. By the sacrifice of God's Son, human souls may have the chance at eternal happiness. Evil is merely a decay of good, and has no existence in itself. The human soul has freedom, but at the same time, God has foreknowledge of all things, and only He through His inscrutable judgment knows/chooses those who are the elect. Indeed, with the perversion of the will after the Fall of humanity in Adam, "freedom" tends to lead to damnation, while divine grace is required for right action and salvation. All activity should aim to the higher good of God, even in the face of temporal pain and suffering, even toward death.

This is all very broad, but with a purpose. While St. Augustine is among the most influential thinkers in Western history, he is also one of the most difficult authors to summarize. To uncover the basis for the just war tradition, one needs to locate the deepest currents of his ideas. Within Augustine's way of thinking, one can reasonably argue that war is sometimes necessary, while at the same time requiring limits on activity in war, and limiting war to just causes. Because of his strong arguments against an evil "second principle" of dualist sects (and thus the good of existence), his continued belief in the sovereignty, justice, and mercy of God, and of the necessary and not-evil use of punishment in the *saeculum*, St. Augustine shows how war can be permitted, limited, and just. Indeed, the foundation for his just war notion depends on his critique of Manichaean dualism, and it is, in many ways, a result of the critique. The Bishop accepts the just war for two reasons. First, there are times, for correction/punishment of

evil, and for the peace needed by God's Church on earth to spread the Gospel, where coercion will be necessary. However, this use of coercion should always have the love of God as its motivation, and with a concern for the conquered. Second, and more fundamental, one must acknowledge the utter necessity of good's success. Because of God's sovereignty, and His unchangeable nature, good will not only inevitably win (as shown through revelation), but also, at the most basic level, the defeat of good is an impossibility (as shown by theologically-informed philosophy). So, the just should fight in love, with the faith and the hope that, no matter what temporal setbacks or disasters occur in war, the true good can never be harmed.

In this and the following two chapters, the elements of St. Augustine's thought that touch on this issue will be presented, in order to illustrate just how deeply Augustine's metaphysical thought influenced and shaped his ideas on the just war. While the Bishop tended to scatter his ideas across a large number of texts, many of which will be addressed, certain texts will be of particular interest: *De Libero Arbitrio* (On Free Choice of the Will), *Contra Faustum* (Against Faustus), *De Trinitate* (On the Trinity), *De Genesi Ad Litteram* (On the Literal Meaning of Genesis), *De Civitate Dei* (On the City of God), and assorted letters.

The difficulty in tying together the various strands of St. Augustine's thought is his writing style. Unlike later scholastics, he was not a systematic writer, but rather a pastoral writer, addressing his work to specific problems. Moreover, it seems that he was rather conversation-oriented, in that "[h]is character was a gregarious one and he evidently needed someone to share his thoughts, with whom he could discuss and

debate" (Harrison 2000: 162). He wrote to address specific issues, such as the fall of Rome (Augustine, 1984), the threat of various heresies (Augustine 1996), and so forth. Even his more speculative works (such as *De Trinitate*) had events behind them – he released *De Trinitate* in order to stem the prematurely published versions obtained apparently by robbery (cf. Augustine 1991[420]: 63[Prefatory Letter]). Because of this problem-oriented, rather than holistic, method of writing, locating the points of interconnection between various elements of St. Augustine's thought can be quite taxing. However, by looking at St. Augustine's work through both his political theory and his metaphysics, points of connection will become clear.

North Africa before St. Augustine

In attempting to bring together the various threads of St. Augustine's thought, in the aim of showing the connections of his ontology to his thinking on the just war, we should consider some of the context and major influences that would affect him, aside from those that are generally given attention (namely, the influence of Neoplatonism and Plotinus[2]). These can be summed up in three sections: North Africa, the events from the Nicene Creed/Arian heresy to the time of Theodosius, and the development of the layman Aurelius into the Bishop Augustine. In terms of North Africa, the context may be described as a tendency towards separation, illustrated best by Tertullian and by what would be known as the Donatist schism/heresy.

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[2] Cf. O'Daly 2001[1991]: 150, and perhaps Brown 2000: 502-506, among others.

North Africa was the birthplace of St. Augustine, as well as where he would

spend his life in the clergy. What he had to face in this region is important, if one is to

understand what conflicts he would face. First, one should consider the words and

actions of Tertullian, who, before St. Augustine would take his place, was probably the

most important thinker to come from the non-Egyptian portion of North Africa.

Tertullian, living during the time of persecutions against Christians, could well be

described as a proponent for the separation of the faithful. Believing the Roman Empire,

indeed secular authority, to be a bane to the faith, he advocated the separation of

Christians from all political or social interactions with the non-Christian, and damned,

world. For Tertullian, it was better for Christians to form their own subculture, rather

than be polluted by the decadence and degeneration of the secular world. The demands

of the secular world were not the concerns of believers, and indeed being involved in the

secular realm would likely lead to sin. Tertullian's view on Christian participation in the

military provides an example of why he promoted this separation. He was a pacifist,

arguing that the faithful should not take up arms, and should certainly not be in the

military. As he puts it,

> There is no agreement between the divine and the human sacrament, the standard
> of Christ and the standard of the devil, the camp of light and the camp of
> darkness. One soul cannot be due to *two masters* – God and Caesar. . . . But how
> will *a Christian man* war, nay, how will he serve even in peace, without a sword,
> which the Lord has taken away? [emphasis in original](Tertullian 1996c:
> 73[XIX])

There are two reasons for Tertullian's position. The first involves the Scriptural

injunctions against violence, the most famous from the Gospel of St. Luke, where Christ

instructs His followers to "turn the other cheek." Tertullian makes clear the

incompatibility of the military life with Christianity through a rousing digression in his

De Corona:

> Shall it be held lawful to make an occupation of the sword, when the Lord
> proclaims that he who uses the sword shall perish be the sword? And shall the
> son of peace take part in the battle when it does not become him even to sue at
> law? And shall he apply the chain, and the prison, and the torture, and the
> punishment, who is not the avenger even of his own wrongs? (Tertullian 1996b:
> 99[XI])

In Tertullian's view, the very nature of Christianity – its rejection of the sword and the

legal avenues of the world, its focus on Christ's redemption for even one's own sins –

prevents the possibility of a Christian also being a soldier. To kill, to act as the

enforcement agent of the state – these are not acceptable behaviors for a Christian.

The second reason is also theological, but more entwined with the particular

system in Rome at that time (though certainly applicable to most other realms of

antiquity). Since the time of Augustus Caesar, various emperors had been "deified," and

the cult of Augustus was still very popular. Being a soldier in the Roman army would

require an oath that would indeed involve the Christian in idolatry. As such, an

occupation in the military was unacceptable. Indeed, calling the emperor anything

resembling "Lord" was unacceptable to Tertullian (cf. Tertullian 1996a: 41-44[XXIX-

XXXV]). Moreover, the pagan underpinnings of marks of office, typical for ancient

cities, were abhorrent to him. As he explains in *De Corona*,

> When military service again is crowned with olive, the idolatry has respect to
> Minerva, who is equally the goddess of arms . . . . In these respects, the
> superstition of the military garland will be everywhere defiled and all-defiling.
> And it is further defiled, I should think, also in the grounds of it. Lo! the yearly
> public pronouncing of vows, what does that bear on its face to be? It takes place
> first in the part of the camp where the general's tent is, and then in the temples.
> In addition to the places, observe the words also: "We vow that you, O Jupiter,

will then have an ox with gold-decorated horns." What does that utterance mean? Without a doubt the denial (of Christ). Albeit the Christian says nothing in these places with the mouth, he makes the response by having the crown on his head. . . . So you see that idolatry is not without its gain, selling, as it does, Christ for pieces of gold, as Judas did for pieces of silver. (Tertullian 1996b: 100-101[XII])

Naturally, taking any oath with idolatry at its heart would be unacceptable. As Tertullian saw military life in itself as incompatible with the Christian life, these idolatrous elements in its offices only made the position of the Christian soldier that much more untenable.

But on a deeper level, Tertullian separated the faith of Christ from early Antiquity, and indeed reason itself. His famous question sums up his view very well,

What indeed has Athens to do with Jerusalem? What concord is there between the Academy and the Church? . . . We want no curious disputation after possessing Christ Jesus, no inquisition after enjoying the gospel! With our faith, we desire no further belief. For this is our primary faith, that there is nothing which we ought to believe besides." (Tertullian 1996f: 246[VII])

While St. Augustine himself will not merely "baptize" pagan Antiquity in his plundering of the Egyptians (cf. Augustine 1999[396?]: 64-65[II.40.cxliv-cxlv]), as will be discussed below, the bishop of Hippo, unlike Tertullian, will be much more amicable to the use of older philosophy, even if it is utterly to revolutionize it. Tertullian would have none of it, separating the faithful both from the pagan secular world, and from its culture. But even this does not show how much separation Tertullian proposed – he would advocate the separation of faith and reason, or at least Classical reason. Tertullian time and again takes what could only be called an antinomial position regarding the use

of reason in the faith.[3] An example often given comes from his argument against

Marcion regarding the Incarnation:

> Other matters for shame find I none which can prove me to be shameless in a good sense, and foolish in a happy one by my own contempt of shame. The Son of God was crucified; I am not ashamed because men must needs be ashamed *of it*. And the Son of God died; it is by all means to be believed, because it is absurd [*ineptum*]. And he was buried, and rose again; that fact is certain, because it is impossible. (Tertullian 1996d: 525[V])

In this focus on the absurd and impossible, Tertullian keeps faith and classical

rationalism at a distance. Moreover, the sheer energy of his style of preaching creates a

focus on the miraculous, the impossible, the amazing, rather than on syllogisms or the

like.

And yet, Tertullian himself exhibited an odd mixture of Classical thought and

Biblical literalism in arguing for the corporeality of the soul (cf. Tertullian 1996e: 184-

188[V-VIII]), a position that St. Augustine would critique (Augustine 1982b: 129-

132[X.25-26]). Tertullian's animus towards philosophical considerations and Classical

reasoning probably resulted in part from the influence of eschatological notions, and thus

such philosophical wrangling was unnecessary, and indeed harmful. There is also the

issue of Tertullian's Montanism, which in itself would be co-opted to a degree by the

Donatists (cf. Tilley 1997:20-28). But in these ways, Tertullian set the tone to which St.

Augustine would have to answer in two ways. First, he promotes separation from

society and from culture, St. Augustine would have to explain the necessity for

engagement. Second, St. Augustine uses his rhetoric skills wisely in order to compete

with the energetic preaching of Tertullian

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[3] For an opposing view, cf. Sider 1980.

The other element of separation in North Africa is best represented by the

Donatist controversy.[4] While the start of the Donatist schism has traditionally been

dated to 311, fissures were appearing before that time (Tilley 1997: 19-52). In broad

strokes, the Donatist schism, later heresy, revolved around the issue of spiritual purity,

especially as regards *traditores*, or those who had capitulated to the Roman government

during the persecutions under Diocletian. The Donatists believed that spiritual purity

was a necessity for sacramental power – the *traditores* (those who "handed over" the

Scriptures to be burnt by the Roman authorities), by committing a high act of infidelity,

lost all sacramental power, making any sacramental act done by the traitors after the

betrayal null and void. The major break occurred over the election of a deacon named

Caecilian to the episcopal seat of Carthage in 311 CE. Some claimed that Caecilian was

consecrated by a *traditor*, and therefore was not a valid bishop. A breaking group

elected their own bishop, Majorinus, followed by Donatus, commencing the schism (cf.

Tilley 1997: 9-10). By focusing on the purity of individuals themselves, the Donatist

Church was naturally one of separation from society. The Donatists, among other

things, would consider themselves the one true Church in North Africa. In this way,

they followed the lead of Tertullian, who strongly professed that "[o]nly orthodox

Christians–those whose creed and lives demonstrated their adherence to Truth–could

interpret the Bible. Donatists will use this tactic as they profess that the minds of their

opponents are under diabolical control and, therefore, are not fit to interpret the

Scriptures that they once gave away to be burned" (Tilley 1997: 25). This focus on

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[4] The author's discussion of the Donatist schism is highly indebted to Tilley 1997.

purity was key for the structure of the Donatist Church, along with its focus on the Second Coming and the Donatists' major "constituency" in rural North Africa:

> Organisation however, had to meet three considerations. First, the adhesion by the Church to the ideal of integrity, and consequently the personal sanctity of its ministry: secondly, justification in terms of eschatology of the aim of suffering and martyrdom set before the Donatist Christian by his leaders, and thirdly, the satisfaction of the material and spiritual needs of the rural masses whose support sustained Donatism, especially in Numidia and Mauretania Sitifensis. (Frend 2002[1982]: 612)

Meeting all these criteria would ensure the strength of Donatism by the time St. Augustine would become Bishop of Hippo.

The Donatists had an unending fascination with the concept of martyrdom. Some of the most popular and enduring literature from the Donatist sect focuses on the stories of various martyrs, from persecutions Roman and Catholic (cf. Tilley 1996; Markus 1970: 112-113). In doing so, they show an eschatological focus, not unlike that of Tertullian, and which St. Augustine would turn so much against in his *De Civitate Dei*. It is important not to underestimate the influence of the Donatists. As one scholar notes,

> Three generations on from the outbreak of the schism in *c*. 311, the Donatist Church had established itself as one of the major Churches in the west (perhaps the largest). It enjoyed massive support in the countryside and a strong following in the towns of Proconsular Africa. (Frend 2002[1997]: 611)

The sheer number of Donatists in North Africa, and their tendency towards schism (even among themselves), would be a constant problem for St. Augustine during his time as bishop, and be pivotal in shaping his views on coercion. One should keep in mind the attitude of the Donatists towards the world as a whole, for it will influence how St. Augustine will combat them.

> What is clear is that what the Donatists held to, and thought they stood for, was the true African church of the apostles, the church of the martyrs, of Tertullian and Cyprian, which saw the hostile, demonic world represented in the State, and any compromise with it as apostasy . . .. They would not accept the Constantinian settlement, which for them compromised the integrity and purity of the Church and placed it in a subservient position to false authority. (Harrison 2000: 147)

The sheer size of the Donatist party in North Africa would present St. Augustine with many challenges. However, there are similarities between his views and those of the schismatics. Both, in their own ways, believed in the notion of "two cities" (indeed, St. Augustine appears to have picked up the term from the Donatist Tyconius and his *Liber regularum* – cf. Frend 2002[1997]: 622-623), where the earthly city and the Heavenly one are at cross purposes. Both St. Augustine and Tyconius would come to the idea of "two cities" through exegesis.

> The exegete's tools were typology, allegory and number symbolism. Using these aids he [Tyconius] could understand that Scripture showed that Christ and his Church and even the devil and his kingdom were divided into two symmetrical parts. Thus Christ and his Church had a right and a left hand representing two different aspects. The Church could be 'royal and servile' or 'black and comely' (cf. Canticles i.5), while Lucifer could be resplendent as the morning star representing Christ or as a fallen angel. . . . Elsewhere, in his *Commentary on the Apocalypse*, he applied the bipartite principle to the Church as he knew it, particularly in north Africa. There was 'a church of Peter' set over against 'a Church of Judas, ach with its own clergy . . . two altars in one house, a common bed, yet Christ divided.' Just as the Church was divided, so was society. There were 'two cities and two kingdoms, one in the world, one desiring to serve Christ; one desiring to hold sway in this world, the other fleeing the world; one grieves, the other rejoices; one chastises, the other is chastised'; 'One kills, the other is killed; one acts to gain justification, the other to act impiously. Both laboured towards their own objectives, one so that it might be saved, the other so it might be damned. (Frend 2002[1997]: 622)

In seeing what a Donatist perspective on the two cities is, one can see how the Bishop differed from the Donatists. While the latter's view tends to shape the conflict in terms

of the here and now, where the battle lines were clearly drawn between the pure believers and the demonic world (and state or the "Church of Judas"), the Bishop saw the battle as culminating not in the present, where the earthly and the Heavenly were intermixed beyond the ability of clearly distinguishing between the two, to be separated only at the end of time. In this way, one can see what many differences would shape the avenues St. Augustine's thought would take. His major opponents viewed theology in terms of purity, the church eschatologically, and were exceptionally anti-statist. In response, the Bishop would argue for a theology of fractured humanity, of a church working its way through history, and an acceptance (be it qualified) of the state.

Church and State before St. Augustine

St. Augustine's views were often in reaction against the Donatist focus on purity for sacramental power, their rejection of the state and living in the world, and their eschatological focus. However, his responses were not *sui generis*. Rather, much of his work depended on the history of the Church up to his time, especially in terms of the relations between Church and state. Certainly, the relation between the two, by St. Augustine's time, was far from simple, much less clearly benevolent or malevolent. Moreover, thanks to the changing relations between Church and state (along with the increased focus on explicit doctrine at about the same time as this transition), any truly developed theology of politics, concerned with living in the world (not merely waiting expectantly for the imminent return of Christ), had not yet been devised by Christian thinkers or bishops.

At the beginning of the Church, the state, in the form of either regional powers

within the Roman Empire (cf. Sordi 1986) or the Roman Empire itself (Tacitus

2003[116]: 327[XV]; Suetonius 1997: 250[XVI]) would sporadically persecute the

Church. But from approximately 312 CE, the Roman Empire had been a great support

to the faith, although the relationship was often tense, be it in the shifting loyalty of the

Roman Emperor to the Arians or Catholics[5] or the conflicts between bishops and

political leaders. On the side of the Church, there was the difficulty of placing the state

within the Divine history. Some, such as Tertullian, had already placed the state on the

side of Satan. On the other hand, Eusebius had effectively declared the Emperor

Constantine Christ's prince on Earth (cf. Eusebius 1999, Eusebius 1999[335]), the ruler

destined to bring one thousand years of peace. As such, St. Augustine had to navigate

between the often contradictory views of the state within Church history, while

remaining within the bounds of a notion of Divine history working through events.

Another area of tension, revealed explicitly in *De Civitate Dei*, concerned Church

relations with pagans during the intermediary period between illicit practice of

Christianity and its acceptance as the religion of Rome. While the theological and

cultural problems are profound, there is also the matter of how Christianity itself would

be structured, especially after the Empire's turn towards the new religion. Would the

Church simply assume the place pagan worship once held in the state? Or something

different? Moreover, how would Christians and pagans relate to one another in the

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[5] While the term "Catholic" is rather anachronistic (probably better used after the split of the Eastern
Church from the Western Church and most certainly after the Reformation), for the sake of simplicity, the
side in schismatic/heretical conflicts that would be subsumed by the Catholic Church as orthodox will be
labeled "Catholic" throughout this work.

political realm? As TeSelle writes of the aftermath of Theodosius's victory at the battle

of Frigidus [394 CE] against the pagan-associated (but himself Christian) Eugenius,

> Earlier it had been possible to think politically in terms of a tolerant pluralism,
> and philosophically in terms of intellectual insights that transcend particular
> traditions and images. Now the rules of the game were changed–for both sides.
> Augustine conveys something of the either/or feeling of the time as he recalls
> pagan prophecies that Christianity would end in the year 398–and refutes them
> by noting that it was in the following year, during the consulate of his old
> acquaintance Mallius Theodorus, that decrees were promulgated in Carthage to
> overthrow the idols and expropriate the temples (*ciu.dei* XVIII,54). Thus
> Augustine, only a decade after his "conversion," was not only living in a
> different world but playing a different role in it. (TeSelle 1998: 13)[6]

In playing this "different role," the Bishop did have an exemplar to imitate, and this was

St. Ambrose.

As a full discussion of the history of Church/state relations up to the beginning of

the fifth century is a work in itself,[7] only certain elements, those that were perhaps the

most influential on the Bishop, will be considered here. At times in *De Civitate Dei*, St.

Augustine reveals the influence of movements like the Arian heresy on his views of

church and state. So, for instance, St. Augustine made clear his wariness of considering

the state as either a friend or a foe when discussing the hypothesis of his former student,

Orosius, regarding ten persecutions supposedly revealed by Scripture,

> Again, what answer will they give about Julian, whom they do not list among the
> ten? Did he not persecute the Church in forbidding the Christians to give or
> receive a liberal education? . . . Lastly, within our own memory, did not Valens,
> the Arian, the brother of the before-mentioned Valentinian, wrech havoc on the
> Catholic Church in the East in a great persecution? What a strange thing it is not
> to consider that the Church, as it grows and bears fruit throughout the whole
> world, can suffer persecution from kings among some peoples, even when it does

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[6] On this notion of "a different world," cf. Brown 1995.
[7] But cf. Sordi 1986 for Christan persecutions; Williams 1995, Barnes 1993, Morino 1969, and Newman 1871 on the Arian heresy.

not suffer the same among the other nations! . . . When I think over events like these it seems to me that no limit can be set to the number of persecutions which the Church is bound to suffer for her training. On the other hand, it is no less rash to assert that there are to be other persecutions by kings, apart from that final persecution about which no Christian has any doubt. And so I leave the question undecided, offering no support or opposition to either side. (Augustine 1984: 837[XVIII.52])

While St. Augustine (in this excerpt) is specifically attacking the notion of predicting some number of persecutions through Scriptures, the way he does so is revealing. He presents persecutors not listed by Orosius (also included were Goth and other persecutions), the examples listed here being post-Nicaea. His caution at the end, to avoid specious predictions of various persecutions or no persecutions (excepting the final one mentioned in the Apocalypse of John), reflects, in a way, St. Augustine's view of the relation of the Church to the state in practical terms – do not predict its constant enmity, but also do not assume its constant friendship.

While there were some beginnings of a Christian political theory before St. Augustine, even looking as far back as St. Justin Martyr and St. Irenaeus of Lyons in the second century (cf. Justin Martyr 1999a, Justin Martyr 1999b, Justin Martyr 1999c, Irenaeus 1999: 552-554[V.24-25]), the context of the Bishop's life directs us to another, and important, aspect of Church/state relations – specifically, the role of the Christian Bishop vis-à-vis the political authorities. While this may appear, at first glance, to narrow needlessly the focus of this inquiry, it does have a special importance in terms of St. Augustine's development as a thinker. The conflict over the Nicene Creed presented new problems to those holding religious authority, in that the previous experience of the Church provided little assistance. How was a Bishop to act towards the state, the

sometimes ally, sometimes enemy? By the time of St. Augustine's ascension to the

episcopal seat in Hippo, there were three possible avenues he could have followed. The

first was already mentioned – the Donatist method. With a focus on purity and a belief

that in the immanent end of the world, a Bishop could simply follow in the footsteps of a

Cyprian or Tertullian, addressing himself to the political authorities as these

predecessors did during the time Christianity's ban and persecutions. In other words, a

Bishop could act in office as if nothing had fundamentally changed since before the

reign of Constantine.

A second option, also previously alluded to, would be that of Eusebius. If the

Bishop saw the Divine hand in the rule of the Emperor, the Bishop could act simply as,

for lack of a better word, an officer of the state. Certainly, this would not be unusual, for

Rome had its *pontifex maximus* and other religious offices through the state. During the

Nicene Creed/Arian heresy debate, who had final religious authority – the council of

bishops, the see of Rome, the see of Constantinople, the Emperor – was an open

question. Following the Eusebius notion of episcopal responsibility, a Bishop could be

content following the religious instructions of the political authority. Indeed, the

Emperor could be seen as the head of the Church militant, as a revealing phrase in the

second chapter of Eusebius's *Oration* to Constantine:

> He who is the pre-existent Word, the Preserver of all things, imparts to his
> disciples the seeds of true wisdom and salvation, and at once enlightens and
> gives them understanding in the knowledge of his Father's kingdom. Our
> emperor, his friend, *acting as interpreter to the Word of God*, aims at recalling
> the whole human race to the knowledge of God; proclaiming clearly in the ears
> of all, and declaring with powerful voice the laws of truth and godliness to all
> who dwell on earth. [emphasis added](Eusebius 1999[335]: 583[II.4])

The idea of the political leader also being the religious leader would certainly not be shocking in antiquity, and the possibility of a Christian Bishop following this tradition, at least at first, would not have been completely unheard of.

But there was a third option, a position somewhere in between the previous two. This third option placed the Bishop in an admittedly precarious position, in that this option allowed the Bishop to deal with, respect, and indeed ask for the coercive help of the state, but at the same time demanded that, in the face of heterodoxy, that the Bishop stand against the political authority. Before the Nicene episode, such an option was either inconceivable or unnecessary. But with the way the conflict developed, this third option came into importance, and quite likely helped shape (at least indirectly) both St. Augustine's actions as a Bishop and his view of the state, as well as the Church's relation to the state. But in this circumstance, St. Augustine would need role models. While St. Athanasius, the general impression of him being "a man who could face the threats of Roman emperors totally uncowed and unafraid even when he stood apparently alone as 'Athanasius contra mundum'" (Barnes 1993: 1), could perhaps serve as a role model, his methods were more suitable to emergencies, where the tensions were dangerously high. Fortunately for St. Augustine, he happened upon a perfect exemplar for this third way in the person of St. Ambrose, Bishop of Milan. St. Ambrose is important in understanding the development of St. Augustine's thought for two reasons. First, St. Ambrose, the former civil servant turned bishop would, on a personal level, be of importance to St. Augustine, who was seriously considering attaining higher positions that professor of rhetoric in the civil realm. This personal element will be dealt with

later in this chapter. The second reason regards St. Ambrose's style of episcopal

leadership in this "third way." It afforded St. Augustine an important perspective on the

interrelation between the Church and its hierarchy with the state and political authorities.

As such, a brief consideration of St. Ambrose's life as a Bishop of Milan will help

clarify elements of St. Augustine's time as Bishop of Hippo.

Neither a theologian nor clergyman by training, St. Ambrose "had been snatched

in middle life from the duties of civil administration to be transformed, suddenly and

with apparent reluctance, into a bishop" (Cochrane 2003[1940]: 412).[8] However, he

would go on to become one of the more influential bishops of his time. The timing of

his ascension was important, as the previous bishop, Auxentius, was a dedicated

Homoian (a subset of the Arian heresy) and quite powerful (cf. Williams 1995: 112-

116). With the election of St. Ambrose, orthodoxy received a strong ally. While St.

Ambrose's fame is often primarily a reflection of his place in St. Augustine's

Confessions, followed by some of his writings, he left another legacy, specifically in the

practical matter of dealing with the political authorities, on the one hand to protect

church autonomy, and on the other to use the state's coercive powers against heretics:

"Ambrose did not attain his great victory over the Arians merely through the

effectiveness of his preaching and his powers of persuasion but largely through the help

of the imperial laws against heretics" (Morino 1969: v). Moreover, he was a political

survivor. As one recent scholar writes,

> Other combative bishops, Athanasius or Lucifer, fought their rulers from a safe
> distance: sustained proximity even to a sympathetic emperor proved fatal to John

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[8] But cf. McLynn 1994: 4-13.

Chrysostom at Constantinople, and Gregory of Nazianzus, baffled and embittered, resigned from the same see after a matter of weeks. Ambrose's unique record sets him apart from contemporary churchmen and defines him historically. His biography is studded with generals, courtiers and Roman senators, and his name carried weight in a world normally theirs. Ambrose was venerated by Persian nobles, Frankish chieftains and a German queen: his diplomatic reach extended as far as the Roman empire's. (McLynn 1994: xiii)

The Bishop of Milan could use his post in ways that most other bishops found difficult – he could be an administrator and a political figure. While not the strongest of theologians, St. Ambrose's example could be powerful.

In order to see how St. Ambrose could serve as an example to St. Augustine, two events and one portion of his writings will be considered. We will consider how St. Ambrose acted in two different events – his firm, yet passive, resistance to the confiscation of basilicas in about 385 CE, and his much more aggressive resistance to Theodosius after the massacre at Thessalonica in 390 CE. In both of these, we see "the concern of Ambrose to vindicate the autonomy of the Church. That autonomy he conceived to embrace (*a*) its right as a corporate body to self-determination, (*b*) the freedom of its ministers in their representative capacity to speak and act as they saw fit" (Cochrane 2003[1940]: 382). Finally, we will briefly consider some of St. Ambrose's views on the use of coercion, in war and against heretics. As we will focus on St. Ambrose's practical activities most heavily, we will begin with the incident of 385 CE.

St. Ambrose served after most of the Arian heresy had subsided, although still when a Catholic Church could be confiscated for use by the heresy. This particular incident gives a good example of St. Ambrose's episcopal style. The ownership of

church buildings was very much an issue in St. Ambrose's day. As one Ambrose

scholar explains,

> According to classical Roman law, donations made to a divinity, temples, and
> temple precincts, even after the buildings themselves had been destroyed, were
> things pertaining to divine law (*res divini iuris*), and were therefore the property
> of no individual or group. In virtue of its sovereign rights, the State exercised a
> watch over them that in many respects resembled a right of ownership. The
> result of this was that sacred edifices practically belonged to the State and the
> emperor could dispose of them according to his own pleasure. To prevent a
> conflict between Arians and Catholics at Milan, Gratian exercised this right and
> sequestered a basilica. In the East the emperor Theodosius had transferred many
> churches of heretics to the orthodox followers of Nicea with the hearty approval
> of the entire Catholic episcopate." (Morino 1969: 74-75)

Valentinian II (at the behest of his mother, the Empress Justina, an Arian) attempted a

similar switching about of basilicas starting in the spring of 385 CE, probably thanks to

the arrival to Milan of an evangelizing Arian named Auxentius,[9] who was trying to

revive the heresy in that city, and whose preaching appears to have been somewhat

successful (cf. Williams 1995: 204-210).   Indeed, Auxentius is considered "key" to the

crisis by some scholars (McLynn 1994: 184). It was necessary to use the law to bring

this about, so

> …on 23 January 386, [the court of Milan] issued a law that solemnly affirmed
> the freedom of association of those who followed the faith as laid down at
> Constantius' councils of Rimini and Constantinople. Any 'turbulent' opposition
> from those who considered that such freedom belonged exclusively to
> themselves (a thrust clearly aimed at Ambrose) would be treated as treason and a
> capital offense; surreptitious appeals against the enactment would also be
> punished. (McLynn 1994: 181)

Specifically, a basilica used by the Catholics was to be set aside for a particular branch

of Arians (the Homoians). This would lead to the "Easter Crisis" when St. Ambrose took

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[9] Note that this is not the same Auxentius as the former Bishop of Milan.

action.[10] The Milan court sent soldiers in order to demand various basilicas in the city.

In order to give comfort to his congregation, St. Ambrose gave a sermon against

Auxentius in one of the long-besieged basilicas, and "taught the congregation anti-

Homoian hymns as a means of relieving tension while maintaining their faithfulness"

(Williams 1995: 214), as was mentioned by St. Augustine in his *Confessions*.[11]   During

the siege, a deadlock formed.

> A break in the deadlock occurred when those catholic soldiers guarding the
> basilica were threatened with excommunication. The result was that these
> entered the church where Ambrose was presiding, having abandoned the
> besieged basilica, and asked for prayers, presumably prayers of forgiveness. On
> Maundy Thursday word came that the emperor had ordered all soldiers to
> withdraw from the basilica and the *signa* of sequestration had been removed.
> (Williams 1995: 214-215)

In order to push back the efforts of the political authorities, St. Ambrose used more

passive means. He focused his efforts on the morale of the faithful and waiting out the

siege of the basilicas. But, in the end, he also used the more aggressive means of an

excommunication threat to extol Catholic soldiers to choose the Church over the state.

In his re-telling of the incident to his sister, St. Ambrose compares the suffering of his

Church with that of Job. As he says he told his congregation,

> In each of you Job lives again, in each the patience and the valour of that saint
> has shone forth again. For what more resolute could have been said by Christian
> men, than what the Holy Spirit has to-day spoken in you? *We request*, O
> Augustus, *we do not fight, we do not fear, but we request*. This beseems
> Christians both to wish for peace and tranquility, and not to suffer constancy of

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[10] It should be noted that the chronology of these events is somewhat unclear, specifically regarding which year (385 or 386) events described by St. Ambrose (in his seventy-fifth to seventy-seventh letters) occurred. For consideration of the scholarly dispute, confer Williams 1995: 210-212.

[11] "It was the that the practice of singing hymns and psalms was introduced, in keeping with the usage of the Eastern churches, to revive the flagging spirits of the people during their long and cheerless watch" (Augustine 1961[c.398]: 191[IX.7]).

faith and truth to be checked by fear. [emphasis added](Ambrose 1999[385]: 424)

In this way, we see one element of St. Ambrose's episcopal style – the method of passive resistance. By focusing on request, and illustrating a lack of fear, the Bishop of Milan hoped to change the hearts (or at least the actions) of the political authorities through passive persuasion. St. Ambrose's holding of the basilica in 386 through what might now be called a "sit-in" was likewise a use of passive resistance. But various situations would require multiple methods, which St. Ambrose was willing to use as the need arose. One of the most spectacular examples of this would come in 390 CE, when St. Ambrose and Emperor Theodosius would come into conflict regarding the horrific event in Thessalonica.

The events of 390 are generally known, although the reasons for the massacre are debated.[12] In broad strokes, an imperial officer (Butheric) was killed by a mob in Thessalonica. In order to maintain order and his authority, Theodosius ordered the military to find the guilty parties and bring stability back to the city. While supposedly aimed at finding the guilty,

> The hunt for designated criminals collapsed into a wholesale settling of accounts, with profit probably (to judge from the bargains reported by Sozomen) the chief consideration of the unpaid soldiers. . . . By its awful demonstration of strength at Thessalonica the army, which by its constant presence in the cities had come to replace the domestic slave population as the enemy within, had briefly made the collective nightmare of the respectable classes come true. (McLynn 1994: 322)

The slaughter resulted in the deaths of thousands of those within the city. In reaction to the slayings, St. Ambrose took a more aggressive stance as Bishop in his confrontation

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[12] Cf. McLynn 1994: 315-318.

over the matter with Theodosius. The aggressive method involved the withholding of

sacraments, especially through excommunication. St. Ambrose took seriously the

requirement of the clergy to engage political officers. As he explains in his letter to

Theodosius after the massacre, "If the priest speak not to him that erreth, he who errs

shall die in his sin, and the priest shall be liable to the penalty because he warned not the

erring" (Ambrose 1999c: 450[3]). Following in this reasoning, St. Ambrose exalts the

Emperor through the example of King David, to come to penance as the Old Testament

monarch had done. In his entreaties to Theodosius, we see terminology St. Ambrose

used before, in his passive resistance before his active resistance regarding the basilicas.

Now the order is reversed, as can be seen by the words the Bishop of Milan uses to state

his case:

> I have written this, not in order to confound you, but that the examples of these
> kings may stir you up to put away this sin from your kingdom, for you will do it
> away by humbling your soul before God. You are a man, and it has come upon
> you, conquer it. Sin is not done away but by tears and penance. Neither angel
> can do it, nor archangel. The Lord Himself, Who alone can say, 'I am with you,"
> [Matt. 28:20] if we have sinned does not forgive any but those who repent.
>
> *I urge, I beg, I exhort, I warn,* for it is a grief to me, that you who were an
> example of unusual piety, who were conspicuous for clemency, who would not
> suffer single offenders to be put in peril, should not mourn that so many have
> perished. [emphasis added](Ambrose 1999c: 452[11-12]

In the end, the Emperor would submit to ecclesiastical penance, and St. Ambrose would

act as an example for Bishops and popes in the centuries to come. It is safe to think that

St. Augustine, when considering his own position as Bishop, would keep these two

events in St. Ambrose's life in mind.

Finally, we will consider briefly some of St. Ambrose's views on coercion, in war and as regards pagans/heretics. St. Ambrose did not write nearly as much as St. Augustine would, and none of his works deal fully and specifically with coercion. However, one can find some indications within texts on the clergy, or in his letters and sermons regarding, for instance, the altar of Victory. So, on the issue of war, St. Ambrose elucidates his position, at least partially, in his work *On the Duties of the Clergy* (Ambrose 1999d), although in many ways his views are in common with earlier pagan thinkers (in particular, Cicero, whose *On Duties* formed the basis for this work of St. Ambrose's).[13] So, at one point, he writes:

> How great a thing justice is can be gathered from the fact that there is no place, nor person, nor time, with which it has nothing to do. It must even be preserved in all dealings with enemies. For instance, if the day or spot for a battle has been agreed upon with them, it would be considered an act against justice to occupy the spot beforehand, or to anticipate the time. For there is some difference whether one is overcome in some battle by a severe engagement, or by superior skill, or by mere chance. But a deeper vengeance is taken on fiercer foes, and on those that are false as well as those who have done greater wrongs …(Ambrose 1999d: 23-24[I.29])

One can see that his discussion of justice here also touches on psychology – an unjust act will create more enmity than a loss from chance or superior military skill. While his views on war are somewhat few and far between, one can find more in his discussion of coercion, specifically against pagans and heretics. St. Ambrose's opposition to the altar of Victory serves as a good example of his views regarding the interaction of Church and state. The specific issue was whether the altar (which had been removed under Gratian) should be restored. A pagan by the name of Symmachus believed it should be, with

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[13] Cf. Cochrane 2003[1940]: 413-414.

oaths taken there by Senators as was the case in the past (cf. McLynn 1994: 151-152,

166-168). St. Ambrose's response is instructive. First, he questions the sincerity of the

pagans through past history: "And they are complaining of their losses, who never

spared our blood, who destroyed the very buildings of the churches. And they petition

you to grant them privileges, who by the last Julian [the Apostate] law denied us the

common right of speaking and teaching . . ." (Ambrose 1999a: 412[4]). Second, he

notes that since such an act would be intolerable for Christian Senators under a pagan

Emperor, so why should a Christian Emperor so debase the dignity of others (cf.

Ambrose 1999a: 412-413[8-10]? In a second letter, St. Ambrose comes more to the

point regarding the altar. In effect, he charges the pagans with hypocrisy:

> But, says he [Symmachus], let the altars be restored to the images, and their
> ornaments to the shrines. Let this demand be made of one who shares their
> superstitions; a Christian Emperor has learnt to honour the altar of Christ alone.
> Why do they exact of pious hands and faithful lips the ministry to their sacrilege?
> Let the voice of our Emperor utter the Name of Christ alone, and speak of Him
> only, Whom he is conscious of, for, 'the King's heart is in the hand of the Lord'
> [Prov. 21:1]. *Has any heathen Emperor raised an altar to Christ?* While they
> demand the restoration of things which have been, *by their own example* they
> show us how great reverence Christian Emperors ought to pay to the religion
> which they follow, since the heathen ones offered all to their superstitions.
> [emphasis added](Ambrose 1999b: 418[10])

Within these lines, St. Ambrose's views on the rightful place of religion in the state

become clear. As the example of the pagans showed, one must keep the state's

allegiance with the truth, even if that goes against an idea of religious pluralism. This

notion would apply to pagans, but would also translate very easily to heretical groups,

such as the Arians. While persuasion may be better, in the end the truth, the Christian

truth, must have the state's allegiance, and the state may use its coercive means, at least

to an extent, to carry them out. St. Augustine would have been familiar with St. Ambrose's letters about the altar of Victory, his actions regarding heresies, as well as how his mentor dealt practically, and not only theoretically, with the heresy problem, especially in terms of state assistance. These actions, as will be discussed in later chapters, have echoes in St. Augustine's actions and thoughts on coercion.

Aurelius before St. Augustine

A final element to keep in mind is the personal development of the Bishop himself. As St. Augustine makes rather clear in his *Confessions* (1961[c.398]), he considered himself very different in his younger days, in terms of his beliefs as well as his behavior. The conversion in Milan was (in St. Augustine's telling of the story) one of religion and a holistic change in all his life. While one scholar (O'Donnell [2001]) does question whether the *Confessions* is perhaps not the best (though it seems to be the only) measure of the Bishop's past, at least we can say that for St. Augustine himself, these past events are of great importance in understanding who he was, and what he would become.

The general story of the Bishop's life is a familiar one – that Aurelius Augustinus was born in 354 CE in the North African town of Thagaste to a pagan father, Patricius, and a Christian mother, Monica. Educated in a manner befitting his father, "a decurion or *curialis*, one of the fifty to a hundred members of the council who could hold various offices in the city of Tagaste" (TeSelle 1998: 1), Aurelius would go on to receive a fine classical education, finally becoming a famed professor of rhetoric. During this time, he

took a concubine, having one son with her, and became a member of the Manichaean

sect (discussed in more detail in the next chapter). Over time, he found himself less

satisfied with the Manichaeans, turning more to the love of his youth, philosophy. Upon

encountering the Neoplatonic school of thought, Aurelius discovered a way of thinking

about existence not dependent upon a notion of material substance. Not long afterwards,

Aurelius decided to live a more virtuous life, in celibacy and a life of contemplation.

While he found himself more and more enticed by Christianity, especially after his

introduction to St. Ambrose, St. Augustine for some reason cannot bring himself to

believe. As he wrote in *Confessions*, "For I felt that I was still the captive of my sins,

and in my misery I kept crying 'How long shall I go on saying "tomorrow, tomorrow"?

Why not now? Why not make an end of my ugly sins at this moment?'" (Augustine

1961[c.398]: 177[VIII.12]) Anguished by his indecision, he suffered from an

overwhelming melancholy, until he finally had a life-altering conversion in the garden of

Milan, becoming a Christian at that moment (Augustine 1961[c.398]: 177-179[VIII.12]).

Only a few years later, he would go on to be a priest, then finally the Bishop Augustine

known to history. All of this is general knowledge in terms of the Bishop's biography,

one that he more than most had the ability to shape. As one Augustine scholar puts it,

> We have today some five million words from Augustine's pen, vastly more than
> we have from any of the famous writers of antiquity. None of that material
> survives against Augustine's will. Though from time to time we hear of
> scandalous accusations made against him, we hear of them only from him, or if
> he quotes them to take the polemical advantage. (O'Donnell 2001: 10)[14]

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[14] While there is merit to this idea, one should approach it cautiously. Whether St. Augustine is as oblique
as O'Donnell makes him, or whether this obliqueness is rather a measure of O'Donnell's methodology, is
a question one should keep in mind. This method can and has been used to explain the obliqueness of
other authors as well: so, from McLynn, we have this statement on St. Ambrose, "Too many scholars have
therefore allowed Ambrose to impose his own interpretation upon events, conjuring elaborate ideologies

But there are certain other elements that deserve specific focus. These include St.

Augustine's congenital self-analysis, his torment over the problem of evil, his

development of thinking of existence from tangible to intangible substance, and his

ambitions for the future. Each will be dealt with in turn.

A striking attribute of the Bishop's personality is his nearly obsessive level of

introspection. The whole of the *Confessions*, while in the form of a prayer, illustrate this

level of self-analysis. A typical example comes from the eleventh chapter of the sixth

book from the *Confessions* (although the entire chapter is an excellent sample):

> As I reasoned with myself in this way, my heart was buffeted hither and thither
> by winds blowing from opposite quarters. Time was passing and I kept delaying
> my conversion to you, my God. Day after day I postponed living in you, but I
> never put off the death which I died each day in myself. I longed for a life of
> happiness but I was frightened to approach it in its own domain; and yet, while I
> fled from it, I still searched for it. (Augustine (1961[c.398]): 128[VI.11])

In this passage, one can see the self-referential nature of the Bishop's thought, almost as

if there existed an entire universe within himself. This habit of thinking, this style of

self-focused (not to be confused with self-involved) reflection, is of great use in

understanding St. Augustine's thought regarding the Inexpressible (as it will be called in

this work). For the Bishop, many of the most important elements of a human's life,

specifically in relation to God and to knowledge, are a very personal affair, in that they

are entwined with the interiority of a human being. Indeed, this intrinsic connection of

what is most deeply human to what is divine may be almost impossible to express to

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and strategies from his slogans" (McLynn 1994: xxii). While it is certainly not impossible that both St.
Augustine and St. Ambrose were exceptionally impenetrable, in effect controlling how their lives would
look to posterity, it is wise to consider other perspectives on them as well.

others verbally – it may more seem like a mystical event than a speculative syllogism. This notion of the Inexpressible will be discussed in more detail in the next chapter.

Another issue in the Bishop's development is the problem of evil. The problem tormented St. Augustine enough to lead him to the Manichaeans, with their notion of two principles, one good and one evil, in the universe. Flowing from his intensive introspection, the Bishop sees his early life as quite sinful. Admittedly, his theology focuses on the sin of all, but it is striking to see statements such as, "…if babies are innocent, it is not for lack of will to do harm, but for lack of strength" (Augustine 1961[c.398]: 28[I.7). The most famous example of this self-accusation regards his adolescence, when he and some friends stole pears from a nearby tree, not for reasons of hunger, but for the theft itself. As he relates the matter decades later, "I loved my own perdition and my own faults, not the things for which I committed wrong, *but the wrong itself*" [emphasis added](Augustine 1961[c.398]: 47[II.4]). Thanks to his introspection, much of his difficulty regarding evil resulted from his own inability to explain his weakness of will against his own evil desires. But evil would be a metaphysical and philosophical problem for St. Augustine as well. On the philosophical side of the matter, the Bishop again reveals the progression of his thought in his *Confessions*. His difficulty in understanding the ontology of evil, as St. Augustine considers it, is interconnected with the problem of substance. The Bishop relates the confusions he had in the following way: "There is another reality besides this, though I knew nothing of it. My own specious reasoning induced me to give in to the sly arguments of fools who asked me what was the origin of evil, whether God was confined to the limits of bodily shape,

whether he had hair and nails,…" (Augustine 1961[c.398]: 62[III.7]). This confusion on matters of substance would be a consistent problem for the Bishop in his pre-Christian days, and he would count this confusion among the various reasons he was enticed into the Manichaean sect.

One must especially keep in mind just how important St. Augustine's experience with, and revulsion at, the Manichaeans affected his general views. A point alluded to by St. Augustine in *De Natura Boni Contra Manichaeos* (Augustine 1996[c.405]) is that the Manichaean view of the world, its dualism, effectively gives evil an active nature against the passive nature of the good.[15] In the forty-second chapter of that work, the Bishop writes:

> For they say that some souls, which they will have to be of the substance of God and of absolutely the same nature, which have not sinned of their own accord, but have been overcome and oppressed by the race of darkness, which they call evil, for combating which they descended not of their own accord, but at the command of the Father, are fettered forever in the horrible sphere of darkness. So, according to their sacrilegious vaporings, God liberated Himself in a certain part from a great evil, but again condemned Himself in another part, *which He could not liberate*, and triumphed over the enemy as if it had been vanquished from above. O criminal, incredible audacity, to believe, to speak, to proclaim such things about God! Which when they endeavor to defend, that with their eyes shut they may rush headlong into yet worse things, that say that the commingling of the evil nature does these things, in order that the good nature of God may suffer so great evils: for that this good nature in its own sphere could or can suffer no one of these things. As if a nature were lauded as incorruptible, because it does not hurt itself, and not because it cannot suffer hurt from another. [emphasis added](Augustine 1996[c.405]: 360-361[42])

In this excerpt, and indeed through the entire work, St. Augustine rages at the notion of God being imprisoned, or mixed with an evil nature, or that even such a thing as an "evil nature" exists. But then there is also the passivity involved. God, or portions of Him

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[15] Cf. Jonas 1958: 215-216.

(the divine "sparks" residing in some matter), was "overcome and oppressed" and "fettered forever." God (the Light, the Good Principle) remains passive against an aggressive, and terribly successful, Darkness (the Evil Principle). Under the Manichaean view, the situation would not remain one of good versus evil in constant combat. Rather, if taken to its logical conclusion, evil *itself* perhaps would succeed – evil being the active principle of the two, the passive nature of the good principle would leave it the victim of the evil principle.[16] For the Bishop, this was an unacceptable solution. Although he was troubled by the problem of evil, the notion of that it was the active, and superior, principle in life was abhorrent to him. In this revulsion, and his subsequent anti-Manichaeanism, St. Augustine would take his first steps towards his developed ontology and indeed full metaphysics. As will be discussed later, the Bishop's response to the active nature of evil in Manichaeanism will be his notion of the goodness of existence, something that may best be referred to as the Inexpressible.

However, it is also wise to consider the terminology that St. Augustine uses in the excerpted text: "sacrilegious vaporings;" "criminal, incredible audacity." Repeatedly in this and other works, the Bishop heaps abuse upon his former sect: "degraded and perverted idea" (Augustine 1996[397]: 138[19]), "amazing folly" (Augustine 1996[400]: 235[XVII.3]), "wild irrelevances" (Augustine 1996[400]: 314[XXIII.6]), and so forth. The Bishop's fury at his old sect appears to go beyond a theological dispute – indeed, for St. Augustine, no doubt it was a highly personal struggle.[17] One is reminded of St.

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[16] The author thanks Professor Marueen Tilley of University of Dayton for bringing this element of St. Augustine's thought to his attention.
[17] However, cf. Wood 1986 for a discussion of connections between St. Augustine's attack language and that of Cicero.

Augustine's words, years later, in *De Civitate Dei*, where he writes that "the man who lives by God's standards has a duty of 'perfect hatred' [Ps. 139: 22] towards those who are evil; that is to say, he should not hate the person because of the fault, nor should he love the fault because of the person. He should hate the fault, but love the man" (Augustine 1984: 556[XIV.6]). This 'perfect hatred' was at its strongest in his polemics against the Manichaeans. While the Bishop would naturally argue against a heresy from true doctrine, his rage at the Manichaeans lay much more with his personal history. As Aurelius, he was one of their members, had followed their rules and teachings, believed in the idea of an evil principle and evil natures, and all the rest. One can see in some of his writings a still present anger at the Manichaeans leading him astray: "For there are many things I ought to have done to prevent the seeds of the most true religion wholesomely implanted in me from boyhood, from being banished from my mind, *having been uprooted by the error and fraud of false and deceitful men*" [emphasis added] (Augustine 1996[391]: 95[I.1]). But this anger against the Manichaeans was also, fundamentally, a rage against himself, for "I preferred to excuse myself and blame this unknown thing which was in me but was not part of me. The truth, of course, was that it was all my own self, and my own impiety had divided me against myself. My sin was all the more incurable because I did not think myself a sinner" (Augustine 1961[c.398]: 103[V.10]). One cannot underestimate just how strong was the revulsion and resentment St. Augustine felt for the Manichaeans. As will be shown in the next chapter, this will be especially evident in his metaphysics, and through them, his political theory.

Concerning his past and St. Augustine's thoughts towards it, one element needs to be emphasized. The Bishop's general style was to deal with specific issues, in a pastoral manner, rather than to go through a process of abstract systematizing. In many ways, his thought is deeply reactive – because his notion of the Inexpressible (discussed in the next chapter) is so all-encompassing, his typical way of trying to bring some clarity to this Inexpressible was through a matter of resistance to some other idea. Especially in his metaphysics, though also in his politics, this is seen very clearly in his anti-Manichaeanism. Indeed, one can look at much of the structure of his writing on metaphysics as being directly connected to his ongoing assault against his previous religion. As St. Augustine tends to be (for lack of a better term) a reactive thinker, it should come as no surprise that a great deal of his theology and ontology come directly from his resistance to his former creed. While his exposure to the Neoplatonists and the like should not be minimized, given the Bishop's general style of thinking, perhaps his anti-Manichaean emphasis needs greater study.

So too his views on politics, although these were also modified by the experience of the Donatist schism/heresy, and by certain Donatist writers, such as Tyconius (from whom the bishop would borrow in his own *De Doctrina Christiana*). His anti-Manichaeanism can be seen even here, especially against the notions of purity and perfection that the Donatists held. To an extent, St. Augustine's attacks against the Donatists are a logical and indeed quite understandable continuation of his anti-Manichaeanism – both see a good in the fractured existence of life while arguing against expecting perfection within it. So, too, perhaps this explains his reaction against the

Pelagian heresy. Always and everywhere, the Bishop was arguing for the wholeness of

Being, but one that has its constant focus on God and what is above, not what is in the

saeculum.

Finally, there is the more pragmatic matter of St. Augustine's early life aims.

One can see a slight image of them in something the Bishop writes in the *Confessions*.

In the section, the aforementioned eleventh chapter of Book Six, St. Augustine reflects

upon his vacillations regarding the search for the truth, both in where to find it (the

Manichaeans, the Academics, the Church, etc.) and the means to attain it (continued

work, marriage versus celibacy, perhaps via death, etc.). Near the end of this

remembrance, his earlier self thinks,

> 'It would need little effort to win myself a position of some standing in the
> world, and what more could a man ask? I have many influential friends, and if I
> press for nothing more, I may at least obtain a governor's post. I could marry a
> wife who brings me a small dowry, so that the expense would be no burden, and
> this would be the limit of my ambitions.' (Augustine 1961[c.398]: 127[VI.11])

While a governor's post was not the highest of offices in the imperial service, certainly it

was still a high level of achievement for a man born in a small, comparatively backwater

town of the Roman Empire. To aim that high (and perhaps higher, as indicated by "at

least") shows that young Aurelius was not only interested in truth – there was a certain

amount of social climbing in his plans for the future as well. This, too, became a

moment of self-reproach for the Bishop. Writing about his study of law, he hints at his

level of ambition: "Such ambition was held to be honourable and I determined to

succeed in it. The more unscrupulous I was, the greater my reputation was likely to be,

for men are so blind that they even take pride in their blindness. By now I was at the top

of the school in rhetoric. I was pleased with my superior status and swollen with

conceit" (Augustine 1961[c.398]: 58[III.3]). Although St. Augustine's life would not

take him up the ladder of the imperial civil service, it is well to note the important place,

both politically and socially, an episcopal seat gave its occupant. O'Donnell points out

that there may be more than is generally acknowledged to the disappointment St.

Augustine felt at the loss of a political life (cf. O'Donnell 2001).

While O'Donovan's point may be overstated, it is useful to consider St.

Augustine's ambitious nature. It is a fair observation that the Bishop was very much a

Roman, and as such, the idea of climbing the social and political ladder would be highly

desirable to him. Does this mean that St. Augustine surrendered to a type of will-to-

power when he ascended to the episcopal seat of Hippo, rather than remaining in a life of

contemplation with his friends? Was the life of a Bishop merely St. Augustine's attempt

at a political life by other means? This is where the influence of St. Ambrose will be the

most important. As mentioned earlier, St. Ambrose himself was a former civil officer,

and his style as Bishop was that of an administrator comfortable in the use of power. In

the person of St. Ambrose, Aurelius had a model of an individual who was a bishop and

had a high and powerful position. One can only speculate as to how much this example

influenced St. Augustine's perspective on potentially becoming a Bishop, but it is

something to keep in mind as we consider St. Augustine's activities in words and actions

in the following chapters.

Conclusion

Various influences and constraining factors that evolved long before St. Augustine took the Bishop's miter would greatly shape the types of arguments and forms of logic the Bishop of Hippo would need to take. In dealing with the situation in North Africa, St. Augustine would have to face the inheritance of Tertullian, the anti-state and Classical thinker, expressed through the separatism and purity fixation of the Donatists. As regards Christianity and politics in general, the Bishop would have to place himself as a opposing force (like Tertullian), a courtier (like Eusebius), or as something in-between (like St. Ambrose). Finally, he would have to face his own past and its continued influence on his activities as a Bishop. He would always rage against the Manichaeans, and base a great deal of his thinking in opposition to his former co-religionists. And he would have to consider his own previous hopes for higher office, perhaps his own lust for domination. These influences would come together for the Bishop through his own recollection of his personal history, and his views on the nature of evil (and good), the state and religion, and the ever present *libido dominandi* would slowly gain coherence.

But St. Augustine was not simply determined by his time and place or the immediate context of his family and life, the various things external to himself. Rather, St. Augustine's internal life, and his examination of it, was well developed and of overwhelming importance. This is especially true of the Bishop's attempts at understanding issues like love, God's sovereignty, order, and the nature of existence. His internal life focused upon knowing the truth, knowing God, and in some way

understanding what this meant for his soul, as well as for all other rational beings. But

he considered these and other issues together. Indeed, in his mind, they *were* together,

entwined in a way that could not easily be sundered. All these issues of God, life,

existence, and salvation (among others) pointed to the greatest truth. St. Augustine's

great challenge, then, was finding a way to express the inexpressible. In this

"inexpressible," we can locate the Bishop's metaphysics and theology.

CHAPTER III

THE INEXPRESSIBLE AS *CARITAS*, SOVEREIGNTY, AND

ORDER

The Bishop's discussions of theology, metaphysics, and politics all have their origins in one overwhelming project. Not so much an idea or a concept, the one word that can encompass it is God. St. Augustine himself tends to reveal this idea not so much in his analysis or dissection of thought as in his praise to God. A typical example comes from *Confessions*:

> But you, Lord, live for ever and nothing in you dies, because you have existed from before the very beginning of the ages, before anything that could be said to go before, and you are God and Lord of all you have created. In you are the first causes of all things not eternal, the unchangeable origins of all things that suffer change, the everlasting reason of all things that are subject to the passage of time and have no reason in themselves. (Augustine 1961[c.398]: 26[I.6])

In all of this, the Bishop is trying to express what, in effect, is inexpressible. It is this inexpressible that serves as the basis for all else.

Divinity as the Inexpressible

The greatest difficulty in discussing St. Augustine's ideas is the style in which he states his thoughts, and perhaps even in the manner in which he considers theological, philosophical, and political questions. While the problem-oriented and rhetoric/conversation elements have already been mentioned, there is something more fundamental that provides the greatest problem. At times, his arguments seem to

meander, go in unanticipated (and apparently loosely connected) ways, almost as if he's

"circling" the thought or notion he wants to express, but never quite explicates it. As

Etienne Gilson writes,

> . . . Augustine does not follow an abstract dialectic; he uses a dialectic which is
> merely the actual movement of his own thought. His demonstration of God's
> existence is really a long meditation; every step must be made in its proper place
> and time if the mind is to arrive at the goal; but once that goal is reached, the
> mind is not obliged to stop there. When it turns back and stops at each step it has
> taken, it sees that the end of every step could have been discovered beforehand,
> but that it is actually discovered only when the steps are retraced and after the
> mind has already reached its goal. Only then does the proof seem to fall into
> parts; and each part may appear to be an independent proof, even though it can
> be fully justified only if it is put into its proper place in the whole scheme.
> [footnotes removed](Gilson 1960: 20)[18]

Instead, his texts can almost seem like interconnected reflections, linked together in a

somewhat tenuous fashion. And indeed, the Bishop does circle about the vision he has,

in that he sees it is something beyond description.

St. Augustine, in his view of God and the universe He created, has an

understanding of Divinity that escapes human description. As Divinity, by Its creative

power and providence, is above and yet in participation with every thing, to understand

the Divine is to understand all. Or, in other words, this level of understanding is so

encompassing that only the one uncreated Being possesses it. This is where the Bishop's

problem lies – in effect, he is attempting to put into words something that is, thanks to

the created and limited nature of the human soul, completely outside and beyond the

human's capacity. This inexpressible something, the Divinity understood in

contemplation in a way above thinking, beguiles attempts at definition short of the name

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[18] Cf. Gilson 1960: 17-24 and *passim*.

of God itself. As this Inexpressible forms the foundation for all of St. Augustine's

thought, it serves as both the starting place and stumbling block in studying him. On the

one hand, by considering, however opaquely, this type of overwhelming awe the Bishop

has for this inexpressible, the scholar is better prepared in searching for the core and

basis for all the portions of St. Augustine's ideas. But, on the other hand, this awe also

limits the scholar, because, as with St. Augustine, this inexpressible is simply that –

inexpressible. How can the interpreter circumvent this problem?[19]

One needs to understand St. Augustine's mindset, preferably through a process of

textual immersion. While developing further this method here would be too great a

digression, it can be generally summarized. The Bishop's works must, as best as

possible, be read as a whole and deeply. The scholar needs to look for similar drifts in

his arguments over various works, how much these drifts are explicated, what St.

Augustine at each point attempts to explain, and where, most importantly, the Bishop

finds himself faced with the inscrutable judgment (or awesome presence) of the Lord.

By doing so, the scholar, hopefully, can start following the "grooves" of St. Augustine's

reasoning, and start to conceive of what this inexpressible something is, at least in broad

strokes (indeed, perhaps as St. Augustine saw it himself). This effort brings a great

clarity to the Bishop's thought, for something comes through clearly: *all* the elements of

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[19] In presenting St. Augustine's views as an attempt to understand the Inexpressible, there are certain
resemblances to the ideas of Ludwig Wittgenstein, especially within the latter's *Philosophical
Investigations* (1958), where he writes, "If I have exhausted the justifications I have reached bedrock, and
my spade is turned. Then I am inclined to say: 'This is simply what I do'" (1958: 85e[217]). While there
are certainly important connections and comparisons between the two thinkers' views on language (cf.
Burnyeat 1999), one needs to keep in mind a strong difference: while Wittgenstein wrestled with language
games, St. Augustine's constant struggle was not primarily with what language says, but the actual
existence it means to describe and communicate. On the notion of "pregivens" in St. Augustine, cf.
Voegelin 2004[1951]: 83.

St. Augustine's thought are intricately entwined, because all of these elements are different avenues, attempts, and reflections to express this one overwhelming inexpressible. By seeing it in this light, the scholar comes to view the Bishop in a different way. It is perhaps even wrong, from this perspective, to refer to the parts of St. Augustine's thoughts as "elements" – for this term implies a type of separation from the others – but rather as "expressions" of one thing in different terms or from different angles. For this chapter, three of these expressions of St Augustine will be analyzed: *caritas*, Divine sovereignty, and order. Again, these are not separate "ideas" *per se*, but rather one idea, the inexpressible, elucidated in three different ways.

Caritas

St. Augustine saw human motivation as a matter of love – all men love something, be it God, themselves, glory or power (cf. Augustine 1984: 556-558[XIV.7]). Rome, what the empire stood for through its capital, was loved too much. Rather, such love should go to the City of God. Only by understanding how love interacts with St. Augustine's ontology and his political thought can we fully comprehend his discussion of just war. Specifically, one needs to comprehend St. Augustine's view of the world. For the just war to make sense, reality must be formed from one omnipotent, omniscient, loving God, who allows freedom (even to do evil) as well as foreknows all that will happen. Moreover, this God must also be in total control – only allowing (but not willing) the evil of others. So, for instance, regarding the power of the Devil, St. Augustine writes, "In the very creation of the Devil, though by God's goodness he was

made in a state of good, God had already, in virtue of his foreknowledge, laid plans for making good use of him even in his evil state…" (Augustine 1984: 448-449[XI.17]). He follows this by explaining, "For God would never have created man, let alone an angel, in the foreknowledge of his future evil state, if he had not known at the same time how he would put such creatures to good use…" (Augustine 1984: 449[XI.18]). God, in this respect, already knows the evils that will come, but also has arranged matters in such a way that these evils, despite themselves, will be used for the good. Thanks to this confidence in God, the Bishop can both advocate fighting just wars (to preserve the natural order and peace) and at the same time admonish the just to fight within limits, even at the cost of victory.

It is necessary to be precise about what "love" (*caritas* or *cupiditas*) meant for St. Augustine. Love is the driving motivation for humanity in the Bishop's thought. "Man's love never rests. What it does may be good or bad, but it is always doing *something*" [emphasis added](Gilson 1960: 135). *Caritas* was the prime trait of a Christian, while *cupiditas* pertained to the earthly city. As the Bishop explains,

> By love, I mean the impulse of one's mind to enjoy God on his own account and to enjoy oneself and one's neighbor on account of God; and by lust I mean the impulse of one's mind to enjoy oneself and one's neighbor and any corporeal thing not on account of God. (Augustine 1999[396?]: 76[X.16.xxxvii])

In its more simple form, love also represented the main driving motivation in states. In his redefinition of the Ciceronian concept of the state, St. Augustine maintains that "'[a] people is the association of a multitude of rational beings united by a common agreement on the objects of their love'" (Augustine 1984: 890[XIX.24]). This love, a matter of will, directs how the individual, and the collectivity, will act. The will to love

something is the directing element towards good or evil, virtue or vice, the higher or

lower. As he puts it in Book XIV of *De Civitate Dei*, "If the will is wrongly directed,

the emotions will be wrong; if the will is right, the emotions will not only be blameless,

but praiseworthy" (Augustine 1984: 555[XIV.6]. Love and will are deeply entwined.

But love is also a matter of ontology. This is perhaps not immediately obvious.

However, the best illustration of this resides in his work *De Trinitate*.

The persons of the Trinity are comprised of the Father, the Son, and the Holy

Spirit. All are connected by love. The Father begets the Son, the Son empties Himself

out in love of the Father. In these two cases, it would seem that love illustrates a

relation, a connection, but not an ontological principle. But then there is the Holy Spirit

– this third person of the Trinity is the love shared between the Father and the Son. The

Holy Spirit, then, is an ontologically existent entity which, in relation to the other

persons of the Trinity, is love. Now, for the persons of the Trinity, love is the

connection, in the end, of all of them. To call the Holy Spirit love is not meant to denote

that the other two persons of the Trinity are not love, but rather that the Holy Spirit is

best described as such in terms of the relationship between the persons. The reason is

that the Holy Spirit's relationship is so much more difficult to stipulate than that between

Father and Son, as the Bishop would note. Indeed, it is in trying to explicate the matter

that St. Augustine will bring out this notion.

> He [the Holy Spirit] comes forth, you see, not as being born but as being given,
> and so he is not called son, because he was not born like the only begotten Son,
> nor made and born adoptively by grace like us. What was born of the Father is
> referred to the Father alone when he is called Son, and therefore he is the
> Father's Son and not ours too. But what has been given is referred both to him
> who gave and to those it was given to; and so the Holy Spirit is not only called

the Spirit of the Father and the Son who gave him, but also our Spirit who received him. It is like salvation, which is called the salvation of the Lord who gives salvation, and also our salvation because we receive it. (Augustine 1991[420]: 199[V.3])

The Bishop goes on to describe the Spirit as a "donation," continuing on this notion of

gift. It is in this sharing that love comes forth, and is shown in the Spirit. Love is, then,

not just a relationship, but, as the case of the Holy Spirit shows, an actual ontological

existence.

More than that, St. Augustine follows literally the idea that "God is love."

Specifically, the Bishop refers to various Scriptural references to God as love (John 4:7;

1 John 4:16) and other verses on love, especially in one section in the fifteenth book of

De Trinitate. It may help to quote at length from the discussion:

Just then as we distinctively call the only Word of God by the name of wisdom, although the Holy Spirit and the Father are also wisdom in a general sense, so the Spirit is distinctively called by the term charity, although both Father and Son are charity in a general sense. . . . We can however find where the Holy Spirit is called charity if we carefully examine the words of the apostle John. After saying, *Beloved, let us love each other because love is from God*, he went on to add, *and everyone who loves is born of God. Whoever does not love does not know God, because love is God* (Jn 4:7). Here he made it clear that he called that love God which he had just said was from God; love therefore is God from God. . . . [S]o the natural question is about which of them [in the Trinity] we should here take it as said, that God is love. . . . [I]t is God the Holy Spirit proceeding from God who fires man to the love of God and neighbor when he has been given to him, and he himself is love. (Augustine 1991[420]: 420-421[XV.5]

Love, then, is not merely a matter of relationship in the Trinity, but indeed pertains to the

very substance of God. But what is interesting is that St. Augustine takes an intention,

state of mind, and characteristic and gives it ontological reality, typified in the Holy

Spirit, but indeed in the other persons as well as in general reality. The importance of

this perception is great. Here we have a connection between ontology, intention, right

action, and the Church. Love is a thing shared by God (in His persons) perfectly, and also experienced (both in grace and in giving) by human beings. Love, as a general form, directs human action. Love is an ontological principle.   What does this mean for St. Augustine's thought? To borrow a term from physics, this multi-layered meaning of love is the "grand unification theory" for Augustine's metaphysical and political thought (though not exclusively these two). Love in the form of the Holy Spirit guides the Church on earth. This love is also an ontological entity (again, the Spirit specifically, God generally) and also an ontological principle. And love (in its true or degraded form) directs humanity.

One could question putting so much weight on *De Trinitate*. But while St. Augustine did believe this work was only a possible and limited explanation of its topic, with a notion of the inexpressible he could think nothing less. In other words, if he claimed to speak authoritatively and finally, he would deny the awe this work extols. But, more to the point, when the principles in this work are connected with his other thoughts, in particular his views in *De Libero Arbitio*, *De Civitate Dei*, and the *Confessiones*, the potential weaknesses are minor, and indeed (given his general style of thinking) may fall under the "inscrutable judgement" of God in any case.

Compared to the all-encompassing and eternal nature of God, Who is love, the changeable realm becomes much less important. Temporal things, while good in themselves, must be used and valued vis-à-vis the eternal good, and the eternal life. About temporal things, St. Augustine's opinion remained the same throughout his life as a Christian. As he put it in an early work, "…let him be above temporal things

completely. He must be ready to possess and control them, and even more ready to lose

and not possess them" (Augustine 1964[395]: 32[I.15.cxiii]). Love is the driving

motivation for human action, as mentioned above, so naturally, the will is of great

importance, and indeed the Bishop emphasizes its self-evidence (cf. Augustine

1991[420]: 295[X.3]; Augustine 1984: 459-460[XI.26]; see also Harrison 1999: 94-97).

A good or bad love makes for a good or bad will. The will, as a soul, can come to spend

eternal life with God. But, because of its created nature (i.e. not a necessary existence),

it also has the ability to turn away from God, and lead itself to damnation. "This

'ontological weakness' does not entail their sinning, but it makes it possible that they

will choose evil" (O'Daly 2001[1989]: 87). This is exactly what occurred in the Garden

of Eden, when Adam and Eve broke God's commandment. As such, the will becomes

the pivot upon which a human soul is saved or damned. The will, however, is the area of

St. Augustine's thought that is both extremely important and perhaps inescapably

obscured. St. Augustine's view on the will is difficult to understand, in that it appears to

go through radical changes as his life progressed. Yet, at the same time, the Bishop

repeatedly stated that his views had remained the same (especially during the

acrimonious Pelagian controversy). On the one hand, St. Augustine makes the will the

primary moving agent in a human being, and indeed the actions of the will, and not

nature, determine whether one is good or evil. And yet, on the other hand, the Bishop

also says that a good will is totally dependent on the grace of God, who gives this grace

to whomever He sees fit, while being unknown to humans on earth.[20] The tension

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[20] Cf. Augustine 1984: 190-194[V.9], for Augustine's attempt at a combination of free will and

between these two ideas of the will is never fully relieved, but for our purposes, it is a relatively minor point. What is important is taking note that a good will, directed by a good love (however it comes about), is necessary to enjoy the eternal life, and thereby happiness, with God. Love, again, is the great motivator, whether it is *caritas* or *cupiditas*.

Sovereignty

Love is a motivation as well as an entity, namely, God. What next needs to be addressed is the sovereignty of God. Regarding this element of his thought, we see the greatest reflection of St. Augustine's complete rejection of the Manichaean heresy, especially in terms of its metaphysics. The Bishop's former religion held to the idea of two natures or "principles," one good and one evil. "The two realms are co-eternal as regards the past: they have no origin but are themselves the origins…" (Jonas 1958, 211). The evil principle, or "Darkness," attacks the good principle, "Light," which itself is rather passive, splintering off elements of the Light, and setting the stage for the imprisonment of the Light in the flesh on Earth.[21] In strong reaction to this, St. Augustine built his metaphysics upon two interconnected points, or perhaps better an idea with two clear expressions: the good of existence, and the inviolability and sovereignty of God. On the good of existence, the Bishop's view is well known. Perhaps his most eloquent description of the idea comes from Book VII of *Confessions*,

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foreknowledge, against Cicero.

[21] For a more in-depth discussion on Manichaean theology and mythology, cf. Jonas 1958: 206-237, as well as Stoyanov 2000: 102-119 and *passim*.

where St. Augustine writes, "…I considered all the other things that are of a lower order than yourself [God], and I saw that they have not absolute being in themselves, nor are they entirely without being. They are real in so far as they have their being from you, but unreal in the sense that they are not what you are" (Augustine 1961[c.398]: 147[VII.11]). And a little further on,

> [W]e must conclude that if things are deprived of all good, they altogether cease to be; and this means that as long as they are, they are good. Therefore, whatever is, is good; and evil, the origin of which I was trying to find, is not a substance, because if it were a substance, it would be good. . . . So it became obvious to me that all that you [God] have made is good, and that there are no substances whatsoever that were not made by you. And because you did not make them all equal, each single thing is good and collectively they are very good, for our God made his whole creation very good. [emphasis in original removed](Augustine 1961[c.398]: 148[VII.12])

In the theological context, this good of existence itself requires a different view of God in relation to creation and to evil. This difference expresses itself in the absolute sovereignty of God over all things created. Indeed, the absolute good of existence makes no sense without an absolutely good, and absolute in power, God above it all. Instead of the conflict of the two principles, there remains only the unity of the one principle, the one truly real entity, God.

What sovereignty means, in this anti-Manichaean context, is quite simply wholeness. Going against the idea of separation, St. Augustine sees the universe not as a matter of continuing conflict, but an ongoing order. This order is brought about, sustained, and planned by, and ultimately recognizable only to, God. In this way, God is involved in all things. There is no element of created reality that is outside God's control, from material nature to the spiritual nature of rational souls. As such, there is

nothing unknown or surprising to God, nothing that is not already planned, foreknown, and placed within the context of the whole divine history. All of this resides within the inscrutable judgment and wisdom of God, but can be partially assessed by humanity through reflection and, more specifically, through revelation. In this way, the Bishop surmounts the specific problem of evil that he faced during his time in the Manichaean sect, namely that the evil principle was the active one. This can no longer be the case, as God has sole sovereignty over all things. The evil principle cannot be active, for God alone can be truly active, in the sense that all things are ordered, known, and controlled by him.

At this point, it would be wise to explicate the Bishop's ontology. As with all other elements in St. Augustine's philosophy, his ontology is connected with the Inexpressible – like all the other parts, his ontology is within the overwhelming awe of the Divinity. However, his notion of Being is perhaps best discussed through his consideration of God's sovereignty as well as order (which will be discussed more below).

For St. Augustine, existence itself is good. There is no dualism between evil material substance and good spiritual substance – rather, all substance is good. Existence itself is good, and the more fully existent something is, the more good it is. The only exception for this is in rational souls, where a good love (*caritas*) places an entity lower on the ontological scale (a human) higher on the scale of justice against a higher ontological entity (an angel) that has an evil love (*cupiditas*). As he puts it in *De Civitate Dei*, in explaining the differences between a good human and a bad angel, "Now

in establishing the order of rational beings, such weight is attached to the qualities of

freedom and love, that although angels are superior to men in the order of nature, good

men rank above the evil angels according to the criterion of righteousness" (Augustine

1984: 448[XI.16]). The Bishop believes in the good of existence for various reasons.

To an extent, it is a reflection of his Neoplatonic idea of higher levels of Being, but

much more influential are two verses within the Old Testament: one verse explains the

good of existence through the nature of God, while the other explains he existence

through the creation of the universe. First is the nature of God, described in the book of

Exodus, Chapter III, verses 13-14:

> "But," said Moses to God, "when I go to the Israelites and say to them, 'The God
> of your fathers has sent me to you,' if they ask me, 'What is his name?' what am
> I to tell them?" God replied, "I am who am." Then he added, "This is what you
> shall tell the Israelites: I AM sent me to you."[22]

St. Augustine would consider this verse often. These verses were considered

exceptionally important for Christian theologians and philosophers, especially during the

medieval period. That God would reveal His name struck theologians as being greatly

important, as it could elucidate something about the Divinity's nature. St. Augustine,

too, saw this and concentrated on it. In these verses, he would find the clues for the

nature of God's sovereignty, and with it, the good of existence.

The Bishop considers the verses in various portions of *De Civitate Dei*. So, for

instance, in chapter eleventh of the eighth book: "This [the name] implies that in

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[22] New American Bible. In the Vulgate, "ait Moses ad Deum ecce ego vadam ad filios Israhel et dicam
eis Deus patrum vestrorum misit me ad vos si dixerint mihi quod est nomen eius quid dicam eis[.] dixit
Deus ad Mosen ego sum qui sum ait sic dices filiis Israhel qui est misit me ad vos."

comparison with him who really *is*, because he is unchangeable, the things created

changeable have no real existence" [emphasis in original](Augustine 1984:

315[VIII.11]). Or later, in book twelve, chapter two:

> For God is existence in a supreme degree – he supremely *is* – and he is therefore
> immutable. Hence he gave existence to the creatures he made out of nothing; but
> it was not his own supreme existence. To some he gave existence in a higher
> degree, to some in a lower, and thus arranged a scale of existences of various
> natures. . . . Thus to this highest existence, from which all things derive their
> existence, the only contrary nature is the non-existent. Non-existence is
> obviously contrary to God, that is to the supreme existence and the author of all
> existence whatsoever. [emphasis in original](Augustine 1984: 473[XII.2])

One can also look at *Confessions*, where St. Augustine writes more movingly:

> I realized too that you have chastened man for his sins; you made my life melt
> away like gossamer, and I asked myself, 'Is truth then nothing at all, simply
> because it has no extension in space, with or without limits?' And, far off, I
> heard your voice saying *I am the God who IS*. I heard your voice, as we hear
> voices that speak to our hearts, and at once I had no cause to doubt. I might more
> easily have doubted that I was alive than that Truth had being. For we catch
> sight of the Truth, as he is known through his creation. [emphasis in
> original][footnotes removed] (Augustine 1961[c.398]: 147[VII.10])

Then there are his words in *De Trinitate*:

> Now other things that we call beings or substances admit of modifications, by
> which they are modified and changed to a great or small extent. But God cannot
> be modified in any way, and therefore the substance or being which is God is
> alone unchangeable, and therefore it pertains to it most truly and supremely to be,
> from which comes the name 'being.' Anything that changes does not keep its
> being, and anything that can change even though it does not, is able to not be
> what it was; and thus only that which not only does not but also absolutely
> cannot change deserves without qualification to be said really and truly to be.
> [Augustine 1991[420]: 190[V.1])

From these various quotes, we can see St. Augustine's perspective on the name of God.

The name "I AM," for the Bishop, denotes that God truly *is*, the supreme and fully real

being, totally unchangeable and completely immutable. Not only is God the true being,

but He also is the origin and creator of all other beings and existence. He made and arranged all other existent things. Moreover, non-existence is "obviously contrary to God," indeed is the definition of evil, in the ontological sense. In this way, one can say that God is not sovereign over (as in the originator of) evil, for there is literally no-thing to evil. God's sovereignty originates in the fact that He is the one truly existent thing, or one might say the only "really real" entity. God is supremely good, as well as simple, as the Bishop puts it in *De Civitate Dei*: "What is meant by 'simple' is that its being is identical with its attributes, apart from the relation in which each person [of the Trinity] is said to stand to each other" (Augustine 1984: 440-441[XI.10]). God's Being is simple, and His existence is connected with His goodness. God is sovereign, and His existence is good in itself. Here we can see the connection between God's sovereignty, His goodness, the good of existence, and God's creation. So, we come to the first book of the Old Testament.

The second verse[23] comes from the book of Genesis, Chapter One, verse 31: "God looked at everything he had made, and he found it very good. Evening came, and morning followed–the sixth day."[24] With this, the Bishop expresses the goodness of the existence of creation. But he also keeps in mind with this the idea of the fallenness of humanity. In the final chapter of Book III of *De Genesi ad Litteram*, St. Augustine attempts to understand why God did not say of man, in particular, that he was "very good." As the Bishop explains,

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[23] See page 59 above.
[24] New American Bible. In the Vulgate, "viditque Deus cuncta quae fecit et erant valde bona et factum est vespere et mane dies sextus."

>Perhaps the explanation is that God, knowing man was going to sin and not remain in the perfection of the image of God, wished to say of him, not in particular but along with the rest, that he was good, thus hinting what would be. For when creatures remain in the state in which they have been created, possessing the perfection they have received, whether they have abstained from sin or were incapable of sin, they are good individually, and all in general are very good. . . . But creatures that lose their own proper beauty by sinning can in no way undo the fact that even they, considered as part of a world ruled by God's providence, are good when taken with the whole of creation. Man, therefore, before the fall, was good even when considered separately from the rest, but instead of declaring so, Scripture said something else foreshadowing the future. (Augustine 1982a: 102[III.24])

The whole of creation, then, is "very good," but it can become less than good, corrupted, through sin. The origin of this corruption is the evil will, the will that tries to put itself in the place of God. Existence is good, created from a good God, and evil itself is nothing. God is sovereign in that He is the supremely existent thing, and the creator of all other existent things. The good of existence depends on the good God, and that this God is fully existent.

On the idea of God's sovereignty, St. Augustine would never deviate. As the eternal, unchanging, necessary Being, the idea of God being "fractured" or disunified is inconceivable. Moreover, nothing happens outside the power of God. As the Bishop explains, "no event is to no purpose under the all-embracing government of God's providence, even if the reason for it is hidden from us" (Augustine 1984: 508[XII.28]). God's providence guides all things. Even evil actions, committed by rational souls, were already known to Him before time existed, and He had already integrated how to turn these evils toward the good before anything was created. "From him come all powers, but not all wills" (Augustine 1984: 189[V.8]). Anything that happens, any action that occurs, is foreknown by God, is given the ability to act by His will or permission, and

works as an element in His divine plan (cf. Augustine 1984: 196[V.11]). In total

rejection of the passive, injured Light of the Manichaeans, St. Augustine instead

proposes that God is above harm, and all things that happen are not controlled by fate or

a war of principles, but rather by this one divine Trinity. Thanks to this immutability,

the Bishop can put his highest aims into the future rather than the present:

> I look forward, not to what lies ahead of me in this life and will surely pass away,
> but to my eternal goal. I am intent upon this one purpose, not distracted by other
> aims, and *with this goal in view I press on, eager for the prize, God's heavenly
> summons* [Philipp. 3:12-14]. Then I shall *listen to the sound of your praises* [Ps.
> 25:7][25] and *gaze at your beauty* [Ps. 26:4][26] ever present, never future, never past.
> (Augustine 1961[c.398]: 278[XI.29])

This omniscience and omnipotence of God perhaps best underscores the tensions in St.

Augustine – when free will and foreknowledge are at loggerheads, all that remains is the

inscrutable judgment of God. "Who could plumb this unplumbable depth of God's

counsel, and scrutinize his inscrutable design?" (Augustine 1984: 489[XII.15]).

While the Bishop will discuss God's sovereignty in many places, it is rarely as

clearly stated as in the eleventh chapter of the fifth book of *De Civitate Dei*:

> He is the source of all that exists in nature, whatever its kind, whatsoever its
> value, and of the seeds of forms, and the forms of seeds, and the motions of seeds
> and forms. He has given to flesh its origin, beauty, health, fertility in
> propagation, the arrangement of the bodily organs, and the health that comes
> from their harmony. He has endowed even the soul of irrational creatures with
> memory, sense, and appetite, but above all this, he has given the rational soul
> thought, intelligence, and will. He has not abandoned even the inner parts of the
> smallest and lowliest creature, or the bird's feather (to say nothing of the heavens
> and the earth, the angels and mankind) – he has not left them without a harmony
> of constituent parts, a kind of peace. *It is beyond anything credible that he
> should have willed the kingdoms of men, their dominations and their servitudes,*

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[25] Or 26:7.
[26] Or 27:4.

to be outside the range of the laws of his providence. [emphasis added] (Augustine 1984: 196[V.11])

Along these lines, even the fall and the evils of man are not outside God's foreknowledge or power. "Man could not upset the divine purpose by his sin, in the sense of compelling God to alter his decision. For God in his foreknowledge anticipated both results: he knew beforehand how evil the man would become whom God himself had created good; he also knew what good, even so, he would bring out of man's evil" (Augustine 1984: 568[XIV.11]. God's sovereignty, in other words, involves constant attention by the Divinity. Unlike a Deist view of God (winding up the universe like a clock and merely letting it run), the Bishop sees God as active in, and omnipotent over, all things, including the realm of humanity.

Considering these ideas of the ontology of love, the will, and God's sovereignty, might one be able to see more clearly how coercion, if done rightly, would indeed seem loving, and indeed perhaps be required by St. Augustine's system? The love of God, illustrated by the freely given and undeserved grace He bestows upon His elect, does not merely come as a matter of peace and tranquility. The most famous example of this would be St. Paul's conversion on the road to Damascus. As the Bishop explains to the tribune Boniface (on the topic of the Donatists),

> Here they have the Apostle Paul. Let them recognize in his case Christ first compelling, and afterwards teaching; first striking, and afterwards consoling. For it is wonderful how he who entered the service of the gospel in the first instance under the compulsion of bodily punishment, afterwards labored more in the gospel than all they who were called by word only, and he who was compelled by the greater influence of fear to love, displayed that perfect love which casts out fear. (Augustine 1996[c.417]: 641-642[VI])

God, in His love, acts in all things, including the conversion of souls. Though it can

appear brutal, as in the case of the Apostle Paul, it is done in love. But certainly St.

Augustine's more gradual, and yet still tortured and forceful, conversion is also an

illustration. In terms of His plan, the Lord is willing to use a strong arm to bring His

elect to the faith. But, while coercive, it is still done in love, and indeed is a great love,

as it brings eternal salvation. So, even in his consideration on what is required in order

to truly "love thy neighbor as oneself," the Bishop writes, "This if a man knows how to

love himself, the commandment to love his neighbor bids him to do all he can to bring

his neighbor to love God. This is the worship of God; this is true religion; this is the

right kind of devotion; this is the service which is owed to God alone" (Augustine 1984:

376[X.3]). As St. Augustine explained in his letter to a Rogatian (a schism from the

Donatist Church) bishop named Vincentius (Augustine 1999[408]), using coercion

against heretics results from the desire to help them, "We seek you because you are lost,

that we may rejoice over you when found, as over you while lost we grieved"

(Augustine 1999[408]: 397-398[XI.46]). Thanks to this will against God, it is necessary

to use coercion to bring these heretics towards the orthodox faith. Indeed,

> As one might suspect, his mature theology of the fall, the impotence of man's will, and the role of God's grace led him to see the operation of grace in the 'benevolent' discipline, correction, and pressure of coercion . . ., which worked in fallen man to break the chains of unthinking habit and custom . . .." (Harrison 2000: 153)

Love, this eminently divine trait and category, can be a matter of coercion. With this in

mind, St. Augustine's opinions on war (be it in *Contra Faustum*, *De Civitate Dei*, or

various letters) begin to have subtle connections with his ontology of love. But both love and God's sovereignty point also to another element, the idea of order.

Order

Perhaps one of the most familiar elements in St. Augustine's work is the importance of order. In *De Civitate Dei*, he defines order as "the arrangement of things equal and unequal in a pattern which assigns to each its proper position" (Augustine 1984: 870[XIX.13]). What does this mean for his general idea of the Inexpressible? For this, we must delve further into where order appears within the Bishop's work, most especially in his *De Genesi ad Litteram*. What makes distilling order in St. Augustine's work somewhat difficult is the way it entwines with his notions of *caritas* and divine sovereignty – as mentioned at the beginning of this chapter, all act as explanations of the others. Love is an ordering power not unlike gravity, and God's sovereignty rules over all things in their proper place. Order saturates the whole of the Bishop's thought, in that the other major elements (will, providence, existence, etc.) tend to find their expression through the language of order. The description of will is a matter of *ordinate* love, Divine providence is what *orders* the universe and history, existence is a matter of levels in an objective *order*, and so forth.

While some scholars have seen this use of order as being the dominant structuring element of St. Augustine's mature thought (for order and disorder in fallen man, cf. Deane 1963: 14-28; for the ordering of love, cf. TeSelle 1998: 74-77), this puts too much emphasis upon one style of explicating the Inexpressible. While the Bishop

does focus heavily on order, much of what appears to be a discussion of order is in fact a clarification on something else (like *caritas*). It is important to distinguish between order-in-itself and order-for-explanation in St. Augustine's work, in that mistaking the latter for the former can lead to unnecessary complications and confusion. Moreover, one must consider the difficulties the Bishop faced in trying to understand order. While order is certainly a way of explicating the Inexpressible, for St. Augustine, consideration of God's sovereignty and love had to come first. An early dialogue of St. Augustine's illustrates this development well – specifically, his work *De Ordine* (Augustine 1942[386]). What is striking about this early work (written in the year of his conversion to Christianity) is what it does not provide. Unlike *De Civitate Dei* and the works on Genesis, there is no definition, or indeed even clear notion, of order by the end of *De Ordine*. St. Augustine's student, Licentius, offers a provisional definition of order, "Order is that by which are governed all things that God has constituted" [emphasis removed](Augustine 1942[386]: 55[I.28]), but this definition quickly comes under attack via the problem of evil. Does this mean that God is the source of evil (a sacrilegious notion)? Or does this mean that there is some realm outside of God's order that brings about evil (the Manichaean solution)? By the end of the dialogue, the problem appears intractable (explicated in Augustine 1942[386]: 157-158[II.17]), so St. Augustine offers an order of learning instead, as a means towards finding the solution (cf. Brown 2000: 168-170).

While commentary on St. Augustine's view of order often relies on his statements in *De Civitate Dei*, especially within Book XIX, there is another useful

discussion within his *De Genesi ad Litteram*, specifically in Book IV, chapters three through six. While at points St. Augustine tends to numerology in this section, he does reveal some elements of his thought on order, regarding God and creation. He starts with a verse from Scripture, Wisdom 11:21, that states, "Thou hast ordered all things in measure and number and weight."[27] In considering this verse, the Bishop writes the following:

> How can God be identified with measure, number, or weight? He is neither measure, nor number, nor weight, nor all three. He is surely not identified with these three things as we know them in creatures, the limit in things that we measure, the number in things that we count, the weight in things that we weigh. But in the sense that measure places a limit on everything, number gives everything form, and weight draws each thing to a state of repose and stability, God is identified with these three in a fundamental, true, and unique sense. He limits everything, forms everything, and orders everything. (Augustine 1982a: 108[IV.3])

From this discussion, St. Augustine tries to signify that God is the one who orders all things while not Himself being a mere portion of that order – that this order "existed in the Wisdom of the Creator some Form" (Augustine 1982a: 110[IV.5]) for this order (in the case from IV.5, the Form of color for material thing). The Bishop reiterates this idea of the Form of things in the Divine Wisdom, seeing this ordering through the Logos (the Son), specifically in *De Trinitate*, especially at the end of the third chapter of the fifteenth book (Augustine 1991[420]: 410-411[XV.3]). Through these various considerations, one sees the intimate connection between an ordered universe and an ordering, omnipotent and omniscient (or, in a word, sovereign) God.

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[27] In the Vulgate, the portion of the verse reads as "omnia mensura et numero et pondere disposuisti."

How God relates to this order, St. Augustine considers once again with the use of a Scriptural text, this time with two verses, one again from Wisdom, the other from the New Testament. In thinking about what it means for God to "rest" after creation in *De Genesi ad Litteram*, the Bishop mentions Wisdom 8:1, which says of the Divine Wisdom: "It reaches from end to end mightily and governs all graciously."[28] In Chapter 12 of the fourth book, the Bishop discusses Acts 17:28, where St. Paul (speaking in Athens) states that, "In Him we live and move and have our being."[29] To clarify what this means, St. Augustine writes,

> We do not exist in Him as a constituent element in the sense in which it is said that He has life in Himself. But although we are distinct from Him, we are in Him precisely because He brings this about by His work, and this work is that by which He holds all things and by which His Wisdom *reaches from end to end mightily and governs all graciously*. It is by this divine governance that we live and move and have our being in Him. [footnote removed; emphasis in original](Augustine 1982a: 118[IV.12])

This order is intrinsic to God's creation of the universe, and "[f]rom him derives every mode of being, every species, every order, all measure, number, and weight. He is the source of all that exists in nature, whatever its kind, whatsoever its value, and of the seeds of forms, and the forms of seeds, and the motions of seeds and forms" (Augustine 1984: 196[V.11]). In another place (*De Trinitate*), St. Augustine mentions Acts 17:28 again, here to express how this realization of Divine relation to the created world was blocked to the philosophers, therefore requiring revelation for expression:

> The [the philosophers] were not capable, of course, of fixing the keen gaze of their intellects so constantly on the eternity of that spiritual and unchanging

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[28] In the Vulgate, the relevant section is translated as "adtingit enim a fine usque ad finem fortiter et disponit omnia suaviter."

[29] In the Vulgate, the relevant section is translated as "in ipso enim vivimus et movemur et sumus."

nature that they could see in the wisdom of the creator and ruler of the universe the rolled up scrolls of the centuries, which *there* already are and always are, but *here* only will be and so are not yet; or that they could see the change for the better not only of the minds but also of the bodies of men, each to its own proper perfection. [emphasis in original](Augustine 1991[420]: 169[IV.23])

The order of the universe, while somewhat understandable to the unaided human reason, such as that of the philosophers, is still blocked in other ways, only accessible by Divine revelation.

As the foregoing discussion illustrates, St. Augustine's notion of order is directly and closely related to his idea of God's sovereignty. This is not accidental, and indeed both are necessary for the other – if the universe is fundamentally unordered, then God is not sovereign; if God is not sovereign, then it is impossible for the universe to be fundamentally ordered, especially towards the good. This, again, is a result of the Bishop's overwhelming anti-Manichaean sentiments. While the connection to this anti-dualism and sovereignty is clear, the connection may seem more nebulous between anti-dualism and order. This may especially seem odd, given how vocally the Manichaeans extolled their own knowledge of universal order, especially via astrology.[30] As St. Augustine puts it in Book IV of *Confessions*,

> They [astrologers] tell us that the cause of sin is determined in the heavens and we cannot escape it, and that this or that is the work of Venus or Saturn or Mars. They want us to believe that man is guiltless, flesh and blood though he is and doomed to die despite his pride. Instead they have it that the blame be laid on the Creator and Ruler of the heavens and the stars, none other than our God, himself the very source of justice, from whom its sweetness is derived . . . (Augustine 1961[c.398]: 73[IV.3])[31]

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[30] Cf. Jonas 1958: 233-234.
[31] Cf. also Augustine 1984: 194-195[V.10], and 402[X.21].

In this account of, and retort to, astrology, the Bishop shows the path his thinking takes in considering order. First, this universe is highly determined. While this may not be a problem for St. Augustine in itself, given his somewhat difficult relation of free will to predestination, the *way* the universe is determined is highly problematic. The difficulty is the dualism. In this astrological rendering, evil is not just *present* in the universe, but is in an important way *constitutive* of it. Moreover, this evil is essentially entwined with the existent universe – that the universe *itself* brings about the evil acts of humanity. Humanity, on the other hand, is naturally good, and not in need of salvation, as Christianity knows it – the stars are determinative, and all the good human can do is know what the stars of an evil universe say. It does not take a great deal of elucidation to see that this notion of good human versus an adversarial universe will lead quite logically to a substantial dualism – the evil substance of the *cosmos* versus the good "divine spark" of the human and the "good Principle" beyond the material world.

In response to this Manichaean reasoning, St. Augustine requires order and Divine sovereignty be closely connected. In their astrological view of metaphysics, there is an order to the universe, an order that is at least as determined as anything the Bishop would suggest in his writings. However, this Manichaean order is guided by, for lack of a better term, an evil imperative: it appears the point of the universe is to undermine and destroy the goodness of the good humans within it. Indeed, in some Manicahaean and other Gnostic mythologies, the universe does exactly follow this adversarial and vicious and evil imperative as an essential part of its nature. It is an order, but a devilish one indeed. Second, it is an order aimed at explicitly destructive

ends – in the Manichaean case, the continued entrapment of "divine sparks" within the degraded and evil material world. And third, it is an order dependent on the notion that certain kinds of existence are, in themselves, evil.

Obviously, for St. Augustine, all of these elements are completely intolerable. There are various reasons. As mentioned earlier, one major problem in the astrological dualist rendering is the comparative activity/passivity of good and evil, specifically the active nature of evil compared to the passive nature of the good. Consider the text again: there is this idea that humans are evil only because the universe (via the stars) forces them to be so. Moreover, humans "cannot escape it," for it infests everything. Here we see perfectly summarized how the evil will be active, and how, logically speaking, it seems impossible for the passive good to do anything to alleviate its situation. Also, the universe is ordered in an inherently contradictory way – the universe follows an imperative towards disorder, or in other words, the universe is structurally aimed at self-destruction. It is not a self-destruction in the sense of the Christian Endtimes, but rather more like the first element of the Norse notion of Ragnarok, the destruction of the old gods and all things, with the creation of the new gods following. This appears to be a contradiction – can a universe have, as its basic imperative, its own destruction? For St. Augustine, these types of problems naturally flow from an imperfect, indeed deeply flawed, notion of the nature of the universe, of good, and of evil. If evil is a substance, and even more the guiding and principle substance of the universe, then these types of contradictions, paradoxes, and unacceptable conclusions become legion.

If good is to succeed, and indeed if one wants an idea of the universe that is not inherently contradictory, it is necessary that the order itself is good, constantly overseen by a good and sovereign God. Order, in St. Augustine's mind, is one of the key foundations for the success of the good, and is explained through the objective ordering of the various beings in the universe. But for this order to make sense, there has to be something consistent to the things ordered, namely the good of Being. Second, there must be something to explain the different behavior of rational beings as well as evil in the world – here, the ideas of *caritas* and *cupiditas* come into play. Finally, an objectively ordered universe requires an orderer, and here is where God's sovereignty is necessary. The interconnection of all these things depend on a strictly anti-Manichaean world view – if any element of existential dualism is permitted, even the most slight, the universe again becomes one where an active evil will always prey upon a passive and impotent good.

The idea of order, of everything in its measure, number, and weight, connected with the good of existence, provides the Bishop with the ability to discuss lower versus higher in terms of existence as well as of loves. Or, to perhaps put it in pseudo-Trinitarian terms, God's sovereignty creates, *caritas* guides, order evaluates. By positing an objective order, existential and moral, St. Augustine is effectively describing the created universe, where *caritas* explained the "gravity" of rational beings and Divine sovereignty the creator of the universe. One can see examples of the Bishop's use of order in this way especially in *De Genesi ad Litteram* and *De Civitate Dei*. In the former work, we see order of existence and loves through the Divine sovereignty:

> …the providence of God rules and administers the whole creation, both natures and wills: natures in order to give them existence, wills so that those that are good may not be without merit, and those that are evil may not go unpunished. And that same God by His providence first of all subjects all creatures to Himself, and then corporeal creatures to the spiritual, the rational to the irrational, the earthly to the heavenly, the female to the male, the weak to the strong, and the poor to the rich. As far as wills are concerned, God subjects to Himself those that are good, and He subjects the wicked to those who serve Him, so that an evil will may suffer what a good will does by God's command, whether the good will does this by itself or by an evil will, but only in that domain which is by nature subject even to an evil will, namely, bodies. For evil wills have in themselves their own interior punishment, that is, their own wickedness. [footnotes removed] (Augustine 1982b: 64[VIII.23])

From this extended quote, we see how the three elements come into harmony – God's creation and sovereignty over all created things is placed in a certain order of being, with a higher order (that allows for evil) coming forth in the love possible for a spiritual entity.

As for *De Civitate Dei*, there is mention of order and existence in multiple places. So, for instance, the Bishop instructs readers that "…it is the nature of things *considered in itself*, without regard to our convenience or inconvenience, that gives glory to the Creator" [emphasis added](Augustine 1984: 476[XII.4]). Or, earlier, in discussing the place of humanity, he explains how a human is an "intermediate being," someplace between a beast and an angel (Augustine 1984: 359[IX.13]). However, human beings too often do not consider an existent thing in-itself, but along some other measure of value. As the Bishop writes,

> For instance, would not anyone prefer to have food in his house rather than mice, or money rather than fleas? There is nothing surprising in this; for we find the same criterion operating in the value we place on human beings, for all the undoubted worth of a human creature. A higher price is often paid for a horse than for a slave, for a jewel than for a maidservant.

> Thus there is a very wide difference between a rational consideration, in its free judgement, and the constraint of need, or the attraction of desire. Rational consideration decides on the position of each thing in the scale of importance, on its own merits, whereas need only thinks of its own interests. Reason looks for the truth as it is revealed to enlightened intelligence; desire has an eye for what allures the promise of sensual enjoyment. (Augustine 1984: 448[XI.16])

With this, we see how love and order intermingle. By the order of things-in-themselves, men are worth more than horses, women ore than jewels. But, again, a perverted love, a desire of things not in-themselves but rather for some sensual (or merely worldly) desire, distorts the correct order, and herein lies the origins and the perpetuation of sin and misery.

This previous discussion will provide useful when discussing the Bishop's political thought, as it may explain how St. Augustine desires order, but in such a way that he can make distinctions between a good and a bad one. Moreover, it helps provide an understanding of the world before and after the fall of humanity. For instance, St. Augustine describes, in his *De Genesi Ad Litteram*, the struggles between brute animals in the following words:

> …this struggle for life that goes on in the lower order of creation does but admonish man for his own welfare to see how resolutely he must struggle for that spiritual and everlasting life by which he excels all brute beasts. For he sees them all, from the largest elephants to the smallest worms, doing their utmost either by aggressive action or cautious retreat to protect the material and temporal life which has been given them by their position in the lower ranks of creatures. . . . Physical pain in any animal acts in a strange and powerful manner upon the soul. For the soul by its mysterious vital powers mingles with the whole being and holds it together, and it strives to hold the unity that belongs to its nature when it feels, not with indifference but almost indignation, that unity wasting away and disintegrating. (Augustine 1982a: 92[III.16])

At first, this seems merely to be an exhortation to holiness, and an exposition on how animal conflicts affect human souls. The struggles of animal life are intended to serve as

an example to holiness in humanity, to show humans how strongly they must strive for everlasting life. But there is another element as well. In terms of the things-in-themselves, animals are within a realm of conflict, of pain, and of death. Their highest aim is gaining and maintaining some amount of temporal material security and benefit, with the purpose of the continuation of life. This illustrates that, considered in themselves, it is in the nature of animals and lower creatures to do all they can to persevere and to continue living. St. Augustine, by this passage, is attempting to explain why animals hurt each other, even though they are not capable of sinning. The answer, given above, effectively says that animals were made that way. One can hypothesize that, even before the fall, this struggle for life would have existed among animals, and would have continued even if the fall had not occurred. Therefore, within the order of nature itself, there can be what (to human eyes) appears as "conflict" even when there is no sin. It is simply a matter of understanding the entity itself within the natural order.

In terms of human interaction in the *saeculum*, there may be another meaning to this observation about the animals of lower orders. St. Augustine says these activities of animals should admonish humans for their own welfare. Humans certainly can act in a bestial way towards one another, fighting for the temporal and material lives. Yet St. Augustine tells his readers that humans excel all animals. In a way, he is saying that the human being should see from the animals what he is not, and what he should not be. Human souls must wrestle and fight for eternal life, not for mere temporal life. The wrangling for material well-being is more an animalistic thing than a human one. And indeed, war can be the most bestial of all. It is good, as the bishop implies, for the

human soul to see and be indignant at this wasting away of the unity of life. In doing so, they will remember what is important always – the eternal life, not the temporal one. Only in the eternal life can one find true peace.

Having said that, order is the primary component of peace, which St. Augustine describes as "so great a good that even in relation to the affairs of earth and of our mortal state no word ever falls more gratefully upon the ear, nothing is desired with greater longing, in fact nothing better can be found" (Augustine 1984: 866[XIX.11]). He goes on to describe peace for a human being in broad terms, and within it gives us the definition of order:

> The peace of body and soul is the duly ordered life and health of a living creature; peace between mortal man and God is ordered obedience, in faith, in subjection to an everlasting law; peace between men is an ordered agreement of mind with mind; the peace of a home is the ordered agreement among those who live together about giving and obeying orders; the peace of the Heavenly City is a perfectly ordered and perfectly harmonious fellowship in the enjoyment of God, and a mutual friendship in God; the peace of the whole universe is the tranquility of order – an order is the arrangement of things equal and unequal in a pattern which assigns to each its proper position. (Augustine 1984: 870[XIX.13)

The idea of peace, this tranquility of order, cannot be separated from the Bishop's conception of order. And this order directly relates to the concepts of caritas and divine sovereignty – love presents the levels upon which equal and unequal are assigned, and the one assigning is God, by His inscrutable judgment.

Conclusion

The Bishop's thought is not systematic, nor can it be. In his way of viewing reality and all within it, St. Augustine sees the world through the lens of something

beyond communication in words, and indeed beyond summation into one treatise covering all things. In his view, all these elements are connected, and can only be perhaps hinted at, or only explicated through a particular mode of definition (like love or order). Indeed, theoretically, one could create St. Augustine's entire system by starting at any point – as all elements within it are merely expressions of the same Inexpressible thing, one could start with *caritas*, or will, or God's sovereignty, or the good of Being, or order, or sundry other points, and still arrive at the same overall conclusions. In the Bishop's thought, then, nothing is superfluous.   All elements connect with and reinforce one another. While thus far, attention has been paid to his metaphysics and the like, it will be shown that this interconnectedness applies also to the political, social, and moral elements of St. Augustine's thought. This will most especially be the case with his views on the just war.

These reflections on St. Augustine's metaphysics are necessary in order to understand his political philosophy and his perspective on morality in warfare. Because of the inherent goodness of existence, and God's sovereignty over the whole of the ordered universe, along with the "gravity" of existence that is love, the just war can make sense in the Bishop's thought. Not only, by revelation, does he know that evil will lose in the end. Also, by his philosophical considerations, he knows as a metaphysical certainty that the true good is incapable of being defeated.

CHAPTER IV

JUST WAR FROM A CHRISTIAN REALIST

St. Augustine's whole system of thought is predicated upon the Inexpressible, God Himself and His relation to His creation. As the previous chapter described, trying to specify what exactly the Inexpressible entails is a great difficulty for the Bishop, as many of the elements of his thought – God's sovereignty, *caritas*, order, and the like – are mutually reinforcing and intimately connected. At the highest level of philosophical and theological reflection, his considerations can often border on the mystical. In order to see more clearly what his thought requires for the political, it is necessary to bring the abstract level of St. Augustine's thought back to the more concrete, specifically in terms of the just war doctrine. How does St. Augustine connect his metaphysics and his ideas on morality in war? What is the place of the Inexpressible when considering war?

The various elements of theology and metaphysics within the Bishop's thought come together to bring coherence to the restrictions required of a just war. The difficulty in explicating this is, once again, the result of the wholeness implicit in a notion of the Inexpressible – all parts of the system presume and act upon the other, thanks to the nature of God Himself. But his view can be dissected as follows. In human interactions, *caritas* (love of God above all else) must be the driving motivation if one is to act rightly. Having said that, acting with *caritas* requires knowing what exactly is required for a true love of God, and the way to this is understanding the objective moral order put

in place by God. By comprehending (even if imperfectly) the order of the universe, one

can better judge the higher and the lower, and thus focus on the former. But within this

order itself is the doorway to salvation. By considering what to love, seeing the order of

higher to lower, one also comes to understand the Creator of this higher and lower order.

In this way, the sovereignty of God, the omniscient and omnipotent entity that is above

the possibility of harm, defeat, and the decay of evil, comes into focus.

Let us consider this in the context of the just war. Here, too, the driving

motivation must be *caritas*, love rightly understood. But how can love be involved in

the killing of opponents? With this question, it is necessary to consider the objective

moral order of the universe, to understand what is *truly* evil, as well as what is truly

loving. This includes the use of force. As St. Augustine writes in a letter to a schismatic

Bishop:

> …the thing to be considered when any one is coerced, is not the mere fact of
> coercion, but the nature of that to which he is coerced, whether it be good or bad:
> not that any one can be good in spite of his own will, but that, through fear of
> suffering what he does not desire, he either renounces his hostile prejudices, or is
> compelled to examine truth of which he had been contentedly ignorant; and
> under the influence of this fear repudiates the error which he was wont to defend,
> or seeks the truth of which he formerly knew nothing, and now willingly holds
> what he formerly rejected. (Augustine 1999[408]: 388[V])

To determine whether and when coercion is just or unjust, it is, as always with the

Bishop, a matter of understanding the thing in itself, in terms of the objective, existing

order of the world. But in considering what is this order, the mind is turned to the

greatest good, God. And in this discovery of the Divine, there is the hope and

expectation of victory – an eternal, unimpeded, total victory of the good over the evil,

that no perceived failure or defeat on earth can prevent. In this, we have the motivation,

rationale, and expectations that make the just war theory coherent and plausible. Without them, St. Augustine's views make little or no sense (beyond the sentimental level). But to understand what the Bishop is trying to relay, one must consider his metaphysics within the realm of fallen humanity, the world as it is.

Power and Justice in a Fractured World

The world, as St. Augustine sees it, has been harmed by the original sin of humanity, and one can see the results of this fall constantly. Because of this fallenness, what a person is called to do in war requires understanding how the world as it is now is structured, as well as considering what is higher. This world, however, is not merely what is seen, but also unseen – what can be harmed by men, and what cannot. St. Augustine summarizes this division in this way:

> But how can sins of vice be against you, since you cannot be marred by perversion? How can sins of violence be against you, since nothing can injure you? Your punishments are for the sins which men commit against themselves, because although they sin against you, they do wrong to their own souls and their malice is self-betrayed. They corrupt and pervert their own nature, which you made and for which you shaped the rules, either by making wrong use of things which you allow, or by becoming inflamed with passion to make unnatural use of things which you do not allow. Or else the guilt consists in raving against you in their hearts and with their tongues and kicking against the goad, or in playing havoc with the restrictions of human society and brazenly exulting in private feuds and factions, each according to his fancies or fads. (Augustine 1961[c.398]: 66[III.8])

Violence, feuds, vice, and the like are considered in terms of what they are on earth, how they do not affect God, but how God (directly or indirectly) affects them. This applies all the more to the issue of warfare.

Perhaps the best way to illustrate this is through a comparison. Consider a claim by the Roman statesman Cicero. In his *De Res Publica*, he states (through his character Laelius) that the country (*patria*) is by nature immortal, and that it therefore does not die not by natural causes, but from other causes (cf. Cicero 1998[54-52BCE]: III.34[69]) St. Augustine, in arguing for the historical, and fallen, nature of the *saeculum* and the transient aspect of temporal things, questions this notion and shows its flaw in terms of the just war. If a nation is by nature immortal, then indeed all actions must be for its preservation. But what if these actions for the sake of preservation go against what is honorable and good? St. Augustine uses the pointed example of the Saguntines to show this difficulty (Augustine 1984: 1031-1032[XXII.6]): for if the state must be defended, and one should keep faith with allies,[32] what should the Saguntines have done when Hannibal approached their city? The Bishop points out that Cicero has no response. However, a response could be extrapolated from one of the speakers in Cicero's text: Philus might answer, "No state is so stupid as not to prefer wicked domination to virtuous subjection" (Cicero 1998[54-52BCE]: 67[III.28]). Certainly, it is doubtful that such a response would come from Cicero himself. After all, in his *De Officiis*, he argues that the honorable and the useful always align (cf. Cicero 1991[44 BCE]: 101-147[III]). St. Augustine would see this as terribly naïve, especially given the history of Rome. What is expedient from the human perspective may not be at all honorable. But perhaps naïve is too strong a term. Rather, the Bishop might simply say that Cicero misplaced

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[32] St. Augustine writes "that Cicero argues (if I am not mistaken it is in the third book of his, *On the Commonwealth*) that the ideal city never takes arms except in defence of its faith or its safety" (Augustine 1984: 1031[XXII.6]), "faith" here meaning "a keeping of faith." However, this portion of *De Res Publica* is not existent.

his faith. If one wants to connect the honorable and the expedient in such a way as that

they will not conflict, by necessity what is honorable and what is expedient must not

reside solely or primarily within the temporal and constantly fluctuating earthly realm.

Instead, one must focus on what is truly real, the natural order of the universe, with love

as its gravity, created and directed by God.

Because St. Augustine's thought is very much Christian, any understanding of

what power, coercion, and justice mean to him requires consideration of this Christian

dimension in more detail. Specifically, we need to consider the Son of God, His

mission, death, and resurrection. But we need to consider the fallenness of man, the

condition requiring the Incarnation in the first place.

The fall of humanity is not merely the domain of the damned. Indeed, it is

diffused through all human beings, and as such, all face at least temporal punishment, if

not the eternal version. Even so, each person is still responsible to God for all sins they

commit, and even the ones that are comparatively minor give cause for punishment in

the *saeculum*. So, as the Bishop maintains,

> …although the good dislike the way of life of the wicked, and therefore do not
> fall into the condemnation which is in store for the wicked after this life,
> nevertheless, because they are tender towards damnable sins of the wicked, and
> thus fall into sin through fear of such people (pardonable and comparatively
> trivial though those sins may be), they are justly chastised with afflictions in this
> world, although they are spared eternal punishment, and they rightly feel this life
> to be bitter when they are associated with the wicked in the afflictions sent by
> God. But it was through love of this world's sweetness that they refused to be
> bitter to those sinners. (Augustine 1984: 15[I.9])

While the world will never be perfect until the Second Coming, this does not remove

from believers the necessity of admonishing sins. By not doing so, afflictions rain down

on the just and the evil, just as blessings in this world may. Such retribution is a requirement, it would seem, of the eternal law. St. Augustine implies this in his definition of sin and the eternal law against the Manichaeans, when he writes, "Sin, then, is any transgression in deed, or word, or desire, of the eternal law. And the eternal law is the divine order or will of God, which requires the preservation of natural order, and forbids the breach of it" (Augustine 1996[400]: 283[XXII.27]). A breach of the eternal law is, obviously, sin. But this eternal law also "requires the preservation of natural order," which brings additional responsibilities. As he puts it in *De Civitate Dei*, order "is the arrangement of things equal and unequal in a pattern which assigns to each its proper position" (Augustine 1984: 870[XIX.13]). This order can be seen, in the first place, in God. As St. Augustine mentioned in his discussion of Wisdom 11:21,[33] "God is identified with these three in a fundamental, true, and unique sense. He limits everything, forms everything, and orders everything" (Augustine 1982a: 108[IV.3]). God defines the eternal order.

And yet, it is through the actions of humanity that the *saeculum* has become fractured, through original sin. While it would seem to place in question the natural order, or at least God's sovereignty over it, the ability to cause this fracture is in itself an element of the order of the universe – specifically, the force and drive of loves through the will. Love, be it *caritas* or *cupiditas*, is fully subsumed under the universal order – the rational capacity of humanity (and angelic beings), with the ability to direct their loves, are definitional elements of love within the order. As such, God's sovereignty has

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[33] See above, page 68.

control over even the Fall itself. God's sovereignty, and order, presume the nature of

humanity, and therefore do not oppose the human condition.

In terms of morals, public and private, this puts demands upon human action.

Consider the statements made by the Bishop concerning tolerating sinfulness, mentioned

above. As the statement from *De Civitate Dei* 1.9 shows, St. Augustine did not believe

that tolerating wickedness was enough – it had to be dealt with. In this way, we can see

how power and coercion may be necessary. But one can also see this in his discussion

of the wise man fighting a just war – the necessity involved is not merely, or even

primarily, for the protection of a state that will die sooner or later. Rather, the necessity

that the wise man (be he a judge or other magistrate) laments is the necessity of

preserving the moral order against those who would transgress it, to their damnation and

to the harming of others. The necessity is aimed at attaining some level of order. As

Markus mentions, regarding a revealing mis-recollection of a Scriptural verse by St.

Augustine in an earlier work, "The original slip reveals his mind on this point more

dramatically than any positive statement, through the association of ideas which made

him write *ordo* instead of *potestas*. The first thing that came into his mind when

thinking of political authority (which is what *potestas* here refers to) was the idea of

order" (Markus 1970: 76).

Let us also consider some points where he explicitly states what is acceptable for

a just war. One of the first places to look is his work *Contra Faustum*, a tract written

specifically against the Manichaeans. One line of special importance comes in the

discussion of the acceptability of a military occupation, specifically regarding John the

Baptist's statement to the soldiers asking about salvation. The Baptist tells the soldiers,

"Do violence to no man, accuse no man falsely, and be content with your wages"[34]

(Luke 3:14; as quoted in Augustine 1996[400]: 301[XXII.74]). Considering the verse,

St. Augustine says against Faustus,

> What is the evil in war? Is it the death of some who will soon die in any case, that others may live in peaceful subjection? This is merely cowardly dislike, not any religious feeling. The real evils in war are love of violence, revengeful cruelty, fierce and implacable enmity, wild resistance, and the lust of power, and such like; and it is generally to punish these things, when force is required to inflict the punishment, that, in obedience to God or some lawful authority, good men undertake wars, when they find themselves in such a position as regards the conduct of human affairs, that right conduct requires them to act, or to make others act in this way. Otherwise John, when the soldiers who came to be baptized asked, What shall we do? would have replied, Throw away your arms; give up the service; never strike, or wound, or disable any one. (Augustine 1996[400]: 301[XXII.74])

What is truly horrible in war is that which acts against charity, against love, and as such, against order, rather than the mere fact of killing. The act of killing itself is not at issue as much as why, on whose order, and for what ends it is done. Death in itself is a punishment for the Fall, but is not the *summum malum*, for two reasons. First, all human beings "will soon die in any case," so death itself is simply the fate of humanity – not dying in war will not prevent death at some point.[35] Second, and related to the first, the immortal condition of the soul matters much more than temporal life, and as such, the soul's death, brought about by "love of violence, revengeful cruelty," and the like are the

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[34] The Vulgate translates Luke 3:14 as follows: "interrogabant autem eum et milites dicentes quid faciemus et nos et ait illis neminem concutiatis neque calumniam faciatis et contenti estote stipendiis vestris."

[35] While there are some potential exceptions, the typical names being Enoch (the man who "walked with God; then he was no more, because God took him away," Genesis 5:24), the prophet Elijah (taken up in a fiery chariot, "and Elijah went up to heaven in a whirlwind," 2 Kings 2:11), and (in Catholic theology) Mary, the Mother of God, these cases are atypical to say the least.

true matter of concern. If killing is in obedience to God (as St. Augustine is arguing for

in the case of Moses in this section) or by a lawful authority, this is acceptable if done in

love. This obedience is what will matter for intention's sake. So, for instance, St.

Augustine says of those employed in killing,

> In fact one who owes a duty of obedience to the giver of the command does not
> himself 'kill' – he is an instrument, a sword in the user's hand. For this reason
> the commandment forbidding killing was not broken by those who have waged
> wars on the authority of God, or those who have imposed the death-penalty on
> criminals when representing the authority of the State in accordance with the
> laws of the State, the justest and most reasonable source of power. (Augustine
> 1984: 32[I.21])

Will, indeed, is key – if done in love, or as an "instrument" under the command of

another (God or the laws of the State), killing does not equate to homicide. Otherwise, it

is blameworthy. Love, and therefore the will, is what guides whether or not an act is

praiseworthy or blameworthy. While some actions may be blameworthy always and

everywhere, for instance prideful acts or sacrilegious acts against God, others are more

directly related to the will and the love that drives it. Again against Faustus, St.

Augustine states,

> According to the eternal law, which requires the preservation of natural order,
> and forbids the transgression of it, some actions have an indifferent character, so
> that men are blamed for presumption if they do them without being called upon,
> while they are deservedly praised for doing them when required. The act, the
> agent, and the authority for the action are all of great importance. (Augustine
> 1996[400]: 300[XXII.73])

In saying this, he opens the door for the use of coercion without personal sin. Coercion,

in the distorted world as it is in the *saeculum*, is an indifferent act in that it is a curse

from the Fall yet also a remedy, assessed according to its aims, as is the suffering of

coercion. As the Bishop writes,

> And obviously it is a happier lot to be slave to a human being than to a lust; and, in fact, the most pitiless domination that devastates the hearts of men, is that exercised by this very lust of domination, to mention no others. However, in that order of peace in which men are subordinate to other men, humility as yet by nature, in the condition in which God created man, no man is the slave of either man or of sin. (Augustine 1984: 875[XIX.15])

It is a punishment, in that human beings were not meant to be lords over other human beings. And yet, it is a remedy, for through this coercion there can be peace, a tranquility of order. In his letter to Vincentius, Augustine says,

> In some cases, therefore, both he that suffers persecution is in the wrong, and he that inflicts is it in the right. But the truth is, that always both the bad have persecuted the good, and the good have persecuted the bad: the former doing harm by their unrighteousness, the latter seeking to do good by the administration of discipline; the former with cruelty, the latter with moderation; the former *impelled by lust*, the latter under the *constraint of love*. [emphasis added](Augustine 1999[408]: 384-385[II.8])

First and foremost, the love driving the action is important. It is the measure by which the action is assessed, whether a good or bad love (rightly understood) is the motivation. The distortions of the world require that *caritas*, a good love, be not merely passive and do no injury, but in fact be active as well, in action combating evils and the like. In particular, look at the comparison – the evil are impelled by lust, while the good are constrained by love. Love may require coercion, but a limited, constrained coercion.

It is in considering the Fall, and what was required to combat it, that we can clearly see the theological element of St. Augustine's thought as regards the world. In terms of order and God's sovereignty, much of St. Augustine's system is Neoplatonic. However, when considering Divine history, major disagreements between St. Augustine and the Neoplatonists become clear. The main difference is seen in the person of Jesus Christ, the Son of God, the fully Divine as well as human. While the metaphysical

disagreements are clear, as the Bishop explicates in *De Civitate Dei* (cf. Augustine 1984:

524-534[XIII.16-20]; Augustine 1984: 554-555[XIV.5]), our more immediate concern is

the mission of the Incarnate God. Rather than becoming a temporal king, or leading a

new nation, or the like, Christ allowed Himself to be tried and executed as a common

criminal. Why would this be so? Certainly, it could not be the result of weakness on the

part of God. Therefore, one must consider why the mission of God through the Son

occurred as it did. Here, St. Augustine provides some clarity, and through this, we can

understand better what the Bishop believes in terms of power and coercion.

By looking at the role of Christ in salvation, St. Augustine's views on power

come to the forefront. He expresses the matter very well when he explains why God

sent His only-begotten Son to save humanity from the devil, rather than some other

means. As the Bishop puts it, "…the devil would have to be overcome not by God's

power but by his justice" (Augustine 1991[420]: 356[XIII.4.xvii]). St. Augustine

explains the idea in this way:

> The essential flaw of the devil's perversion made him a lover of power and a
> deserter and assailant of justice, which means that men imitate him all the more
> thoroughly the more they neglect or even detest justice and studiously devote
> themselves to power, rejoicing at the possession of it or inflamed with desire for
> it. So it pleased God to deliver man from the devil's authority by beating him at
> the justice game, not the power game, so that men too might imitate Christ by
> seeking to beat the devil at the justice game, not the power game. Not that power
> is to be shunned as something bad, but that right order must be preserved which
> puts justice first." (Augustine 1991[420]: 356[XIII.4.xvii])[36]

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[36] It is believed that St. Augustine wrote chapters XIII-XV of his *De Trinitate*, portions of *De Genesi Ad Litteram*, and portions of *De Civitate Dei*, at around the same time (cf. Fitzgerald 1999: xliii-il). These examples given are not merely happenstance – in the general *corpus* of the Bishop's work, they are intertwined and connected, with his political and ontological framework coming out in various texts.

He goes on to claim that the death of Jesus Christ, who had not sinned and therefore was not in the debt of death, brought forth God's justice, while His resurrection illustrated God's power.[37] What is interesting, for our purposes, is the comparison that the Bishop makes between the devil and those seeking power (to the detriment of justice). While a realist, St. Augustine never allows his readers to forget that human beings are not just animals, but are created in the image of God. As such, those who turn from love and from justice are not just animalistic, fighting each other as mentioned in *De Genesi Ad Litteram* III.16, but indeed are acting impiously at least, and at worst like the devil, demonically. In terms of St. Augustine's development in thought, this is not inconsequential. Moreover, the cure itself is not inconsequential. Out of God's love came Christ's suffering. And if the Son of God suffers for His love, then imperfect humanity, to love rightly, may have to suffer, or inflict, pain.

While the Bishop does compare the use of power unjustly to the power used by the devil, this should not make us lose sight of St. Augustine's views on power itself. Power itself is, in itself, indifferent. It is the intention in the use of such power, within the structure of the objective moral order created by God's sovereignty, that makes the use of power good or demonic. In this way, the Bishop walks a narrow path between the power worship of an Eusebius and the dualism of the Manichaeans. There are two

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[37] Also cf. Augustine 1984: 400-408[X.20-25]. Consider especially these lines from *De Civitate Dei*:

> He has shown that death itself, although it is the punishment for sin (a punishment which he paid for us, though being without sin), is not to be avoided by sinning but rather, if the occasion offers, to be endured for the cause of right. For it is just because he died, and his death was not the penalty of sin, that he was able by dying to pay the price of our sins. (Augustine 1984: 405[X.24])

Love may require death or coercion, but all towards God and His correct order.

interrelated reasons why St. Augustine sees power as a matter of indifference in itself. One deals directly with the idea of Divine sovereignty and the notion of a Divine plan in history. As God is over all things, nothing that occurs within the universe is outside his view, will, or control. As such, power is indifferent in that no amount of power can in any way negatively affect the plans of the Divinity. So, for instance, one can see where the use of power, even if it appears to be against God's plans, works toward His plans in terms of the Church. When St. Augustine considers the difficulties brought upon the Church as a result of heretics, he writes, "In fact, all the enemies of the Church, however blinded by error or depraved by wickedness, train the Church in patient endurance if they are given the power of inflicting bodily harm, while if they oppose her only by their perverse notions they train her in wisdom" (Augustine 1984: 833-834[XVIII.51]). Consider this in comparison to Book I of *De Civitate Dei*, where Augustine discusses the sin of winking at the evil of others. Power, then, is a matter that can be used for good or evil, but thanks to the sovereignty of God, even when power is used in an evil manner, such power still acts in His greater plan.

This, however, leads us to the second, and more fundamental, reason that St. Augustine can see power as indifferent –specifically, because, in itself, power is good. One needs to understand what, exactly, such a statement means. To say power is good does not entail some Machiavellian or *realpolitik* power fixation. Rather, it is merely an element of the Bishop's overall metaphysics and theology. Power, like all other things created by God, is good – there is no such thing as an evil substance, for all things, insofar as they *are*, are good. Evil is only the negation of Being, the decay of an already

existent thing. While this is a basic point of St. Augustine's metaphysics, it is also a

matter of his theology, in terms of his discussion of the power of God. Obviously,

within the Scriptures themselves, the power of God is ever present. Indeed, among those

attributes ascribed to God (not as separate elements but as fully what God is), power is

one of them. This being the case, power in itself cannot be inherently evil, or in effect

one would be claiming that God is inherently evil. As such, power itself is not an evil.

In the *saeculum*, power can be used by the good or evil, but whatever its use is, in the

end, for the good. As the Bishop explains in a letter,

> The formidable power of the authorities of this world, when it assails the truth,
> gives glorious opportunity of probation to the strong, but puts dangerous
> temptation before the weak who are righteous; but when it assists the
> proclamation of the truth, it is the means of profitable admonition to the wise,
> and of unprofitable vexation to the foolish among those who have gone astray.
> "For there is no power but of God: whosoever therefore resisteth the power,
> resisteth the ordinance of God; for rulers are not a terror to good works, but evil.
> Wilt thou then not be afraid of the power? Do that which is good, and thou shalt
> have praise of the same." [Rom. 13:1-3] For if the power be on the side of the
> truth, and correct any one who was in error, he that is put right by the correction
> has praise from power. If, on the other hand, the power be unfriendly to the
> truth, and cruelly persecute any one, he who is crowned victor in this contest
> receives praise from the power which he resists. (Augustine 1999[408]: 389[VI])

This understanding of all power coming from God shows itself clearly in St. Augustine's

views on war, especially regarding legitimate authority. This is explicated most clearly

in his *Contra Faustum*, where the Bishop writes:

> A great deal depends on the causes for which men undertake wars, and on the
> authority they have for doing so; for the natural order which seeks the peace of
> mankind, ordains that the monarch should have the power of undertaking war if
> he thinks it advisable, and that the soldiers should perform their military duties in
> behalf of the peace and safety of the community. When war is undertaken in
> obedience to God, who would rebuke, or humble, or crush the pride of man, it
> must be allowed to be a righteous war; for even the wars which arise from human
> passion cannot harm the eternal well-being of God, nor even hurt his saints; for

> in the trial of their patience, and the chastening of their spirit, and in bearing fatherly correction, they are rather benefited than injured. No one can have any power against them but what is given him from above. For there is no power but of God, who either orders or permits. Since, therefore, a righteous man, serving it may be under an ungodly king, may do the duty belonging to his position in the State in fighting by the order of the sovereign,–for in some cases it is plainly the will of God that he should fight, and in others, where this is not so plain, it may be an unrighteous command on the part of the king, while the soldier is innocent, because his position makes obedience a duty… (Augustine 1996[400]: 301[XXII.75])

Even with this, however, St. Augustine does not simply fall into blessing the current order, no matter what it commands. Indeed, the political authorities are merely one level in the hierarchy of obligation in the moral universe. In one sermon, after repeating Romans 13:1-2, he states,

> But what if it enjoin what thou oughtest not to do? In this case by all means disregard the power through fear of Power. Consider these several grades of human powers. If the magistrate [*curator*] enjoin anything, must it not be done? Yet if his order be in opposition to the Proconsul, thou dost not surely despise the power. Nor in this case ought the less to be angry, if the greater is preferred. Again, if the Proconsul himself enjoin something, and the Emperor another thing, is there any doubt, that disregarding the former, we ought to obey the later? So then if the Emperor enjoin one thing, and God another, what judge ye? Pay me tribute, submit thyself to my allegiance. Right, but not in an idol's temple. In an idol's temple He forbids it. Who forbids it? A greater Power. Pardon me then: thou threatenest a prison, He threateneth hell. (Augustine 1999b: 302[13])

Obeying those with power, as the above illustrates, is a matter of hierarchy – while power does come from God, the duty owed to a lower power is overruled by the higher power. The just war is an example of this hierarchy and order, in that the criteria of right intention, just cause, and the like are required by the highest power, and cannot therefore be placed to the side by reason of state, military necessity, or other simply state-bound reasons. With this being the case, power, like most things in the *saeculum*, is a matter of indifference until placed under the rubric of intention and the objective moral order

created by God. The duty due to power is necessarily intertwined with the hierarchy and order of the moral universe.

This leads to a necessary distinction between the created and the Creator: the former, as a contingent being, cannot expect to use power for his/her own uses, but rather within the order which was made by the Creator. Power, in this instance, is a thing that can only be used, not created, as it is not the created entity's nature to have omnipotence, and therefore acts against his/her nature when pretending towards such a thing. The Creator, on the other hand, does have omnipotence, and such power is within the very nature of this one necessary entity. While the use of omnipotent power is within His very being, for a created entity to act as if they had such power shows a twisted understanding of love, indeed an intention towards self-deification.

But to what purpose is this coercion? If love can at times require the infliction of suffering on others, especially through some type of civil authority, what is its end? The highest end, and the more temporal ends, both share on thing in common: the desire for the tranquility of order, for peace. It is to this concept that we turn next.

Peace and the Fractured World

How does all this relate to St. Augustine's views on the just war? Before explicating the specific elements of the just war, some consideration of the Bishop's notions of peace are necessary. As with the other elements of his thought, St. Augustine views peace through the lens of his general ontology, and these are especially shaped by his thoroughgoing anti-Manichaeanism. Specifically, the Bishop must explain how the

truest peace is only found in God, while also trying to explain the good of peace in the
saeculum without degrading into the dualism of his previous sect. Or, in other words, St.
Augustine must try and show how there is evil and conflict within the world without
making the conflict, and a resulting peace, a matter of ontological duality instead of a
matter of right ordering and right intention. He must show how a good nature commits
an evil act, whether this evil action involves a change in the good nature, and whether
this evil act can damage the good existent order.

Consider, for instance, St. Augustine's discussion in Book XII of *De Civitate*
Dei. As the Bishop puts it,

> Scripture speaks of 'enemies of God'; but these enemies oppose God's
> sovereignty not by nature but by their perversion, and they have power only to
> hurt themselves; they cannot harm God. They are his enemies because of their
> will to resist him, not because of their power to hurt him. (Augustine 1984: 473-
> 474[XII.3])

In this section, St. Augustine goes on to discuss how the choice against the good and
true, against God, perverts the good nature that makes such a decision. God himself is
untouched (cf. Augustine 1964[395]: 115-116[III.XII]), but the one choosing is made the
worse for it. Or, as he writes,

> For when the will leaves the higher and turns to the lower, it becomes bad not
> because the thing to which it turns is bad, but because the turning itself is
> perverse. It follows that it is not the inferior thing which causes the evil choice;
> it is the will itself, because it is created, that desires the inferior thing in a
> perverted and inordinate manner. (Augustine 1984: 478[XII.6])

So, once again, the hierarchy of order becomes important. An evil act involves turning
to a still good, but lower, element rather than the higher. In this way, St. Augustine
ensures that the goodness of nature remains, while also explaining the evil in the world.

The above selections focus on the idea of the evil will itself, but is instantly applicable to the necessary conditions for his just war notions. Believers must keep their love with the eternal, true, good, and all-powerful God. The enemies of God cannot harm Him, but only bring harm to themselves. An evil will prefers the inferior to the superior.

These ideas need to be translated to our purposes. The one who would be just in war must always keep the precepts and will of God in mind. No matter what happens on earth, those who are the enemies of God and His Truth cannot harm Him – indeed, they are only damning themselves. However, a leader, to be just in war, must consider the superior and inferior goods, the correct order of things. God, and His will and laws, are superior to victory, and even to life. To prefer the passing and the temporal, like nations and power, to the good, to God, brings harm to one's own soul, without in any way affecting, for good or ill, the power of God. In this way, for the salvation of one's soul, and to have the happiness of enjoying the eternal beauty of God, one would indeed prefer virtuous subjugation to wicked domination. For, as St. Augustine states, "Pride is not something wrong in the one who loves power, or in the power itself; the fault is in the soul which perversely loves its own power, and has no thought for the justice of the Omnipotent" (Augustine 1984: 481[XII.8]; cf. Augustine 1991[420]: 353-358[XIII.4]). In this way, the Bishop's description of those filled with pride is similar to Plato's description of the tyrant, the man who "attempts to rule not just human beings, but gods as well, and expects that he will be able to succeed" (Plato 1992[380 BCE]: IX; 573c[243]). By preferring the higher, that is God, the rational soul is improved, and can have true happiness. As the soul was dragged down by its love of the inferior, so too can

it be lifted up by its love of the higher. As Augustine writes, "A changeable good, which is inferior to the unchangeable Good, becomes a greater good when it adheres to the unchangeable Good, loving and serving Him with a rational and free response of the will" (Augustine 1982b: 54[VIII.14.xxxi]).

While adhering to an unchangeable good can make the changeable greater, those who place their love and aims on the changeable (especially on themselves) become even less than what they are.[38] Recall what was said above in *Contra Faustum*, regarding what is truly horrible in war. As is evident, the lust for domination (*libido dominandi*) is itself cause for war. But why should this be so? Of all sins, why does this get pride of place? As the Bishop makes repeatedly clear, the life of a person is short, and the life hereafter is of the greater concern. But in this, we should consider again St. Augustine's statement in *De Trinitate* XIII.4,[39] regarding the devil's focus on power, while God has justice and power. In those lines, the Bishop compares humans who covet and desire power, without care to justice, to the devil. The *libido dominandi*, in effect, is a lust for power without justice – it is, in St. Augustine's eyes, comparable to the demonic. Moreover, it stands in contradiction to the objective order, moral and ontological, of the universe. It is the attempt of the changeable, the impermanent, and the unsovereign to take the place of the unchanging, eternal, sovereign God. In this way, we see what St. Augustine is getting at. War can and should be waged against such an evil, in that its focus on power without justice is pride, its view of itself is a type of self-deification, and indeed smacks of the greatest sinner himself.

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[38] Cf. Luke 19:26, among others.
[39] See above, page 89.

One of the things that makes the *libido dominandi*, this self-deification, so odious to the Bishop is its mockery of a main description of the Divinity, namely, God's sovereignty. Here we see the opposites of just and unjust in terms of war. The man with this lust for domination, utterly incorrect in morals and metaphysics, holds that all others can be sacrificed for himself, that he is effectively the Alpha and the Omega of existence. This tyrant holds himself in the place of the Truth and the Good. As such, it is inevitable that he will fight unjustly, and all the horrors mentioned in *Contra Faustum* must come about. For the one who fights justly, on the other hand, the sovereignty the leader holds fealty to is that of God. Specifically, St. Augustine's ideas about God's sovereignty, the directing of the will to the higher over the lower, and the willingness to sacrifice these things for the Truth, give him a unique ability to argue for an idea of the just war. In effect, St. Augustine could accept victory or defeat, as the great plan of God in the *saeculum* would reach fulfillment, by His will, no matter how the situation should seem for the humans involved, for "it is the nature of things considered in itself, without regard to our convenience or inconvenience, that gives glory to the Creator" (Augustine 1984: 476[XII.4]). Indeed, this helps to explain his apparent indifference to death in his *Contra Faustum*, as well as his ability to have an idea of the just war at all instead of the pacifism of his predecessors. To consider a human being *in himself* is to consider him as a mortal creature with a rational soul, and it is the end condition of this soul, as the defining element of a human, that must hold sway.[40] In this way, what is and is not

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[40] Cf. Teske 2001 for a fuller discussion of St. Augustine's ideas on the soul.

permitted within the just war makes greater sense: the permission of killing with the qualification of love, the requirement to keep faith, and the like.

For the sake of one's soul, however, the just must always be done, even when inexpedient. An example of what the Bishop may have in mind can be seen in the first book of *De Civitate Dei*. In contending with the pagans, he praises the mercy and leniency of the Goths, who were Arian heretics, compared to the usual customs of war. In particular, he focuses upon the asylum given to those entering certain churches and holy places (cf. Augustine 1984: 6-7[I.1]), comparing it to the asylum offered by Rome's founders, where Romulus and others took that "course to increase the numbers of their citizens; but the destroyers [the Goths] acted in the same way to preserve a large number of their enemies" (Augustine 1984: 45[I.34]). If he praises these actions in heretics, one wonders what his view regarding orthodox Christian armies would be. Or, as the Bishop writes to Marcellinus,

> if the commonwealth observe the precepts of the Christian religion, even its wars themselves will not be carried on without the benevolent design that, after the resisting nations have been conquered, provision may be more easily made for enjoying in peace the mutual bond of piety and justice. (Augustine 1999[412]: 485[14])

Moreover, and once again, believers, in connection to what truly matters, cannot lose.

To say that, in terms of what is highest, good cannot lose, requires a long term perspective, not necessarily to be revealed within the individual human life on earth, or even during the existence of one's state. The believer must wait, "[f]or we do not yet see our good, and hence we have to seek it by believing; and it is not in our power to live rightly, unless we believe and pray we receive help from him who has given us the faith

to believe that we must be helped by him" (Augustine 1984: 852[XIX.4]). Or, as he

continues in the same section, "For who is competent, however torrential the flow of his

eloquence, to unfold all the miseries of this life?" To prefer the true good to only the

temporarily expedient requires faith, but also (for lack of a better term) a tragic

understanding of what the fractured peace in the *saeculum* entails – tears, misery, death,

only alleviated by hope. In terms of war, this means accepting the possibility of defeat if

one acts justly, over more expedient but unjust actions to persevere and reach victory.

An example of how the Bishop might express this sentiment can be seen in his

discussion regarding what believers must be willing to do to reach the City of God, both

in general and as rulers. Throughout the eighteenth chapter of the fifth book of *De

Civitate Dei*, St. Augustine gives examples of the sacrifices Roman patriots were willing

to make for the sake of glory. He specifically mentions certain figures, including Furius

Camillus, Mucius, Curtius, the Decii, Marcus Pulvillus, Marcus Regulus, Lucius

Valerius, and Quintius Cincinnatus, among others (Augustine 1984: 208-210[V.18]).

For glory, these and other individuals would suffer poverty, torture, starvation, their own

deaths, and indeed (in the case of Camillus) save the homeland even after having been

condemned by it. All these sacrifices were made for something as small as repute, and

for something as impermanent as Rome. How much more, then, should be expected

from the believer, who aims for the highest Good and a happiness that lasts forever? As,

as the Bishop writes, "If we do not display, in the service of the most glorious City of

God, the qualities of which the Romans, after their fashion, gave us something of a

model, in their pursuit of the glory of their earthly city, then we ought to feel the prick of

shame" (Augustine 1984: 211[V.18]). Along with this, there is the certainty, in hope,

that such sacrifices from believers will not be in vain. While Rome, as a state, would die

sooner or later, and the memory of one's name or actions will fade in time, the eternal

nature of the sovereign God makes such decay impossible, and the goal aimed for

incapable of defeat or destruction.

Then there is the matter of what a leader should desire. St. Augustine expresses

these desires as such:

> We Christians call rulers happy, if they rule with justice; if amid the voices of
> exalted praise and the reverent salutations of excessive humility, they are not
> inflated with pride, but remember that they are but men; if they put their power at
> the service of God's majesty, to extend his worship far and wide; if they fear
> God, love him and worship him; *if, more than their earthly kingdom, they love
> that realm where they do not fear to share the kingship;* if they are slow to
> punish, but ready to pardon; *if they take vengeance on wrong because of the
> necessity to direct and protect the state, and not to satisfy their personal
> animosity;* if they grant pardon not to allow impunity to wrong-doing but in the
> hope of amendment of the wrong-doer; if, when they are obliged to take severe
> decisions, as must often happen, they compensate this with the gentleness of their
> mercy and the generosity of their benefits; if they restrain their self-indulgent
> appetites all the more because they are more free to gratify them, and prefer to
> have command over their lower desires than over any number of subject peoples;
> *and if they do all this not for a burning desire for empty glory, but for the love of
> eternal blessedness;* and if they do not fail to offer to their true God, as a
> sacrifice for their sins, the oblation of humility, compassion, and prayer.
> [emphasis added](Augustine 1984: 220[V.24])

With this, the Bishop explicates the sheer necessity of the ruler to look above himself in

order to act rightly. While right intention, in the above, is clear, there is also the

presence of the objective moral order ordained by God, and there is the realm of

necessity in the world of the *seaculum*. The leader, therefore, must keep all these things

in his mind, and must uphold the precarious balance between what is holy and what is

necessary. While the leader may not experience peace for the state (as these things

depend upon the inscrutable plans of God), the leader's mind and soul aims towards the

peace possible on earth.

Peace is a matter of a longer perspective and true understanding of the

ontological foundation of the moral universe. This peace is the true peace, where all is

in order, as after the Judgment. But peace, in more ordinary language, can mean much

more. St. Augustine describes it thusly:

> The peace of the body and soul is the duly ordered life and health of a living
> creature; peace between mortal man and God is an ordered obedience, in faith, in
> subjection to an everlasting law; peace between men is an ordered agreement of
> mind with mind; the peace of a home is the ordered agreement among those who
> live together about giving and obeying orders; the peace of the Heavenly City is
> *a perfectly ordered and perfectly harmonious fellowship* in the enjoyment of
> God, and a mutual fellowship in God; the peace of the whole universe is the
> tranquility of order – and order is the arrangement of things equal and unequal in
> a pattern which assigns to each its proper position. [emphasis added](Augustine
> 1984: 870[XIX.13])

Peace, then, can be eternal (the *true* peace), or a more temporary matter (a peace *so-*

called). In the real of what can be called peace *so-called*, these can include certain

serviceable goods of the earthly realm.

> These are: temporal peace, in proportion to the short span of a mortal life – the
> peace that consists in bodily health and soundness, and in fellowship with one's
> kind; and everything necessary to safeguard or recover this peace – those things,
> for example, which are appropriate and accessible to our senses: light, speech, air
> to breathe, water to drink, and whatever is suitable for the feeding and clothing of
> the body, for the care of the body and the adornment of the person. And all this
> is granted under the most equitable condition: that every mortal who uses aright
> such goods, goods designed to serve the peace of mortal men, shall receive goods
> greater in degree and superior in kind, namely, the peace of immortality, and the
> glory and honor appropriate to it in a life which is eternal for the enjoyment of
> God and of one's neighbor in God, whereas he who wrongly uses those mortal
> goods shall lose them, and shall not receive the blessings of eternal life.
> (Augustine 1984: 872[XIX.13])

Within this peace *so-called*, aiming towards the *true* peace, there lies the just war.

The Just War, God's Sovereignty, Order, and *Caritas*

What allows St. Augustine to be free from some of the tactical and strategic concerns of war that such a just war view requires? First, let us consider the major precepts the Bishop provides.[41] They are: 1) to wage war with the internal motivation for peace, 2) a just cause, 3) waging war with the motivation of love (*caritas*) opposed to lust (*cupiditas*) in its various forms, and 4) right conduct in war, including the stipulation that "[f]aith must be kept with the enemy; there should be no wanton violence, no profaning of temples, looting massacre, or burning" (Adeney 1988: 33). Each of these will be discussed individually.

First, and most important, is the internal motivation for peace. This particular requirement is peculiar in that it states both a truism of St. Augustine's view of war and also a more specific element of what is required for the just. To an extent, *every* individual waging war, with perhaps the exception the Platonic tyrant, has as the internal motivation the desire for peace. As the Bishop writes,

> . . . just as there is no man who does not wish for joy, so there is no man who does not wish for peace. Indeed, even when men choose war, their only wish is for victory; which shows their desire in fighting is for peace with glory. For what is victory but the conquest of the opposing side? And when this is achieved, there will be peace. . . . Hence it is an established fact that peace is the desired end of war. For every man is in a quest of peace, even in waging war, whereas no one is in quest of war when making peace. In fact, even when men wish a present state of peace to be disturbed they do so not because they hate peace, but because they desire the present peace to be exchanged for one that suits their wishes. Thus their desire is not that there should not be peace but that it should be the kind of peace they wish for. (Augustine 1984: 866[XIX.12])

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[41] This collection of precepts is highly indebted to Adeney 1988: 32-33, and n.32.

This being so, one might consider this initial portion of the just war idea not to be a requirement at all – it is simply a statement of fact about Augustinian volition. But "peace," in its usage here, means more than merely the volitional fact. St. Augustine's definition is "*tranquillitas ordinis*" – "the tranquility of order/ordered tranquility."[42] In other words, peace is a matter of things being set as they should be, by their number, weight, and order (to use a phrase from the book of Wisdom that St. Augustine would often borrow in his works). In this sense, the peace aimed at internally is more than simply one's preference for an end result. As illustrated in the previous section, peace here is much deeper – things should be set right, as much as is feasible in a corrupted world.

The second element is the just cause. As this is a famous element of the just war doctrine even in the present, it will be familiar to most readers. However, one needs to keep in mind what this means for St. Augustine. For the Bishop, such causes included self-defense, the reclamation of property, and righting an injustice. The just cause portion of the just war is essentially linked to the internal motivation for peace. Whether in defense, the reclamation of property, or to correct an injustice, these just causes amount to an attempt to put in order what has been made disorderly. While the Bishop is aware that true peace, and true order, will only occur with the Second Coming, he is also aware of the need for those who put their love in the greatest good to act towards bringing at least some modicum of order, or less disorder, in a disorderly *saeculum* (cf. Augustine 1984: 872[XIX.13]).

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[42] Cf. Weigel 1987: 31, for a discussion of the translation of the term.

The third element, again related to the first, is the need to wage war with the motivation of love (*caritas*) rather than with *cupiditas* or with the *libido dominandi*. This, of all the requirements, will seem the most perplexing to the modern reader. How can one "lovingly" kill? How can one have the highest love in one's heart while simultaneously ordering the deaths of one's opponents? For St. Augustine, this requirement is necessary for one to keep God in mind, and to keep from falling into beastliness. As he puts it in another context:

> The righteousness of the Pharisees is, that they shall not kill; the righteousness of those who are destined to enter into the kingdom of God, that they not be angry without a cause. The least commandment, therefore, is not to kill; and whosoever shall break that, shall be called least in the kingdom of heaven; but whosoever shall fulfil that commandment not to kill, will not, as a necessary consequence, be great and meet for the kingdom of heaven, but yet ascends a certain step. He will be perfected, however, if he be not angry without a cause; and if he shall do this, he will be much further removed from murder. For this reason he who teaches that we should not be angry does not break the law not to kill, but rather fulfils it; so that we preserve our innocence both outwardly when we do not kill, and in heart when we are not angry. (Augustine 1999a: 11[I.9])

This is in harmony with what St. Augustine says in the first book of *De Civitate Dei*, where he explains how a soldier is not a killer: "he is an instrument, a sword in its user's hand" (Augustine 1984: 32[I.21]). For the Bishop, *caritas* can be a hard thing. Perhaps the best example of this would be through the Incarnation itself – "For God so loved the world, He gave His only begotten Son…." In this example of the highest love, the sacrifice of God for His creation, we see *caritas* coming to fruition in humiliation and crucifixion. This is, in a way, the tragedy of human affairs – the world is so broken that pure love can be painful, in order to wipe away, or at least mitigate, the sin adhering to man. This imperative to love focuses on loving the sinner but hating the sin, and trying

to stop the sin, even if it may, sadly, result in the death of the sinner. This relates also to

the love of neighbor. As theologian Joseph Capizzi, puts the matter,

> According to Augustine, nonviolence is required at the individual level and just-war is mandated at the societal level. In other words, when a person is confronted by evil his duty is to turn the other cheek toward the evil (cf. Matt. 5:38). In these cases, Augustine did not counsel nonviolent resistance; he advised nonresistance. A state, on the other hand, has a moral obligation to defend itself (quoted in Elshtain 2003: 144)

The reason for this obligation is the defense of others, of the "neighbor." This too is part

of the order of love, and of peace (even if only the *so-called* version). While not

explicitly mentioning the state in this regard, the place of it can be seen in St.

Augustine's discussion of the governing among people in the *saeculum* and how it

relates to the two great commandments:

> Now God, our master, teaches two chief precepts, love of God and love of neighbour; and in them man finds three objects for his love: God, himself, and his neighbour; … [.] … the basis of this order ["ordered harmony"] is the observance of two rules: first, to do no harm to anyone, and, secondly, to help everyone whenever possible. To begin with, therefore, a man has responsibility for his own household – obviously, both in the order of nature and in the framework of human society, he has easier and more immediate contact with them; he can exercise his concern for them. … But in the household of the just man who 'lives on the basis of faith' and who is still on pilgrimage, far from that Heavenly City, even those who give orders are the servants of those whom they appear to command. *For they do not give orders because of a lust for domination but who from a dutiful concern for the interests of others, not with pride in taking precedence over others, but with compassion in taking care of others*. [emphasis added](Augustine 1984: 873-874[XIX.14])

While this deals with the household (wife, children, servants, slaves, etc.), the focus on

the more immediate sphere and on right intention is applicable to the state and its leaders

as well. For the leaders of the state, the subjects/citizens of the state are of "more

immediate contact" than humanity in general. In this way, the concern for the leader's

subjects/citizens falls within this realm of responsibility for one's neighbor. More to the point, there is the intentional concern – the right intention in war includes this "dutiful concern for the interests of others" over and against the *libido dominandi*. In this way, *caritas* is most especially focused upon the love of neighbor, the neighbor being defended against the vengeful cruelty and lust for domination of others.

Finally, there is right conduct in war. This element provides the beginnings of a notion of *ius in bello*, although the Bishop himself did not write a great deal about this element of warfare. Adeney's description offers a summary of St. Augustine's view.[43] An important facet of this *ius in bello* is the keeping of faith, for which there are various reasons. As a Roman, St. Augustine was certainly familiar with the comments of statesmen, such as Cicero, about the need to keep faith.[44] Another portion may well be the Bishop's aversion to lying (cf. Augustine 1999[c.395]; Augustine 1999[420]). In a way, lying becomes more problematic than killing – coercion can be used to bring something better, even if it is through *per molestias eruditio*, "teaching by inconveniences" (Brown, 237). Lying, on the other hand, is essentially sinful, in that it is a decay of truth, and decay of an existent thing is sin/evil (cf. Lee Dow and Nederman 2004: 194-196). As to the facets against wanton violence and the like, there are various reasons for it. On one level, such violence would create disorder, and would create more problems than it would cure. On another level, such actions cannot be squared with the provision to love – the random and unnecessary slaughter of, say, children and women would reflect a "love of violence" rather than a love of God. And on still another level,

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[43] See above, page 103.

[44] See above, page 82.

St. Augustine the Christian may be revealing that he was well aware of who suffers the most from such cruelty – the meek of the earth. St. Augustine the Bishop, the pastor to his flock, of course would be concerned for their safety, as well as for those in a similar position.

A major motivational element in following these just war precepts is the sovereignty of God. To act rightly, the just war requires that those fighting do so for a just cause, with concern for the enemy (through "benevolent harshness"), and so forth. If the just side wins, then God has blessed them with His acts of mercy in the success. If the just lose, it is God's general (or perhaps particular) justice towards sinners. But in either case, the most important things, the highest order, the unchangeable and eternal Truth of God, remain unharmed and unaffected. Moreover, these things, either by the will or permission of God, act within His inscrutable judgment for the greater good, His Divine plan for history, humanity, and salvation. While humans cannot see it, by faith the believer knows that, for good or ill, the will of God will be done. This notion that success and failure have their place in the great Divine plan, whose end is the final and eternal separation of the evil and good to their respective ends, prevents the just from seeing the current situation as "world-historic," or as some unique turning point where moral restrictions become moot. After all, to see the serenity of God in this way is in direct opposition to the Manichaean view that the good God is at war with the evil God (or the good principle versus the evil principle), and can be harmed by defeat. But this idea also goes further.

The foregoing connects to the famous comments Augustine makes regarding necessity. As he says,

> How much more mature reflection it shows, how much more worthy of a human being it is when a man acknowledges this necessity as a mark of human wretchedness, when he hates that necessity in his own actions and when, if he has the wisdom of devotion, he cries out to God, 'Deliver me from my necessities!' (Augustine 1984: 860-861[XIX.6])

Actions such as coercion reflect the fallen state of humanity in the *saeculum*. Tragic necessity cannot be avoided, and no state will reach perfection on earth. But, for St. Augustine, what does this necessity mean for love and war? First and foremost, necessity illustrates what love means in a distorted and imperfect world. Love in the most correct sense, again, reflects the desire to go toward God and the eternal peace with Him that leads to the happy life. God is fully cognizant of the world, His plan, and the place of evil, coercion, and war within it. The believer, however, does not *see* these things, but rather acts by *faith*. So in the given context of horrors and miseries in life, the believer must act in love, aiming towards the unchangeable and eternal God, acting rightly, with the sadness about what this requires, but in the hope of that which remains unchangeably and shall succeed. This necessity is required to bring peace, the aim of all wars, although even peace itself, away from the eternal peace of God in the temporal realm, is questionable. St. Augustine has no illusions about the possibility of permanent peace on earth: "And even peace is a doubtful good, since we do not know the hearts of those with whom we wish to maintain peace, and even if we could know them today, we should not know what they might be like tomorrow" (Augustine 1984: 858[XIX.5]). Again, we must remember that St. Augustine says true peace is eternal (cf. Augustine

1984: 865-866[XIX.11]) – one must not confuse the peace *so-called* in the *saeculum*

with the *true peace* of Heaven.[45]

St. Augustine says we must remember "ordered harmony; and the basis of this

order is the observance of two rules: first, to do no harm to anyone, and secondly, to help

everyone whenever possible" (Augustine 1984: 873[XIX.14]). While his words in this

section have already been discussed regarding the ruler, in terms of war, this may almost

sound like pacifism. But this is not so. As St. Augustine writes two chapters later,

> For just as it is not an act of kindness to help a man, when the effect of the help is
> to make him lose a greater good, so it is not a blameless act to spare a man, when
> by so doing you let him fall into a greater sin. Hence the duty of anyone who
> would be blameless includes not only doing no harm to anyone but also
> restraining a man from sin or punishing the sin, so that either the man who is
> chastised may be corrected by his experience, or others may be deterred by his
> example. (Augustine 1984: 876[XIX.16])

As the St. Augustine shows, "doing no harm" must be seen in light of the focus upon the

love of the eternal, and not merely a view of causing no physical distress. Earlier in the

same work, the Bishop says

> the man who lives by God's standards, and not by man's, must needs be a lover
> of the good, and it follows that he must hate what is evil. Further, since no one is
> evil by nature, but anyone who is evil is evil because of a perversion of nature,
> the man who lives by God's standards has a duty of 'perfect hatred' [Ps. 139:22]
> towards those who are evil; that is to say, he should not hate the person because
> of the fault, nor should he love the fault because of the person. He should hate
> the fault, but love the man. And when the fault has been cured there will remain
> only what he ought to love, nothing that he should hate. (Augustine 1984:
> 556[XIV.6])

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[45] Eric Voegelin's notion of "the fallacious immanentization of the Christian eschaton" (Voegelin
1987[1952]: 121-127) is effectively an Augustinian argument against mistaking the peace *so-called* with
true peace, directed against totalizing ideologies, especially those of "political religions." Also see
Voegelin 1997[1968].

By living according to God's standards, St. Augustine illustrates how one should act.

Again, it is the fault that must be cured, not the nature itself. As such, coercion may and

can be necessary to remove the fault. But living by God's standards also means

understanding the levels of Being, and what is truly important. Natures are made good

by God, natures should aim for God, and should never let themselves get distracted by

being too entrenched in the temporal and the passing. This is all the more true in war, as

the fear of death, on the one hand, and the temptation to desire glory, act cruelly, and

countenance the *libido dominandi*, or the other hand, are likely to press against the soul.

There is another element in his statement in XXII.74 of *Contra Faustum* that

requires some clarification. Specifically, St. Augustine refers to the need of war

(generally) to punish those acts against love and the like. This idea of punishment is

deeper than it may first appear. So, for instance, Deane argues that St. Augustine

thought

> just war is the punishment imposed upon a state and upon its rulers when their
> behavior is so aggressive or avaricious that it violates even the norms of temporal
> justice. Other states then have not merely the right but the duty to punish these
> crimes and to act in the same fashion as the judge, policeman, jailer, and
> executioner act within the state. (Deane 1963: 156)

While this is true to an extent, it is also misleading. While punishment through just war

does reflect on the notions of punishment within a temporal legal system, it is directed to

a greater extent by ideas of punishment for sin, and indeed the ontology of love and of

nothingness. To understand what "punishment" means, one must look to another work

of St. Augustine's, also against the Manichaeans. Specifically, St. Augustine's *De*

Natura Boni ("Concerning the Nature of the Good") reveals elements of what

punishment, and love, means for his system.

In *De Natura Boni*, St. Augustine makes some note of the differences in the

corruption of the soul (i.e., going towards non-Being instead of Being, turning to sin and

not God). In discussing rational spirits, St. Augustine says,

> if [rational spirits] do not will to maintain obedience [to God], since willingly
> they are corrupted in sins, unwillingly shall they be corrupted in punishment,
> since God is such a good that it is well for no one who deserts Him, and among
> the things made by God the rational nature is so great a good, that there is no
> good by which it may be blessed except God. Sinners, therefore, are ordained to
> punishment; which ordination is punishment for the reason that it is not
> conformable to their nature, but it is justice because it is conformable to their
> fault. (Augustine 1996[c.405]: 352[VII])

Punishment, in this way (as St. Thomas Aquinas will later point out, cf. Aquinas 2001:

26-39[q1.a4-5]), is both an evil and a good: specifically, it is an evil for the subject, but a

good objectively (it is just). Punishment, therefore, has two elements. It can seem like

an evil, and to a certain extent it is – an evil for the punished, at-fault party. On the other

hand, it is a good because it is the decree of justice, in that the fault has required the

punishment. The first book of *De Civitate Dei* will be the most productive on this point.

In answering the accusations of pagan critics that Christianity (and abandonment of the

old gods) resulted in the sacking of Rome by Alaric and the Goths in 410 CE, the Bishop

touches on how disaster fell on the good and the bad alike. From his perspective, "…the

violence which assails good men to test them, to cleanse and purify them, effects in the

wicked their condemnation, ruin, and annihilation" (Augustine 1984: 14[I.8]). Or, as he

puts it earlier, "God's providence constantly uses war to correct and chasten the corrupt

morals of mankind…" (Augustine 1984: 6[I.1]). The subjective evil involved is the

result of fault, the objective evil done by the rational spirit. In terms of the whole, good

is done (through justice). In terms of the individual, good is done (a fault is punished).

The evil itself is rather the result of the faulting spirit's evil. Moreover, there is the

element of the inscrutable judgment of God – because of God's foreknowledge in the

number of the elect, and considering the great mercy that any should be saved at all, it is

not a matter of inflicting evil in this case, but rather justice. Or, in other words, that any

are saved at all is a mercy and to an extent a suspension of an evil will's just punishment.

The Divine mercy, indeed love, that allows for salvation is the miraculous thing. This

all plays into the larger plan of Divinity, where defeat is impossible.

In terms of the just war, elements of the above discussion can be integrated into

the *saeculum*. In *De Natura Boni*, St. Augustine makes clear that it is the sole realm of

God to hand out punishments of a divine sort (namely, the salvation or damnation of

souls). Certainly, in terms of the just war, damnation is not the issue. But punishment is

most certainly the issue. It is not, contra Deane (for instance), simply a reflection of the

imperial system of Rome at and around St. Augustine's time, but rather more an

extension to the temporal world of his theology and ontology. Punishment is natural in

justice, for the punishment is directed against the privation of good that has been

willingly chosen. Within the *saeculum*, such punishment is needed as well, whether at

the domestic level in police activity or at the international level through just war.

However, in both cases, these actions are done from love – love for justice, love for

order, love for Being.

The just war, in the thought of St. Augustine, is cloesly connected with his view of the nature of reality – constructed through his metaphysics. In this way, his notion of the just war depends on understanding the world and the universe as it is, and at all levels. By recognizing the world as fractured, filled with a post-lapsarian humanity, the ruler knows the sorrow and necessity of coercion. By looking at the moral universe, and measuring things in their objective natures rather than by subjective notions, the ruler knows what is and is not acceptable in action and war. Finally, through faith and hope in the sovereignty of God, where the final separation of good and evil, with the eternal happiness of the good, is assured, the ruler can act rightly without the overwhelming necessity of victory pushing him. In the end, this reveals the essentially realist nature of the Bishop's thought – realism in metaphysics, and realism in politics.

Christian Political Realism: Between Immorality and Idealism

St. Augustine might be called an ultra-realist, in that his realism extends not just to the earthly world, but beyond. He sees war and peace, as well as coercion and the duty for harshness, all within the framework of the changeable aiming for the unchangeable, for the mortal life seeking eternal happiness. His view of reality, structured around the critique of Manichaean dualism, easily permits a notion of the just war. On the one hand, those who would have eternal life must act rightly, with a good love (naturally focused above on the unchanging God), both to remain good and just themselves, and also to route out evils to preserve the natural order, as required by the eternal law. In this way, there is the option for war against the evils of others, driven by

the *libido dominandi* and the cardinal sin of pride, that disturb the earthly peace and act against the pilgrim City of God on earth. On the other hand, the tangible results of warfare are not as important as the actions, intentions, and loves of those involved. The unchanging God is not in any way affected by the victory or defeats on earth, and indeed by His will or permission battles are won and lost. Moreover, all events in war are part of the divine plan, known only to the inscrutable judgment of God. But as a believer, one has faith that what is truly good cannot be defeated, and if one loves rightly, that is enough.

The Bishop was fond of a certain line, "if you do not believe, you will not understand." St. Augustine's thought is entirely based on this belief in the Inexpressible. His method is of contemplation and reflection, and leads to his idea of just war in a necessarily roundabout way. But there is another method, a more systematic one. This method, exemplified by St. Thomas Aquinas, provides the necessary structure for the just war doctrine, but also unintentionally opens the door to the doctrine's future incoherence.

St. Augustine can be considered a founder and chief spokesman for Christian political realism. It is noted for its lack of perfectionism and for its rejection of amoral/immoral power politics. The former results from the notion of fractured humanity, humility, and the understanding of the limitations of created being – in other words, the "realism" inspired by Christianity. The latter results form the strictures found within the Scriptures and idea of love – in other words, the "just" part of just war. The just war tradition, at its very foundation, has this Christian political realism as its starting

ground. And, as such, it is inevitably infused with the philosophical, and theological,

structures of Augustinianism.[46] Indeed, simply attempting to understand the just war

tradition, much less look to it for guidance in a conflict context, while removing the

Augustinian elements is problematic at best. The just war theory, coming through this

Christian political realism, maintains and delicate and tenuous balance between, on the

one hand, a surrender to the horrors of the world, and thus power politics/*realpolitik*, and

on the other, a moral absolutism irrelevant to a fractured world, and thus notions such as

pacifism. The just war tradition, in this way, holds a mean between utopianism and

amoralism, between an impossible standard and no standards at all. This balance can

easily be lost, leading to aberrations like the Crusades (or "nationalistic universalism,"

the assumption that the culture of one's own nation is universally applicable – cf.

Morgenthau 1985: 351-352) or "just pacifism," *raison d'etat* and *realpolitik*. The

challenge of St. Augustine's thought on this matter regards whether the just war can be

coherently sound without the metaphysical/theological system upon which it was based.

Because of the inherent conflict in the *saeculum*, the problems of war and

coercion are endemic and irresolvable by human means. As such, the general view of

political interaction, especially international interaction, in the Augustinian just war

tradition shares a great deal with the tradition of political realism. While the similarities

and differences will be discussed in greater detail in a later chapter, it is useful to spend

some time on the viewpoints of both. Political realism, in its Christian or secular

version, view the international arena as one directed by anarchy, power, and the desire to

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[46] Cf. Gilson 1960: 240-245, for an enlightening summary of the defining elements of an Augustinian theology.

dominate. Moreover, both (for the most part) see these factors as beyond remedy, and thus consider political action to be, among other things, essentially tragic. As regards action, then, the ruler must pay close attention to the actual situation, in terms of potential or existent power conflicts, and act with prudence and as necessary. The differences arise in terms of what is real, and what is necessary. Remove the objective moral order and the sovereign God from St. Augustine's view, and it becomes political realism *simpliciter*, while adding these elements to political realism would make Morgenthau's system the Bishop's. The main difference between them, and therefore the reason why Christian political realism requires a notion of just war while secular political realism does not, is the metaphysical one. If there is an objective moral order, the former is needed; if not, the latter is more real.

One other structural similarity between the two realisms is its indifference to regime type, or the notion of the state (for international relations purposes) as a "black box." While the reason for this indifference in secular political realism will be discussed in a later chapter, the reason for this indifference in Christian political realism originates in St. Augustine's notions of intentionality as well as his belief in the contingent and passing nature of life and any particular state. Unlike some early philosophers, such as Plato and Aristotle, St. Augustine tends to be unconcerned with regime type. Certainly, much has been written regarding regimes amendable to St. Augustine (Markus 1970, and Milbank 1991, for instance; for an overview, see Hollerich 1999). Most recently, von Heyking 2001 argues that St. Augustine would be more than agreeable to a republican form of government. While it is to von Heyking's credit that he has illustrated an

underdeveloped point in St. Augustine's thought, such a point is rather beside the point

for the Bishop's views of the state. As mentioned above, one of the criterions for a just

war is right intention. Given the Bishop's view that the state is just a multitude in

agreement on its loves, a state/regime, to put it bluntly, *cannot intend anything*. Only the

individuals in whom the state consists, but most especially the decision-maker who gives

the order for war, can have such an intention. Whether the regime is monarchical,

republican, democratic, oligarchic, or what have you, it is the human being, the rational

soul, which intends and can make moral choices, not the regime. As a just war requires

a legitimate authority, and since this legitimate authority is whoever is responsible for

keeping some level of order within a territory, the regime type of the legitimate authority

is irrelevant. In other words, St. Augustine was more concerned about the activities of

the leader, whatever the regime, rather than the regime itself. In this way, elements of

Christian political realism will be in tension with theories that give regime type a pride

of place, such as the "democratic peace" and perhaps positive international law,

inasmuch as the focus on regime type or procedure, where the justice in war is more a

matter of form than substance, will go directly against the need for right intention. A

theory that replaces institutions or procedures for the choices and intentions of rational

beings, under the Augustinian facets of the just war doctrine, will fundamentally mistake

what is needed in war, and may not be able to provide protection against a *libido*

dominandi unleashed.[47]

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[47] This point will be of importance below when considering works like Rawls' on international relations
(Rawls 1999), where regime type itself becomes a *de facto* type of just war criterion.

Because of these motivational and decision-maker focused elements, Christian political realism, in its Augustinian variant, does not easily lend itself to systematization in an institutional or legalistic framework. The intention of the decision-maker is just as pivotal for the justice in a war as such restraints as legitimate authority and right action in conflict. The individual leader, the rational soul that can act with *caritas*, becomes the point of interaction between the objective moral order and God on the one hand, and the particularistic and concrete matters of war in the *saeculum* on the other. In St. Augustine's mind, the love of the rational soul for the good is fundamentally entwined with the requirements for a just war. No institutions, no legal codes, no regime specification could ever remove the heavy duties placed on the shoulders of the decision-maker. In this way, the Christian political realism of the Bishop, and the just war doctrine that flows from it, can never be placed within a more mechanical framework – for it is from the wellspring of the soul that right or wrong action comes, and no nonrational entity can ever replace this capacity.

St. Augustine was concerned with order in a disorderly world, and with the need for justice among those who will not have justice as their chief aim. St. Augustine the neo-Platonist wishes to know what truly is, in a way not terribly dissimilar to Plato (Plato 1992[380BCE]: 151[476c-d]). In practice, this seeing things "as they are" is a similarity as well with Thucydides and, thus, the political realists. St. Augustine the Christian wishes to assist in the salvation of souls. St. Augustine the anti-Manichaean wishes to highlight the necessary goodness of existence and the evil of nothing. St. Augustine the administrator knew the horrors associated with being a judge, or

occupying any other position that requires coercion. The combination of all these elements lead to the just war doctrine. Remove one of them, and the system itself becomes potentially incoherent.

Conclusion

For St. Augustine, the just war was a subsection of his entire metaphysical, and theological, thought. Without the sovereignty of God, *caritas*, order, and the unique position of Jesus Christ, his notions of just war begin to lose coherence. However, when the just war is considered within his system of seeking to express the Inexpressible, the Bishop's ideas begin to cohere.

But what about the time after St. Augustine? When future thinkers pondered the just war, did they conceive of it within the framework of the Inexpressible? Indeed, did they conceive of it within the Christian theistic framework at all? What we will see, in brief summary, is a progression and a regression, both beginning with St. Thomas Aquinas. The progression comes through the Friar's systematizing of the just war doctrine, making its stipulations and requirements precise in a way impossible for the Bishop. However, within this systemization lies the regression – while St. Thomas himself had the idea of the Inexpressible, and followed in the Christian theistic tradition, his very systemization would open the door for a just war doctrine that increasingly contained little in the way of a coherent metaphysics. By the time of Hugo Grotius, the beginning of the just war's decay comes to view. To understand what went wrong, we

must briefly look at the course of thinkers and events that brought about this sad state of affairs.

CHAPTER V

SYSTEMIZATION AND THE INEXPRESSIBLE

As time went on, St. Augustine's system of Christian political realism changed, for various reasons. The context was, of course, important – the disunity of the political system in the post-Roman Empire world had its effect. But then there were other elements as well. The increased influence of the papacy is one. The formation of the Holy Roman Empire is another. Then still, there are the pacifist strains within Christianity that would make their mark, especially after the formation of groups like the Order of Friars Minor. During the great Scholastic Age, sundry elements of theology, science, logic, and the like were systematized. While this led to a flourishing of coherent and intricate intellectual systems, it also led to a minimization of the experiential element of thought, being left mostly to the mystics and their fellow-travelers. Perhaps the greatest written text during the medieval period, in which there is intellectual rigor and an experiential acceptance of the Inexpressible, would be St. Bonaventure's *Tree of Life* (Bonaventure 1978). This may be the last major work of its kind, as St. Bonaventure's Augustinian approach to theology and existence began to decline in the face of the systems of the Minister General's schoolmate, the Dominican Thomas Aquinas. With the increase of Aristotelian science and logic, the theology of the church became more intellectually rigorous while at the same time loosing the mystical, experiential connection to the Inexpressible, the overwhelming awe of

existence. This had its effects in various elements of the theology, both good and bad, but its influence on the just war doctrine was problematic at best. The systemization allowed for making the just war doctrine a purely temporal formula, and as a result, its necessary connection to the wholeness of God, of the objective moral order, of existence, and of love, became lost. It is here that we see the first steps towards the decline of the doctrine as a living tradition and its start as a legalistic formula and/or a modified utilitarian calculation.

In considering the decline of the doctrine, it is not only within the theology schools that difficulties arose. The influences of the times, and the formation of various legal schools, also took their toll. Certain sources of tension can be illustrated briefly. First, there is the development of canon and secular law. The creation of these laws, using a combination of old Roman law, Byzantine law, common law, Church documents, and the like (cf. Russell 1975: 128-179; Carlyle and Carlyle 1970[1903-1936]: Volume II; Kantorowicz 1997[1957]: 87-192), created a system by which various sovereigns could attempt to judge the justice of a case for war. These, however, were difficult to formulate, in that the major focus for the logic of the just war (legal, theological, or later, oratorical) would effect how aggressive/pacifistic and expansionist it could be. And, indeed, many issues came to the forefront:

> About the theory clustered a variety of related considerations: the issue of conscientious objection was debated; the duty to obey military orders was discussed; rules of war, dealing with the rights of non-combatants, the legitimacy of technologically sophisticated weaponry, the use of deception and espionage, the propriety of fighting on holidays, were elaborated and analysed; trials of war criminals were held and argued over; the matter of the spoils of war was at once a theoretical and a practical issue; the crusades posed problems of their own.

> Those questions were raised and answered in the context of the theory of just war. (Barnes 1982: 783)

Another factor was the Crusades. While the Crusades would be "holy wars" instead of "just wars," there was a great deal of overlap between the two. This is illustrated below, in the case of Las Casas. While its influence on just war thinking itself was comparatively minimal, it was a new element that had to be considered (cf. Russell 1975: 195-212). Finally, there is the very structure of the medieval pre-feudal and feudal systems in Western Europe. Unlike the modern nation-state, with its unitary (generally speaking, at least) sovereignty and governance, the medieval system was a mosaic of various rights, duties, obligations, and indulgences among a multiplicity of individuals: kings, knights, bishops, monks, priests, serfs, noblemen, minor nobility, and the like. When considerations of Church requirements, the gain and loss of territory via marriage arrangements, and the rest are in place, the idea of a unified sovereign is at this time a mere dream.[48] While the just war tradition, from St. Augustine through to the present, required legitimate authority for waging war, in these situations, a final decision-maker could be hard to find. The Thomistic solution, looking to the idea of the *polis*, solved this problem somewhat, but the modified Aristotelian system itself would sit uncomfortably with the Augustinian system (cf. Gilson 1991[1936]: 324-342), as will be seen below.

Before discussing the progression and regression of the doctrine, an issue must be addressed. St. Augustine was influenced by the Inexpressible; it will be argued that St. Thomas Aquinas and possibly others shared this idea of the Inexpressible as well. It

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[48] But see Dante's treatise (1996[c.1314]) as an attempt to argue for a universal empire.

will be argued that the regression involves a loss of the Inexpressible. But, a reasonable question arises: why does the loss matter? After all, it is unlikely that all, or even many, rulers, even those wishing to fight in a just manner, had any notion of the Inexpressible. If those who were charged with following the doctrine in practice had no inkling of it, why does it matter if the theologians and theorists, most of whom never held a position of political authority themselves, should lack it? The reason it matters comes down to a matter of standards. While these standards may be difficult to reach in practice, at least they point the way towards what should be done. But if the theorists, the very ones illuminating the standards, know not where the standards come from and what they are, what will the practitioner do?

An example may be useful in illustrating the point. Consider the case of a carpenter. While he is capable of a rough system of measurement on his own, perhaps estimating an inch to be about the length of a finger's digit, he relies upon a ruler for more precise calculation of area. The carpenter does not need to know how the system of measurement came about, and he does not require an understanding of how those who make rulers ensure that an inch is actually an inch. But imagine the situation should those making the rulers forget how the system works, or even the system itself. The rulers may from that time forward lack uniformity, and indeed might be extremely heterogeneous. The very thing, the ruler, that was meant to provide order and a standard instead becomes an instrument for chaos and lack of standards. What, then, is left for the carpenter? Through experience, again via a finger's digit, the carpenter could use some rough distinctions. But these could, and probably would, be somewhat incorrect.

And even if they were not, the carpenter would have to spend a great deal of time, in building experience, to come to these distinctions, which would not be as necessary had the rulers been correct themselves.

It is the same with the just war doctrine. Thanks to St. Thomas Aquinas, the doctrine was standardized, making it simpler for the ruler at least to comprehend and potentially to use. But this standardization depended upon the understanding of the Inexpressible, the wholeness under God that gave meaning and order to the doctrine, and the hope necessary for the doctrine to make sense. The leader himself does not necessarily need to be aware of this element in its construction. The thinkers, on the other hand, do require this judgment, or risk losing the defining portion of the doctrine itself. Without it, the doctrine becomes merely a "checklist" of requirements and prohibitions, lacking any real sense of why the parts of the "checklist" exist and are of any importance.

In this chapter, we will briefly examine the slow decay of the doctrine, from the medieval period into the beginnings of modernity. To illustrate this, the discussion will deal with three major thinkers – St. Thomas Aquinas, Bartolomé de Las Casas, and Hugo Grotius. By examining how they follow and deviate from St. Augustine's thought, the growing difficulties in the just war tradition will be evident. This is not to say that these are the only thinkers who can, and should, be read in order to understand the just war tradition, nor is it to claim that the whole of the tradition's history can be understood simply through these three authors. Rather, these thinkers serve as exemplars of the various stages in the decline of the tradition, helpful in pointing out the general

progression of the doctrine, but certainly not to be mistaken for the whole of the historical development itself. To start, we will investigate the author of the doctrine's best summation, that of St. Thomas Aquinas.

St. Thomas Aquinas

To explore the thought of St. Thomas is to enter a veritable flood of text. His *Summa Theologica* alone spans five volumes, with his works on various issues and his commentaries on Aristotle and Scripture increasing the breadth of his work even more.

Both St. Augustine and St. Thomas had an understanding, an awe, of the Inexpressible, the Divinity. Indeed, while St. Thomas often reads as if he was purely a rationalist, he (like St. Augustine) have a developed understanding of the limits of "proving" its truth: "Since faith cannot be grasped by the human mind, the Christian disputant's intention, according to Aquinas, should not be to prove but to defend the faith" (Mastnak 2002: 211). Both have in common a certain term to explain the rational element of this Divinity: eternal law. But while the Bishop's way of expressing the Inexpressible was through reflections and (to a certain extent) rhetoric, the Friar focused on systemization. Instead of trying to reveal how overwhelming the Inexpressible is in highly emotive terms, St. Thomas attempts to categorize and rationalize what can be understood about the Divinity by Scripture and by human reason. This is partially explained by the difference in theories of knowledge between the two Doctors of the Church, the one following an idea of "illumination" (cf. Gilson 1960: 66-111), the other

the moderate empiricism of Aristotle. The difference is also partially explained by the

developments in law in the centuries between the two thinkers:

> Because of unique political, social, and intellectual contexts that heightened
> literate awareness of the international scene, the evils that Augustine found in
> war seemed inexorably bound up in practice that it became more difficult to
> separate the act from its effects. The canonists dealt with this problem by
> rationalizing further the process for determining just cause, right intent, and
> proper authority in warfare. (Lowe 1997: 17)

As such, systemization was already underway by the time St. Thomas began considering

the issue of just war. There is also a matter of personality. St. Thomas is very much the

scholar, interested in dissecting and arranging the elements of thought and knowledge.

St. Augustine, to an extent, tends more in the direction of the poetic, and his perspective

would be influenced by the pastoral issues he would face in his position as Bishop. But

these differences are not irreconcilable – if both are trying to express some-*thing* that is

beyond human mental capacity and instead requires awe, the differences in approach

merely show the various means by which different thinkers can try to explain the same

thing. But the style of expression St. Thomas uses, systemization, does solve some

problems in St. Augustine's approach while also creating new ones.

The great difficulty in the Bishop's use of the Inexpressible, especially as regards

coercion, is the assumption that the decision-maker, in some sense or another, will also

have this sense of awe before the Inexpressible. This is an assumption, in practice, that

is hard to accept. After all, without more clear guidelines, the leader may not follow the

right course of principle when dealing with pressing contingencies. The example of

Theodosius is best – while the Bishop praises him in *De Civitate Dei* (Augustine 1984:

221-223[V.26]), he also mentions the penance the Emperor had to make to St. Ambrose.

St. Augustine is exceptionally aware of the fact that humans fail, but his description of the just war leaves so much open that, short of a leader with the same mindset and sense of awe as the Bishop, most leaders will not comprehend what requirements St. Augustine's notion has for them. St. Thomas takes up the burden with systemization. By doing so, the Friar makes clearer what in the Bishop's *corpus* remains obscure, thanks to delineating certain behaviors, rules, and expectations for the just war. But this comes at a cost. While lack of clarity is addressed, systemization becomes a step in the loss of awe. Or, in other words, by trying to express the Inexpressible more concretely, there is the danger that lesser thinkers in the future will neglect to consider (or perhaps even fathom the idea of) the Inexpressible.

The Inexpressible entails an awe of things unseen. To understand this nebulous idea does require, if not a leap of faith, at least an openness to some-*thing* beyond the ability of the human mind. But what can be understood can be categorized, and can direct others to see, however unclearly, the Divinity beyond name. But this awe is necessary to understand the system, as it was created in terms of the Inexpressible. In this way, St. Augustine's preference for the phrase "if you do not believe, you will not understand" is quite correct – if you do not have this awe, you will not understand the system based upon it. But system is unlike reflection, in that system can take on a life of its own. While reflection requires deep contemplation, and perhaps years of thinking that may or may not bear fruit, a system can be easily learned, or at least easily referenced. Reflection looks outside itself, and is inescapably connected with this outer gaze through inner eyes. A system, however, can be seen as self-sufficient. In the case

of St. Thomas, there is an element of self-sufficiency involved, but only insomuch as to direct the individual soul to the true source of the system, this Inexpressible, this Divinity. But there is no guarantee that a system will be considered in the way its creator envisioned. So, while St. Thomas creates a system to reflect the Inexpressible in a more concrete form, later thinkers will consider the system *itself* the end, and this will be the case most especially when considering the just war doctrine. In a word, system permits future thinkers to be lazy, and to not attempt the level of contemplation that is required to understand the system fully. In the end, this leads to a situation where St. Thomas's system in praise of the Divinity is perverted to the point of completely disinheriting the Inexpressible.

St. Thomas's general system itself is more rigorously logical than the general contemplations of St. Augustine. Moreover, the Friar tried to show the inherent compatibility between faith and reason, commenting on Scripture and on Aristotelian texts, and interrelating the two types of texts to each other. Moreover, as works like *Summa Contra Gentiles* (cf. Aquinas 1975a; Aquinas 1975b) indicate, St. Thomas often focused upon showing that theology was not contradicted by science/reason. While he often discusses this compatibility in the speculative realm, the compatibility informs his consideration of practical reason as well. In his discussion of the just war doctrine, while relying upon the Scriptures and St. Augustine, his concern for compatibility is evident.

A major similarity in thought between the Bishop and the Friar is illustrated in the placement of the just war discussion in the *Summa Theologiae*. This discussion takes

place in *Secundus Secundae*, Question 40, in the larger discussion of *caritas*. Recall St.

Augustine's words in *Contra Faustum*, when he describes the Manichaean pacifistic

view as "merely cowardly dislike, not any religious feeling" (Augustine 1996[400]:

301[XXII.74]). For St. Augustine, as for St. Thomas, explicating the acceptability of

war within the religious framework necessitated making the unlikely connection

between warfare and love. In this way, the two thinkers begin their thinking on warfare

from the starting point of *caritas*, this great, inexpressible core of God and His

connection to the world. In his answer to the question, "Whether it is always sinful to

wage war?" (Aquinas 1948: 1353[II-II, Q.40, a.1]), the Friar puts three requirements

down as necessary. "First, the authority of the sovereign by whose command the war is

to be waged" (Aquinas 1948: 1353[II-II, Q.40, a.1]), which is the same as the

requirement set down by St. Augustine, who considered lawful warfare the realm of God

or the law. Also like St. Augustine, St. Thomas argues that the private individual does

not have the proper authority to wage war on his own. Here, however, we see a major

difference. St. Thomas writes, "[I]t is not the business of a private individual to declare

war, because he can seek redress of his rights from the tribunal of his superior" (Aquinas

1948: 1353[II-II, Q.40, a.1]). In the Aristotelian nature of the Friar's thinking, the

individual has, within the order of the *polis*, the ability to seek restitution through the

lawful means of the state. Moreover, in terms of this ethical theory, he would make the

exception to fighting to the death in terms of self-defense (Aquinas 1948: 1465-1466[II-

II, Q.64, a.7]). The Bishop, however, argues for the necessity of the civil authority from

another direction. As he illustrates from his discussion in *De Libero Arbitrio* (Augustine

1964[395]: 10-12[I.5]), self-defense is, for all intents and purposes, forbidden. As

defending one's self is not permitted, St. Augustine deduces that war can never be in the

hands of the private individual. As to the authority itself, the Bishop and Friar generally

are in agreement. As St. Thomas states,

> [A]s 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. And just as it is lawful for them to have recourse to the sword in
> defending that common weal against internal disturbances, when they punish
> evil-doers, according to the words of the Apostle (Rom. Xiii. 4): *He beareth not
> the sword in vain: for he is God's minister, an avenger to execute wrath upon
> him that doeth evil;* so too, it is their business to have recourse to the sword of
> war in defending the common weal against external enemies." (Aquinas 1948:
> 1353-1354[II-II, Q.40, a.1])

Nothing in this statement would seem to contradict what St. Augustine would also

believe. The main difference is in the interrelation of the citizenry to political authority.

As neo-Thomist Étienne Gilson writes of St. Thomas's thought, "…whatever their

functions, citizens have no *personal* authority over one another. All are bound

immediately to the national community and its chief. The relations which unite them,

therefore, are relations of right and justice, properly so called" [emphasis in

original](Gilson 2002[1956]: 307).

The second necessity for acceptable war is a just cause. In this, St. Thomas

directly follows St. Augustine. To consider this correctly, the entire paragraph should be

quoted:

> Secondly, a just cause is required, namely that those who are attacked, should be
> attacked because they deserve it on account of some fault. Wherefore Augustine
> says (*QQ. in Hept.*, qu. X, *super Jos.*): *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.* (Aquinas 1948: 1354[II-II, Q.40, a.1])

Let us consider this fully. St. Thomas merely seems to repeat and reiterate the views of St. Augustine on this matter, using the Bishop's words more than his own. However, the specific way he premises the quote from the Bishop helps clarify the Friar's own view: "those who are attacked, *should be attacked* because *they deserve it* on account of some fault" [emphasis added](Aquinas 1948: 1354[II-II, Q.40, a.1]). In terms of the just cause, then, St. Thomas specifically has in mind some type of objective standard by which to judge the demerits of the attacked party itself. While, certainly, the Friar explicates what he means by this through the Bishop, his few words in themselves are useful: with this focus, he illustrates the dual points of attention in the tradition. One point is from the attacking, just party, explicated more by his third requirement. The other deals with the enemy's characteristics – it is not enough that the enemy may stand in some way against the national interest (to use the term anachronistically), but rather the enemy must have done some objective wrong to thereby make itself vulnerable to just attack. While the general objective wrongs are listed, it is not inconceivable that other types of wrongs could be listed.[49]

Finally, there is the third requirement, which may at first appear the most Augustinian of them: "it is necessary that the belligerents should have a rightful intention, so that they intend the advancement of good, or avoidance of evil" (Aquinas 1948: 1354[II-II, Q.40, a.1]). While this may appear Augustinian, and indeed the Bishop is quoted twice to this regard, there is a subtle, but very important, difference in the

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[49] A possible version of this could be seen in John Rawls's *Law of Peoples*, where an objective wrong could simply be a matter of regime type (Rawls 1999). See the further discussion below, Chapter VII.

requirement. In this requirement, we see the major divergence between the two thinkers. In looking at this definition of "rightful intention," the internal disposition seems more temporally oriented. Specifically, the aim is the *temporal* advancement of the good or avoidance of evil. The just war doctrine is made wholly *saeculum*-oriented, without necessarily being connected to the higher existence of God. This is highly different from the right intention of St. Augustine – rather than an almost utilitarian calculation for good vs. bad, the Bishop requires a rightful love towards the opponent. In other words, the one who will fight a just war must love his opponent, must purge the *libido dominandi*, cruelty, and the like from his soul. In this way, rightful intention is a much more spiritual, rather than practical, question. By making it temporally oriented, St. Thomas's systemization is complete. No longer requiring a substantive connection with love on the personal level, the just war can use a more temporally-minded rubric, such as a more civic peace or the like. More importantly, the just war doctrine can now be made legalistic, utilitarian…but most of all, deontological.

Perhaps we can see another difference between the Bishop and the Friar. As noted by Weigel (Weigel 1987: 26-38), the two men had a considerable divergence of focus in terms of the *saeculum*. Part of this may be explained by the different contexts the two men lived in: while St. Augustine was witnessing the dissolution of the Western Empire, and thus order was at a premium and rare, St. Thomas could rely more on the comparative order and stability of thirteenth century Europe. This leads to another consideration, specifically the personal and philosophical differences between the two men. Throughout his life, St. Augustine was haunted by evil and sin, most especially his

own (cf. Brown 2000: 436). Whether in the individual soul or in the world in general, disorder was always obvious, even while believing in a higher, and more permanent, order suffused throughout the whole. In comparison with true order, and true peace, the Bishop's mind and words would gravitate to considering, and lamenting, the great disorder in the sinful world. Moreover, St. Augustine was limted in his philosophical terminology – as he was highly influenced by Neoplantonic thought, trying to describe the good order of the lower, less fully "real" world was a constant difficulty, seen best in his difficulties in trying to describe the resurrection of the body. While St. Thomas was not a stranger to the temptations of sin, his background did not lend him to the same sense of (personal) horror and fixation on nothingness. The Friar's past had nothing in it that could bring about the sorrow the Bishop reveals in his *Confessions* – St. Thomas did not have a heretical, sexually loose background to shape his views of the world. Perhaps even more importantly, St. Thomas was a Christian Aristotelian. As such, St. Thomas was better prepared to examine and consider the inherent order in even the sinful *saeculum*. In doing so, the Friar could explain the political sphere of existence in ways beyond St. Augustine.

It is the difference of background and philosophical terminology that perhaps best explains the differences between St. Augustine and St. Thomas on matters political, including the just war doctrine. To put it somewhat superficially, the Bishop was the great prophet of the horror of sin from the Christian perspective, while the Friar was the great prophet of grace from the Christian perspective. These differences of focus are

fully visible in the discussion of political things, domestic and international. We will consider both, beginning with the domestic.

For St. Augustine, government was both a punishment and a remedy for the original sin (and the continuation of sin in the world). Government was oppressive but also served a necessary and useful purpose. To consider "better" or "worse" governments was, for the Bishop, rather beside the point. As long as the Christian was not forced by the government to commit impious acts or be prevented from worship, one government was as acceptable as another. All perish sooner or later, and the people living within them perish much sooner than that. Only membership in the City of God mattered, the rest was more or less a passing of one's time in the earthly pilgrimage. Effectively, St. Augustine believed that at least some level of order is better than total disorder (such as a civil war), and in a disordered world, one should be satisfied with the limited order one can find. This has led some to conclude that, in effect, St. Augustine had no political theory, at least if one means a theory of politics for the domestic sphere. While others (von Heyking 2001) have reasonably dissented from this view, it is safe to state that the Bishop's domestic political theory is perhaps one of the most underdeveloped elements of his thought.

For St. Thomas, the situation is very different. Following Aristotle's views from the first book of *Politics*, St. Thomas does believe that there is a natural tendency towards governance, even in the world after the Fall, and that one can make distinctions between better and worse regimes. Indeed, St. Thomas makes the argument that there is a distinguishable order within the world, one created in human nature itself by God, that

was not destroyed by original sin, even if its practice was often distorted. Moreover, St. Thomas lived in a time when he saw relative order in the political arena, while St. Augustine was witness to the waning of the Eternal City and, effectively, an entire civilization. The Friar could see an immanent order experientially that the Bishop could only read about or imagine. As such, St. Thomas was better prepared, both by philosophy and by experience, to assert the order in the domestic sphere. In this way, St. Thomas's domestic political theory is vastly superior to what there is of such a theory in St. Augustine's works.

When looking to the international sphere of politics, however, the situation is reversed, with St. Augustine providing a better understanding than St. Thomas, as is reflected in their discussion of the just war. St. Thomas, on account of his Aristotelian style and his lack of personal experience with the horror of evil, did not give the absence of order internationally its due. Still thinking in terms of the order of the *polis* and the like, full anarchy, the evil of nothingness, was an abstract rather than experiential notion. Thus, his systemization of the just war doctrine makes sense – as with other elements of the political and ethical order, certain set rules could be laid out for the decision-maker. St. Augustine, on the other hand, was much more aware of the chaos, confusion, and indeed desperation of disorder and nothingness that came about in war. While the systemization was worthwhile in terms of the *rational* consideration of just war, St. Thomas's system did not, like St. Augustine's, emphasize the *emotive and experiential* elements of it. These emotive and experiential elements are usually overlooked as merely exercises in Augustinian rhetoric, but they are of great importance in the

consideration of the just war – the rhetoric is not a matter of habit or flourish, but indeed an integral part of his just war thinking. When St. Augustine gives the example of a good judge who begs God to remove from him his necessities, the Bishop is indicating a necessary element of the internal disposition necessary of the decision-maker to wage a just war, the notion of acting in love. This, in a way, reflects a paradox in St. Augustine's thought: the decision-maker must be aware of the horror that necessity requires, the brutal ugliness of it all, the sheer hideousness, while at the same time turning to God in love to prevent him from becoming a monster in the process. In a way, St. Augustine requires that the decision-maker do more than understand; he must *feel* the sorrowful condition he is in, while also feeling the presence and awe of God to guide him. This element is minimized, if not totally absent, from the systematized just war doctrine of St. Thomas. This does not mean that St. Thomas was unaware of the necessity for the right internal disposition, far from it. But thanks to his scholastic way of writing and thinking, these nonrational elements are not the main focus of his work. And here is where the danger lies – a system for the just war doctrine, even if correct, can become dangerously hollow if the emotive and experiential elements (perhaps best described via rhetoric) are not strongly emphasized in the process. And, indeed, this "hollowing out" of the doctrine's ontological and experiential elements is what, historically, did occur.

Between reflection and system, there are difficulties. But one or the other cannot solve the problem. Perhaps, then, under God and salvation, there are no unmixed blessings.

Bartolemé de Las Casas

St. Thomas Aquinas systematized the just war doctrine, but was not himself involved in the political world. There would be other thinkers, however, who would use his system in dealing with the unexpected discovery of the New World, and the interaction with the native populations of the Americas. The situation itself illustrated the difference in perspective between two parties that Richard Tuck refers to as "humanists" and "scholastics,"

> though it might be better to call them the 'oratorical' and 'theological' traditions, since the first drew most extensively on the literary and rhetorical writings of the ancient world (above all, of course, the works of the Roman orators who were openly sceptical of much of philosophy), while the second equally drew its inspiration largely from the literature of early Christianity, combined with the writings of the Greek philosophers and the systematic jurists of Rome. (Tuck 1999: 16)

Among the humanists, according to Tuck, are Alberico Gentili, Andrea Alciato, François Connan, Pietrino Belli, Donato Acciaiuoli, Jacques Lefevre d'Etaples, Juan Luis Vives, and St. Thomas More, among others (Tuck 1999: 16-50). While looking to and modifying the old Roman oratorical tradition, the "humanists" also would accept "…the Roman ideas about aggressive war and enslavement on behalf of the human society…" (Tuck 1999: 42). Both more state-oriented and politically concerned, the humanists were also more acceptant of war as an extension of state policy, rather than some reflection of punishment or the like. As humanist Francis Bacon wrote,

> …there can no general rule be given (the occasions are so variable), save one, which ever holdeth; which is, that princes do keep due sentinel, that none of their neighbours do overgrow so (by increase of territory, by embracing of trade, by approaches, or the like) as they become more able to annoy them than they were.

…Neither is the opinion of some of the schoolmen to be received, *that a war cannot justly be made but upon a precedent injury or provocation.* For there is no question but a just fear of an imminent danger, though there be no blow given, is a lawful cause of war." [emphasis in original](Bacon 2005[1597]: 45-46)

While what Bacon calls "just fear of an imminent danger" has some overlay with some of the scholastic thinkers (cf. Barnes 1982: 779), the more *Realpolitik* nature of many humanists distinguishes them as a new perspective on international affairs.

The other perspective, the scholastic, tended to be more skeptical of the uses of war, as well as of the claims to dominion over areas like the New World and the Far East. One general commonality among the scholastics would be the reliance upon the system of St. Thomas Aquinas. Indeed, the discourse of the scholastics was so indelibly entwined with the *Summa Theologia* (among others) that the thinkers rarely go beyond the system – while commenting, analyzing, modifying, and reinterpreting the system, the scholastics tend not to break in major ways from St. Thomas. Many of the best known of these Scholastics came from the Iberian Peninsula. These thinkers include De Soto, Molina, and Suarez, among others. The Salamanca School of so-called "Second Scholastics," located in Spain, provided the most famous Thomistic thinkers, in terms of the general use and development of the Friar's thought, as well as in terms of bringing St. Thomas's thought to bear on the expansion of Europe into the Americas. The Dominican Francisco de Vitoria presents an excellent example of the Thomistic analysis in dealing with the issue of empire. In considering the problems inherent in the Spanish colonization of America, especially in terms of the affects on the native peoples, Vitoria was lead to deal with the just war tradition itself. Elements of his discussion illustrate his Thomism over the Augustinian tradition – indeed, Vitoria in many ways merely

follows the Thomistic system's logic to further deductions. For instance, Vitoria extends

upon St. Thomas's acceptance of self-defense in terms of the just war:

> *Any person, even a private citizen, may declare and wage defensive war.* This is
> clear from the principle 'force may be resisted by force' quoted above from the
> *Digest*. From this we may gather that any person may wage war without any
> other person's authority, not only for self-defence but also for the defence of
> their property and goods. [emphasis in original](Vitoria 1991: 299)

Here we see the beginnings of the notion of "private war" (as will be explicated by

Grotius below). Admittedly, Vitoria qualifies this soon afterwards:

> *…any commonwealth has the authority to declare and wage war.* For the proof
> of this proposition, it is to be noted that the difference in this respect between a
> private person and the commonwealth is that the private person has, as I have
> said, the right to defend himself and his property, but does not have the right to
> avenge injury, nor even, indeed, to seize back property which has been taken
> from him in the past. … The commonwealth, on the other hand, has the authority
> not only to defend itself, but also to avenge and punish injuries done to itself and
> its members. [emphasis in original](Vitoria 1991: 300)

Also following from St. Thomas, Vitoria sees the just war in a more *saeculum*-oriented

manner, including the idea that "*in the just war one may do everything necessary for the*

defence of the public good" [emphasis in original](Vitoria 1991: 304). Moreover,

Vitoria is also influenced by the legal considerations used within the just war tradition –

indeed, he advises rulers to think of themselves as judges: "The victor must think of

himself as a judge sitting in judgment between two commonwealths, one the injured

party and the other the offender: he must not pass sentence as a prosecutor, but as a

judge" (Vitoria 1991: 327). Most of these distinctions may strike many as rather

academic differences between an Augustinian and Thomistic view of the just war.

Admittedly, many of the Salamanca thinkers, like St. Thomas himself, were not actively

involved in the political situation at the time. In order to show how this systematized

just war was used in public discussion, however, this section will focus on one thinker

with a more pastoral and less speculative background. The thinker in question, in his

position as Bishop within the New World, was well-versed regarding the situation during

colonization and of the native populations. The Amerindians' proponent, the thinker,

was Bartolemé de Las Casas.

The work of Las Casas is an interesting mix of Thomistic reasoning combined

with Augustinian polemic. Moreover, he was also strongly influenced by the thought of

Cicero (Nederman 2000: 101-105). His *opera* primarily focuses on the atrocities of the

Spanish Conquistadores during the conquest of the New World. Rather than attempting

a systematic consideration of the just war and the Amerindian population, in the pattern

of someone like Vitoria (1991), his sole concern was the alleviation of the present crisis,

the oppression and extermination aimed against the natives of the Americas. In terms of

his thought, it is very straightforwardly Thomistic, through the lens of the Spanish

scholastics who came before him. His thought has its focus on natural law and what is

known via revelation and via natural reason, and how the two interact. But along with

this, his thought is directed at particular, concrete events, with the aim of making a case.

In this way, Las Casas is quite Augustinian. Both in his focus on the concrete, and the

energy of his rhetoric, at times Las Casas seems to almost revert back to the Augustinian

experiential element of the existence, as regards the just war and other topics. Consider

the following excerpt, from his *A Short Account of the Destruction of the Indies*:

> It has already been stated that in the New World the Spaniards have a number of
> wild and ferocious dogs which they have trained especially to kill the people and
> tear them to bits. It is not difficult to discover who are the real Christians and
> who are not when one learns that, to feed these dogs, they ensure that wherever

they travel they always have a ready supply of natives, chained and herded like so many calves on the hoof. These they kill and butcher as the need arises. Indeed, they often run a kind of human abattoir or flesh market, where a dog-owner can casually ask, not for a quarter of pork or mutton, but for 'a quarter of one of those likely lads over there for my dog,' and undertake to repay the debt when he has 'killed another blackguard for myself.' Others take their dogs out hunting of a morning and, when they get back at lunch-time, answer questions about the morning's bag with a cheerful: 'Pretty good, actually. The dogs have accounted for fifteen or twenty of the blighters.' All of this you will find in recorded evidence given in the course of legal actions brought by one Spaniard against another. Is it possible to imagine anything more dreadful, more brutal, or more inhuman?" (Las Casas 1992[1542]: 125)

It is not improbable that Las Casas was especially open to the experiential element in these polemic works thanks to his direct experience with the cruelties perpetrated in the Americas. But even so, Thomistic Aristotelianism creates a barrier in explicating an experiential connection with the system of reasoning. By using the natural law elements within St. Thomas's thought, Las Casas tries to employ the systematized doctrine in the new situation of the early sixteenth century, but with mixed success.

While Las Casas discusses various elements of the just war doctrine in his work on the Amerindian situation, it is not a broad consideration of the tradition itself. Rather, he explicates the just war regarding the specific situation of those "outside" the Church – i.e. those who are not Christians. There are various reasons for this emphasis. First and most obviously, the main issue of the day was not war between Christians, but rather between Christian nations colonizing the New World, on the one hand, and the continuing threat of warfare between Christian nations and Islamic countries in the East. Along these lines, the particular event that brought *In Defense of the Indians* into existence was the Council of Valladolid – Las Casas defended the dignity of the native peoples, and their right not to be conquered, against the claims of theologian Juan Ginés

de Sepúlveda, who claimed the Amerindians were "natural slaves" in the Aristotelian sense (cf. Aristotle 1981: 70-73[I.vi]). Also, there is the specific question of what kinds of war the Christian Church could legitimize as just when dealing with those not under baptismal seal to Christ (cf. Tuck 1999: 58-63; Muldoon 1979). With these various issues being the most salient at the time, the majority of Las Casas's discussion of the just war deals with war against the non-Christian other (and, in connection with this, heretics), rather than just war in and of itself.

Regarding warfare, Las Casas adopts the terminology of the just war doctrine, using especially notions of natural law. Indeed, in discussing when it is just to fight, Las Casas employs natural law to defend the natives' human sacrifice, at least in terms of whether it allows the Europeans to wage war against them. Las Casas believes that even the most barbarous peoples "have at least some confused knowledge about God" (Las Casas 1999[1552], 226). As natural reason brings one to some knowledge of God and the desire to worship Him and sacrifice to Him, these confused sorts would use positive legislation to create forms of worship. Las Casas argues that, by natural reason, the person with a confused notion of God who directs him/herself towards the one God (or who is believed to be such), knows that humans owe all to God but deserve nothing back, and wishes to give sacrifice, could reasonably conclude under natural law that human sacrifice is acceptable. No greater sacrifice could be imagined. While not good, Las Casas says these practices both show that the Native Americans are human, and that attempts to bring just war upon the natives would create such scandal as to prevent the salvation of souls. Regarding just war, Las Casas follows many of the same precepts as

previous Thomists. While he does not generally define the just war doctrine in a positive sense within his *In Defense of the Indians*, one can generally assume a strong similarity in his reasoning to that of Aquinas and others. For the most part, his views on just war are structured in the negative, specifically in contrast to the ideas of Sepúlveda. However, we can get some idea of his general views on just war from his discussion of wars against nonbelievers.

One matter that Las Casas puts at the forefront of his discussion is where the Church on Earth has jurisdiction to legitimize warfare. From his reading of Paul (1 Corinthians 5: 12-13, "It is not my business to pass judgement on those outside. Of who are those inside, you can surely be judges. But of those who are outside, God is the judge" (quoted in Las Casas 1999[1552], 63), Las Casas argues that "he who has promised nothing, as in the case of the pagan, is forced to give nothing" (Las Casas 1999[1552], 304). This limited the scope of what reasons could be given for legitimate warfare against unbelievers. He lists six conditions where the Church may legitimize war against those outside of it. They are:

1) If unbelievers hold lands from Christians unjustly (Las Casas 1999[1552], 118).

2) Where unbelievers "practice idolatry in provinces which were formerly under Christian jurisdiction or when they corrupt a region with evil and hateful vices against nature" (Las Casas 1999[1552], 199).

3) If unbelievers "are maliciously, knowingly, and insultingly blasphemous toward Christ, the saints, or the Christian religion by speaking out hatred and contempt for Christian truth" (Las Casas 1999[1552], 165).

4) If unbelievers "hinder the spread of the faith deliberately rather than accidentally and when by word or deed they attack those who wish to embrace it or already have embraced it" (Las Casas 1999[1552], 168).

5) If "unbelievers break into our provinces or harass our shores with the accouterments of war," either generally or particularly (he uses Muslims as an example) (Las Casas 1999[1552], 184).

6) If the unbelievers are bringing unjust death upon innocents, but "with such discretion as not to give rise to some greater evil to the other peoples that would be a hindrance to their salvation" (Las Casas 1999[1552], 187).

Groups such as the Muslim nations to the East would (for Las Casas) fall under these criteria. Indeed, "he always held that just war could be levied against the Turks and the Saracens; however, Indians were in an entirely different category, he wrote: they could not be justly warred against because their resistance was purely defensive in the face of conquistador attacks" (Hanke 1974, 91-92). The Muslims, for Las Casas, were a good example of where just war could be permitted. But the long-standing disputes and wars between the Christian realm and the Muslim one presented a very different situation than what was the case in America. As one commentator puts it, "The Church has an obligation to preach the gospel to all nations, but Las Casas declared . . . that it does not follow from this that Christians can force unbelievers to hear the gospel" (Hanke 1974,

91). Heretics, of course, are another matter.   They are not outside of the community, but have indeed given themselves to Christ through their baptism. For Las Casas, those who have entered into the fold of Christ can be forcibly placed back within the orthodox mode of Christianity. As he wrote, "[t]he heretic . . . is obliged not only to follow Christ but also to the Church. Therefore, he must be *forced to keep his promise*, just as the person who has taken a vow is forced to keep a vow" [emphasis added](Las Casas 1999[1552], 304). Consequently, Las Casas would be more accepting of an Augustinian notion of coercing heretics for the benefit of these heretics' souls.

While again keeping in mind the particular historical focus of Las Casas's work, there are some interesting changes in doctrine. Indeed, these developments have similarities to some thinkers of the twentieth century. The difference in the foundations for a just war that between those in and out of the Church, that Las Casas explicates, is instructive in two ways. On the one hand, this would seem a surprisingly pluralistic move – by arguing against a notion of the Pope as *dominus mundi* or the like, Las Casas disallows the notion of legitimate warfare simply for a difference of religious beliefs. But, on the other hand, the distinction he makes moves consideration of the just war away from two of its major foci – the objective moral order itself and the specific crimes or lack of crimes of the party warred against. The first is related to the Thomistic *saeculum*-focus, while the second may be more of a result of the Spanish condition, specifically the beginnings of racialism. As scholar Henry Kamen writes in his study of the Spanish Inquisition:

> The concept of honour discriminated against the unsuccessful. The poor, mean and outcast were deemed incapable of honour. An hidalgo was permitted to

obtain wealth, but not through vulgar means such as working for an employer. Those who did not share the same faith were likewise arguably out of the scope of honour. In Reconquest Spain this theoretically applied to Jews and Muslims, but in practice it applied only to the humbler social ranks. There is ample evidence of Jews and Muslims of the elite being treated on equal terms by Christians; and Christian writers also accepted this equality. By the fifteenth century the deterioration in the socio-political position of Jews and Muslims had significantly affected their capacity to obtain honor. The view that all Old Christians, by the mere fact of not being tainted by semitic blood, were honorable, was becoming widespread. 'Though poor', says Sancho Panza in *Don Quixote*, 'I am an Old Christian, and owe nothing to anybody.' It was felt that Spain, its traditions and faith, belonged exclusively to Old Christians. The heritage could not be shared with those who were outside the picture, whether Jews or Muslims or heretics. What had begun as social discrimination developed into social antagonism and racialism (Kamen 1997: 230-231)

While not Las Casas's aim, his reasoning could easily fit this rubric. The creation of distinctions between types of warring parties, versus distinctions of, say, combatant versus noncombatant, presents a situation that could potentially lead to what Las Casas argued against Sepúlveda. During the Council of Valladolid, Sepúlveda argued that, along with being natural slaves, the activities (real or imagined) of the Amerindians, be it lax sexual morality or human sacrifice, made them as a class rightful subjects for war. Certainly, this is exactly what Las Casas was arguing against, and yet the structure of his counterarguments still permits the dichotomy of looking at combatants as inside versus outside. Whether argued from the perspective of Sepúlveda or Las Casas, in both cases, the legitimacy of a just war is considered more as a matter of one's identity, be it racial or religious (and later, perhaps political[50]), rather than of the specific, concrete facts of the case, or of the overarching moral universe under God. The potential for war to be considered not because of what has been *done*, but rather because of what some group *is*,

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[50] See footnote 49.

becomes a far too real possibility. Through this distinction, the possibility of "holy war"

or Crusade becomes evident, though not necessarily with such a religious connotation –

perhaps it is a war of liberal expansionism, communist world order, or some other style

of regime or political type referred to as "nationalistic universalism" by Hans

Morgenthau (cf. Morgenthau 1985: 351-352). Again, it was certainly not Las Casas's

intention to make the just war doctrine amendable to such an interpretation. However, in

his critique of Sepúlveda, he only attacks the *substance* of the argument (whether the

grouping "Amerindians" could or could not be warred against) without fundamentally

altering or challenging the *form* of the argument (whether or not such group distinctions

should be relevant within a consideration of the just war).

Is this grouping-style argument necessarily a problem? Indeed, one could say

that such a tendency towards grouping is inherent within the just war tradition itself,

going back to St. Augustine's acceptance of coercion against heretics, or even further

back in the just war's prehistory to the distinction made by Aristotle differentiating wars

among Greeks versus wars of Greeks against barbarians. While it may be true that some

type of in/out group tendency lurks in the background of the tradition, perhaps even in

the "ally/enemy" style of Carl Schmitt (Schmitt 1996[1932]), it is not a primary element

of the just war. If such a distinction were key, there would be little difference between

just war and holy war. Perhaps the key element within the notion of holy war is the

dichotomy between those within and without the fold (religious, racial, political,

ideological, etc.), while the just war tradition is much more concerned with the particular

case, on the one hand, and the overarching moral structure of the universe, under the

total sovereignty of the Inexpressible God, on the other. While one can see how the just war can become the holy war (if one is in the service of the true God, then those with are him would be natural allies, those against natural enemies), the intentional and *caritas* elements of the Augustinian just war become key. Only by facing one's opponent in love, by killing with a disposition towards peace and a sorrow at the necessity of coercion at all, can we keep the just war from degrading into a holy war. The awe of the Inexpressible, the realization of God's hand in all things, and the motivation of love that is intrinsically entwined with the very Being of God, permits one to fight justly. Once war becomes more *saeculum*-oriented, once combatants are distinguished according to their group rather than their actions, and once love is replaced with more abstract justice or utilitarian calculation, the just war ends, and the door to holy war opens.

While Las Casas was arguing against the idea of fighting wars against those for the crimes of difference, by staying within the group-oriented style of thought, his critique could only be partially effective. Although Las Casas, following Thomistic teaching, used natural law to great advantage in his *Defense*, he also relied heavily upon revelation and those interpreting the Scriptures. This revelation focus would keep him at least partially within the Augustinian tradition of just war. Indeed, in Thomistic form, natural law and revelation were not antithetical in the mind of Las Casas. Both could be used. However, this situation would change. Less than a century later, the Dutchman Hugo Grotius would make the claim that one could discuss the justice of war by natural right alone, *even if there was no God*. Here, the last major step of the just war's decline becomes evident.

Hugo Grotius

Much had changed since the beginning of the just war tradition. An empire had fallen, the Church was ascendant, then split by the Reformation, and the new form of nation-state was starting to develop. Thanks to the serious challenges to scholasticism and Church authority by the Renaissance and the new churches, the just war doctrine was moving away from "thick" ontological premises. Perhaps the first major instance of such a transformation can be seen in the work of Hugo Grotius.

Grotius stands apart from the thinkers previously discussed for many reasons, perhaps most clearly as a layman rather than a clergyman. As Richard Tuck observes, "By birth and upbringing, Grotius belonged wholly to the humanist world; he was a spectacularly precocious classical scholar, who devoted the first twenty-five years of his life to the traditional pursuits of the young humanist, the writing of poetry and history" (Tuck 1999: 78). This proclivity also explains the general tendency of his *De Iure Belli ac Pacis* to try to find pre-Christian evidence for Grotius's system. As Thomas L. Pangle explains,

> According to Grotius, the most obvious problem in his predecessors' writings is their failure to apply historical research in order to separate out international customs that are peculiar to Christians (and thus dependent on divine law) from those shared by pre-Christian civilized nations as well (and thus reflecting natural law). Hence, whereas Suarez seldom refers to ancient history and tends often to dismiss Roman practices as unreasonable, Grotius begins by saying that he has "preferred examples from the ancient Greeks and Romans to others." (Pangle 1976: 329)

While problems with this self-understanding will be explained below, this does give an accurate view of what Grotius was attempting. Moreover, Grotius was willing to

contemplate types of wars either inconceivable or impermissible by previous thinkers: so, for instance, "[f]rom the beginnings of his intellectual career in the late 1590s he praised the activities of those Dutch sailors who were carrying the war against Spain into the Spanish overseas empire of the East Indies…" (Tuck 1999: 79). Grotius, among other things, was open to the idea of *private* war. Because of his humanist proclivities, and his relational, rather than ontological, way of thinking, Grotius represents a major break within the just war tradition itself.

Grotius' work goes beyond war to try and explicate a larger notion of natural right. Indeed, he wishes to give an explanation of the Law of Nature that can be followed even by those who do not believe in God. In discussing "Natural Right, that is, the Laws of our Nature" (Grotius 2005[1625]: 87[I.Preliminary.ix]), He writes in his preliminary discourse:

> And to this belongs a prudent Management in the gratuitous Distribution of Things that properly belong to each particular Person or Society, so as to prefer sometimes one of greater before one of less Merit, a Relation before a Stranger, a poor Man before on that is rich, and that according as each Man's Actions, and the Nature of the Thing require; which many both of the Ancients and Moderns take to be a part of Right properly and strictly so called; when notwithstanding that Right, properly speaking, has a quite different Nature, since it consists in leaving others in quiet possession of what is already their own, or in doing for them what in Strictness they may demand.
>
> *And indeed, all we have now said would take place, though we should even grant, what without the greatest Wickedness cannot be granted, that there is no God, or that he takes no care of human Affairs.* [original emphasis removed; emphasis added] (Grotius 2005[1625]: 87-89[I.Preliminary.x-xi])

While allowing for this possibility, Grotius immediately states that there is a God, and that this entity is interested in human affairs. But Grotius is correct, as his system in a fundamental way does not require such a being. The main reason is the relational rather

than metaphysical foundation for his consideration on war and right. In other words, Grotius is concerned with the how the parts interrelate with one another, rather than the consideration of Being itself, where the reality of the world *itself* is in question. Indeed, the broad emphasis of his system could easily be accepted by a Deist, perhaps by a Stoic – all that is needed is some *thing* (intelligent or otherwise) that has created the universe, with all the interrelations of its parts. What or who this thing is, whether it continues to exist, whether it has any interest in humanity or even the whole of the universe, become questions of curiosity, but not of very great practical importance.

A difficulty for Grotius is that, while he does want to make such a case, often times what is permitted by the Law of Nature (through "*expletive* Justice") seems like madness in a moral sense, and therefore Grotius enters into his discussion elements of theology, specifically Christian theology. An excellent example of this problem comes in his discussion of whether it is just to kill another who has, or will, box one on the ear. Being boxed on the ear is, on the one hand, a physical attack, though a rather minor one. On the other hand, and more importantly, it is a sign of utter contempt, the sort of thing that a master does to a slave or a superior does to some vulgar inferior. Grotius mentions that some commentators do believe this is an offense that, before or after the fact, can be prevented/avenged through killing. This seems extreme, as Grotius mentions. However, in terms of the Law of Nature,

> If Regard be here only had to *expletive* Justice, I don't deny it; for tho' there be no Manner of Proportion betwixt Death, and so slight an Injury; yet, whoever shall attempt to wrong me, gives me from that Time an unlimited Right, that is, a certain Moral Power against him *in infinitum*; upon a Supposition, that I am not otherwise capable of diverting such an injury from my own Person. [emphasis in original](Grotius 2005[1625]: 406[II.1.X.i])

While the Law of Nature permits such a thing, Grotius makes clear his disapproval. In an attempt to go beyond the natural law, he argues from the authority of the New Testament, along with some examples from pagan antiquity, to explain that such an extreme response should not be undertaken. He summarizes his first attempt at explaining away this rather brutal idea of justice, after mentioning the Gospel and some commentary thereon, by stating, "For GOD, who is the Author of Nature, that he can, whenever he pleases, act above Nature, has a Right also of prescribing Laws to us, even in those Things which are in their own Nature free and indifferent. How much more then can he command us to do that which is naturally honest, tho' not obligatory?" (Grotius 2005[1625]: 406-407[II.1.X.i]) What makes this interesting is that Grotius, in his defense of the Law of Nature, must go beyond the law as it permits killing over the comparatively trivial. The Law of Nature, then, appears brutal and almost bestial, and can only be curtailed by looking outside the Law of Nature. This, then, puts into question the initial statement by Grotius regarding the sufficiency of these laws themselves. It is here that the problem of moving away from ontology becomes painfully clear. Relational ethics, such as the notions of right within Grotius's text, have a logic of their own, separate and significantly different from the logic of an ontologically-based ethical system. Effectively, the relational model removes a major third party from the question of war, a third party who holds the primary place in the ontological model – God. Consider again some lines from the example of a box on the ear – "whoever shall attempt to wrong me, gives me from that Time an unlimited Right, that is, a certain Moral Power against him *in infinitum*; upon a Supposition, *that I am not*

otherwise capable of diverting such an injury from my own Person" [emphasis added](Grotius 2005[1625]: 406[II.1.X.i]). There are two parties in this equation – the attacker and the attacked, with the latter gaining "an unlimited Right." Why? Because it is the only way of diverting such an injury by the attacked himself. This is indeed necessary because, relationally speaking, from whom else can the attacked expect protection or help? If this relational system truly does not need a God, or at least such a Divinity that has any interest in human affairs, then the attacked individual has no entity higher to look to for assistance, and thus man (and his protection) by necessity becomes the measure of justice. In discussing St. Augustine above, we have explained how the ontological model avoids this concern: because man is *not* the measure. Rather, the standard is the sovereign God, who not only cares about the affairs of humanity but structured the very course of universal history towards the end of salvation and the elimination of evil. Hence, the attacked party is always assured of 1) the inevitable victory of good, and 2) that his own intentions will be the main measure before the Inexpressible Judge, not necessarily the efficacy of the actions performed within the *saeculum*. Because the universe in its existence is good, and its final state will be the goodness without taint of evil provided by the sovereign God, the fear of attacks, and the retaliation desired, can be muted thanks to the peace of faith. Relationally, however, there is no such hope. The *saeculum*-focus is almost complete at this point, where the *saeculum* is a self-enclosed system, without any intervening entities from outside the system. In this way, there are only the relations between men, and *homo hominis lupus*. Without the ontological certainty of good's success, there is only the brutal self-help

system of the relational world, a notion central to the political realism school (discussed in Chapter V).

One can also see, in connection with the relational over ontological elements of Grotius's system, a definite preference for epistemological instead of metaphysical issues. An interesting and disconcerting result of this change in focus is the possibility of a fully just war, or, in other words, *a just war where both sides are acting justly*. For Grotius, a main reason for this is simply how words have been accepted. As he writes,

> In the particular Acceptation of the Word, and as it regards the Action itself, War cannot be just on both Sides, nor can any Law Suit be so, because the very Nature of the Thing does not permit one to have a moral Power, or true Right, to two contrary Things, as suppose *to do a Thing, and to hinder the doing of it*. But it may happen that neither of the Parties in War acts unjustly. For no Man acts unjustly, but he who is conscious that what he does is unjust; and this is what many are ignorant of. So People may justly, that is, may honestly and fairly go to War. Because Men are very frequently unacquainted with several Things, both as to Matter of Right, and as to Fact, from whence Right proceeds. [emphasis in original](Grotius 2005[1625]: 1130[II.23.XIII.ii])

Compare this to the statement from Vitoria on the same issue:

> FIRST, except in ignorance it is clear *that this cannot happen*. If it is agreed that both parties have right and justice on their side, they cannot lawfully fight each other, either offensively or defensively.

> SECOND, where there is provable ignorance either of fact or of law, *the war may be just in itself for the side which has true justice on its side, and also just for the other side, because they wage war in good faith and are hence excused from sin*. Invincible error is a valid excuse in every case. [emphasis in original](Vitoria 1991: 313)

For Vitoria, it was merely a matter of course that there could be no such thing as a just war on both sides, objectively speaking – only a subjective justice caused by invincible ignorance. This in itself is not very different from the statements of Grotius, in that he argues that ignorance is also the source of two sides fighting without injustice. The

difficulty, however, lies in the way justice and injustice are conceived within Grotius's

system. Consider his explication of justice just before the selection excerpted above:

> Here we must distinguish the different Acceptations of the Word *Just*. A Thing
> may be termed *just*, either from its Cause, or according to the Effects it produces.
> Again in respect of the Cause, either as Justice is taken in a particular Sense, or
> in that general Signification under which are comprehended all Sorts of
> Rectitude. Further, this strict and special Acceptation of the Word *Justice*, is
> divided into that which regards Action, and that which regards the Agent. The
> first Sort of Justice may be called *positive*, and the other *negative*. For the Agent
> is said sometimes to act justly whilst he acts not unjustly, tho' that which he acts
> be not just, as *Aristotle* very judiciously distinguishes between…*to do unjustly,
> and to do that which is unjust*. [emphasis in original] (Grotius 2005[1625]:
> 1130[II.23.XIII.i])

Grotius's focus on action and agent potentially leaves outside of the equation the moral

universe in which the agent acts. As such, there may be a greater difference on the

question of ignorance between Vitoria, on the one side, and Grotius, on the other, than

first appears. While ignorance in the former case is especially a matter of the facts of the

particular case, in the latter case, ignorance about right and justice *themselves* becomes a

greater concern. Indeed, while the customary law of nations could be used to present

some sense of what is just and unjust between states, this customary law tended to be

constructed with notions of God (via canon lawyers and others) or at least Empire (via

the Romans and others) – without its foundational structures, could the laws of war and

peace survive? His discussion of just and unjust causes of war is not terribly different, in

many ways, from those who came previously. However, the very foundation behind the

just war, the ontological framework, is removed. The saeculum is all that is present, and

justice effectively becomes a *saeculum*-focused, and not God-focused, notion.

What is it about Grotius' investigation that causes these difficulties? The main reason is the style in which he is attempting to understand the requirements of the just war. By attempting to place the just war tradition in some system that does not need a sovereign God that has created and controls it, the Laws of Nature cease to aim towards something higher, and merely aim towards the temporal realm of the *saeculum*. As such, actions that would seem abhorrent (killing over being boxed on the ear and the like) are in fact permissible. Only by going beyond the system in ways supposedly unnecessary can Grotius escape a more Hobbesian style of morality in warfare. Indeed, Thomas Hobbes perhaps reflects the unfortunate consequences of the new way of thinking presented by Grotius. While Grotius explicates his system in the hopes of creating some notion of right without the necessity of an ontological foundation, Hobbes' system centers upon what is perhaps the glaring flaw of the relational style of ethics: relational ethics by necessity posits a sense of the individual[51] as the measure of things. "Justice," as a purely relational notion, therefore becomes problematic, as the ear boxing example shows. The individual can, with justice, may correct injustices towards him by any brutal means. The only potential way to solve this problem would appear to be via the renunciation of natural right to one individual, i.e., the Leviathan state (or, potentially for the Grotian system, a Leviathan world-state). More disconcertingly, if Grotius's relational ethical system receives a better form in the works of Hobbes, then the Hobbesian notion of justice may correctly be much truer to what Grotius's system would have to be than Grotius himself could have imagined. Hobbes states that "[w]here there

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[51] Who or what the individual being dependent upon the level of analysis of the theorist – it could be the individual person, state, etc.

is no common Power, there is no Law: where no Law, no Injustice" (Hobbes 1991[1651]: 90[XIII]). Relationally, this makes sense. There may be right, but justice, especially in a metaphysically hollowed-out world, between states becomes a problematic notion. Without any type of judge and arbiter, be it world-state or God, giving to each his due is difficult to conceive of, much less act upon in a "self-help"[52] system. In this way, Grotius's system of natural right is not very far from the system of Hobbes, the major difference being that Hobbes was willing to see the relational system of ethics to its final conclusion, while Grotius, as his uses of Scripture against his own foundational notion illustrates, failed to follow through with the implications of his system.

With Grotius, the just war tradition, already fracturing from centuries of modification, becomes unraveled. Separated from the ontological framework and awe at the Inexpressible, a notion of "just war" becomes subsumed under political prudence in a "self-help" international system, or under an increasingly positivistic international law, or under various ideological holy war notions, or finally mutilated into the form of "just pacifism." Through the relational element of his thought, Grotius brought the just war doctrine totally under the *saeculum*, placing *caritas*, God's sovereignty, and the objective moral order outside the realm of consideration. Earthly justice, earthly success, and earthly military efficiency would now be the main criteria of war.

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[52] See the discussion on realism in Chapter VI for international anarchy and "self-help."

From Ontology to Morality

In considering the just war tradition, a span of about 350 years remains unaccounted for in the present dissertation. Departing from Grotius, the following chapters will discuss the various contemporary systems of thought on war, including political realism, liberalism, and international law. This is not to indicate that the intervening centuries held no importance to the differences in the just war doctrine past and present. However, some of the most important changes to occur did not happen directly within the just war theory at this time, but rather in the philosophical atmosphere of the age.

Within the West itself, regarding the just war tradition among many other things, the internal situation in the intervening centuries is not dissimilar to what Samuel Huntington describes internationally in the post Cold War era: a clash of civilizations. In this case, the clash was a struggle between the old and the new, between tradition and innovation, between the metaphysical and scientific, indeed between various strains within the Western ideational world itself. Like the civilizational clash described by Huntington, this internal *kulturkampf* (begun before Grotius within the Renaissance, the works of Bacon, and the Reformation, among other things) could not be reconciled easily thanks to the fundamentally different views of reality, whether via culture, religion, or ideology, held by the various competitors. Admittedly, this clash was not a matter of two diametrically opposed sides, but rather a continuous spectrum between two poles, the first being the continued traditions and ideas of medieval Christendom as perceived especially by the Catholic Church, and the other being the full acceptance of

the new and novel that would become the modern era, with its foci being science, anti-traditionalism, and (as time went on) a markedly individualistic and egalitarian perspective. Perhaps one of the clearest examples of the divergence between the two poles (and the ambiguities between the two views of the world) would be a comparison of Thomas Aquinas and the works of Rene Descartes.   While Descartes was influenced by the ideas of the Scholastics and from St. Augustine (consciously or not), he took these ideas in a new direction, focusing philosophy not primarily on ontology and metaphysics, but rather turning to the primacy of epistemology. With his mechanistic method (Descartes 1999a) and his meditative results (Descartes 1999b), the radical separation of the self from the world around it thanks to epistemological uncertainty presented a new way of looking at the world, a way not limited only to speculative considerations. With the separation of the self from the world, both the ontological universe and the world of traditions and institutions, Descartes opened the door for a type of nonontological foundation that could, and would, easily lead to antifoundationalism. While this is striking and important in speculative philosophy, it was devastating to the necessarily ontological just war tradition. The following centuries would show a confusion about morality in warfare, as well as attempts to avoid the ambiguity. One general commonality among the ways of trying to deal with the difficulties in morality in warfare, however, was a constant avoidance of the metaphysical presuppositions used in centuries past. Whether thanks to a view of reality radically different than the past, or a distancing from the Church and/or traditions and

"superstitions" in general, this anxious avoidance of the metaphysical was strikingly constant.

Although Grotius stands as the main transitional figure between the ontological just war tradition begun by St. Augustine, the major change in the doctrine happened some time later, and can be located in the philosophical revolution of Immanuel Kant. The change is perhaps best summed up by the Neo-Thomist Étienne Gilson:

> Obviously, the primacy of practical reason [in Kant's work] is more than an abstract formula; ethics is now charged with the obligation of solving metaphysical problems without metaphysics. What had been held as true by the metaphysicians can neither be proved, nor disproved; but practical reason needs it; therefore, it is safe against the possible attacks of scepticism, its safety being fully protected by its rational irresponsibility. (Gilson 1999[1937]: 189)

Gilson's point is simple – in the attempt to circumvent the results of David Hume's system of skepticism, Kant has placed metaphysics at the mercy of moralism. In other words, Kant's system "creates" a metaphysics to match morality, instead of following the metaphysics to its necessary moral requirements, or having some type of dialectical interaction between metaphysics and morals. Effectively, this becomes the reverse of the notions put forth by St. Augustine, St. Thomas, and others. It is this change, moving from morality to metaphysics instead of vice versa, that becomes the main ground for the contemporary incoherence of the just war doctrine. The notion of the just war can almost seem contradictory, in that it may require killing, on the one hand, while, on the other, may require withholding full force even at risk to one's own life. To attempt to create an "as-if" metaphysic to match the moral requirements of the doctrine is destined towards incoherence.

There are potential solutions to the problem, but the result tends towards the disavowal of the theory itself, or rends the theory in two. A disavowal can come in the form of Political Realism, where "fear, honor, and interest" are the key motive forces in war and peace among political entities. This can itself be taken as a (a)moral stance (via *Realpolitik*), or as an acknowledgement of epistemological uncertainty (perhaps along the lines of Neorealism). While Political Realism does not necessarily require the disavowal of morality in warfare, the discussion of Hans Morgenthau below will show the difficulties in such an attempt, especially in a post-Kantian and post-Nietzschean philosophical world.

The other possible solution results in the rending of the just war doctrine itself. By emphasizing either the *ius ad bellum* requirements or the *ius in bello* restrictions, one can avoid the potential pitfalls of creating a justification for both. In contemporary discourse, the tendency is to rely most heavily on the *ius in bello* restrictions, as these are comparatively easier to define (and empirically to verify) than the notions of "just cause" or "legitimate authority" within the *ius ad bellum* requirements. *Ius ad bellum* requirements can be considered, but are often done via the legalistic reasoning of international organizations and/or international law. The difficulty in the legalistic model of the just war doctrine is that it disallows the amount of prudential reasoning that a leader following the doctrine would require. So requirements on "last resort" or "legitimate authority," while previously accessible to what was reasonable, become absolutized in a way that makes the just war doctrine incoherent or a suicide pact. A final response is simply to deny morality in warfare as a whole – pacifism. Especially in

the case of the legalistic model, pacifism becomes the practical result, even if it is not the explicit aim of the legal system.

Conclusion

Even before the modern period, the potential decay of the just war doctrine became visible. By systematizing the idea of the just war, it was a simple, but mistaken, next step to looking upon the doctrine not as a matter of experiential knowledge but rather as a checklist, a mere logical or legalistic formula, devoid of any ontological or other content. Moreover, the *saeculum*-focus that the just war came to have obscured the necessary connection to the wider moral universe, in particular its foundation in the Inexpressible, the sovereign God. While this move perhaps made the just war tradition more easily comprehensible to later leaders, theologians, and philosophers, it also removed some of the fundamental portions of the just war notion, especially *caritas* and love's relation to God and to one's enemy.

When we turn to the contemporary discussions of the matter, we will see how this unfortunate turn of events has caused the notion of the just war to suffer. Indeed, one may even wonder whether the just war tradition is effectively dead. Perhaps the best example comes from a theory closely related to the Christian political realism of St. Augustine, the theory of classical political realism. While political realists, most especially Hans Morgenthau, will tend to see the international arena in ways similar to the Augustinian tradition, the lack of metaphysical background (and therefore idea of

objective moral order) will lead to at best, a confused notion of war morality, and at worst, amoralism in war.

CHAPTER VI

POLITICAL REALISM: SCIENTISM AND *REALPOLITIK*

It is now time to consider some of the contemporary perspectives on morality in warfare, and whether the just war doctrine remains coherent when writers consider international relations in strikingly different terms from that of St. Augustine and his Christian political realism. Present-day theories show the results of the separation from the Inexpressible so necessary to the Bishop's understanding of just war. However, one must not view these contemporary thinkers as merely the latest renditions of the earlier mistakes. While current writers exhibit similar patterns to some of the earlier blemishes, it is more a matter of following in broad intellectual patterns rather than having a specific debt to St. Thomas, Las Casas, or Grotius. In broad strokes, the main difficulties lie in systemization, *saeculum*-orientation, and metaphysical absence. Even within one major school of thought, various thinkers will illustrate different tendencies: for instance, neorealism's systemization and lack of metaphysics are not very divergent from the same problems in some forms of liberalism. By looking at some of the most important thinkers or areas of study within these schools of thought, the full nature and diversity of the weakened just war will be shown.

In order to show the decline of morality in warfare, we will begin by considering the secular school of thought that holds the strongest similarity to the Augustinian view of international relations – political realism. Realism itself can be traced back, in its textual form, to Thucydides' *The Pelopennesian War* (Thucydides 1996). As discussed

in Chapter III, another term for the Augustinian perspective would be "Christian political realism." In comparison, then, we will investigate "classical" political realism (generally reflected in the writings of Hans J. Morgenthau) and the more recent variant, structural (or neo-) realism of Kenneth Waltz. "Classical" realism is distinguished by its use of older forms of political analysis, as well as by its influence upon policy-makers, including Henry Kissinger.[53] By contrast, neorealism focuses more on social scientific methodology and on the academic study of politics, rather than attempting to give practical or specific advice and counsel to policy-makers. While there are similarities between St. Augustine and some political realists, most especially Morgenthau, it will be shown that the realists fail to understand the world adequately, in that their views of what is "real" are far too limited and narrow, and as such, discount the just war doctrine too quickly. Through this comparison of the types of realism, the lacunae in the recent secular varieties will become evident, specifically as they reflect the problematic changes described in Chapter IV. For neorealism, its structuralist construction shows the same problems as the relational systemization of Grotius, except that neorealism does not attempt to found morality in a world without God, but rather tries to found the very interaction of states themselves in a world without ontology. In the end, this leads to an *a priori* exclusion of morality itself from the international arena, as the very relational elements, by assumption, cannot possibly act morally. For classical realism, the problem is more metaphysically fundamental, and indeed more regressive, as it turns on the metaphysics of power, specifically whether power *by its nature* is itself evil. By turning

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[53] Cf. Kissinger 2003, Kissinger 2001, Kissinger 1994.

away from the larger notions of Being found in the Augustinian tradition, the realist

Hans Morgenthau must indeed say power is evil. As such, his ideas form into a type of

Manichaeanism, and this duality leads to a consequence unintended by Morgenthau

himself, namely the necessity of a *Realpolitik* conception of morality in international

affairs. Waltz's neorealism, thanks to its relational methodology, is so metaphysically

flat that it falls into the trap of scientism, a result Morgenthau had himself predicted

years earlier. Morgenthau himself, however, presents a more difficult case. While he

understands the elements of quality, and not just quantity, that are important in statecraft

and war, and while he also understands and encourages ethical conduct in warfare, the

influence of Nietzsche prevents him from being able actually to explicate, much less

formulate, any clear notion of ethics themselves.

Before discussing political realism, it is necessary to clarify the difference

between realism and *Realpolitik*, as the two often are used interchangeably and as

synonyms. Waltz summarizes it as follows:

> The elements of *Realpolitik*, exhaustively listed, are these: The ruler's, and later
> the state's, interest provides the spring of action; the necessities of policy arise
> from the unregulated competition of states; calculation based on these necessities
> can discover policies that will best serve a state's interests; success is the ultimate
> test of policy, and success is defined as preserving and strengthening the state.
> Ever since Machiavelli, interest and necessity–and *raison d'etat*, the phrase that
> comprehends them–have remained the key concepts of *Realpolitik*.[54] (Waltz
> 1979: 117)

There are broad similarities between political realism (whether classical or neorealist)

and *Realpolitik* – the focus on the state, the anarchy of the international arena, the

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[54] While Waltz considers Morgenthau to be an adherent of *Realpolitik*, this is a partial and narrow view of the latter's beliefs. However, Morgenthau's ideas result in *Realpolitik*, as discussed later in this chapter. Confer Murray 1996: 85-87.

importance of interest, the understanding of necessity, and the focus on success. However, even with these similarities, there are marked differences. First, the neorealists contest how *Realpolitik* is fundamentally state-centered, rather than concerned with the structure of the international realm itself. In this way, *Realpolitik* misses the true driving engine of international interaction. Moreover, there is the question of "success." For the neorealist Waltz and the classical realist Morgenthau, "success" can mean more than preserving and strengthening the state. For Waltz, preservation is surely key, but "strengthening" is a more contestable term, dependent upon the international structure itself. Thus, success is a rather relative matter. However, neorealists and *Realpolitik* thinkers do share one important trait – a general lack of concern for moral constraints in the interactions between states. While in *Realpolitik*, this amoralism is a result of equating the good of the state with the good itself, in neorealism, the normative element is merely an irrelevant factor in state interaction. As the structure of international systems dictates what actions will be counted as "successful," and other states will be socialized by these examples towards more effective ways of preserving themselves, structural constraints give explanatory clarity. Moreover, since the actual motives of state actors are considered questionable, if not irrelevant, in neorealism (considering such unit attributes being a form of "reductionist" theory), moral motives, like all others, must not, in neorealist theory, be considered. While the reasons for disregarding morality in *Realpolitik* and neorealism are different, the practical result, amoralism, is the same.

Morgenthau's similarities to and differences with *Realpolitik* are more complex.

He tends to agree with *Realpolitik* only up to a point. Specifically, while Morgenthau

will agree with *Realpolitik* thinkers about the central importance of the national interest

(and, indeed, Morgenthau even makes a case for the morality of such a motive; cf.

Morgenthau 1951 and below), he also is more critical of what exactly the "national

interest" entails. Especially in the case of more expansionist notions of the national

interest that can lead to what he calls "nationalistic universalism," Morgenthau believes

these notions actually work against the real interests of the state, as well as against

international stability (which, if a state is moderately safe with the status quo, it would

be imprudent to disturb). Moreover, he also indicates (however unclearly) that there are

moral precepts that may require states to work towards the elimination of the nation-state

system itself. While Morgenthau is at pains to view international politics "as it is," in a

manner similar to *Realpolitik* thinkers, Morgenthau also considers moral strictures as

part of this world "as it is," and thus not merely idealistic dreams or "nonsense on stilts."

However, as Morgenthau is always incapable of clearly explicating what, exactly, these

moral constraints are and why they are relevant, his own views can easily fall into the

trap of *Realpolitik* amoralism.

Whether in classical or neo-realist form, a key element of realist thought is

understanding the world "as it is," not as it "ought to be," or even potentially how it

"could" be. As such, all realists will tend to emphasize the importance of power, the

lack of authority structure between states, the typical impotence of supranational

organizations and of some of the positive international law promulgated by such

institutions, the inherent tensions and ongoing potential for conflict in the international

arena, and the core importance of might (especially military, although certainly not

limited to such). However, beyond these points of broad assent, major disagreements

arise between classical realists and neorealists. While the classical realist position of

Morgenthau will be more informative as a comparison with the Augustinian view of

morality in warfare, we will first briefly consider the neorealist position of Waltz.

Waltz's view, explicitly focused on creating a truly social scientific theory of

international relations, not only does not consider the moral element of international

relations, it cannot, by the very nature of the theory, even "see" the moral element at all.

Neorealism as Political Scientism

> An international-political theory does not imply or require a theory of foreign
> policy any more than a market theory implies or requires a theory of the firm.
> Systems theories, whether political or economic, are theories that explain how
> the organization of a realm acts as a constraining and disposing force on the
> interacting units within it. Such theories tell us about the forces the units are
> subject to. From them, we can infer some things about the expected behavior
> and fate of the units: namely, how they will have to compete with and adjust to
> one another if they are to survive and flourish. To the extent that dynamics of a
> system limit the freedom of its units, their behavior and the outcomes of their
> behavior become predictable. How do we expect firms to respond to differently
> structured markets, and states to differently structured international-political
> systems? These theoretical questions require us to take firms as firms, and states
> as states, without paying attention to differences among them. The questions are
> then answered by reference to the placement of the units in their system and not
> by reference to their internal qualities. (Waltz 1979: 72)

This summarizes, in broad strokes, the main ideas behind the theory of neorealism.

Discussing neorealism (or "structural realism") may seem out of place in an

investigation of the just war tradition. After all, neorealism is self-consciously a

scientific enterprise, concerned more with description and (hopefully) prediction, rather than with justice or morality in warfare.[55] It is a theoretical exercise, rather than a normative one. In Waltz's words,

> If a theory is not an edifice of truth and not a reproduction of reality, then what is it? A theory is a picture, mentally formed, of a bounded realm or domain of activity. A theory is description of the organization of a domain and of the connections among its parts … The infinite materials of any realm can be organized in endlessly different ways. A theory indicates that some factors are more important than others and specifies relations among them. (Waltz 1979: 8)

As such, the theory will necessarily determine what is notable and what is irrelevant for the subject of study, be it physics or international relations. Or, as he puts it,

> Theories not only define terms; they also specify the operations that can rightly be performed. In the sense used a moment ago, the operational question is a minor or merely a practical one. In another sense, the operational question is fundamentally important. Theories indicate what is connected with what and how they hang together, of what the structure of a realm of inquiry may be. If the organization of a realm affects the interactions of variables within it, it makes no sense to manipulate data until the question of how variables may be connected is answered. (Waltz 1979: 12)

Waltz's whole system of neorealism is an attempt to achieve this kind of clarity, both in the international arena itself and between three levels of political structure. Waltz's neorealism aims at quantification and prediction. With his *Theory of International Politics* (1979), he attempts to explain the international system itself. The term "international system" has a specific meaning for Waltz. The three levels, or "images" as he called them in an earlier work, entail the individual, state, and international. Of the last, he writes,

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[55] Whether these moral elements could even enter into a neorealist system as mere descriptions of political leaders' beliefs or perceptions will be discussed later in this chapter.

In anarchy, there is no automatic harmony. … A state will use force to attain its goals if, after assessing the prospects for success, it values those goals more than it values the pleasures of peace. Because each state is the final judge of its own cause, any state may at any time use force to implement its policies. Because any state may at any time use force, all states must constantly be ready either to counter force with force or to pay the cost of weakness. *The requirements of state action are, in this view, imposed by the circumstances in which all states exist*. [emphasis added] (Waltz 2001[1954]: 160)

This last part of his statement, regarding the actions imposed by circumstance, remains a constant in Waltz's neorealism. It is the very structure of the international arena that is the cause of conflicts and lack of cooperation. Indeed, by every player acting in a rational way, in the end all players work against their own better interests.

If we define cooperative action as rational and any deviation from it irrational, we must agree with Spinoza that conflict results from the irrationality of men. But if we examine the requirements of rational action, we find that even in an example as simple as the stag hunt we have to assume that the reason of each leads to an identical definition of interest, that each will draw the same conclusion as to the methods appropriate to meet the original situation, that all will agree instantly on the action required by any chance incidents that raise the question of altering the original plan, and that each can rely completely on the steadfastness of purpose of all the others. Perfectly rational action requires not only the perception that our welfare is tied up with the welfare of others but also a perfect appraisal of details so that we can answer the question: Just *how* in each situation is it tied up with everyone else's? … In short, the proposition that irrationality is the cause of the world's troubles, in the sense that a world of perfectly rational men would know no disagreements and no conflicts, is, … as true as it is irrelevant. Since the world cannot be defined in terms of perfection, the very real problem of how to achieve an approximation to harmony in cooperative and competitive activity is always with us and, lacking the possibility of perfection, it is a problem that cannot be solved simply by changing men. … If conflict is the by-product of competition and attempts at cooperation in society, then it is unnecessary to assume self-preservation as man's sole motivation; for conflict results from the seeking of any goal–even if in the seeking one attempts to act according to Kant's categorical imperative. [emphasis in original](Waltz 2001[1954]: 170-171)

This illustrates several important strands within Waltz's thought. In contrast with many other political realists, including Morgenthau (discussed below), Waltz sees the issue of

irrationality as comparatively unimportant in terms of international interaction. It is not

so much that actors are irrational that causes conflict as it is that the anarchic structure of

the third level/image makes conflict the result of rational calculation. In a situation not

dissimilar to the "tragedy of the commons," the actors in anarchy will rationally decide

on means towards their goals that are suboptimal, but are a rational reaction to the

"tyranny of little decisions." Or, to put the matter more clearly, "[s]ome courses of

action I cannot sensibly follow unless you do too, and you and I cannot sensibly follow

them unless we are pretty sure that many others will as well" (Waltz 1979: 108). As

there is no way to ensure this type of assurance in the anarchic third level, cooperative

action will be difficult, if not impossible. Rationality is, in this way, somewhat of a

relative measure. Waltz defines the term rationality (borrowing from economic

rationality) as "only that some do better than others – whether through intelligence, skill,

hard work, or dumb luck. They succeed in providing a wanted good or service more

attractively and more cheaply than others do. Either their competitors emulate them or

fall by the wayside" (Waltz 1979: 77). As the idea of a "wanted good or service" is

difficult to use with states, the measure of success shifts to continuation.

> Survival is a prerequisite to achieving any goals that states may have, other than
> the goal of promoting their own disappearance as political entities. The survival
> motive is taken as the ground of action in a world where security of states is not
> assured, rather than as a realistic description of the impulse that lies behind every
> act of state. The assumption allows for the fact that no state always acts
> exclusively to ensure its survival. (Waltz 1979: 91-92)

The most rational state, therefore, is the one that can ensure its continued existence.

By separating the political world into the subnational/individual, national, and

international levels, following to an extent the "levels of analysis" idea of J. David

Singer,[56] Waltz intends on clarifying the distinction between important and irrelevant

variables effective in international relations. Moreover, by isolating what variables are

relevant to interactions between nations (and operationalizing these variables into

quantifiable data), scholars can proceed on to study international relations with larger

correlational studies, now done in a theoretically coherent manner. Waltz considers the

lack of structural consideration the main flaw with political science research into

international relations. As he explains,

> [Political scientists] have been much concerned with methods and little
> concerned with the logic of their use. This reverses the proper priority of
> concern, for once a methodology is adopted, the choice of methods becomes
> merely a tactical matter. It makes no sense to start the journey that is to bring us
> to an understanding of phenomena without asking which methodological routes
> might possibly lead there. (Waltz 1979: 13)

As such, the consideration of the subject itself becomes important. Waltz argues that the

structure of the international system *itself* brings about the need for self-help. Therefore,

if one wants to understand the interactions between states, one must investigate its

structure. "Structure defines the arrangement, or the ordering, of the parts of a system.

Structure is not a collection of political institutions but rather the arrangement of them"

(Waltz 1979: 81). Waltz defines his system through three points:

1) The ordering principle: "Structural questions are questions about the arrangement

   of the parts of a system. … The parts of international-political systems stand in

   relations of coordination. Formally, each is the equal of all the others. None is

   entitled to command; none is required to obey. International systems are

   decentralized and anarchic." (Waltz 1979: 88)

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[56] Cf. Singer 1969.

2) Character of units: "The states that are the units of international-political systems are not formally differentiated by the functions they perform. Anarchy entails relations of coordination among a system's units, and that implies their sameness. The second term is not needed in defining international-political structure, because so long as anarchy endures, states remain like units. International structures vary only through a change of organizing principle or, failing that, through variations in the capabilities of units." (Waltz 1979: 93)

3) Capabilities: "The units of an anarchic system are functionally undifferentiated. The units of such an order are then distinguished primarily by the greater or lesser capabilities for performing similar tasks. … Students of international politics make distinctions between international-political systems only according to the number of their great powers. The structure of a system changes with changes in the distribution of capabilities across the system's units. And changes in structure change expectations about how the units of the system will behave and about the outcomes their interactions will produce." (Waltz 1979: 97)

The first of these, the ordering principle, is simply anarchy. There is no formal hierarchy of states, and no international authority. Each state within the system is sovereign, understanding that sovereignty does not entail autarky.

> To be sovereign and to be dependent are not contradictory conditions. … To say that a state is sovereign means that it decides for itself how it will cope with its internal and external problems, including whether or not to seek assistance from others and in doing so limit its freedom by making commitments to them. (Waltz 1979: 96)

With this, all the states within the system are considered "like units." "To call states 'like units' is to say that each state is like all other states in being an autonomous political unit. It is another way of saying that states are sovereign" (Waltz 1979: 95). In this way, Waltz does two things. First, by considering states as "like units," Waltz places special emphasis on the international structure as the main factor in state action. With all "units" being like, the search for explanatory power in the international arena must remain with the structure. Second, and more important for this work's concerns, the actual nature of the states in the system becomes a secondary concern at best. To posit anything else, in Waltz's eyes, is no longer to investigate international relations through a systematic and structural theory, but rather to fall into the errors of unit-level analysis, which Waltz refers to as reductionist theories.[57] The only distinguishing factor between these various like units is relative capability. He reasons that

> States are differently placed by their power. And yet one may wonder why only *capability* is included in the third part of the definition, and not such characteristics as ideology, form of government, peacefulness, bellicosity, or whatever. The answer is this: Power is estimated by comparing capabilities of a number of units. Although capabilities are attributes of units, the distribution of capabilities across units is not. The distribution of capabilities is not a unit attribute, but rather a system-wide concept. [emphasis in original](Waltz 1979: 97-98)

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[57] In Waltz's terminology, a theory is "reductionist" whenever it aims at explaining international affairs via the attributes or characteristics of some sub-international entity. Waltz gives as an example the identification of imperialism with capitalism (specifically, the thought of Hobson, Lenin, and the "neocolonialists"). Various other theories would also fall into this category – theories that focus on "great men" or certain classes, the inherent bellicosity or passivity of certain nations, ideology, the idea of the democratic peace, modernization as the driving force of war, and so forth. As such, any theory not explicitly concerned with the international by its nature *must* be reductionist.

The theory of neorealism, therefore, is specifically focused on the structure itself, while the characteristics of the units, outside their capabilities relative to one another, are effectively irrelevant.

Because of the lack of authority (and therefore, enforcement power) over nation-states, the international arena is a "self-help" system, or, in other words, states cannot expect or anticipate any assistance, but quite likely threats, from their neighbors. There are no police, courts, militaries, or the like to provide protection to states. Therefore, the only help that a state can depend upon is from itself. States focus their energy on ensuring they can help themselves, and this means an overwhelming emphasis on the importance of *power*. Power, however, is a difficult term to define. Indeed, one of the ongoing questions in political science as well as political theory is the attempt to define this nebulous term. Waltz uses

> …the old and simple notion that an agent is powerful to the extent that he affects others more than they affect him. The weak understand this; the strong may not. … Power is a means, and the outcome of its use is necessarily uncertain. To be politically pertinent, power has to be defined in terms of the distribution of capabilities; the extent of one's power cannot be inferred from the results one may or may not get. (Waltz 1979: 192)

Power, as a matter of relative capability, is also the defining element of the international system's polarity and structure – unipolar for one overwhelming nation (a world-wide empire, for instance), bipolar for two superpowers (the Cold War), and multipolar for more than two states with the most power in the system but basically equal among themselves (the major powers of Europe during the nineteenth century up to the first World War). "Their rank depends on how they score on *all* of the following items: size of population and territory, resource endowment, economic capability, military strength,

political stability and competence. States spend a lot of time estimating one another's

capabilities, especially their abilities to do harm" [emphasis in original] (Waltz 1979:

131). The structure of the system is dependent upon how many states rank highest in

this regard. The number of states will determine what expectations there are in

international affairs. So, for instance, in a multipolar world, there is an expectation of

probable alliance realignment, while in a bipolar world, states will generally tend to ally

with one of the two sides.[58] The structure will affect the necessary socialization for

states, in that what will be rational for a state to do, what is to be emulated and avoided

in the aim of survival, will depend on how many states are contenders for preeminence

within the self-help system.

Waltz's system effectively denies the possibility of a just war doctrine. It is not

so much that neorealism denies ethics and morality *per se*, but rather its very notion of

political interaction makes just war inconceivable. Political actors are not guided by

morality on the international level. Rather, they act almost by sheer necessity, following

their imperfect utilitarian and quantitative power calculations to the result, whether war

or peace. Indeed, the distinction Waltz makes between national and international

politics makes this absence clear:

> Nationally, the force of a government is exercised in the name of right and
> justice. Internationally, the force of a state is employed for the sake of its own
> protection and advantage. Rebels challenge a government's claim to authority;
> they question the rightfulness of its rule. Wars among states cannot settle
> questions of authority and right; they can only determine the allocation of gains
> and losses among contenders and settle for a time the question of who is the

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[58] While Waltz argues that the most stable structure is the bipolar type, this is of little importance for this
work.

stronger. Nationally, relations of authority are established. Internationally, only relations of strength result. (Waltz 1979: 112)

The notion of "just cause" in *ius ad bellum*, for instance, is made irrelevant in neorealism – deciding whether or not going to war is "just" in itself presumes a luxury of decision. However, if one takes the requirements of neorealism seriously, the idea of such a decision is impossible, as it requires referencing intangibles rather than the concrete elements of power. Moreover, in the context of war, an Augustinian notion of the just war would go directly against the assumption of the survival motive for state action. As such, any sort of notion of the intangible cannot be part of the measurement, or if so, it can only lead to miscalculation. Also, this assumes a focus on motivation, and motivation presumes one who is motivated, in this case, the human decision-maker. For Waltz, motivation is an inappropriate consideration, in that this is a unit rather than a systematic measure. As such, it can only lead to a reductivist theory with its end in problematic description rather than explanation.

As neorealism explicitly does not deal with the question of morality, it would seem that this inability to consider the just war within it is beside the point. The just war has no place because of the very nature of neorealism. It is, fundamentally, a theory of systemization without thick ontological presupposition. For neorealists themselves, this is an asset.[59] By avoiding metaphysical, and to their thinking unprovable, factors, neorealists believe that they play an important role in making political science an actual

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[59] Indeed, one scholar sees this separation of metaphysics from realism, in the form of neorealism, as the result of the influence of liberalism in America. "It is surely no coincidence, however, that the elimination of assumptions about human nature also produce a version of realism bereft of conservative philosophical roots. The result is … a 'more palatable' form of realism based on a rational choice model which falls well with in the liberal paradigm" (Shimko 1992: 297). This would help explain the strong incorporation of economic modes of thinking within neorealist analysis.

science, perhaps like economics or even like the natural sciences. Systems theory

permits the neorealist to see international relations are they really are, without being

hampered by pointless investigation into either unit motivation or speculative notions

outside the view of the structuralist framework. However, the flatness of neorealism

blinds it, making it closer to a form of power worship than anything else, as a direct

result of systemization and metaphysical absence. By constructing a limited view of

international affairs in a relational manner, with the only reality being power (even if it

is merely relative), power *itself* becomes an end rather than a means. This is an

interesting twist, as Waltz specifically argues *against* such a view:

> In anarchy, security is the highest end. Only if survival is assured can states safely seek such other goals as tranquility, profit, and power. Because power is a means and not an end, states prefer to join the weaker of two coalitions. They cannot let power, a possibly useful means, become the end they pursue. The goal the system encourages them to seek is security. Increased power may or may not serve the end. (Waltz 1979: 126)

While power is not to be sought for itself, but rather security, this is a distinction that

may not hold much of a difference. If survival is the main "product" (which indicates

rational action[60]), and relative capabilities are the measure for survivability, how can

security within the neorealist structure be anything *but* a push for more power?[61]

Moreover, if relative capabilities are the only distinguishing factors among like units in

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[60] Perhaps the word "efficiency" may better explicate what "rational action" indicates.

[61] Even if one were to take the selection at face value, squaring this notion with Waltz's belief in socialization through the international system leads to a matter of over-explanation. On the one hand, it would seem that a state would be wise to follow the example of a major power, the United States or Prussia, and thereby aim to increase the state's power. And so, neorealist theory can explain this behavior. On the other hand, a state may realize, looking at the example of fear and hate inspired by Athens or the United States, that it is best not to be too powerful, and through this socialization in the system aim more towards a moderate level of power. Thus, neorealist theory explains the behavior. But, a state may also look at the history of Belgium, and see the dangers of lack of power, and try to become more powerful. Thus….neorealist theory can explain all behaviors, be they *A* or not-*A*, and runs the strong risk of being non-falsifiable. But confer Waltz 1979: 123-125.

the international structure, it would appear that states by sheer necessity would have to aim at acquiring more power. After all, given the notion of the "tyranny of small decisions," the very dynamics of the international system require a thirst for power. As such, an amoralist policy in international relations is not only most efficient in terms of state interaction, but indeed, by the very premises of neorealist theory, is the *only* possible policy that will not result in irrational policy and thus, a rise in the potential of self-destruction. Again, as the motives and drives of the states/units are irrelevant, any moral constraints that might act in ways unaccounted for in the system's constraints are invisible thanks to the foundational assumptions of neorealist theory.

While neorealism can be critiqued in various ways,[62] this discussion will focus upon systemization and ontological absence. Waltz's system, at its core, is relational. In this way, it falls within the same broad landscape as Grotius's views. This is not accidental. Since both of these thinkers aimed to create theories independent from firm ontological foundations, relations between agents (be they statesmen or states/"units") become the next logical step. If the relations are what matters, in this situation, then deep consideration about the essence of these "units" is unnecessary. The relations, however, must be strictly systematized, since only this system can give clarity to the interaction itself, and not the nature of the units themselves. For Grotius, the focus was morality – systemization had to follow from the ontological absence. In Waltz's case, however, the focus is the international sphere *itself*. The world becomes a construct, indeed *must* be a construct, for only in that way can anything useful about international

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[62] For some examples of such critiques, cf. Milner 1993: 153-162; Keohane 1986. For a partial critique from a realist perspective, cf. Gilpin 1981: 88-93.

affairs become comprehensible. With Grotius, the relational systemization required by

abandoning a theocentric theory results in incoherence. With Waltz, on the other hand,

the ontological-avoidant system results in no morality at all.

It is important to note the difference in the relational systemization between the

two thinkers. Grotius aimed at finding structure through the Law of Nature. Waltz is

more modern, for his systemization is the result of aiming to be scientific.

Systemization and metaphysical absence work hand in hand, as is perhaps best

illustrated in Michael Oakeshott's work *Experience and Its Modes* (1978[1933]), where

he notes that science is, most importantly, about quantification. Oakeshott writes,

> The explicit character of scientific experience is a world of absolutely stable and
> communicable experience: the explicit purpose in science is to conceive the
> world under the category of quantity. There is, of course, an implicit attempt to
> establish a world satisfactory to experience, the real world; but it is an attempt
> governed by the conceptions of communicability and quantity, and these
> conceptions not only govern, they also limit and modify. The world as
> communicable is not, itself, the real world. The world conceived under the
> category of quantity is not, itself, a coherent world of experience. It is the real
> world from a limited and abstract point of view; it is experience arrested at a
> point short of experience. (Oakeshott 1978[1933]: 214)

In other words, science (as a unique mode of experience for the human being) depends

upon making the qualitative into the quantitative. Thus science depends upon

measurement via abstraction to explain the world in a way that can be communicated

(or, one could say, replicated). A neorealist might find nothing objectionable here.

Moreover, saying that science in this understanding is an abstraction from the real world

would be no challenge to the neorealist. Indeed, Waltz himself emphasizes that theories

will be abstract: "The question, as ever with theories, is not whether the isolation of a

realm is realistic, but whether it is useful. And usefulness is judged by the explanatory

and predictive powers of the theory that may be fashioned" (Waltz 1979: 8). Neorealism is a construct, not a representation. However, even in his own defense of abstraction, Waltz shows the truth of Oakeshott's contention that the "implicit attempt" is reaching what is really "there." What, after all, is the purpose of judging a theory useful by "explanatory and predictive powers" other than an attempt to explicate the real world?[63] The modification of the real world to fit quantitative abstraction is also evident in the neorealist theory. Things that perhaps cannot be measured, such as moral constraints or motivations, are simply ignored (or, perhaps better, incapable of being seen) through the eyes of the scientific mode of experience. The sciences of nature are fully capable of quantification because there is agreement on certain metaphysical and epistemological questions about existence and causality in the material world. Specifically, there is no question that, say, a star is an atom-smashing furnace – not because it "wills" to be such or by any motivation on the part of the unit of analysis, but rather that it is so because caused by certain chemical and nuclear reactions, along with other material causes. If all causes are material, and all matter can be measured, then the study of nature reaches the threshold for becoming a science. Social science is not that simple. Indeed, the major problems are metaphysical and epistemological – namely, what is this thing, "human," that is studied, and are all factors that bring about actions within him/her, either individually (as a foreign policy decision-maker) or in the aggregate (as in political behavior, or their organization in states), measurable? It is not enough merely to claim

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[63] Note that Oakeshott himself did not dismiss the possibility of some social sciences, especially economics (which neorealism borrows heavily from) – all that matters for a view to be scientific is the subsuming of quality to quantity. However, whether natural or social, the inherent limits of the scientific mode remain.

that the theory of neorealism does not require a theory of motivation or the like thanks to its focus on structure over unit motives. This sidesteps the issue. If the nature of the human beings making up the "units" in question is disregarded, then one is effectively reifying both the units/states and the international structure. This tendency towards reification is something that Waltz critiques in other theories, specifically in the misuse of the balance of power theory:

> Reification is often merely the loose use of language or the employment of metaphor to make one's prose more pleasing. In this case, however, the theory has been drastically distorted, and not only by introducing the notion that if a balance is to be formed, somebody must want it and must work for it. The further distortion of the theory arises when rules are derived from the results of states' actions and then illogically prescribed to the actors as duties. A possible effect is turned into a necessary cause in the form of a stipulated rule. (Waltz 1979: 120)

But does not neorealism do the same? The structure constrains actions, and states, as the like units, act in accordance with the strictures imposed by the structure. Indeed, if they do not, they (like a firm in a free market economy) will cease to exist. But what are these entities? Can states "learn" through socialization? Indeed, is there any way to understand how the units, like or otherwise, act without violating the whole neorealist premise of focusing on the international structure? In this way, we come back to the same problem evidenced in Grotius's relational system. Grotius wants to explain morality even if there was no God, and yet must rely on this Divinity to shore up the Law of Nature. Waltz wants to explain the international arena without ontology, almost without humanity, and yet his very language reveals that he must fall back on natures not permitted within his system.

Classical Political Realism and the Possibility of Morality

> A man who was nothing but "political man" would be a beast, for he would be completely lacking in moral restraints. A man who was nothing but "moral man" would be a fool, for he would be completely lacking in prudence. (Morgenthau 1985: 16)

The main expositor of classical political realism, Hans J. Morgenthau, believes that international affairs must be understood in a certain way to avoid disaster, nationally or internationally. Specifically, one must understand how things are. Without such a knowledge, one is destined to miscalculate one's own interests and that of other nations, and such miscalculations can lead to catastrophe. However, contra liberal theory, even calculating correctly does not guarantee the prevention of war – indeed, a correct calculation may require it. As Morgenthau's ideas are a strong critique of idealism in international relations, "[h]e did not seek to articulate the rules of politics in order to provide a manual for princes, but rather to elucidate the problems facing the application of moral imperatives" (Murray 1996: 96). For Morgenthau, if any term best describes the life of man on earth, as an actor on the international scene and in general, it is tragedy. The tragedy is at its most extreme when we consider "political man," for Morgenthau believes that political action necessarily is evil. However, this knowledge of how things are does not require an amoral or immoral approach to international affairs. While Morgenthau does consider acting in the national interest moral (to be discussed below), he aims for something more. As one biographer writes,

> In 1960 as in 1930, Morgenthau confronts the *is* with the *ought to be* that is not of this world–a transcendent order of the good, true, and beautiful. This order may not exist in space and time. It does, however, exist as one dimension of reality. These ultimate values do not owe their existence to man; rather, man

> finds them in existence – an existence that is entirely objective, independent, and eternal. (Frei 2001: 213)

Within his political realism, however, there is no clear possibility for such an *ought to be*. While Morgenthau does not fall into the trap of systemization, like Waltz, he does see metaphysically absent world, even as he tries to claim that there is a "transcendent source" for morality. His thought is saeculum-oriented to such an extent that good becomes hard to find. He regresses to a type of Manichaeanism, where power itself is irredeemably evil. By a sad inversion, however, this leads his theory to being solely about power – in the end, there can be no place for morality in warfare. There is only *Realpolitik*.

In considering Morgenthau's realism, and how it relates to the idea of morality in warfare, three elements must be examined. First, there will be a brief overview of his general theory of realism. In this, one must also take into account the various influences on him, especially Nietzsche and legal theorist Carl Schmitt. Second, we will discuss the elements of morality that Morgenthau attempts to propose in his works. Third, we will compare the various similarities and differences between the political realism of Morgenthau to that of St. Augustine. Finally, we will explicate whether there is a role for the just war doctrine in Morgenthau's political realism at all, and whether the doctrine, understood through Morgenthau's theory, can avoid collapsing into contradiction. But first, let us investigate what Morgenthau means by political realism.

The most famous and often cited of Morgenthau's texts is *Politics Among Nations* (1985).[64] It is, in many ways, the key text in understanding what classical political realism argues. The six main tenets of his ideas are exposited at the beginning of the work (Morgenthau 1985: 4-17), but will be summarized here.

1) "Political realism believes that politics, like society in general, is governed by objective laws that have their roots in human nature. … The operation of these laws being impervious to our preferences, men will challenge them only at the risk of failure." (Morgenthau 1985: 4)

2) "The main signpost that helps political realism to find its way through the landscape of international politics is the concept of interest defined in terms of power. … It sets politics as an autonomous sphere of action and understanding apart from other spheres, such as economics (understood in terms of interest defined as wealth), ethics, aesthetics, or religion." (Morgenthau 1985: 5)

3) "Realism assumes that its key concept of interest defined as power is an objective category which is universally valid, but it does not endow that concept with a meaning that is fixed once and for all." (Morgenthau 1985: 10)

4) "Political realism is aware of the moral significance of political action. It is also aware of the ineluctable tension between the moral command and the requirements of successful political action." (Morgenthau 1985: 12)

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[64] While some might question using this late edition, as the revisions of Kenneth W. Thompson may influence how the text is interpreted. However, for our purposes, the argumentative points should be easily enough distinguished from any additions made by Thompson.

5) "Political realism refuses to identify the moral aspirations of a particular nation with the moral laws that govern the universe. As it distinguishes between truth and opinion, so it distinguishes between truth and idolatry." (Morgenthau 1985: 13)

6) "The political realist is not unaware of the existence and relevance of standards of thought other than political ones. As political realist, he cannot but subordinate these other standards to those of politics. And he parts company with other schools when they impose standards of thought appropriate to other spheres upon the political sphere." (Morgenthau 1985: 14)

As Morgenthau's student Kenneth W. Thompson writes, "Realism approaches international politics in the same way it approaches human relations: as the arena where self-pride and self-interest comingle [sic] with high purpose. Man is a curious and contradictory blending of selfishness and virtue" (Thompson 1992: 84). As such, the political realist must try to discover the underlying objective laws of politics, respecting its place among other spheres of human engagement and thought, and with it, the focus on interest as power. But what, exactly, does interest as power mean?

> When we speak of power, we mean man's control over the minds and actions of other men. By political power we refer to the mutual relations of control among the holders of public authority and between the latter and the people at large.
>
> Political power is a psychological relation between those who exercise it and those over whom it is exercised. It gives the former control over certain actions of the latter through the impact which the former exert on the latter's minds. The impact derives from three sources: the expectation of benefits, the fear of disadvantage, the respect or love for men or institutions. (Morgenthau 1985: 32)

Morgenthau emphasizes the psychological nature of political power to distinguish it

from physical power, which when actualized "signifies the abdication of political power

in favor of military or pseudo-military power" (Morgenthau 1985: 33).

Moreover, the political realist must respect the moral element in action.

Certainly, Morgenthau understands the importance of morality:

> The moral law is not made for the convenience of man, rather it is an
> indispensible [sic] precondition for his civilized existence. It is one of the
> greatest paradoxes of his civilized existence. It is one of the great paradoxes of
> civilized existence that – in contrast to the existence of the animals and
> barbarians – it is not self-contained but requires for its fulfillment transcendent
> orientations. The moral law provides one of them. That is to say, human
> existence, not in its animal but in its civilized qualities, cannot find its meaning
> within itself but must receive it from a transcendent source. (Morgenthau 1964:
> 358)

But, if morals and political action are in conflict, what should one do? Morgenthau

writes,

> Realism maintains that universal moral principles cannot be applied to the
> actions of states in their abstract universal formulation, but that they must be
> filtered through the concrete circumstances of time and place. … Both individual
> and state must judge political action by universal moral principles, such as that of
> liberty. Yet while the individual has a moral right to sacrifice himself in defense
> of such a moral principle, the state has no right to let its moral disapprobation of
> the infringement of liberty get in the way of successful political action, itself
> inspired by the moral principle of national survival. There can be no political
> morality without prudence; that is, without the consideration of the political
> consequences of seemingly moral action. Realism, then, considers prudence–the
> weighing of the consequences of alternate political actions–to be the supreme
> virtue in politics. (Morgenthau 1985: 12)

This "normative" realism could almost be summed up by a phrase of Philus, "No state is

so stupid as not to prefer wicked domination to virtuous subjection" (Cicero 1998[54-52

BCE], 67). It is heavily consequentialist. However, having said this, Morgenthau is not

simply following along with the notions of *Realpolitik*.[65] As scholar Greg Russell notes,

"The difference in relations between individuals within states and between states is more

a matter of degree than kind. What changes for the nature and role of moral judgment

on either level is not the action itself, but the social environment within which these

norms must function" (Russell 1990: 156). It is in Morgenthau's critique of *raison*

d'etat that one also implicitly sees his critique of neorealist thinking:

> …the political actor has, beyond the general moral duties, a special moral
> responsibility to act wisely, that is, in accordance with the rules of the political
> art; and for him expediency becomes a moral duty. The individual, acting on his
> own behalf, may act unwisely without moral reproach as long as consequences of
> his inexpedient action concern only himself. What is done in the political sphere
> by its very nature concerns others who must suffer from unwise action. What is
> here done with good intentions but unwisely and hence with disastrous results is
> morally defective; for it violates the ethics of responsibility to which all action
> affecting others, and hence political action par excellence, is subject. The
> recourse to good intentions as a unifying and justifying principle obscures this
> social relevance of political action, which, as such, interferes with the life of
> others in a way which private action, as such, generally does not. (Morgenthau
> 1946: 186)

Political action, therefore, not only falls within the realm of moral action in general, but

also specifically acknowledges the special obligations of responsibility of a ruler to

his/her state. In this way, moral responsibility is not irrelevant, as for *Realpolitik*

thinkers, but rather needs to be seen within the context of the political sphere.

Moreover, against neorealism, the focus is necessarily on *action*, and (by extension) the

actor, a human being. So, "[e]ven though Morgenthau argued that students of

international relations should focus their attention on the behavior of states …, he

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[65] Moreover, one must keep in mind that "prudence" here has a more Burkean tone: "It is always a 'moral precept,' or 'the adaptation of morality to circumstances.' The actor must adapt the demands of the transcendent ethic to contemporary conditions, and then seek to fulfil them to the greatest extent possible" (Murray 1996: 100).

consistently emphasizes the behavior of states and the resulting dynamics of

international relations could not be understood without reference to fundamental aspects

of human nature" (Shimko 1992: 290). As Russell comments,

> For Morgenthau, the popular juxtaposition of "power" politics and "moral"
> politics is fundamentally mistaken. The supposed opposition between man and
> society is "a mere figure of speech" in that "*it is always the individual who acts*,
> either with reference to his ends alone or with reference to the ends of others."
> Morgenthau suggested that the difference in moral character between a private,
> as over against a political, action is a relative one and is devoid of the
> absoluteness that contemporary doctrine attributes to it. [emphasis
> added](Russell 1990: 157-158)

For Morgenthau, this tension in life, and thus in international affairs, is a result of

human nature. He sees human life as torn between two poles. On the one hand, "[t]he

individual is under the moral obligation to be unselfish, that is, not to sacrifice the

interests of others to his own" (Morgenthau 1946: 191). On the other, "[t]he desire for

power … concerns itself not with the individual's survival but with his position among

his fellows once his survival has been secured" (Morgenthau 1946: 193; cf. Morgenthau

1946: 191-196). One should not mistake this distinction as a simple polarity of good

versus evil, in that both are necessary and both can lead to evil acts. In the desire for

power (or *animus dominandi*, in Morgenthau's terminology), the potential for evil is

obvious, and indeed Morgenthau tends to align this pole with the intractable evil of

politics itself. The other pole, the one of selflessness, can also lead to evil when

misapplied, especially in terms of political action. Perhaps the best example of this

would be what Morgenthau terms "nationalistic universalism," a form of action that he

sees as one of the most pernicious elements of the Cold War era. As he distinguishes

this from earlier nationalism, Morgenthau writes:

> The nationalism of today, which is really a nationalistic universalism, has only one thing in common with the nationalism of the nineteenth century–the nation as the ultimate point of reference for political loyalties and actions. But here the similarity ends. For the nationalism of the nineteenth century the nation is the ultimate goal of political action, the endpoint of the political development beyond which there are other nationalisms with similar and equally justifiable goals. For the nationalistic universalism of the late twentieth century the nation is but the starting-point of a universal mission whose ultimate goal reaches to the confines of the political world. While nationalism wants one nation in one state and nothing else, the nationalistic universalism of our age claims for one nation and one state the right to impose its own valuations and standards of action upon all the other nations. (Morgenthau 1985: 351)

Indeed, the concern over moral universals, especially if attached to the state itself through nationalistic universalism, can lead to statesmen not realizing the national interest itself.

> A nation can only take a rational view of its national interests after it has parted company with the crusading spirit of a political creed. A nation is able to consider the national interests of the other side with objectivity only after it has become secure in what it considers its own national interests. Compromise on any issue, however minor, is impossible so long as both sides are not secure in their national interests. (Morgenthau 1985: 588)

Theoretically, the desire to spread this universalism (whether liberalism or communism) could be totally selfless. This does not make it any less malicious. National interests allow for negotiation, while this universalism leads to an absolutism beyond compromise. Because of this, it is necessary to keep both poles in check, specifically by developing the virtue of prudence and considering the concrete situation.

However, even with the idea that political action falls within the moral universe, Morgenthau still sees the tension between the two as inevitable and unsolvable. He illustrates this in his discussion of ideal types:

> In his search for the truth, the ideal type of intellectual is oblivious to power; in his pursuit of power, the politician at best will use truth as a means to his ends.

> Yet the two worlds are also potentially intertwined; for truth has a message that it is relevant to power, and the very existence of power has a bearing both upon the expression and the recognition of truth.
>
> The two worlds are not only separate from and potentially intertwined with each other, *they are also hostile to each other*. Truth threatens power, and power threatens truth. Power, in order to be effective, must appear as something other than what it actually is. *Deception–deception of others and of self–is inseparable from the exercise of power*. [emphasis added](Morgenthau 1970: 14)

Indeed, justice itself is hard to place, and can never fully be achieved – action itself makes such a thing impossible. As Morgenthau puts it,

> …the act itself, impinging upon men and things on behalf of the actor's interests, is bound to be unjust. For it at best neglects and at worst impairs the interests of others. That is true even of the unselfish act. By supporting an old-age home, I withhold support for the hungry, who also have a claim on my charity. In short, the claims of justice by far exceed man's ability to satisfy them. Thus man establishes a hierarchy among the interests to be served, and his own interests and preferences take precedence over all others. (Morgenthau 1970: 68)

From this very strict and overwhelming notion of what justice entails, it is impossible for any action, much less political action, to be just. As Morgenthau remarks,

> To the degree on which the essence and aim of politics is power over man, politics is evil; for it degrades man to a means for other men. It follows that the prototype of this corruption through power is to be found on the political scene. For here the *animus dominandi* is not a mere admixture to prevailing aims of a different kind but the very essence of the intention, the very lifeblood of the action, the constitutive principle of politics as a distinct sphere of human activity. Politics is a struggle for power over men, and, whatever its ultimate aim may be, power is its immediate goal and the modes of acquiring, maintaining, and demonstrating it determine the technique of political action. (Morgenthau 1945: 14)

Politics, by its very nature, is evil. And yet it is a necessary part of life, and indeed is an unavoidable aspect of the human condition. It is these two opposing poles of human experience, justice/truth and political action, that make life tragic. Thompson sums up the difficulty in this way:

> The will to discover and proclaim the truth is not unlike the will to live. For a man and scholar such as Morgenthau the two may indeed be inseparable. Unless the two are connected for him, there is little rational basis for explaining the struggle. It is the tragic element in politics and life that more than any other preoccupies Morgenthau: Men seek power as the means to worth ends, but men and their ends are corrupted by the pursuit of power; ideological foreign policy is in contradiction to diplomacy, but foreign policy not rooted in national purpose is aimless; and the nation-state is obsolete, but no effective world community has yet come into being. Life is lived at the point of such apparent contradictions and antinomies. Men are made strong enough to live with tragic contradictions through building inner intellectual and moral resources, not by clever social programming or the latest fashionable gimmickry. (Thompson 1984: 30-31)

As will be shown below, the sheer tragic elements of Morgenthau's thought, without any avenue towards resolution, will create great difficulties in his attempt to still give morality any consideration in political realism.

Morality, Warfare, Morgenthau

Having briefly discussed the underlying ideas of Morgenthau's classical realism, one must consider whether and how his system would interact with the just war doctrine and the question of morality in warfare in general. As mentioned above, Morgenthau sees military force, indeed the use of force at all, as an abeyance of politics rather than its fulfillment, conclusion, or the like. This does not mean, however, that military issues are outside the notice of his system. This is especially the case regarding Morgenthau's "operationalization" (for lack of a better term) of power. Included in this grouping are geography, food, raw materials, industrial capacity, technology, leadership, quantity/quality of armed services, population, and the national character (cf. Morgenthau 1985: 127-155). While one could see many of these as not primarily linked to military strength, Morgenthau tends to view them through the military lens. So, for

instance, regarding raw materials, Morgenthau writes, "[t]he absolute and relative importance natural resources in the form of raw materials have for the power of a nation depends necessarily upon the technology of the warfare practiced in a particular period of history" (Morgenthau 1985: 131). As David A. Baldwin writes, "Regardless of Morgenthau's denials elsewhere of a military notion of power, his analysis of the elements of national power leaves little doubt as to what he has in mind" (Baldwin 1993: 18).

In Morgenthau's consideration of the restraints upon national power (cf. Morgenthau 1985: 243-289 *et passim*), he discusses some of the limits on military action. Again, it is because of objective morality that he believes not all military action is justified, and since these moral restraints are *objective* and part of the real world of international affairs, they are not extraneous to political calculation. He gives the policy of absolute (indeed, genocidal) destruction of an opponent as an example:

> A foreign policy that does not permit mass extermination as a means to its end does not impose this limitation upon itself because of considerations of political expediency. On the contrary, expediency would counsel such a thorough and effective operation. *The limitation derives from an absolute moral principle, which must be obeyed regardless of considerations of national advantage.* A foreign policy of this kind, therefore, actually sacrifices the national interest where its consistent pursuit would necessitate the violation of a moral principle, such as the prohibition of mass killings in times of peace. … [T]he fact of the matter is that nations recognize a moral obligation to refrain from the infliction of death and suffering under certain conditions despite the possibility of justifying such conduct in the light of a "higher purpose," such as the national interest. [emphasis added](Morgenthau 1985: 252)

Once again, we see that Morgenthau places a sphere of life, this time the military sphere, within the moral universe. The question, however, is what exactly is the source of this morality? While one assumes that Morgenthau still has in mind the "transcendent

source" of morality above humanity, in this section of *Politics Among Nations* he mentions some more concrete sources of morality, sources that he sees as evaporating in the contemporary world. Specifically, he discusses "international morality," especially one based upon similarities among the diplomatic services and aristocracy, and the decay of this morality under the sway of ideological warfare/nationalistic universalism and the tendency towards total war instead of limited war.

When Morgenthau describes "international morality," while his language sometimes implies the "transcendent source," he also has in mind a similarity of background found within the aristocratic order of nineteenth-century Europe. As he describes it:

> The moral standards of conduct with which the international aristocracy complied were of necessity of a supranational character. They applied not to all Prussians, Austrians, or Frenchmen, but to all men who by virtue of their birth and education were able to comprehend them and to act in accordance with them. It was in the concept and the rules of natural law that this cosmopolitan society found the source of its precepts of morality. The individual members of this society, therefore, felt themselves to be personally responsible for compliance with those moral rules of conduct; for it was to them as rational human beings, as individuals, that this moral code was addressed. (Morgenthau 1985: 263)

In terms of warfare, this "international morality" had two benefits. First, wars were fought over elements of national interest, and therefore remained limited. As such, the types of atrocities and horrors seen in total warfare were avoided simply because there was no need to commit them. Second, this "aristocratic order" gave leaders and diplomats a similar background of rules and expectations about what was and was not acceptable behavior in war and peace. Through the commingling of interest and socialization, the worst aspects of war were avoided by common consent, at least among

the players themselves.[66] With the democratizing of nations (and the professional

diplomatic corps), the situation changed. This change led nations to surrender to the

tendency towards nationalistic universalism and its outgrowth, total war. The various

states too often did not consult their actual national interests, and instead focused on the

ideological dimension. Moreover, "international morality" weakened as a result of the

diplomatic corps becoming more national than cosmopolitan. In turn, the imperatives of

action were derived from those whom they represented, rather than from some precepts

directing the aristocratic individual. As a result, nations would fight against one another

in contests that could allow for no compromise.

> The morality of the particular group, far from limiting the struggle for power on
> the international scene, gives the struggle a ferocity and intensity not known to
> other ages. For the claim to universality which inspires the moral code of one
> particular group is incompatible with the identical claim of another group; the
> world has room for only one, and the other must yield or be destroyed. Thus,
> carrying their idols before them, the nationalistic masses of our time meet in the
> international arena, each group convinced that it executes the mandate of history,
> that it does for humanity what it seems to do for itself, and that it fulfills a sacred
> mission ordained by Providence, however defined. Little do they know that they
> meet under an empty sky from which the gods have departed. (Morgenthau 1985:
> 274)

As such, the idea of an "international morality" became nonsense, for nations considered

themselves (or they and their allies) as the owners of morality, to which others must

submit.

Morgenthau also criticizes the logic of total warfare in the contemporary period.

In an interesting twist, his critique of the logic of war is not terribly dissimilar from some

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[66] This distinction must be kept in mind – wars in the colonies, or the spread of imperial power, did not
necessarily follow this pattern. Indeed, the actions of even minor powers could be exceptionally brutal.
Cf. Hochschild 1998 as an example.

of the criticisms of Michael Walzer, but claims (explicitly, at least) the damage for the political sphere rather than the moral sphere. As he writes about the Western states in World War II, "War was no longer regarded as a means to a political end. The only end the war was to serve was total victory, which is another way of saying that the war became an end in itself. Hence, it became irrelevant how the war was won politically, as long as it was won speedily, cheaply, and totally" (Morgenthau 1951: 32). Again, the main culprit in this turn of affairs is the move from national interest to ideology, and therefore from the balance of power to nationalistic universalism. By no longer considering merely the elements of national interest, states tend to go on "crusades," where success is measured by the unconditional surrender of the opponent and the expansion of the ideology itself. As such, the efficiency of the war, bringing it to a total and quick end, is desired, while negotiation, compromise, and interest calculation falls to the wayside. Moreover, both types of morality fall to the side. By considering one's own state as the vehicle of morality in the world, the objective morality from the "transcendent source" becomes minimized if not ignored, and the "international morality" of earlier days, with its cosmopolitan underpinnings, also becomes a dead letter. Regarding the latter, a morality that was the result of the contingencies and history of Europe, it is gone irrecoverably. Indeed, it is hard to envision a situation where this type of "international morality" could come into existence again. But what of the former, this "transcendent source"? Morgenthau's notion of morality is dependent upon this objective "something" that is above and separate from humanity. But what is

it? And how does this objective moral universe relate to the notion of morality in warfare?

(False) Hope in a Hopeless World

While Morgenthau refers to morality as objective and "transcendent," he leaves open the question of what exactly constitutes transcendent morality. He seems to imply some metaphysic behind it, especially in connection with his description of human nature. However, in the end, Morgenthau's "transcendent source" is so vague as to be indiscernible. While his thoughts on the *saeculum* parallel many elements of St. Augustine, his lack of a coherent metaphysic beyond the *saeculum* prevents his "morality" from having any stable or clear meaning. In the end, to follow Morgenthau's classical political realism, thanks to his at best ambiguous understanding of morality's nature, would result in acting according to *Realpolitik*. Morgenthau himself was, in many ways, Augustinian, as presented through the earlier works of Reinhold Niebuhr (cf. Niebuhr 2001[1932]).[67] As A. J. H. Murray points out,

> His work displays distinct parallels to Augustine's entire formulation of the
> problem of practical ethics. He did make significant additions in terms of the
> application of these moral principles, bringing in Burkean and Weberian
> elements, but these changes were primarily an attempt to better articulate the
> moral strategies implicit in the Augustinian-Niebuhrian approach. Morgenthau
> continued to rely on this approach for the axiomatic assumptions of his realism.
> His conception of human nature, of the relationship between political and ethical
> imperatives, of the responsibility of statesmen to engage in politics despite its
> immorality, and of his responsibility to relate these imperatives in action, all echo
> Augustinian thinking. (Murray 1996: 87-88)

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[67] Also cf. Good 1960 for a comparison of their views.

On the face of it, the two share a great deal, especially in terms of the *saeculum*. As Morgenthau puts it, "Justice, immortality, freedom, power, and love – those are the poles that attract and thereby shape the thoughts and actions of men. They have one quality in common that constitutes the distinction of men from beasts and gods alike: Achievement falls short of aspiration" (Morgenthau 1970: 61). For both political realists, Christian and classical, the limitedness of human beings is a constant and necessary element of their being. However, there are two major differences between St. Augustine's realism and the realism of Morgenthau. The first is a metaphysical distinction: the Bishop can see how an act can both be evil (the result of sin, or the feeling of punishment) and good (by existence itself, following the order of justice). There is nothing similar for Morgenthau, for whom coercion, irreducibly by its very nature as the use of power, *must* be evil. As such, any action requiring it is, in itself, evil. The second distinction is a matter of sovereignty. For St. Augustine, the sovereignty of God ensures that, in the end, all things will be set right, and therefore the apparent failures of this world are part of the plan for the coming of the next. But Morgenthau is, in many ways, still a student of Nietzsche, even when trying to turn away from him: God is dead, and all that is left is this world. While Morgenthau does believe that ethics should hold sway, there is no order to give it power. The tragedy overwhelms all else, and he is left searching for a hope that he can never find in a hopeless world.

The latter difference is especially clear when we consider Morgenthau in his precarious philosophical position. While Morgenthau's statement that "[m]an is a political animal by nature; he is a scientist by chance or choice; he is a moralist because

he is a man," (Morgenthau 1946: 168) echoes Aristotle, it is in many ways more indicative of Kant's notion of the necessity of morality and duty within the human mind. In this way, Morgenthau agrees with Kant that morality cannot be abandoned. Indeed, he repeatedly states that morality does play a role in the international arena, not only in a descriptive manner of what occurs in the minds of leaders, but also as an obligatory pressure upon our actions. But Morgenthau cannot follow Kant fully. Kant's morality in effect creates its metaphysics, or at least its "as-if" metaphysics, whether positing the Kingdom of Ends (and immortality) or God. Morgenthau, however, was influenced by the works of Nietzsche. While he distanced himself from the sheer "might makes right" exertion of the will in those works, Morgenthau was still under the sway of Nietzsche's critique of metaphysics. In this way, Morgenthau is in the most unenviable of positions: he believes in and argues for the need for and importance of morality in war and international affairs, and yet he can give no definitive, or even vague, answer as to what this morality is or requires. While he can agree with many of the Augustinian ideas about the *saeculum*, he cannot see anything beyond this world. With this *saeculum* focus, there is no exit – the impossibility of evil's success, the victory of the good by the sheer nature of its existence, and the rest are unavailable to Morgenthau, leaving him with only weeping and gnashing of teeth, now and forever.

One reason for his unenviable position is the thinkers who influenced Morgenthau's mental development. Two of the most important, especially in terms of Morgenthau's difficulties with morality and metaphysics, are Nietzsche and Carl Schmitt. While Morgenthau's writings often use Aristotelian terms or Kantian concepts,

Nietzsche and Schmitt are more foundational, even if more hidden. To Nietzsche first.

In a diary entry from 1926, Morgenthau wrote,

> It is easy to see why religions prescribe praying morning, noon and night, when I note the effect on me of reading one Nietzsche's sentences. . . . And is it not the equivalent of religion in modern man? We should impose on ourselves the duty to read one of Nietzsche's essays every day to live better lives, to achieve greater things. (quoted in Frei 2001: 99)

To take this to its full extent, as the biographer puts it,

> [Morgenthau's] mind, inclined to reject all constraints and 'directed toward the absolute,' propels him toward 'free and untrammeled peaks.' At the same time, he longs for certainty like everyone else, for 'man basically strives for security and certainty.' Yet Morgenthau feels that 'in our days' one must learn to live without either. Religion and dogmatic metaphysics have had their day. God is dead, objective values do not exist anymore: the world has been demystified. So goes the current diagnosis, and Nietzsche is its propagator. (Frei 2001: 102)

This comes close to the heart of Morgenthau's great difficulty. While he wants to find

the objectively true, his very way of viewing reality prevents that possibility. Perhaps

the best example of this problem comes from Morgenthau's diagnosis of what to do in

the face of the nuclear weapons. In *The Purpose of American Politics*, he states:

> It is the great paradox of this task, which arises from the opposition of sovereign states armed with nuclear weapons, that it cannot be accomplished by sovereign states armed with more and better nuclear weapons. To the contrary, if these weapons are left in the hands of sovereign states, their increase and improvement increase the danger. Thus, it becomes the task of all governments to make themselves superfluous as the guardians of their respective territorial frontiers by transferring their nuclear weapons to an agency whose powers are commensurate with the world-wide destructive potentialities of these weapons. (Morgenthau 1964: 308-309)

The requirement of deconstructing the state system could be moral as well as prudent.

But what of the national interest? In his *In Defense of the National Interest*, Morgenthau

states,

Self-preservation both for the individual and for societies is, however, not only a biological and psychological necessity but, in the absence of an overriding moral obligation, a moral duty as well. In the absence of an integrated international society, the attainment of a modicum of order and the realization of a minimum of moral values are predicated upon the existence of national communities capable of preserving order and realizing moral values within the limits of their power. (Morgenthau 1951: 38)

A little earlier in the same work, Morgenthau says,

There is a profound and neglected truth hidden in Hobbes's extreme dictum that the state creates morality as well as law and that there is neither morality nor law outside the state. Universal moral principles, such as justice or equality, are capable of guiding political action only to the extent that they have been given concrete content and have been related to political situations by society. What justice means in the United States can within wide limits be objectively ascertained; for interests and convictions, experiences of life and institutionalized traditions have in large measure created a consensus concerning what justice means under the conditions of American society. No such consensus exists in the relations between nations. For above the national societies there exists no international society so integrated as to be able to define for them the concrete meaning of justice or equality, as national societies do for their individual members. In consequence, the appeal to moral principles by the representative of a nation vis-à-vis another nation signifies something fundamentally different from a verbally identical appeal made by an individual in his relations to another individual member of the same national society. The appeal to moral principles in the international sphere has no concrete meaning that could provide rational guidance for political action, or it will be nothing but the reflection of the moral preconceptions of a particular nation and will by that same token be unable to gain the universal recognition it pretends to deserve. (Morgenthau 1951: 34-35)

It would appear that, given the current situation of world affairs, a statesman following

Morgenthau's system would be trapped in a contradiction. One the one hand, the

statesman, using prudence, should follow the moral imperative of the national interest

(while also considering objective morality) and avoid anything more, as this could lead

dangerously towards nationalistic universalism. On the other hand, the statesman,

following the imperatives of (presumably) the morality formed by the "transcendent

source," should work to make the nation-state system itself superfluous to avoid nuclear

annihilation. One must be focused on the state and avoiding ideology, while also attempting to destroy the state via means that one assumes require some notion of ideology.

Why does Morgenthau's classical political realism lead to such contradictions? It is because of his use of the term "moral." While he uses the term, and refers this to an objective order, he cannot bring himself to say what that order is.[68] This is a result of Nietzsche's influence. This lack of an ability to find a foundation, where morality had any point, is well illustrated by Frei: "Although he clearly recognized the necessity of a 'firm stand,' he had not yet found it himself, nor had he recovered his earlier moral certainties. Nietzsche had made a virtue out of skepticism, but now Morgenthau was its prisoner" (Frei 2001: 153-154). Indeed, Morgenthau delved deeply into Nietzschean thought:

> Morgenthau rigorously follows Nietzsche's approach to its ultimate conclusion. Having dissected the political realm and traced it back to its "basic psychic underpinnings," he now investigates the normative spheres in terms of their psychic mode of operation. He concludes that it is not the content of the norm itself but the expectation of a sanction if the norm is violated–"a fear of

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[68] One supplementary reason for this is Morgenthau's personality, where he tends to demonstrate an overwhelming certainty in some regards. As his biographer puts it,

> As far as Morgenthau was concerned, his views had become established experiential facts. Consequently, he gave them the semblance of indisputable, self-evident truths. However, the underlying questions were controversial, to say the least, by dint of their basic, philosophic nature: *What may I hope for? What can I know? What is man?* The answers to these questions ultimately hinged on articles of faith, value judgments, and conjectures–on views that were difficult, if not impossible, to prove. At times, however, Morgenthau displayed neither much tolerance nor much awareness of the relativity of his own views. [emphasis in original](Frei 2001: 201)

There great difficulty comes from what this means for Morgenthau's advice. There is the problem of his very ambiguous morality – while he himself cannot seem to concretely describe the way to understand this morality, he seemed also to assume that others not only should recognize it, but should indeed follow it in the way he himself believed, whether the issue is the relation of truth to power, the relations between superpowers, or the nature of politics itself in the moral order.

> displeasure"–that triggers the "stimulus of self-interest" in the person addressed by the norm and thus influences that person's behavior. If no sanction is expected, the norm has no psychically relevant reality, hence it lacks validity. It is "a mere idea, a wish, a suggestion, but not a valid rule." Thus, Morgenthau counters a "flawed positivist theory" with his own "realist" theory of validity: A norm is *not* valid just because it has been posited as such, but only once "its violation is likely to be followed by an unfavorable reaction," that is, once the expectation of such a reaction exists as a psychic reality in the person to whom the norm is addressed. [emphasis in original](Frei 2001: 136)

This understanding by Morgenthau makes his views on "international morality" clearer, although it also makes his view of objective moral order questionable. Thanks to this constant tension in Morgenthau's thought between a Nietzszhean anti-metaphysic and a desire for an objective order, the moral precepts of political realism are unclear. Indeed, it is hard to think of what morality is possible when has an almost Augustinian view of the *saeculum*, but nothing else outside that realm.

Then there was the influence of Schmitt.[69] Morgenthau originally received training in law, so it is no surprise that Schmitt's work would be familiar to him. This is also where Morgenthau's interests especially shifted towards power:

> Having learned that international law is a particularly weak kind of law, I now discovered that the main source of its weakness stems from the intrusion of international politics. From that discovery there was but one step to the conclusion that what really mattered in relations among notions was not international law but international politics. (Morgenthau 1984: 9)

Power and opposition would be key for both thinkers, and would appear in various guises through their works. Indeed, at points Morgenthau reads almost like Schmitt himself. So, for instance, in *Politics Among Nations*, Morgenthau writes:

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[69] There was some interaction between the two men – indeed, there was even a personal meeting between the two at Schmitt's apartment, after which the young Hans (according to Morgenthau's retelling) "stopped on the landing between his and the next floor and said to myself: 'Now I have met the most evil man alive'" (Morgenthau 1984: 16). For more on the interactions between Schmitt and Morgenthau, see Scheuerman 1999: 229-234 *et passim* and Morgenthau 1984: 15-16.

> …that authority within the state is sovereign which, in case of dissension among different lawmaking factors, has the responsibility for making the final binding decision and which, in crisis of law enforcement, such as revolution or civil war, has the ultimate responsibility for enforcing the laws of the land. The responsibility must rest somewhere–or nowhere." (Morgenthau 1985: 342)

As the point of this statement is to reveal the unity of sovereignty, easily related to Bodin, it also has similarities with Schmitt's notion that "[s]overeign is he who decides on the exception" (Schmitt 2005[1922]: 5). Indeed, William E. Scheuerman sees Schmitt as being a major source for Morgenthau's views on politics as against liberalism:

> For both Schmitt and the mature Morgenthau, the congenital political hypocrisy of modern liberalism generates violence in the international arena. Much of Morgenthau's famous *Scientific Man vs. Power Politics* can easily be read as a popularized version of Schmitt's analysis of the antipolitical core of liberalism. For Morgenthau, liberalism struggles to escape the imperatives of "the concept of the political" by favoring economistic, moralistic, scientific, and legalistic categories and modes of thought. Within liberalism, each of these competing realms of human activity promises universal harmony and peace. Yet the characteristic liberal attempt to suppress politics is unavoidably doomed; irrepressible political conflicts then simply take on economic, moral, scientific, and legal masks. The result is that liberals fail, often disastrously, to grapple seriously with the autonomous exigencies of political life. Concrete political conflicts of interest quickly become pseudoreligious crusades in which liberal states engage in violence while appealing to the fictions of international law or universal morality. Liberals inevitably are forced to engage in political action, but their instinctive hostility to "the political" – in Morgenthau's Americanized terminology, "power politics" – makes them particularly slippery political opponents. (Scheuerman 1999: 244-245)

In this way, Scheuerman views the origins of Morgenthau's criticism of "nationalistic universalism" in connection with Schmitt.

One common element between these two influences is the idea of God. Nietzsche is, of course, famous for his statement that God is dead. Although Schmitt discussed the idea of Catholicism as a political form (cf. Schmitt 1996[1923]) and

considered the ramifications of theological concepts secularized into political ones (cf.

Schmitt 2005[1922]), his relationship with religion in general, and Catholicism in

particular, is ambiguous at best (cf. Balakrishnan 2000: 42-43). It appears that

Morgenthau himself could see the implications of such notions. According to Frei,

Morgenthau considers the matter in a manuscript (entitled "Kann in unserer Zeit eine

objektive Moralordnung aufgestellt warden?").

> Today, says Morgenthau, these foundations [religion and metaphysics] have been undermined, if not destroyed altogether: God is dead. Religion and dogmatic metaphysics have abdicated, all objective ranking of values has proved illusory–such is Nietzsche's diagnosis of the time. Yet once moral values and commands are no longer accepted unquestioningly as true and good, they are no longer able to influence the conscience of man on a regular basis. Ultimate values and ideals lose their normative strength. "Space and time and the deliberate choice of human beings" now hold free sway over the idea of the good. Yesterday's single European morality has been replaced by a multitude of value systems that are irreconcilable in content and–in their ideological guises–sharpen political conflict rather than act to inhibit it normatively. (Frei 2001: 142)

Here we see Morgenthau sensing the serious problem facing morality in general (and

politics/warfare especially) when God and metaphysics cease to gain assent by the

population. But, although he can comprehend the problem, he is unable to see any

promising avenue to circumvent this problem. Why is this so?

Again, we must turn to the Inexpressible. St. Augustine and Morgenthau agree

on a great deal, up to and including the need for humanity to find meaning from a

"transcendent source" (Morgenthau 1964: 358) and not within humanity itself. Indeed,

Morgenthau sees the need for the transcendent in all things, not merely morals. As he

writes about science,

> As long as science received its meaning from transcendent objective values, which imposed restraints on the subjective aspirations of the individual, it was

protected from those aspirations, anxious to use it for their purposes. Truth had a claim on the individual, who could comply with it or violate it but could not deny its legitimacy. He could call what is true false, and vice versa; that is, he could dishonor that vital distinction–but he could not change it.

When science receives its meaning from the satisfaction of individual aspirations, the individual, intertwined with other individuals in cooperation, competition, and conflict, is the transcendent value served by science. ....

…

The individual's need to maintain himself against and prevail over his competitors overwhelms the obligation to the truth. That need becomes an end in itself, and science becomes a means to that end. The need to appear to be right and put the competitor in the wrong extinguishes the obligation to search for systematic, theoretical knowledge, regardless of its effects on this or that individual. In consequence, the distinction between true and false changes its meaning. (Morgenthau 1972: 18-19)

But it is exactly here that the main difference occurs. While Morgenthau sees the moral

law as an objective element, and indeed is a necessary part of human life, he cannot say

what that moral law, that "transcendent source," is. Effectively, it is a matter of lack of

experience. St. Augustine could see what this "transcendent source" of the objective

moral law is, the sovereign God who is the wholeness of Being – the Inexpressible

Good. Morgenthau, on the other hand, could only see the intellectual and *saeculum*-

experiential necessity of such a good, without being able to conceive of what this good

could be. As such, the idea of a good beyond harm, the historical necessity of the

objective moral law's victory, and the importance of morals even over consequentialist

efficiency, were all blocked from Morgenthau's sight. Russell points out,

The pervasive evil in human nature and politics renders his formal ethic so transcendent that it could not easily function as a vital force directing man's creative energies in an imperfect world. Morgenthau asserted that "all nations stand under the judgment of God," but he also acknowledged that God's will is "inscrutable to the human mind." Morgenthau believed that operative political

norms are ultimately derived from transcendent ethical principles; however, he was less helpful on how, and to what degree, these principles are capable of guiding political action when distorted by the institutions of sinful man. Because his concept of moral principle was so transcendent, morality could operate only as a restraint on political man by saving him from hypocrisy (*i.e.*, by demonstrating to him that he is not God). (Russell 1990: 169-170)

Whether this tenuous connection to the unknown God could even present much of a restraint is a question.

Morgenthau's ideas, formed through Schmitt and Nietzsche, prevent him from finding the "transcendent source," even when he turns against these influences. "The potency of his own dismal experiences drives Morgenthau in a different direction: while he recognizes and acknowledges the reality of the 'political' and of politics, he does not affirm it. … Hans J. Morgenthau, ironically enough, turns out to be a fighter on moral grounds against the very essence of politics" (Frei 2001: 173). Because Morgenthau cannot see what the "transcendent source" is, he is incapable of viewing the use of power and conflict, the essence of politics, as constantly and inevitably *evil*. The idea of the horrible necessity and yet loving action of coercion in politics, especially in war, is thus inconceivable in Morgenthau's system. Claims about objective morality notwithstanding, it is impossible to have just political action, only a matter of lesser injustice.

This leads to an interesting and unfortunate twist. While Morgenthau and St. Augustine can agree on the conflictual nature of international relations, the constancy of war in the world, and the like, their differences over the transcendent lead Morgenthau in a decidedly Manichaean direction. Power, in itself, is evil in the Manichaean framework – there is no possibility of its good. Moreover, there is the resurgence of the

active/passive distinction (especially in Morgenthau's *Truth and Power*) – power, which is by its nature evil, is active and destructive. Morals, and the truth, are passive and suffer at the actions of politics with little or no hope for redress, much less victory. This is, sadly, not terribly different from the Light Principle/Dark Principle dichotomy of the Manichaeans, in opposition to which St. Augustine based so much of his own metaphysical system and his notions of the moral order. If power cannot be aligned with right, and the ambiguous objective morality cannot find any active expression, it is hard to envision how Morgenthau can be anything else than a Manichaean. One can hear vestiges of the Manichaean view, even if influenced by St. Augustine, in Morgenthau's words:

> Evil, then, is a mere negative quality, the absence of something whose presence would be good. It can be conceived only as lack of reason and is incapable of positive determination based upon its own intrinsic qualities. This philosophical and ethical monism, which is so characteristic of the rationalistic mode of thought, is a deviation from the tradition of Western thought. In this tradition God is challenged by the devil, *who is conceived as a permanent and necessary element in the order of the world*. … Where, as in the Augustinian conception, the state is considered evil and the negation of the good order of things, *it is necessarily connected with the order of the world because it participates in the general sinfulness of the world*. [emphasis added](Morgenthau 1946: 204-205)

While much of this may not sound very different from St. Augustine's thought, the small differences illustrate a larger gap between their thought. For instance, the devil is considered "a permanent and necessary element in the order of the world." While this may be true of the *saeculum*, it is certainly not for the whole order of divine history, of which the *saeculum* is only a portion. This is seen also in Morgenthau's description of the Augustinian view of state, in particular in his choice of the term "participates." While he says that the Augustinian view sees the state as evil because of its participation

with general sinfulness, he does not mention anything about the state's place in alleviating the sinfulness of the world. This is not surprising, since Morgenthau sees political action as evil. Consequently, there is no way the state can be viewed as other than evil, too. Hence, Morgenthau fundamentally misunderstands St. Augustine: while their views of the *saeculum* are similar, Morgenthau's lack of a full metaphysic to place the *saeculum* within makes his system tend towards Manichaeanism. Moreover, Morgenthau's hope for an objective moral order becomes untenable. To be a classical political realist is to become, in the end, a *Realpolitik* thinker. National interest must be key, and the morals which must be acknowledged turn out to be ephemeral. With the objective good so ambiguous as to be impossible to consider, much less experience, the real needs of the state become paramount. Especially with the special moral obligations on statesmen thanks to their responsibility for the state, *raison d'etat* is not only more coherent but also more morally relevant.

Conclusion

Examining the contemporary forms of realism helps serve a useful comparative function. Augustinian Christian political realism can acknowledge the horrors of the *saeculum* while also accounting for why moral action is necessary in warfare and how the good will succeed in the end. For the classical political realism of Morgenthau, morality is more a false hope than a reality, with the utter pervasiveness of the evil of power leaving statesmen with only the option of *Realpolitik*. The absence of metaphysics leads to Manichaeanism. For the neorealism of Waltz, the absence of

metaphysics leads to a systemization of the world that cannot sustain itself intellectually. The absence of metaphysics requires a relational systemization where morality is an impossibility. Are these differences between the forms of realism necessary?

The differences are indeed necessary, and they are the result of the lack of the Inexpressible, and indeed a metaphysics in general. Without ontology, the necessary foundation if a thinker views the world in terms of the *saeculum*, it is difficult to envision any type of morality that could be coherent. The *saeculum* viewpoint, after all, stipulates a world of constant conflict, of the will to dominate, and of the inescapability of war. It would seem that the requirements of such a world would be survival at least, power expansion at most. It would be hard to find a source for morality, much less one that would seem relevant in such a horrific world. Without a notion of something beyond the here and now, something more eternal and indestructible, there is no reason for the realist to give morality more than passing consideration. Indeed, all attention will have to focus simply on power. Even if power is considered merely as a means (Waltz) or as a necessary evil (Morgenthau), in the end, a realism lacking the ontological assumptions of the Augustinian version eventually must make power an end in itself and the measure of what is "right." A metaphysically flat realism must in its time become *Realpolitik*.

But does a lack of a strong metaphysic, this absence of the Inexpressible, necessarily lead to *Realpolitik* in all cases, or only with those modes of thinking that are realist in nature? While a lack of ontology among realists leads to an amoralist view of international affairs and war, again, this is a direct result of holding Augustinian ideas

about the *saeculum* without seeing this world as under a larger moral universe. But what if a thinker does not believe the world is in the condition St. Augustine and the realists describe? Would such a framework fall into the trap of *Realpolitik*, or would this alternate system avoid the decay that led realism to its amoralism? In order to discover this, we must now turn to two other ways of considering morality in war, specifically international law and liberalism.

CHAPTER VII

INTERNATIONAL LAW AND LIBERALISM

By lacking a concept of the Inexpressible, realism either could not provide a notion of morality or only one so thin that it merely turned into *Realpolitik*. But does a lack of the Inexpressible lead to such amoral results in all cases? What if a system without the Inexpressible also lacked the same notion of the *saeculum* that animates realism itself? It is here that we encounter the intellectual worlds of international law and of liberalism. While the two share many assumptions, and are indeed closely linked, there are considerable differences between them. The approaches differ, most specifically, as to how to relate to a world without metaphysics. But underlying this difference, there is an important similarity – neither is capable of upholding a coherent just war doctrine. Thanks to a lack of an ontological foundation mixed with systemization, both will tend towards incoherence. However, the results of metaphysical absence and systemization within liberalism and international law are quite unlike the results in secular political realism. Rather than resulting in *Realpolitik*, international law and liberalism will tend instead towards pacifism; rather than considering any action as acceptable, international law and liberalism will tend to see no action as acceptable, at least as regards warfare. International law, as it exists, is constrained by its structure and power politics from legitimating war (just or otherwise) in any consistent or coherent fashion. Liberalism, with its focus on autonomy and deliberation, tends to be unable to come to the final decision to fight a war, and can tend to consider regime type as the

main just cause for war rather than any particular action. In both international law and liberalism, these limitations lead to pacifism in practice, even if not in theory. As such, the possibility of a just war in liberalism or international law becomes remote at best.

Within this chapter, I will discuss international law as it exists, liberalism in general, the liberal system explicated by John Rawls, and finally, the communitarian liberalism of Michael Walzer, and how these various systems define and legitimize just war. All these systems fail to give a coherent understanding of the just war doctrine. International law, as it exists, suffers from structural constraints that prevent it from entering into just (or unjust) wars. As international law requires the agreement of the major powers, powers that are restricted in their decisions by power politics and their respective spheres of influence, the possibility of consensus on authorizing war is minimal. These structural inhibitions on the acceptability of war ensure a tendency towards pacifism, even when war may be a needed and just response to an unjust regime or a ongoing conflict. With liberalism, its legalistic logic requires the just war doctrine to be read too literally. In considering the just war doctrine in an inflexible manner, liberalism in practice requires a pacifist stance towards war. Certain versions of liberalism, however, are not pacifistic. Rawls' system, for instance, envisions a liberal international order under which nations would interact. Rawls' system, in the end, moves the requirements of just war away from concentrating on *actions* by states to focusing upon the *regime type* of nations. In this way, Rawls' system changes just war from right action to enforcing the right (liberal) regime. Finally, there is the communitarianism of Walzer. Because Walzer's system places the political community

at the same level that St. Augustine places the Heavenly City, his notion of just war is always tempered by the need for the community to continue to exist. As such, morality in warfare is only necessary up to the point where just war restrictions do not impinge upon the safety of the state.

Law, Legalism and Ontology

Before discussing international law (and the elements of liberalism that focus upon law), and before explicating the problems of legalistic thinking for morality in warfare, a distinction must be made. To say that international law, as a general term, and the just war tradition are inherently in conflict is obviously erroneous. After all, much of the discussion in medieval times of the just war used the concept of *ius gentium*, or the "law of nations." While *ius gentium* generally refers to laws that are similar to all nations (say, against murder), it is also deals with some of the interactions between states/nations, especially in terms of what is a proper interaction, such as declaring the intent of war, or certain procedures of diplomatic contact. When the *ius gentium*, in terms of practice, if not the theory or philosophy behind it, is mentioned in the contemporary period, it is usually called customary international law. While the *ius gentium* is more like an organic growth created through state interaction, developed through accepted practice and general regulations followed by all, international law refers specifically to *positive* international law (discussed below). To say that the *ius gentium* is a matter of state practice, however, does not mean that it is beyond systemization. The thinkers considered in Chapter IV (Aquinas, Las Casas, Grotius) to

one extent or another integrated *ius gentium* into their broader systems. In reflecting

upon the problems of law to the just war doctrine, it will be illuminating to investigate

the difficulties in Grotius' system compared to the more contemporary problem of

legalism. As mentioned in Chapter IV, a major problem with Grotius' relational

systemization was its sheer brutality. Without the ontological backing provided by the

Augustinian perspective, the Law of Nature allowed for a more Hobbesian world, where

the threat of a box on the ear would permit lethal force. The problem with contemporary

legalism, however, is that its lack of ontological backing leads toward pacifism. The

ontological critique might be questioned – after all, how could this one factor result in

such widely opposed results in systems focused upon law? The reason for the different

results derives from the various meanings of the term "law." With Grotius, as

mentioned above, law is a description of the relations between the agents in the world.

Law as legalistic system of thought, however, is another matter.

The legalistic mode of systemization is effectively a creation of an "as-if" world.

Specifically, legalistic thinking requires constructing a "second reality" in addition to the

existent reality, including moral reality. For the Augustinian view, the very structure of

reality itself, in its focus on existence, the objective moral order, and God's sovereignty

(this whole of the Inexpressible), provides guidance for moral action and the assurance

of the final victory of good (thus, the ability to accept defeat when acting morally). In

legalistic thinking, the ontological structure of reality is comparatively irrelevant, while

the logical/procedural structure of the law *itself* is of the highest importance. The main

element of this structure is its generality. Even as far back in history, this element has

been central, as Lewtin explicates in her discussion of ancient Greece:

> [L]aw consists of rules made *without reference to any particular outcome* as opposed to commands, designed to produce substantive consequences here and now; that they were easy to identify as such because they had been *formally defined and authentically recorded*; and that observing such rules consists in conforming to impersonal conditions. [emphasis added](Lewtin 2005: 5)

It is this focus on the structure of law that presents differences between Grotian law and

legalistic thinking. For legalistic thinking, this universality comes from generality that

gives the law its strength and legitimacy. Moreover, as it is the logical structure of the

law that is crucial, the ontological structure of reality becomes less important. In this

way, Kant's influence on the idea of law helps explain how legalistic thinking differs

from the thought of Grotius and St. Augustine. With Kant, law shifts away from its

relational character in Grotius, with its particular perspective on rational agents.

Theoretically, *any* rational entity can make a law. That would be a fully valid law.

Because of the necessity of universality, however, actions permitted by the Law of

Nature in Grotius would be banned by a Kantian agent. For instance, it is hard to

envision a Kantian agent accepting the notion that the threat of a box on the ear could be

met with lethal force – universalizing such a rule would not be dissimilar to

universalizing stealing. While the requirement for universality makes legalistic thinking

inspired by Kant markedly less violent than the Grotian Law of Nature, it also tends to

make legalistic thinking necessarily pacifistic. If we are all rational beings, it would

seem odd to create a rule allowing war among those who could reason together. More to

the point, constructing laws with universality is an exceptionally difficult endeavor on the topic of just war.

Indeed, one of the major issues in attempting to "legalize" elements of the just war doctrine is the difference in mode of thought between the experiential and practical tradition and the law. The Augustinian perspective focuses on what is real, while the law can only take into account what can be viewed in a legal framework, what can be universalized. Legitimate authority provides a good example of the difference. Under the Augustinian view, a legitimate authority is a public figure, one who has the responsibility over the protection of his/her citizens and residents. Thus, legitimate authority depends upon a certain concrete situation, namely, the agency that has the actual power to defend a certain region. With legalistic thinking, the legitimate authority is instead the highest law-making agency, whether or not it has the ability, or even the expectation, to serve as a protective force. Again, this could theoretically be any rational being. Especially if there is no notion of God (indeed, a God that is sovereign and the fullness of Being) as the highest authority, it is problematic to determine what the highest law-making agency is. This divergence between Augustinian and legalistic notions of legitimate authority makes a large difference in terms of just war. For the Augustinian view, a first step to *ius ad bellum* is determining where the political power lies, specifically to those officers that have the experience of responsibility over his/her subjects, and has the responsibility to handle the problems of conflict (cf. Johnson 1999: 31-32). The Augustinian legitimate authority is more attuned than the legalistic model to deal with the situation as it is, in its concrete particularity. For the legal perspective,

on the other hand, the legitimate authority will not consider the issue in its context, but rather as a legal problem, looking for legal solution. This search for a legal solution, in the end, tends towards pacifism, as there will always be other means short of warfare that can be used.

The *ius ad bellum* requirement of last resort presents an example of the limits of the liberal/legalistic view, especially in its separateness from a metaphysical basis. To put it bluntly, legalistic thinking knows no time outside that time it specifies legalistically. An example of time denoted by law would be a statute of limitations on a crime, or a requirement to provide documents to a court or other legal body within a certain number of days. But where time is not set in legal terms, law is effectively timeless. This is a direct result of the universality of legalistic thinking.[70] If the logical structure is universal, it means that it applies to all places *and times*. In terms of last resort, such universality presents practical problems for any view other than pacifism. Can anyone say with certainty when absolutely all other options before war have been exhausted? This practical issue will be dealt in more detail below. Let us consider how this timelessness compares to the Augustinian perspective. As the entire idea of the *saeculum* is based upon a notion of time (the history between the First and Second Coming), St. Augustine's explication of just war depends upon a concrete view of time. Indeed, there is only one timeless element within the Augustinian perspective: God. It is only the Divinity that resides in the "eternal present" of timelessness, for whom there is no past or future. While human beings can gain an inkling of this timelessness in

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[70] It would seem this timelessness is also related to the Kantian influence. For a discussion of Kant as a more provisional thinker, see Ellis 2005.

experiencing the Inexpressible, these intimations are always limited and brief. They most certainly cannot *create* it. As such, St. Augustine's Christian political realism is time-dependent in a broad and a narrow sense. Broadly, the Augustinian perspective's explanation of the current fracturedness of the world, and its inevitable conclusion, relies upon the Divinity's actions through history, from the time of Adam unto the final separation of the wheat and chaff. More narrowly, the Augustinian perspective always sees agents (and the political units in which they reside) as temporary. A human being lives but a couple days, with the nation/state lasting only somewhat longer. In the end, all of them die. Outside the permanence of God, nothing is everlasting. As such, human beings, in acting, must reflect upon the timeless God while realizing that they are not timeless. Therefore, there is an inherent idea of one's limitedness in time within the Augustinian perspective.

Legalistic thinking, on the other hand, has no such limitedness. If the logical structure of the law, whoever the law-maker, is universal, the law is rightly timeless. As such, legalistic thinking naturally tends to disregard the reality of time. This presents various problems. First, and perhaps foremost, the law replaces the Divinity as the entity which speaks to all things at all times. With the idea that any rational being could be a law-maker, it would appear that there is a strong element of self-deification involved in this enterprise. Second, this timelessness disconnects the law from reality to the extent that it abides "outside" of time. This will be illustrated below in the discussion on last resort. Finally, the timelessness of law, the result of its constructed nature and structure, distorts the world within which it operates. On the one hand, the law's timelessness

removes it from history, a history that at least strongly indicates a fracturedness in humanity. On the other hand, the timelessness offers no hope for the future, no expectation of the law's success. Legalistic thinking, in this way, is a remarkably static construction imposed on a dynamic world.

With this larger discussion of legalistic thinking in mind, let us turn to the international law as it exists. Here, we can see how the practice of legalistic thinking is pacifistic – the legalistic structure demands it, and the reality of politics abets it.

International Law and Legalism

As mentioned above, "international law" in this chapter will refer specifically to "positive" international law rather than the customary law or any particular bilateral treaties. By positive international law, I mean the those laws codified, propounded or promulgated through supranational organizations, including but not limited to the United Nations, the Nuremberg Court, the International Court of Justice, the International Criminal Court,[71] and other such bodies, including such multilateral treaties reached and agreed to through such bodies. This will also include certain international regimes, such as the Geneva Convention. In other words, this discussion will focus on "law-making" treaties:

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[71] Whether these courts can "make" law is a debated issue. While the courts are intended to adjudicate cases within their respective jurisdictions, these interpretations themselves can be binding as they tend to clarify (and codify) what specific terms and/or clauses in various texts (like the UN Charter) mean. For some discussion on the matter, especially as it touches on the important International Court of Justice case *Case Concerning Military and Paramilitary Activities in and against Nicaragua* and its clarification of the UN General Assembly Resolution *Definition of Aggression*, cf. Gray 2004: 138-151; Brownlie 2003: 704; Higgins 1994: 20.

Such treaties create legal obligations the observance of which does not dissolve the treaty obligation. Thus a treaty for the joint carrying out of a single enterprise is not law-making, since fulfilment [sic] of its objects will terminate the obligation. Law-making treaties create *general* norms for the future conduct of the parties in terms of legal propositions, and the obligations are basically the same for all parties. [emphasis in original](Brownlie 2003: 12)

There are various sources of international law, which Ratner and Abrams (2001: 17-19) list as international conventions, customary international law, general principles of law ("those principles of domestic law common to the world's major legal systems," Ratner and Abrams 2001: 18), and judicial decisions.[72] In considering "codified" international law, I follow the description presented by Brownlie:

Narrowly defined, codification involves the setting down, in a comprehensive and ordered form, of rules of existing law and the approval of the resulting text by a law-determining agency. The process in international relations has been carried out by international conferences, such as the First and Second Hague Peace Conferences of 1899 and 1907, and by groups of experts whose drafts were the subjects of conferences sponsored by the League of Nations or the American states. However, the International Law Commission, created as a subsidiary organ of the General Assembly of the United Nations, has had more success than the League bodies. Its membership combines technical qualities and experience of governmental work, so that its drafts are more likely to adopt solutions which are acceptable to governments. Moreover, its membership reflects a variety of political and regional standpoints and thus its agreed drafts provide a realistic basis for legal obligations. In practice the Commission has not maintained a strict separation of its tasks of codification and 'progressive development' of the law. (Brownlie 2003: 28-29)

By focusing on this codified version of international law, it will be easier to make distinctions between positive international law and the just war tradition without the difficulty of disentangling the elements of customary law in both.

Codified international law has various properties that (for the purposes of this chapter) distinguish it from other forms of international law. First, positive international

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[72] But cf. Brownlie 2003: 3-4 on "formal" and "material" sources of international law.

law is a concerted effort at making a coherent legal system, in this way different from customary law, which is simply an outgrowth of state practice. As such, the process of creating positive international law is primarily focused a legalistic reasoning rather than on considerations of power politics or some other form of organization. Second, positive international law tends to be much more centralized than previous forms of international law. Particularly through the auspices of the United Nations (although certain regional organizations can also act in similar ways), "law-making" treaties have a central node through which laws can be created and promulgated with comparative ease and speed. Third, positive international law claims an obligatory power on the "community of nations" just as positive law in the domestic sphere of states claims obligatory power over its residents. Indeed, in many ways, positive international law "as a normative system, harnessed to the achievement of common values" (Higgins 1994: 1) seeks to create a shared set of norms (or even perhaps morality) among states. Often, this notion is based (at least implicitly) on a rather cosmopolitan notion of the "community of nations," stemming from the idea of consensus, based on reciprocity.[73] So, as Higgins states,

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[73] This is but one perspective on the international law, though a popular one. There are other perspectives, perhaps best explicated by Wasserstom:

> There are two general, quite distinct arguments for this notion of the primacy of the laws of war. One is that the laws of war are important and deserving of genuine respect and rigorous enforcement because they reflect, embody and give effect to fundamental moral distinctions and considerations. The other is that, considered simply as laws and conventions, they merit this dominant role because general adherence to them has important, desirable effects. The former of these arguments emphasizes the contents of the laws of war and the connection they have with more basic moral ideas. The latter argument emphasizes the beneficial consequences that flow from their presence and acceptance. (Wasserstom 1986[1972]: 392)

> As for the basis of obligation, reciprocity is a central element. As notions of natural justice were replaced by consent, so consent has gradually been replaced by consensus. States have undoubtedly come to regard themselves as bound by norms to which they have not given their express consent, either because they were not party to the law-making agency or because they did not wish to approve the specific proposals. If consensus, often tacit and sometimes unenthusiastic, is the basis of international law, then that consensus comes about because states perceive a reciprocal advantage in cautioning self-restraint. (Higgins 1994: 16)

Especially on this third point, we see the divergence between positive international law as it is and as liberals wish it to be. Both share the belief that states should follow positive international law, as a matter of prudence, obligation, and morality. How much this is reflected in current practice, however, is another question. International lawyers can point to how states do seem to follow the positive international law:

> Given the problems of any empirical investigation into 'effectiveness', [sic] it is all the more important to look at international law in the use of force in terms of the language used by states. Given that in fact they choose to use this language to explain their behaviour and to respond to that of others, anyone involved in any way in advising states or in assessing their actions will have to be able to engage in this discourse. (Gray 2004: 27)

However, international lawyers also understand the limits of the law's power in practice, as the usage of legal language does not necessarily denote the following of the law. The "Achilles heel" of international law – enforcement – is a constant of current positive international law that cannot be avoided. Liberals, at least in some of their discussions of international law, speak as if this enforcement issue is not as large, in practice, as it is. As will be discussed below, the liberal desire to shape an international morality via positive international law tends to lead liberal theory to disregard the problems of

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Currently, there is a tendency to mix these two notions together – that it is morally good in itself, and that it is prudent.

legalistic thinking in war morality, both in terms of actual practice and of its ability to advance liberal preferences.

In contemporary discussions of the just war doctrine, one of the most commonly cited forms of moral authority is international law. Whether it is the Geneva Conventions, the United Nations Charter, or sundry others, law serves in the place of morality in many of these discussions. Liberalism, with its concern for the rule of law and rationalistic models of governance, gives pride of place to international law as a method of dealing with conflict between states. The very structure of liberal considerations on international affairs has a legal hue. So, for instance, John Rawls writes, "…once the gravest forms of political injustice are eliminated by following just (or at least decent) social policies and establishing just (or at least decent) basic institutions, these great evils [unjust war, genocide, etc.] will eventually disappear" (Rawls 1999b: 7). These policies and institutions, the extension of Rawls' "justice as fairness" to the international arena, are legalistic in nature. Indeed, even as moralistic a theorist as Michael Walzer believes legalism to be the only legitimate standard for war:

> The defense of rights is a reason for fighting. I want now to stress again, and finally, that it is the only reason. The *legalist paradigm* rules out every other sort of war. Preventative wars, commercial wars, wars of expansion and conquest, religious crusades, revolutionary wars, military interventions – all these are barred and barred absolutely, in much the same way as their domestic equivalents are ruled out in municipal law. Or, to turn the argument around once more, all these constitute aggressive acts on the part of whoever begins them and justify forceful resistance, as their equivalents would in the homes and streets of domestic society. [emphasis added](Walzer 1977: 72)

This puts a great deal of weight on international law. Liberal writers tend to see the world through the legal lens, especially when constructing normative theories. For

example, regarding the sovereignty of the state, Rawls notes, "[w]e must reformulate the powers of sovereignty in light of a reasonable Law of Peoples and deny to states the traditional rights to war and unrestricted internal autonomy" (Rawls 1999b: 26-27).

Is it realistic to place so much emphasis on the strength of international law? As one commentator notes, "The present international legal structure…does not and arguably cannot conform to liberalism's goal of ameliorating the human condition and securing the rights of all" (Kagan 2004: 134). International law presents a different attempt at the systemization of morality in warfare, and is part of a larger systemization of international relations. There is a distinction between what international law is and what liberalism hopes and argues it ought to be. Many liberal thinkers err in thinking that positive international law *as it now exists* is what they believe it *should be*, or that current law tends strongly in the direction liberals prefer. After all, it is not a political realist, but rather a strong supporter of international law, who writes,

> …it is fundamentally misguided to attribute to international law an exclusive role in controlling state behaviour; it tends to be non-lawyers rather than lawyers whose expectations are unreasonably elevated and who attack international law as having no significant role when there is anything less than perfect compliance. (Gray 2004: 24)

While Gray explicates that such elevated expectations are used by those non-lawyers who believe international law is irrelevant to world politics, these unrealistic views on international law also infect non-lawyer supporters of the idea of a strong legalistically-based international order. As one skeptical author puts it, "But are the UN Security Council, and the structure of international law it sits atop, really the holy grail of international legitimacy, as Europeans are today insisting? International life would be

simpler if they were. But they are not" (Kagan 2004: 122). As such, this chapter will

deal with two different types of international law – the law as it is presently, and the law

as liberal theorists believe it to be/want it to be.

While positive international law serves multiple purposes, ranging from mineral

rights to sea passage to diplomatic relations to trade interactions, the area of most

interest for our purposes regards regulations on warfare and, more tangentially, human

rights (a type of secularized incarnation of justice). In this respect, positive international

law serves almost as a replacement for morality in warfare. Indeed, some see the law as

a codification of morality:

> Considerations of humanity may depend on the subjective appreciation of the
> judge, but, more objectively, they may be related to human values already
> protected by positive legal principles which, taken together, reveal certain criteria
> of public policy and invite the use of analogy. Such criteria have obvious
> connections with general principles of law and with equity, but they need no
> particular justification. References to principles or laws of humanity appear in
> preambles to conventions, in resolutions of the United Nations General
> Assembly, and also in diplomatic practice. (Brownlie 2003: 26-27)

This notion of codified "laws of humanity" is used to deny states the unilateral right to

consider whether wars are just or unjust. This is so even when it may appear that the

state is enforcing international law or enactments: "There is no entitlement in the hands

of individual members of the United Nations to enforce prior Security Council

resolutions by the use of force" (Higgins 1994: 259). The law, through the Security

Council, serves as the necessary legitimating authority for warfare,[74] the only exception

being immediate self-defense (and even here, the right to self-defense lasts only up to the

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[74] Making the Security Council the only "legitimate authority" (in the just war sense) is not only a matter
of legalism – some other, more cosmopolitan, writers believe that the UN "represents the best and perhaps
the only hope in an imperfect world for legitimating effective maintenance of world peace both between
and within nations" (Regan 1996: 47).

point the Security Council can review the situation and determine what course to take).

"It has been generally accepted, ever since this clear finding by the Court on this

question, that self-help is unlawful under the Charter, notwithstanding the failure of the

UN system to ensure that states do get the legal rights to which they are entitled. But,

where the physical security of states is concerned, the matter has been more contested"

(Higgins 1994: 240). With warfare, international law as it stands assumes a primary role

for the United Nations. Indeed, while the UN is not a world government, nor structured

to be so, positive international law views the UN as primary on the issue of warfare. The

presumption of the law as it exists is that the *legitimate* use of force is necessarily

dependent upon the United Nations, especially via the resolutions of the Security

Council. Indeed, under legalist thinking, *ius ad bellum* requires merely the majority vote

of the Security Council for a war to be just, or at least legal. As one international

attorney writes,

> The design of the United Nations constitutes a comprehensive public order
> system. In spite of the weakness involved in multilateral decision-making, the
> assumption is that the Organization has a monopoly of the use of force, and a
> primary responsibility for enforcement action to deal with breaches of the peace,
> threats to the peace or acts of aggression. Individual Member States have the
> exceptional right of individual or collective self-defence. (Brownlie 2003: 706)

The idea that the UN would have a monopoly on the use of force needs some

explicating: "International organizations up to and including the United Nations lack

sovereignty in the traditional sense. Without sovereignty, is there any right to authorize

force?" (Johnson 1999: 32) After all, such a monopoly is often given as a definition of a

state.

Perhaps the best distinction between the UN monopoly on force and that of a

domestic nation-state is based on their respective capabilities. Under positive

international law, the UN has a monopoly on the *legitimate* use of force between states,

as a state has over its residents. However, while most states have, or aim to have, the

monopoly on the *ability* to use force (via improved weaponry, a standing army, etc.), the

UN lacks such a capability, and therefore must rely upon the capabilities of the member-

states. While this lack of capabilities would seem problematic, still the UN (under

positive international law) was founded to serve as the legitimate instrument for world

peace and order. Moreover, this is part of the larger notion of what the United Nations

system was intended to be both at its founding and in the future:

> The UN Charter thus limited permitted uses of force to self-defence or to
> collective enforcement action. But it also envisaged that the United Nations
> would itself provide the mechanisms for asserting legal rights and pursuing
> political and social justice. There would thus be no need for the individual resort
> to force. (Higgins 1994: 238)

However, the actual actions of the UN and states interacting with it did not evolve as the

writers of the Charter hoped. Indeed, one of the major issues is a matter of who will

actually enforce this all, and "[t]he extent to which practical consequences also ensue

depends, at least in considerable degree, on the question of enforcement, the Achilles

heel of the international legal system" (Duffy 2005: 58). Structurally, therefore, there

are two ways in which the UN system of war legitimization tends towards non-action.

First, the only legitimate use of warfare by a state (outside immediate self-defense)

comes from the Security Council by way of resolution. Along with the need to gain a

majority of votes, any one permanent member can veto the resolution for any reason. As

Walzer explains, "The politics of the UN is no more edifying than the politics of many of its members, and the decision to intervene, whether it is local or global, whether it is made individually or collectively, is always a political decision" (Walzer 2000: xiv). As positive international law does not permit self-help even when the UN and/or Security Council have failed to act, it would seem likely that most conflicts could not *legally* be justified. Second, even if the Security Council would permit the use of force, it is an open question whether any nation-state would provide enforcement.

In practice, this results in international action not terribly different from pacifism, even if that term is not expressly used. The tendency runs against legitimizing forceful actions, either because of the reticence of a permanent Security Council member or the lack of desire to expend blood and treasure to "restore international peace" in a nation/region that does not involve member-states' national interests. One could argue that this is beneficial. After all, while these pacifistic results are thanks to power politics and structural constraints, at least this curbs the chances of war. The problem with such a practical result is that this pacifistic tendency (or general inability to act) can prevent just wars as well as unjust ones from occurring. The tribunals in Yugoslavia and Rwanda are examples of attempts to enforce international law. However, "the [Security] Council created these courts as substitutes for robust international action to stop and prevent the atrocities in these two regions…" (Ratner and Abrams 2001: 9). As Samantha Power explains (regarding the Rwandan case),

> The UN Security Council pointed fingers at the main aggressors, imposed economic sanctions, deployed peacekeepers, and helped deliver humanitarian aid. Eventually it even set up a war crimes tribunal to punish the plotters and perpetrators of mass murder. What the United States and its allies did not do

until it was too late, however, was intervene with armed force to stop genocide.
(Power 2002: 251)

As the international legal system is structured in such a way as to make "legitimate" use of force nearly impossible, the allowance of horror is to be expected and anticipated. By viewing the international realm relationally, via legalism, important elements of realty are invisible to the legal regime. The legal system can only recognize the legal elements themselves –problems posed by power politics cannot be directly addressed through the positive international law.

Compare domestic law to the international law as it now exists. Domestic law, to an extent, is a form of systemization. For the law to receive the day-to-day allegiance of the majority of residents, there must be regularity in expectations and enforcement. In terms of expectations, certain acts should always result in the state pursuing those who commit them, such as murder. In terms of enforcement, the law maintains its legitimacy by having the capability to stop, detain, and potentially punish those who commit prohibited acts. International law, at least in terms of warfare, lacks both of these elements. The declaration of a breach of international peace by the Security Council illustrates this point. What exactly such a "breach" entails is unclear, both in terms of the law itself and in terms of practice. For instance, the Security Council determined the occurrence of a breach of the international peace in Haiti in 1991, and Yugoslavia and Somalia in 1992, but not Rwanda in 1994, Kosovo in 1999, or during the earlier slaughter on the part of the Khmer Rouge in Cambodia (ousted by the Vietnamese government). With these latter examples, the Security Council might express "grave concern" about the situation in general or certain events specifically without declaring

such conflicts breaches of international peace. It is hard to see how some of these cases are breaches of the international peace while others are not, especially if one wants to claim that positive international law actually provides stability. Often, the interplay of the member-states of the Security Council, and the relation of the conflict to these states' national interests, explain the anomalous results. What is considered as a breach often depends on the spheres of influence of the member-states, the potential for a protracted conflict, and the jostling for comparative power between the permanent members of the Security Council itself. The issues of protracted conflict and comparative power also play a role in the issue of enforcement. And here we encounter the main conflicts between international law as it is and how liberalism wishes it to be.

Law and Liberalism

Positive international law and liberalism share many aims. Indeed, liberalism is dependent on the idea of the rule of law, and liberals perceive positive international law as a means of making international interactions follow legal precepts in a way not dissimilar to domestic law systems. Indeed, even for more social scientific forms of liberalism, cooperative interaction is itself a good: "Although it would be naive to believe that increased cooperation, among any group of states for whatever purposes, will necessarily foster humane values in world politics, it seems clear that more effective coordination of policy among governments would often help" (Keohane 1984: 11). These shared aims include a stable legal system, on the one hand, and a shared system of values, on the other. Indeed, in many ways, liberal support for a strong positive

international law regime results from the liberal desire for a common international ethos. This morality, while focused on legal proceduralism, also depends upon a developed system of human rights regulations. While legal proceduralism provides the core of a liberal international system, human rights provide the content for the liberal system. This will also present a key tension between international law and liberalism:

> "Legitimacy depends on creating a wide international consensus," Javier Solana insists. But how wide is wide? And who will decide when it is wide enough? The answers to such questions are inevitably subjective, and far too subjective to serve as the underpinning of any "rules-based" international order. (Kagan 2004: 146)

A international morality based on human rights attempts to circumvent this problem. This content seeks to be universal while not depending upon any particularistic comprehensive doctrine. Human rights, in this way, becomes a key element of the liberal international system, as "[h]uman rights has become the major article of faith of a secular culture that fears it believes in nothing else" (Ignatieff 2001: 53). More practically, a system of human rights provides a solution to a lacuna in positive international law, in that

> [t]he special body of international law characterized as human-rights law is strikingly different from the rest of international law, in that it stipulates that obligations are owed directly to individuals (and not to the national government of an individual); and it provides, increasingly, for individuals to have access to tribunals and for a for the effective guarantee of those obligations. (Higgins 1994: 95)

For liberals, and their focus on the individual, it is necessary that positive international law not merely focus upon states themselves. By combining the legal procedures of positive international law with the content of universal human rights, liberals believe that

a workable international peace can be attained. However, the differences between the

ideal and the reality are formidable.

An interesting conundrum is the tension between international law's institutions

and the idealism behind it. Indeed, even major supporters of international law, those

who demand that the law must be followed, inexplicably become concerned with

intention over the law when certain liberal ideas are not followed. So, for instance,

consider Brownlie's comments on Chapter VII authorization:

> On occasion the Security Council may decide to take coercive action under
> Chapter VII of the United Nations Charter, precisely to deal with the worst cases
> [of human rights violations]. This, then, appears to be the solution. But, in
> practice, such action has been taken on a very selective basis and has been
> shadowed by *ad hoc* geopolitical reasons unconnected with human rights.
> (Brownlie 2003: 557)

Or, as Gray remarks about the Cold War situation, "…humanitarian ends were almost

always mixed with other, less laudable motives for intervening, and because often the

humanitarian benefits of an intervention were either not claimed by the intervening state

or were only put forward as an *ex post facto* justification of the intervention" (Gray

2004: 32). Under positive international law itself, the issue of intention is at best

tangential to decisions on warfare. As long as the legitimate authority, the Security

Council, authorizes force (via resolution) for a breach of international peace, the

intentions of any one of the authorizing powers is irrelevant. It is the law that matters,

while the particular agent's intentions (whether a state or individual) only matter insofar

as they follow the law itself. Given that the very structure of the positive international

law avoids the notion of justice itself, preferring stability, then the focus on intention

seems out of place. Intention, therefore, is brought into the equation to deal with the

lacunae between what positive international law provides and what liberalism desires. The limits of international law in determining justice in warfare are summed up by Kagan's critique: "The point is this: A world without a universal standard of international law need not be a world without morality and justice. Indeed, in the real world, the too-rigid application of the principles of international law can impede the pursuit of morality and justice, as the Europeans recognized in the case of Kosovo" (Kagan 2004: 131).

The divergence between positive international law and liberal desire is best exemplified by the controversies surrounding the events in Kosovo in 1999. The ethnic cleansing perpetuated by the Serbian forces against the Kosovar population was horrific, but not necessarily more horrific than, say, the events in Rwanda or elsewhere. However, the context provided increased saliency for the Western European nations for sundry reasons: the historic importance of the general region as the starting point for the First World War, concerns about the stability of the post-Communist states in Europe, and the recent memory of the atrocities during the war in Bosnia-Herzegovina, among others. All these factors, along with the human rights catastrophe that loomed, made a war against Serbian aggression appear just. But, thanks to the structure of the international legal system, while the war would seem *just*, it became an open question whether the war would be *legal*. Legal action in the Kosovo area against Serbian forces, under international law, depended upon the authorization of the Security Council. Such authorization was not forthcoming. For various reasons, among them concerns about relative power and (in the case of Russia) historical ties with the Serbian government,

any Security Council resolution authorizing force against the Serbs would most certainly

have resulted in a veto by Russia and possibly by China. Were international relations

merely a matter of liberalism-inspired law, that would be the end of it. Without the

legitimate authority of the Security Council supporting a war, no war should have been

fought. In practice, of course, this is not what occurred. The Security Council was

avoided, and NATO forces intervened in Kosovo to stop Serbian aggression. The

nations involved believed that justice outweighed international law. This reflects the

selectivity of various powers when it comes to following the legal procedures if it seems

the law will not allow for justice, especially when comparing the Kosovo war to the Iraq

war of 2003:

> Nor would Europeans have denounced American action in Iraq as 'unilateral'
> had France, Germany, and Great Britain all agreed to support the war but Russia
> and China had opposed it – just as Europeans did not condemn their own war in
> Kosovo as 'unilateral' just because Russia and much of the developing world
> were opposed. (Kagan 2004: 145)

In terms of the aims of liberalism, the very structure of the international legal system

prevents (at least at times) liberal ends from being reached in warfare.

While positive international law as it exists is problematic in its legal regime,

perhaps the creation of an international morality through a system of human rights could

provide a stronger basis for the international legal system. Let us consider the current

attempts to introduce human rights, especially the Universal Declaration of Human

Rights. One of the more interesting points about the Charter is its lack of ontology. This

was done quite purposefully. For some, this is for the best: "Far better, I would argue, to

forgo these kinds of foundational arguments altogether and seek to build support for

human rights on the basis of what such rights actually *do* for human beings" [emphasis in original] (Ignatieff 2001: 54). For an international system of human rights, avoiding ontology intuitively seems reasonable for two reasons. The first is practical: trying to base human rights on any specific comprehensive doctrine's notion of the person (be it religious or secular) would be difficult at best. The second comes from the liberal perspective: to ensure human autonomy, human rights need not be based upon any specific metaphysical notion. As one writer explicates the liberal notion of autonomy, "Rational agents confer value: it is morally impermissible to choose to act in ways that is impossible for rational agents to choose since we presume that rational agents cannot confer value on actions that would undermine their capacity to confer value" (Zupan 2004: 26). Human rights, therefore, serve for liberalism as the basis for substantial individual protections in the international arena. However, the lack of metaphysics leads to some odd combinations within the Charter itself. Such a fundamental proclamation as Article Three, "Everyone has the right to life, liberty and the security of person" ("Universal Declaration of Human Rights" 2000[1948]: 30), resides in the document with the perhaps less well-known human right listed in Article 24, "…periodic holidays with pay" ("Universal Declaration of Human Rights" 2000[1948]: 32). Moreover, the rights range from the very specific to the exceptionally broad: Article 23 gives specification on the rights surrounding work, while Article 28 states that "[e]veryone is entitled to a social and international order in which the rights and freedom set forth in this Declaration can be fully realized" ("Universal Declaration of Human Rights" 2000[1948]: 32-33). These odd couplings are to be anticipated. Without a strong

metaphysical foundation for human rights, prioritizing more and less important, and more or less possible, "rights" becomes problematic. Indeed, it is hard to see the similar importance between security of person and regular vacation time. But even leaving these odd combinations to the side, the practice of human rights law, like that of the use of force, shows divergences between liberalism and international law as it is.

Perhaps a key problem with the liberal use of international human rights law as it exists is the lack of desire to enforce these norms on the part of states. One reason, as mentioned above, is the problem of national interest – while the protection of human rights may provide a moral reason for force, often this is not enough. Another possible reason may be the lack of clarity in certain elements of human rights law as it exists, especially as it tries to indicate individual criminality:

> Yet the irrational elements of the current regime of criminality should not be overlooked. Three seemingly arbitrary schisms remain: (1) between criminality for abuses in wartime and those in peacetime; (2) among wartime abuses between the criminality of those committed in interstate conflicts and the criminality of those in civil wars; and (3) among peacetime abuses between the criminality of seemingly equally egregious acts (e.g., torture vs. murder). Thus, for example, a single murder by a soldier against a civilian in wartime constitutes a war crime (under the Geneva Conventions or customary law); a single murder by a governmental official in peacetime against a political prisoner would most likely not (due to the special elements required of genocide and crimes against humanity); but a single act of torture by the same official against the same victim does (under the Torture Convention). (Ratner and Abrams 2001: 334)

Even with these problems in the current nature of human rights law, we can see liberalism's attempts at using international law. "Human rights is universal not as a vernacular of cultural prescription but as a language of moral empowerment. Its role is not in defining the content of culture but in trying to enfranchise all agents so that they can freely shape the content" (Ignatieff 2001: 73). The question is, are these two sides

really as easily distinguished as Ignatieff makes them out to be? Indeed, without a

metaphysical basis, it seems that liberalism (and what it believes international law to be)

assumes that all people, at heart, are liberals (a point that will be developed below).

Even respected international lawyers, when pressed with the issue of the basis for human

rights, sound more like poets than political practitioners:

> The non-universal, relativist view of human rights is in fact a very state-centred [sic] view and loses sight of the fact that human rights are *human* rights and not dependent on the fact that states, or groupings of states, may behave differently from each other so far as their politics, economic policy, and culture are concerned. I believe, profoundly, in the universality of the human spirit. Individuals everywhere want the same essential things: to have sufficient food and shelter; to be able to speak freely; to practice their own religion or to abstain from religious belief; to feel that their person is not threatened by the state; to know that they will not be tortured, or detained without charge, and that, if charged, they will have a fair trial. I believe there is nothing in these aspirations that is dependent upon culture, or religion, or stage of development. [emphasis in original] (Higgins 1994: 96-97)

Admittedly, it would be hard to argue that there are sizeable numbers of people who

would not want these "same essential things;"[75] but it is one thing to list such various

essential things, another to show how they directly relate to human rights law and,

perhaps more importantly, how this relates to obligation. However, one can see in this

list a typical catalog of liberal concerns and assumptions about the nature of human

beings.

A secondary style of defense used by international lawyers and liberals is the

focus on practice: "People may not agree why we have rights, but they can agree that we

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[75] This idea of essentials can be brought into question as well. Do all people *as human beings* desire free speech? And what does free speech entail? Can free speech only be limited by imminent threat, or can one also ban hate speech, or blasphemous speech (either as an insult to true religion or as marginalizing of a minority group)? Under Higgins' explanation, there is no way to tell – the only basis is "the universality of the human spirit," which begs for a metaphysical justification.

need them. While the foundations for human rights belief may be contestable, the

prudential grounds for believing in human rights protection are much more secure"

(Ignatieff 2001: 55). With this understanding, we believe in rights *as-if* they existed,

because prudentially we are all more secure whether or not there is any reality to them.[76]

However, considering rights *as-if* they existed makes the just use of force questionable.

Is it just to make war against another nation for violations of rights that may or may not

exist? Positive international law provides a potential solution, as the obligation merely

depends upon the agreement of states. If states sign human rights treaties, the rights

dependent upon prudence instead become a legal fiction, enforced through the due

process of the international law. But then, once again, there is the problem of

enforcement. International law, as it exists, does not tend towards enforcing human

rights norms, but rather towards inaction, just as it is the tendency not to legitimate

warfare. In the end, the law as it exists cannot do what liberals hope that it shall.

While existing international law may not be able to advance liberal purposes,

legalistic thinking still plays a large role in liberal considerations on war. Liberal

notions of the just war may be viewed *as-if* international law was what liberalism hopes

it to be. Specifically, we will consider the legalistic thinking of liberalism in this regard,

and how this style of thought is misplaced in the just war. As mentioned above,

legalistic thinking depends upon the creation of a legal world, one that reflects reality in

only a limited and constructed way. One of the elements of this was the discussion of

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[76] In a way, this could reflect some liberal notions of values being created by the autonomous rational being, such as Zupan's statement above. It could also merely reflect the tendency to equate liberal reasoning with reason itself: "Taking one's stand with reason rather than morality–especially a 'reason' into which considerable moral and political content has already been poured–is a convenient way of being partial and judgmental while pretending to stand above the fray" (Berkowitz 2006: 124).

law's timelessness. While this timelessness is a strength of legal thinking in terms of the

domestic sphere, it becomes more problematic when considering the issue of just war.

Neta C. Crawford illustrates this by her discussion of "last resort" in the Afghanistan

War. She notes that "part of the U.S. conflict with the Taliban after September 11

revolved around whether the Taliban would release bin Laden and other Al-Qaeda

members for trial. The Taliban offered to surrender bin Laden 'to a third country' if

proof of his involvement in the September 11 attacks was made known" (Crawford

2003, 15). She observes that the U.S. administration rejected the offers. In her words,

"Was the administration at least obliged to pursue a dialogue on this point? Does just

war theory give adequate guidance on when and with whom dialogue and negotiation are

required?" (Crawford 2003, 15). The difficulty in her approach to these questions is that

it is limited by options that *might* have avoided war. On the other hand, the Taliban's

offer could at best be taken with a grain of salt. After all, as their "guest," the Taliban

had also at other times claimed that, thanks to the obligations of *malmastiya* and

nanawati (Bergen 2001: 161), there was no way they could ever hand bin Laden over.

Also, bin Laden had a dedicated and well-trained group about him, which would put at

least somewhat in question whether the Taliban had the ability to do what it offered.

Was the offer made in good faith, was it unachievable, or was it a delaying tactic? The

decision-maker has to keep in mind that all "peaceful" options may not be so peace-

oriented. They may tend towards "concord," in the sense Thomas Aquinas meant it in

the *Summa Theologicae*,(Aquinas 1948: III.1308[II.II, Q.29, a.1]), but not peace. True,

these options may tend away from war (for a time), but that does not necessarily indicate

that this lack of war is a matter of peace. If a legalistic reading of the doctrine is taken, then indeed, the U.S. administration should have opened a dialogue. But why should we leave it at that? Taken quite literally (and even legally), such an *absolute* reading of the last resort requirement would require even more. Until such time as bin Laden, with direct help from the Taliban, attacked the U.S. again, one could say that "last resort" has not been reached. There is always the possibility for diplomacy, and perhaps internal division in the Taliban would bring a change of direction. Or perhaps, if given time, internal strife within Al-Qaeda would result in bin Laden's removal. Indeed, if given even more time, perhaps bin Laden would have a change of heart, become a Quaker, and turn himself in. Obviously, this is silliness, but it illustrates the point that every possible "peaceful option" cannot be considered an actual option for not going to war. Michael Walzer writes (in his consideration of the First Gulf War),

> Taken literally, which is exactly what many people took it during the months of the blockade, 'last resort' would make war morally impossible. For we can never reach lastness, or we can never know that we have reached it. There is always something else to do: another diplomatic note, another United Nations resolution, another meeting. (Walzer 2004: 88)

This is a result of the legalistic style of thought. In law, there is no time. When dealing with a pressing international situation, this makes legalistic reasoning problematic. To follow a *legalistic* notion of last resort would, in effect, mean that war would never be just. As a matter of practical reasoning, an *absolute* last resort is not required, but a *reasonable* last resort. "Reasonable" is an admittedly ambiguous label, but again, the just war tradition/doctrine cannot be treated as an expected utility model,[77] where

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[77] Cf. Bueno de Mesquita and Lalman 1990.

information on the international situation is filled in, resulting in some clear printout of what to do and not to do. To treat the doctrine in such a way, either by means of an "ethical checklist" or through legalism, will lead to the doctrine's incoherence.

But moreover, one could say that the question of last resort was already resolved on September 11, and that the issue of whether to fight had rather been resolved by the Taliban's lack of control over bin Laden. Indeed, one could reasonably argue that both just cause and last resort were resolved that very day. One could respond that, while actions against Al-Qaeda were warranted at that point, attacking the Taliban was still questionable. After all, the Taliban was not a *direct* (though perhaps an indirect) agent in the September 11 attacks. This is the error of translating a "just cause" within the "aggressor-defender" model, which itself is foreign and problematic to the just war tradition. In effect, "just cause" is considered only for self-defense, and the measure of self-defense is "who punched whom first?" As Methodist theologian Paul Ramsey put it in 1961, "[t]he aggressor-defender doctrine directs attention to the immediate circumstances in which force is resorted to….Other events of longer standing in the past and graver consequence in the future are ruled out as not of decisive importance in determining the morality of war" (Ramsey 2002[1983], 43). In effect, the first one to punch will nearly by definition be considered unjust, while the defender, no matter what happened before or might be reasonably surmised as happening after, may be considered in the right. Ramsey, within the same article, summarizes the matter nicely:

> While historical experience may teach us that the actual aggressor may have
> defensive purposes and the defender aggressive purposes in the actual conduct of
> war, and while experience teaches that the reluctance a state may display in

taking aggressive action is no measure of its aggressive intent thereafter, still the aggressor-defender *doctrine* teaches us that the purposes of the defender are *by definition* defensive and therefore just. [emphasis in original](Ramsey 2002[1983], 44)

The last words reflect another difficulty, namely, that the "defender" is by definition acting justly under this model. This may be, perhaps, why some find it necessary to place themselves in the "defender" role so strongly – first, it is required to be considered just at all, and second, being the "defender" removes (at least potentially) some of the onus of right action within the war.

International law, whether the type liberalism wants to exist or that which actually exists, tends in a pacifistic direction. In practice, the very structure of international law tends against just war. If the one legitimate authority is the Security Council, and the decision to allow force depends on the agreement of major powers (all concerned about the comparative strength of the others), then authorizations will be (and have been) few and far between. Even in theory, this reluctance to act will continue. Because of the timeless (and to an extent contextless) nature of legalistic thinking, traditional elements of just war, such as last resort, would make just action impossible. Indeed, even if international law was all that liberalism hoped it would be, the inability to act remains in the very nature of ametaphysical, legalistic thinking. In either case, just war in practice would be nearly impossible, this being the result of the very inability to act: "The incapacity to respond to threats leads not only to tolerance. It can also lead to denial. It is normal to try to put out of one's mind that which one can do nothing about" (Kagan 2004: 32).

Liberalism in an Illiberal World

So far, we have focused upon international law as it exists, and liberalism in relation to international law. Positive international law proved to be lacking in many ways and tending in a pacifistic direction. Moreover, we have also considered the problems of legalistic thinking itself as it relates to just war. Replacing metaphysics with "legal" reality, legalistic reasoning (with its timeless and contextless nature) applied to just war leads to the improbability of fighting justly. But legalistic thinking is only a part of liberalism's provisions for morality in warfare. Liberalism as a whole is one of the two most important theories of international relations, the other being political realism. Having dealt with realism in the previous chapter, we will now focus on liberalism itself.

The major problem with discussing liberalism is its sheer expansiveness. Indeed, it is hard to write succinctly on a style of thought that variously claims Adam Smith, John Locke, Immanuel Kant, neoliberal institutionalists, certain natural law theorists, deliberative democrats, John Rawls, Michael Walzer, possibly Michael Oakeshott, and others. For the purposes of this work, we will deal with liberalism in broad strokes, basing our critique upon the following liberal beliefs:

1) International law has moral force, and should be followed by national leaders.

2) Justice requires protection of the individual's autonomy (especially that of minorities and the marginalized) on the one hand, and representative political institutions on the other.

3) Human rights must be respected by states.

4) Human rights must be accessible by reason alone, i.e. human rights must not be merely parochial.

5) States can and should cooperate, and that increased cooperation can/should lead to increased peace.

While it would not be difficult to find liberal thinkers who disagree with one or more of the above propositions, or who would consider other propositions to be as important, this group of five points makes a discussion of liberalism somewhat more focused. While I will mostly focus on the liberal theories of John Rawls and Michael Walzer, first I will consider some elements of liberalism in general.

There are various elements within liberalism. A key focus is on autonomy. Autonomy serves to explain human interaction, and liberalism's understanding of just political institutions aim to expand autonomy as much as humanly possible. I will return to the issue of autonomy in the discussion of Rawls. For liberals, legitimacy is a major focus:

> When countries make their power legitimate in the eyes of others, they encounter less resistance to their wishes. If a country's culture and ideology are attractive, other more willingly follow. If a country can shape international rules that are consistent with its interests and values, its actions are more likely to appear legitimate in the eyes of others. If it uses institutions and follows rules that encourage other countries to channel or limit their activities in ways it prefers, it will not need as many costly carrots and sticks. (Nye 2004: 10-11)

This connects with what neoliberal Robert O. Keohane says about the unharmonious nature of cooperation: "Harmony is apolitical. No communication is necessary, and no influence need be exercised. Cooperation, by contrast, is highly political: somehow, patterns of behavior must be altered" (Keohane 1984: 53). Cooperation assumes

autonomous actors working to bring their own interests in accordance with one another.

While this idea of cooperation is applied to economic arrangements, it can also just as

easily be used for moral/human rights issues and the legitimation of warfare as well.

The difficulty is in explicating with whom cooperation is warranted. Indeed, liberalism

can tend towards a rather utopian notion of international affairs. For instance, it is

foolishly optimistic to say, "[t]o the extent that official policies at home and abroad are

consistent with democracy, human rights, openness, and respect for the opinions of

others, America will benefit form the trends of this global information age" (Nye 2004:

32). This seems to make the very questionable assumption that all people are liberals at

heart.[78] Liberalism tends to depend on "soft power," and "[s]oft power rests on some

shared values" (Nye 2004: 111). The difficulty in this statement is that liberals tend to

see "shared values" as their values. So, for instance, Nye gives as policies that "appeal

to young populations in modern democracies" a list including "European policies on

capital punishment, gun control, climate change, and the rights of homosexuals…" (Nye

2004: 79). It would seem convenient that these policies, preferred by liberals, would

also happen to be those that could grant legitimacy.

In order to make the problems stemming from liberalism's realtion to the just war

tradition clearer, I now focus more specifically on the work of Rawls, especially his *Law*

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[78] The violence resulting from cartoons of Mohammed published in Denmark illustrates this point. Which
would benefit the United States more: supporting the right to free speech, or supporting cultural
sensitivity? Or, to a greater extreme, would the US "benefit" from extolling the right to blaspheme, or
would it rather "benefit" for offering a bounty for the deaths of the cartoonists? Liberals tend to argue as
if all persons of good will concur with their views, even if such a belief is empirically questionable.
Especially on this tendency in Rawlsianism, cf. Berkowitz 2006.

of Peoples. Rawls' aim is not specifically to create a liberal version of the just war

doctrine, but rather to explicate a broader, liberal world order:

> By the 'Law of Peoples' I mean a particular political conception of right and
> justice that applies to the principles and norms of international law and practice.
> I shall use the term 'Society of Peoples' to mean all those peoples who follow the
> ideals and principles of the Law of Peoples in their mutual relations. (Rawls
> 1999b: 3)

Effectively, Rawls attempts to expand his notion of justice as fairness, explicated in his

Theory of Justice (1999a) and *Political Liberalism* (1996), to the international arena. In

order to do so, Rawls in general follows the same procedure as the one he uses in the

domestic sphere, by positing an "original position" where a "veil of ignorance" falls over

the participants. While the original position for the Law of Peoples is modified from the

domestic version, the parties represent "peoples" rather than families, and

> the parties are subject to the veil of ignorance properly adjusted for the case at
> hand: they do not know, for example, the size of the territory, or the population,
> or the relative strength of the people whose fundamental interests they represent.
> Though they do know that reasonably favorable conditions obtain that make
> constitutional democracy possible–*since they know they represent liberal
> societies*–they do not know the extent of their natural resources, or the level of
> their economic development, or other such information. [emphasis added](Rawls
> 1999b: 32-33)

The assumption of liberal peoples comes from the first iteration of the original position

at the domestic level. As Rawls words it, "A people of a constitutional democracy has,

as a *liberal* people, no *comprehensive* doctrine of the good" [emphasis in

original](Rawls 1999b: 40). In this way, Rawls attempts to side-step the difficulty of

differing comprehensive notions of the good between nations by assuming, *a priori*, that

the states constructing the Law of Peoples have already crossed through the original

position domestically. Rawls gives a list of principles for the Law of Peoples (Rawls

1999b: 37) which generally follows the aims of liberal theory. Again, following from the process used in Rawls' domestic works, it is asserted that the principles concluded among the participants in the original position are binding on all, the reason being that any given person (or "people") would have decided the same way were they in a similarly fair decision-making situation. Where this idea becomes more difficult, and where the just war doctrine comes into play, is in dealing with non-liberal states.

Before addressing the just war elements specifically, let us spend a moment on the general framework itself. For instance, let us consider a difficult metaphysical element:

> I shall also assume that, if we grow up under a framework of reasonable and just political and social institutions, we shall affirm those institutions when we in our turn come of age, and they will endure over time. In this context, to say that human nature is good is to say that citizens who grow up under reasonable and just institutions–institutions that satisfy any of a family of reasonable liberal political conceptions of justice–will affirm those institutions and act to make sure their social world endures. (Rawls 1999b: 7)

With this statement, Rawls tells us that his system will create this reasonable and just system, and that maturing under this system will inspire future generations to maintain it. This is the "realistic utopia" that Rawls hopes to create – a world where conflict is minimized and justice reigns. It is interesting to note what is missing in this statement – sin.[79] One of the core elements of the Augustinian view of warfare, indeed of human interaction in general, is the fracturedness of human desire and motivation, best described by the *libido dominandi*. It is in this fracturedness that the discord between

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[79] More tangentially, it is interesting that this statement assumes no changes in the future. Or, in other words, Rawls takes for granted that no future generation will question his system in a way similar to the way he questions the present. Indeed, Rawls assumes an affirmation of his system that he denies to the present without necessarily explaining why.

different individuals and states originates, thanks to conflicting loves and the attempt to

quench the desire for these loves in a self-deifying fashion. It is through sin, explained

via the metaphysical considerations on *caritas* and *cupiditas*, that the Augustinian

perspective explains humanity's tendency to war. Thanks to Rawls' lack of

metaphysics, this unpleasant attribute of human interaction is minimized. As his system

is dependent upon a thought-experiment explicitly separated from reality, the true agents

in his Law of Peoples are liberal ghosts, lacking substance, passion, anger, and hatred.

His attempt to systematize international affairs, like his earlier attempt with domestic

interaction, takes relational systemization to a degree as of yet unseen. In order to make

an elegant and unassailable theory of justice, Rawls must take human interaction and

separate it both from the concrete human beings between whom it takes place and with

it, the objective moral universe in which these concrete beings live.   Rawls'

system follows quite closely his domestic notions. In this way, things remain completely

the same.

> Unsurprisingly, when it comes to foreign affairs and the laws that bind nations
> and states, it turns out reason requires a progressive, international order and an
> interventionist, international human-rights agenda. Unsurprisingly as well is the
> idea of public reason in *The Law of Peoples* functions once again both to declare
> independence from and disguise dependence on morality and metaphysics. To
> avoid, under the guidance of public reason, the making of universal,
> comprehensive claims about the human good, political liberals on the
> international plane, as on the domestic plane, seek a 'shared basis of justification'
> that 'can be uncovered by due reflection.' Yet political liberalism's very quest
> for laws and institutions that can in principle be shared by and justified to all is
> motivated not in the first place by prudential considerations about the need to
> gather majority support but by the sort of universal, comprehensive claims–by
> virtue of our common humanity, all people's opinions are deserving of respect–
> that it earnestly forswears and says, for the record, that it does without.
> (Berkowitz 2006: 124)

With this metaphysical problem in mind, let us consider the problems of just war in the Society of Peoples.

Because of its legalistic qualities, it is difficult to discuss just war in the Society of Peoples. Given that the Society is an orderly system with liberal (or at least decent, moving to liberal) states, attributes usually associated with a statesman (prudence, dealing with concrete contingencies in a timely and considered manner) are misplaced. It would seem that the Society would need policemen rather than armies, and judges more than it would need statesmen. The Society needs law-enforcement more than it needs war. Indeed, it is hard to think of any war that could possibly be just in Rawls' system that is not more importantly a *legal* war than a *just* one. This leads to a key problem in his work, specifically the idea of who can be attacked and why. Even in setting out who can be attacked, Rawls gets around a difficult problem by invoking the democratic peace. He believes that when democracies satisfy certain criteria, "peace among them is made more secure," and that they are "less likely to engage in war with nonliberal outlaw states" except under certain conditions (Rawls 1999b, 49). While he remains confident in this, the idea of democratic peace is not confirmed, nor is there the consensus upon this issue as there once was. Some empirical writers have begun to question the validity of this "law" of international relations (see Gartzke 1998, Thompson 1996, Gowa 1995, as examples), and one study (Farber and Gowa 1997) indicates that the democratic peace may in fact be simply a Cold War phenomenon. This being so, one could question the veracity of the democratic peace. But for Rawls, there *must* be a democratic peace "law" in order for his system to work. The possibility

of democracies engaged in armed conflicts against one another is totally anathema to his

Society of Peoples. But why? If justice is a key concern for just war theory, it would

seem actions and intentions are the key problem, not regime type. But this is where

what is "unjust" becomes mauled in Rawls' usage. Being unjust is an activity

secondarily, an institution primarily, in the Society of Peoples. And this is problematic.

If "right intention requires that statesmen resort to war only for just cause and limit war

objectives to vindicating the just cause," and "[r]ight intention . . . requires that

statesmen aim to conclude war according to the norms of justice" (Regan 1996, 85), it

would seem that intention and injustice in the war actions themselves are the most

important. However, in Rawls' system, the existence of an outlaw state *in and of itself* is

an injustice. Therefore, can any war a liberal/decent society wage do anything less than

completely reconstruct the outlaw state in the Society of People's image, and thus

infringe on the requirement of proportionality?

Rawls mentions the Society of Peoples at various points, and occasionally deals

with supranational organization (though not world government), which would allow for

"decent peoples" (see Rawls 1999b, 61-62). However, "outlaw states" are not included.

These states "refuse to comply with a reasonable Law of Peoples; these regimes think a

sufficient reason to engage in war is that war advances, or might advance, the regime's

rational (not reasonable) interests" (Rawls 1999b, 90). Such states are not among the

Society of Peoples, and the only states to be fought. But this definition leaves questions.

Outlaw states are not reasonable, meaning that they may not hold the priority of the right

over the good, that public reason is lacking, that Rawls' notion of reciprocity is not in

force, and that, implicitly, these states would not find either of Rawls' original positions (the first for domestic states, the second for the Law of Peoples) to be anything more than a noble (or ignoble) lie. Implicit (indeed, sometimes explicit) in Rawls' discussion of these states is that they tend to use war as politics by other means, and that they are human rights abusers. Although the noble lie of the Law of Peoples is liberal, it is supposedly universal, thus that its precepts "are binding on all peoples and societies, including outlaw states" (Rawls 1999b, 80-81). Were these states "reasonable," they would agree to the outcome of the second original position. But let us take a counter example.

Let us say that some nations decide to make a grouping of Islamic states called the *Umma of Peoples*.[80] These states decide to live in harmony, and it is assumed they would because they are following the same or similar religious beliefs. They are tolerant, to societies of other "people of the book" (Jews, Christians), in the hope that, by showing how holy states act, these societies will decide in time to join the *Umma*. Allah's revelation is there for all to grasp as long as they are willing to leave the *Dar al-Harb* ("the abode of warfare") and join the *Dar al-Islam* ("the abode of Islam"). No nation is forced to join (for conversion must be voluntary), but as Allah's will is universal, abuses against the holy law apply to all states. If these violations are bad enough, the *Umma* of Peoples must be willing to fight to end the abuses in other states, and intervene for the people there. These states would probably no doubt be considered outlaw states, as they most certainly would not fall in line with even what a "decent"

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[80] Please note that the use of the Islamic peoples is merely in response to similar use by Rawls. Christian, Jewish, or any other religious/philosophical group could just as easily be used for this example.

state would do. And perhaps Rawls would envision the intervention by these states as being an example of when outlaw states "think a sufficient reason to engage in war is that war advances, or might advance, the regime's rational (not reasonable) interests" (Rawls 1999b, 90). But is it really any different from what Rawls is proposing? Could not the *Umma* of Peoples think that Rawls' Society of Peoples was abusing war to advance their own liberal interests? Rawls could respond that if the *Umma* of Peoples was "reasonable," they *would* be in the Society of Peoples and see the error of their ways. But, similarly, the *Umma* of Peoples could retort that if the Society of Peoples was faithful, they would renounce their past sins. If Rawls' response is again the original position, we are left wondering which noble lie is better, his or the *Umma*'s. If Rawls points to toleration by liberal states, he will have to contend with the toleration of past Islamic states.

The main purpose of this example is to show the major flaw in Rawls' logic. Being unjust is matter of regime type for him, not a matter of action and only tangentially a matter of intention. As will be explained below, a liberal state could commit injustice and still be justified, while an outlaw state could merely *exist*, operating by its own standards, and be an abomination. Intention is also lost. As will be seen below, intention is merely a matter of what regimes are worthy to exist. Those that are worthy have great leeway in what they are permitted to do, while those that are not are committing a crime against humanity by merely being present. The only intention that matters is whether a state buys into the liberal Society of Peoples – after that, intention becomes a very distant matter.

A second difficulty is a lack of any objective and universal judge to decide whether a conflict/activity within conflict was just or unjust. Certainly, Rawls might claim that the UN would serve that purpose, but in doing so incriminates himself. This organization operates along liberal/decent guidelines. It appears that nations that are not liberal/decent have no place in the assembly, which follows from what was said above regarding regime type as injustice. Were a conflict to break out between a liberal state and an "outlaw" state, with the one judge of justice being a liberal/decent supranational entity to which no "outlaw" state may belong, one might question the neutrality of the organization judging.

With this secularized and liberalized judge comes a key difficulty. Even if the just war doctrine was not always followed in good faith during the middle ages by princes, "the church, which provided the doctrine, also provided the judge and the sanctions" on questions of whether a war was just/justly fought. This was changed by the "moral relativism – of 'every man his own pope,' of the sovereign stated exempted by definition from all judgment except self-judgment" (Claude 1980, 88), which curtailed an adequate enforcement of just war doctrine. Secular replacements, such as the League of Nations, were formed to regain the area of the Church's judgment, but have had "mixed results." (Claude 1980, 93) Without this external body (the Church) exercising the type of authority it once did, the ability for leaders to see themselves acting justly, even when they were not, became greater. Likewise, by having such a regime-oriented view of justice, the organization of liberal/decent states would be the

judges of others by their own guidelines, thanks to an organization which may be institutionally separated from the states, but not ideologically separated.

As an aside, it is interesting to note how Rawls repeatedly states that liberal/decent societies do not have to be powerful economically/militarily in order for this system to come about. And yet his system presumes that sanctions by liberal/decent states against outlaw states would be effective (thus showing at least a moderate amount of economic power), assumes that liberal states can intercede to stop the actions of outlaw states (which assumes a great deal of military power), and claims that the one true judge and organizer for the states is an organization based upon liberal/decent principles (showing that liberal/decent states would have great enough political, economic, and military might in order to bring this organization into reality). One cannot help but wonder whether Rawls considered that the many things he believes liberal and decent states are capable of or required to do entails the necessity of wealth and power, a necessity he repeatedly downplays.

Third, and possibly most importantly, are the limits of justice in just war for Rawls. In his discussion of the just war, he mentions a "*Supreme Emergency Exemption*," which "allows us to set aside – in certain special circumstances – the strict status of civilians that normally prevents their being directly attacked in war" (Rawls 1999b, 98).[81] While these "special circumstances" are not completely clear, he appears to mean that when destruction of the state itself may be imminent, the leader of that state may relax holding strictly to the just war restrictions. While some activities, like the

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[81] Rawls uses the term with Walzer's work specifically in mind. The problems with Walzer's discussion of the Supreme Emergency Exemption will be discussed below.

torturing of prisoners, is still supposed to hold (Rawls 1999b, 98), killing noncombatants

directly and purposefully is permitted. This runs completely against a traditional just

war. Even the one exception, the "double-effect," which holds that "what we merely

foresee and or expect as the outcome [of actions], and maintains that we may sometimes

justifiably kill another person provided the killing is 'beside the intention' – that is,

merely foreseen and not intended" (Holmes 1992, 200), provides no support for Rawls.

In response to the double-effect doctrine, Rawls merely says "[p]olitical liberalism

allows the supreme emergency exemption" (Rawls 1999b, 105) and continues on about

the proper role of a liberal statesman in contrast to a morally/religiously concerned

individual.

Has justice somehow changed in the interim, when a liberal state is fighting

someone else and the other state is actually able to attack back all the way to the liberal

state's front door? This again gets to justice as regime type. Even in *A Theory of*

Justice, Rawls held (as regards institutions within his framework of justice) that

> The rights and basic liberties referred to by these principles [of justice as
> fairness] are those which are defined by the public rules of the basic structure.
> *Whether men are free is determined by the rights and duties established by the*
> *major institutions of society . . .* The only reason for circumscribing basic
> liberties and making them less extensive is that otherwise they would interfere
> with one another. [emphasis added](Rawls 1999a: 55-56)

This being the case, then, what is justice for Rawls? Does justice entail actions

following from right reasons, or trying to emulate the rational life, or is it simply the

institutions that form a justice *ex nihilo*, justified through a mythic thought experiment?

From his perspective of the just war, it seems to be the last explanation. When the

institutions are threatened, injustice is allowed for the preservation of these institutions.

Rawls does not mention which injustices are permitted (except for activities like the

torture of prisoners), but he does not need to. By simply allowing such injustice, it is

already enough to question his entire system. Justice, then, is no longer a matter of

following what is right or rational, but rather is an attempt to continue the existence and

prosperity of a very specialized sort of regime. It is, in the end, not cosmopolitan but

rather strongly focused upon the nation-state. As Rawls writes regarding the differences

between his just war doctrine and the Christian one, "The statesman must look to the

political world, and must, in extreme cases, be able to distinguish between the interests

of the well-ordered regime he or she serves and the dictates of the religious,

philosophical, or moral doctrine that he or she personally lives by" (Rawls 1999b, 105).

This frightening doctrine could very well mean that nothing could be so important, or no

action so evil, that it may be better to let the "well-ordered" society perish. One must

wonder, then, whether justice is truly protected by the well-ordered society, or rather

whether the term "justice" a shield to protect a certain form of regime from criticism and

a legitimation tool for its unjust actions in the aim of mere self-preservation?

Rawls' idea of just war within the realm of his Society of Peoples leaves much to

be desired. More than anything, the greatest danger in his ideology is the removal of

unjust action as itself being the motivation for going to war justifiably, and implicitly

replacing it with incorrect regime type as the major motivating force. For the just war to

be consistent and truly just, it must consider actions and intentions. The form of

government should not be the driving force of the choice for just war, as is the case for

Rawls. The potential for abuse could be great. When does "intervening" to bring the

"right" kind of stability end and blatant political imperialism begin? These problems

perhaps lend themselves to no solution in Rawls' system. Indeed, perhaps they lend

themselves to no solution within the legalistic framework. But liberal theory is not

solely dependent upon legalistic systemization. Indeed, the most important liberal

thinker on war in the latter portion of the twentieth century is more focused on

community than on legalism. It is to his works we now turn.

Community, War, and the *Saeculum*

I shall spend the rest of this chapter dealing with perhaps the most renowned just

war thinker of the last thirty years, Michael Walzer.   While his position is a liberal one,

his argument is very different from Rawls'. Indeed, his perspective is also different

from the legalistic model of thinking within positive international law and liberalism in

general. While Rawls seeks to create a just world order through his original position

thought experiment, creating a system that could conceivably be assented to across space

(and potentially, time), Walzer instead focuses upon "shared meanings" in a more

communitarian sense. As he words it,

> There is a certain attitude of mind that underlies the theory of justice and that
> ought to be strengthened by the experience of complex equality: we can think of
> it as a descent respect for the opinions of mankind. Not the opinions of this or
> that individual, which may well deserve a brusque response: I mean those deeper
> opinions that are the reflections in individual minds, shaped also by individual
> thought, of the social meanings that constitute our common life. For us, and for
> the foreseeable future, these opinions make for autonomous distributions; and
> every form of dominance is therefore an act of disrespect. To argue against
> dominance and its accompanying inequalities, it is only necessary to attend to the
> goods at stake and to the shared understandings of these goods. When
> philosophers do this, when they write out of a respect for the understandings they

share with their fellow citizens, they pursue justice justly, and they reinforce the common pursuit. (Walzer 1983: 320)

While he explicates this in a work of domestic political theory, its spirit energizes the whole of Walzer's thought. Being strongly antifoundationalist, Walzer stresses that the very dialogue that occurs among rational actors is the starting point for developing rules of morality in warfare. As he puts it,

> I am not going to expound morality from the ground up. Were I to begin with the foundations, I would probably never get beyond them; in any case, I am by no means sure what the foundations are. The substructure of the ethical world is a matter of deep and apparently unending controversy. Meanwhile, however, we are living in the superstructure. …For the moment, at least, practical morality is detached from its foundations, and we must act as if that separation were a possible (since it is an actual) condition of moral life. (Walzer 1977: xv)

On these two points, the notion of "shared meanings" and antifoundationalism, Walzer's system becomes problematic, tending towards incoherence (rather than pacifism). We will discuss these below.

But first, let us consider how Walzer's system fits in with the history of just war's decline. We begin with the Augustinian perspective, which relies upon a metaphysical notion of reality in order to construct the requirements for just war. As time progresses, systemization tends to take the place of metaphysics, leaving just war more *saeculum*-focused and less connected to the objective moral order. This systemization, whether relational, scientisitic, or legalistic, all depended upon finding a replacement for metaphysics. Walzer's just war perspective, however, is different from these other types. Focusing much more on practical reasoning through the lens of community, Walzer does not rely on system to replace metaphysics. Rather, he explicitly avoids the metaphysical or any system to replace it. In other words, while

previous thinkers used systemization to solve the metaphysical problem, Walzer simply removes metaphysics itself fully from consideration. In this way, Walzer's system represents perhaps one of the final steps in the just war doctrine's decline. We have gone from a robust ontology to none at all.

The greatest difficulty in Walzer's work is the lack of foundations. Indeed, insofar as he strenuously avoids giving much foundation for his moral theory on warfare, his system in the end becomes incoherent.[82] He makes his antifoundationalism clear at the beginning of *Just and Unjust Wars*, where he writes:

> Perhaps the most problematic feature of my exposition is the use of the plural pronouns: we, our, ourselves, us. I have already demonstrated the ambiguity of those words by using them in two ways: to describe that group of Americans who condemned the Vietnam war, and to describe that much larger group who understood the condemnation (whether or not they agreed with it). I shall limit myself henceforth to the larger group. That its members share a common morality is the critical assumption of this book. But it's only a case, it's not conclusive. Someone can always ask, 'What is this morality *of yours*?' That is a more radical question, however, than the questioner may realize, for it excludes him not only from the comfortable world of moral agreement, but also from the wider world of agreement and disagreement, justification and criticism. The moral world of war is shared not because we arrive at the same conclusions as to whose fight is just and whose unjust, but because we acknowledge the same difficulties on the way to our conclusions, face the same problems, talk the same language. It's not easy to opt out, and only the wicked and the simple make the attempt. (Walzer 1977: xiv-xv)

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[82] This avoidance of foundations also unfortunately leaves Walzer prey to using considerations that may not be appropriate for the just war. In a revealing aside in a 1994 article on humanitarian intervention, Walzer writes: "Old and well-earned suspicions of American power must give way now to a wary recognition of its necessity. (A friend comments: you would stress the wariness more *if there were a Republican president. Probably so.*)" [emphasis added] (Walzer 2004: 80). This would explain some of Walzer's changes of opinion from presidency to presidency. However, the just war doctrine would have to be modified greatly, to say the least, if holding a certain party affiliation should be a requirement for *ius ad bellum*.

Walzer places a great emphasis on this "we," since the shared morality of this "we" is

"the critical assumption" of his work. But what does it mean? In his *Spheres of Justice,*

Walzer argues the matter in a communitarian manner:

> National character, conceived as a fixed and permanent mental set, is obviously a myth; but the sharing of sensibilities and intuitions among the members of a historical community is a fact of life. Sometimes political and historical communities don't coincide, and there may well be a growing number of states in the world today where sensibilities and intuitions aren't readily shared; the sharing takes place in smaller units. And then, perhaps, we should look for some way to adjust distributive decisions to the requirements of those units. But this adjustment must itself be worked out politically, and its precise character will depend upon understandings shared among the citizens about the value of cultural diversity, local autonomy, and so on. It is to these understandings that we must appeal when we make our arguments–all of us, not philosophers alone; for in matters of morality, argument simply is the appeal to common meanings. (Walzer 1983: 29)

But what do these "shared meanings" entail? It is hard to say whether Walzer is

justifying this notion empirically, in the sense that these shared meanings are what

people (or, perhaps better, communities) "really" believe, since he avoids giving specific

details on these matters. But, for his perspective, such details are unnecessary. This is

best illustrated in his preface to the first edition of his *Just and Unjust Wars*, where he

writes: "My starting point is the fact that we do argue, often to different purposes, to be

sure, but in a mutually comprehensible fashion: else there would be no point in *arguing*.

We justify our conduct; we judge the conduct of others" [emphasis in original](Walzer

1977, xiii). He does address this use of "we" a page later, saying this "we" (for his

purposes) reflects those

> Americans who understood the condemnation [of the Vietnam War] (whether or not they agreed with it). …That its members *share a common morality is the critical assumption* of this book. …The moral world of war is shared not because we arrive at the same conclusions as to whose fight is just and whose unjust, but

because we acknowledge the same difficulties on the way to our conclusions, face the same problems, talk the same language. [emphasis added](Walzer 1977, xiv-xv)

Obviously, this "we" bears a rather large burden. It is the critical assumption. It is assumed that within one country, the United States, there is a common, baseline morality that follows from the discussion among citizens about the problems of war. Whether one can even assume the "difficulties" faced will be the same for everyone will be considered below. But just war talk is not the only international issue where "we" become a focus. Indeed, regarding human rights, Amy Gutmann writes, "Human rights are important instruments for protecting human beings against cruelty, oppression, and degradation. That's all *we* need to believe to defend human rights" [emphasis added](Gutmann 2001, xi). While she sees the matter as more a matter of an overlapping consensus, this "we," the reasonable types who can carry on conversation, can come to acceptable conclusions about morality and justice, even in war and on human rights.

Let it be stated bluntly – there is no "we." There are various religions and political theories and ideologies, but there is no overwhelming, all-encompassing "we." If there is an objective order to which humanity belongs (and which, indeed, may be necessary for a just war doctrine to make sense), then there may be a "we." This, however, depends strongly on an ontological background – and thus, the Augustinian perspective can provide for a full notion of "we," in the unity of humanity as well as in its divisions between saved and damned. But in terms of current debate and its participants, the "we" is nonexistent. It is necessary to be clear about this, in order to

understand the level of difficulty the just war doctrine faces, as well as to see where some help may reside. Perhaps the best way to go about seeing the problems of "we" is by dissecting what this means on various levels. First, who are "we" at the international level, where wars are fought? In the current situation, "we" entails the United States and its allies, as well as Al-Qaeda and its state allies (Taliban-controlled Afghanistan, possibly Iraq). A consensus on just war ideas seems rather unlikely in this situation. The United States uses the language of just war doctrine that has its origins in Western Christendom, while Al-Qaeda and others are coming out of a much different history in Islam, especially its Wahabbist version. The chances of a common morality are minimal, if one considers the extremely wide range of legitimate targets Al-Qaeda is willing to attack. Indeed, it would seem that Al-Qaeda has little respect for the individual at all. Does this disqualify it from the "we"? Perhaps – but why? It could be answered that disregard of the individual places Al-Qaeda within the group of "unreasonable" doctrines, but this circumvents the question. Who defines "unreasonable"? If it is "we," we run into a logical circle. "We" deliberate upon moral strictures on war. Who are "we"? "We" are those participants who hold reasonable doctrines who may deliberate on war's morality. Who decides what is unreasonable? "We" do. Who are "we"? Those of "us" holding reasonable doctrines. There is a subtle disconnect, where the reasonable "we" does the deliberating, yet this reasonable "we" defines itself against the unreasonable, who are themselves among the unreasonable because the reasonable "we" believes it so. One wagers that the unreasonable ones, in this case Al-Qaeda, consider themselves the reasonable. Who then distinguishes them?

Perhaps the location of the "we" that decides this question resides within the nation itself, in this instance, the United States. But who are "we" as a nation? Once again, there is the problem of distinguishing reasonable and unreasonable doctrines – apparently "we" are the distilled reasonable ones, which leaves the question open of how this "we" came about. And this is of great importance, in that what counts in the "we" will determine how the conclusions "we" make regarding war turn out. Can a notion of objective reality, in particular divine order, be acceptable to the "we"? Suppose the answer is yes, but with a proviso: such elements are acceptable so long as this notion of objective reality does not rely upon special (such as revelatory) notions, and as long as the strictures of accepting this objective reality do not restrict "us" in our open-ended deliberation (i.e. does not bring forced closure). In other words, the acceptance of something like Augustine's perspective would be questionable because of its definitive (versus provisional) answer to certain questions of existence. Even a natural theology such as that of St. Thomas Aquinas in his *Summa Contra Gentiles* might be questionable, as it would not achieve the acceptable level of "relatively reliable methods of inquiry" (Gutmann and Thompson 1996: 56). So, what are we left with in this encompassing "we"? The "we" appears to be a group of Westerners (here, from the United States) who believe that deliberation is necessary and valuable. They define themselves as "we" versus those who either are not of a deliberative bent or who present answers (through non-deliberative means) that would close to some extent deliberation. In other words, "we" seems generally to cover a very limited number of people, including liberal thinkers, certain NGOs, and those in agreement with them. Certainly,

however, these groups do not cover the whole of a community. "We" seem rather more restrictive than "we" did when encountered as the "critical assumption" of Walzer.

It could be argued that this is too limiting – that the "we" is a political construction that is transformative. This is difficult in two ways. First, why should the "we" that is constructed be primarily focused upon the state community? Indeed, the Methodist ethicist Stanley Hauerwas would argue that the church community is a superior "we," with the additional benefit of a notion of something greater than the community itself (cf. Hauerwas 1983). While Walzer does address this issue, to an extent, in an earlier book of his, he still gives the state pride of place. He does this by focusing on a definition of conscience that is can easily be focused on the state level: "Thus conscience can also be described as a form of moral knowledge that we share not with God, but with other men – our fellow citizens, for example, or our comrades or brethren in some movement, party, or sect" (Walzer 1970: 131). While this could be used for other groups outside the larger political community, he tends away from this conclusion by focusing upon the pluralism of the state. He writes:

> Given the secular description of conscience, however, it is simply not the case that one group is more, or more truly, conscientious than another. I do not mean that the state cannot make such judgments; I mean that there are no such judgments to be made. The conscience of members of The Society of Friends is no more real than that of members of The Resistance or, for that matter, of the White Citizens' Council. All that the pluralist state can do is to judge the claims made by each group in the light of the pluralist system and its security. (Walzer 1970: 133)

Conscience, therefore, must be secular and under the judgment, in the end, of the state. While this is straightforward enough, and practically useful, it does not explain the priority of the secular state to the constructed "we." Why should The Society of Friends

be a lesser "we" than the state? Walzer's communitarianism cannot allow for some other community to have greater sway than the nation.

Second, it is an open question whether the "we" that is politically constructed will have the "shared meanings" about just war that Walzer imputes. Certainly, the critique above of an international morality of just war still holds. It is hard to envision how a "we," politically constructed or otherwise, would exist outside of the individual political community. But more to the point, why should we assume that the "shared meanings" within one country, specifically the United States, are what Walzer claims them to be? And would these "shared meanings" remain static, or at least still reflect what Walzer would consider a moral outlook on war? For this second point, we must consider more carefully Walzer's communitarianism, and how it is similar to a previous thinker.

Walzer's communitarian perspective shows strong similarities to an older thinker, but not St. Augustine. Indeed, it is hard to think of a more unAugustinian statement than "Why is it wrong to begin a war? We know the answer all too well. People get killed, and often in large numbers" (Walzer 1977: 22). Rather, Walzer demonstrates a strikingly Ciceronian disposition in discussions of international affairs, even if he indicates this through the use of Burke or Rousseau. Specifically, Walzer's notion of continuity in common life, and its overwhelming importance, shows the connection. Even in an early work, Walzer writes, "The Rousseauian republic does not claim, then, to be an eternal shrine to the memory of its heroes; it claims something

more: to be the totality of their present existence" (Walzer 1970: 93). Indeed, continuity

permits the breaking of usual moral rules:

> When our community is threatened, not just in its present territorial extension or
> governmental structure or prestige or honor, but in what we might think of as its
> *ongoingness*, then we face a loss greater than any we can imagine, except for the
> destruction of humanity itself. We face moral as well as physical extinction, the
> end of a way of life as well as a set of particular lives, the disappearance of
> people like us. And it is then that we may be driven to break through the moral
> limits that people like us normally attend to and respect. [emphasis in
> original](Walzer 2004: 43)

The comparison to the destruction of humanity bears a similarity to Cicero's observation

that the end of the nation is like, on a small scale, the end of the world. But, as noted

above,[83] St. Augustine questioned the reasonableness of this notion in two ways, one that

probably does not affect Walzer's argument, and one that most certainly touches on it.

Cicero believed states were naturally immortal, a point St. Augustine questions as a

matter of ontology; Walzer does not seem to assume such an immortal nature to

societies. Cicero also said that states should act morally. St. Augustine questioned what

course of action the Saguntines, for instance, should have taken, whether to act

immorally and survive or (as they did) act morally and be annihilated. Cicero's answer

to such a question is unclear, but Walzer's answer is quite blunt: "Faced with some

ultimate horror, their options exhausted, they will do what they must to save their own

people. That is not to say that their decision is inevitable (I have no way of knowing

that), but the sense of obligation and of moral urgency they are likely to feel at such a

time is so overwhelming that a different outcome is hard to imagine" (Walzer 1977:

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[83] See above, pages 82-83.

254). In the question of morality versus survival, in the end, survival must reign supreme.

Walzer, in this regard, illustrates the same limitation present in Cicero's thought, specifically in emphasis. Both are, fundamentally, *saeculum*-oriented. Without a notion of an eternal good above the present world, this is necessary. This also makes the just war doctrine problematic at best. Morality only matters, it appears, until it is painful. While Walzer constantly evokes an ambiguously-defined "morality" throughout his works on war, he also believes "no state can put the life is the community itself and of all its members at risk, so long as there are actions available to it, *even immoral actions*, that would avoid or reduce the risk" [emphasis added] (Walzer 2004: 42). But if this is true for emergencies, why not for lesser threats? And what immoral actions are permitted and which are not, and why?

Moreover, Walzer has a desire for something more cosmopolitan in international morality. And yet, where could it come from? Indeed, Walzer can places many international values below those of the political community. Regarding the enforcement of the UN Charter of Human Rights, he writes that "they cannot be enforced without calling into question *the dominant values of that society: the survival and independence of the separate political communities*" [emphasis added](Walzer 1977: 61). As his views focus mostly on the community, how could there be anything more cosmopolitan in his thought? Indeed, his very way of speaking about war is dependent on a notion of rights:

> Individual rights (to life and liberty) underlie the most important judgments that
> we make about war. How these rights are themselves founded I cannot try to

explain here. It is enough to say that they are somehow entailed by our sense of what it means to be a human being. If they are not natural, then we have invented them, but natural or invented, they are a palpable feature of our moral world. (Walzer 1977: 54)

Here, it becomes a question of whether his supposedly more open antifoundational view does not implicitly assume a certain world, if indeed there really is a "we" that "invented" these ideas, or whether it is rather a reflection of certain values implicitly imported into Walzer's moral system. Indeed, it could be said that, while Walzer respects that each community will have its own "shared meanings," what *shapes* these "shared meanings" is structurally the same for all communities, and thus it is in this commonality that cosmopolitanism is possible. What would these shared structures be? Walzer writes, "…that every political community must attend to the needs of its members as they collectively understand those needs; that the goods that are distributed must be distributed in proportion to need; and that the distribution must recognize and uphold the underlying equality of membership" (Walzer 1983: 84). It would appear that every political community *as a political community* must, for its shared meanings, have a fundamental tendency toward social democracy. Even when Walzer attempts to argue that there are no *a priori* stipulations, in effect he gives away the social democratic structure by the end:

> I want to stress again that no *a priori* stipulation of what needs ought to be recognized is possible; nor is there any *a priori* way of determining appropriate levels of provision. … So change is always a matter of political argument, organization, and struggle. All that the philosopher can do is to describe the basic structure of the arguments and the constraints they entail. Hence the three principles, which can be summed up in a revised version of Marx's famous maxim: From each according to his ability (or his resources); to each according to his socially recognized needs. This, I think, is the deepest meaning of the

social contract. It only remains to work out the details – but in everyday life, the details are everything. (Walzer 1983: 91)

Moreover, what are we to make of Walzer's statement that "[t]he principles of political independence and territorial integrity do not protect barbarism" (Walzer 1997: 21)? While these principles may not protect barbarism, what about the political community itself? What if the *community itself* is barbarous? This is something Walzer does not seem to even consider, and indeed cannot, thanks to the underlying social democracy in his notion of community. Giving the political community this importance is necessary, as community serves as the only stable point in the *saeculum*. Walzer states:

> But the ultimate appeal in these conflicts is not to the particular interests, not even to a public interest conceived as their sum, but to collective values, shared understandings of membership, health, food and shelter, work and leisure. The conflicts themselves are often focused, at least overtly, on questions of fact; the understandings are assumed. (Walzer 1983: 82)

Why should we assume that communities will have "collective values" in line with Walzer's notion of just war? This, too, reflects a Ciceronian element within Walzer's thought. Specifically, Walzer, like Cicero, sees

> [t]he key in determining those to whom violence can and cannot rightfully be applied is the idea of the common interest and the safety of the state. Cicero in effect claims that he and those like him can correctly define the common interest for the dominant propertied classes, and hence for the state as a whole. The specification of what regime constitutes tyranny is ultimately theirs, the prerogative of the *boni*. (Wood 1988: 192)

Simply replace "propertied class" for "the community" or "the people," and Walzer's view fits nicely within the Ciceronian one. Walzer's antifoundationalism is the main source for these difficulties. His discussion on the supreme emergency illustrates the point – only in extremity can one get a general idea of what founds his morality. It is

community life. As such, community life becomes the *summum bonum*, and threats to it can be prevented by any means necessary. It is a greatest good that is precarious, both in existence and as a basis for moral action. As such, fighting justly becomes a questionable prospect, since the object worth fighting for lacks permanence, inherent substantive importance, and indeed, perhaps lacks even coherence as a concept.

Conclusion

Although legalist thinking, whether in the form of positive international law or liberalism, does not lead to the belligerent *Realpolitik* of realism, it instead tends towards an inactive pacifism, incapable of fighting any war at all, whether just or unjust. While Walzer's perspective is more complex, certainly his view also has an inherent presumption against war. If the various theories discussed so far deviate from the just war doctrine in pacifistic or amoral ways, is just war possible in the contemporary era? It is to this issue that we now turn.

CHAPTER VIII

CONCLUSION:

BEING IN THE JUST WAR

In this work, I have explored the metaphysics of just war within the thought of St. Augustine, how this metaphysics was slowly lost over the centuries, and how this decay led the just war doctrine towards incoherence. While the just war tradition depends upon a certain understanding of metaphysics, as time has gone on, the ontological presuppositions have been dropped for the bare just war doctrine itself. I have argued that this stripping of metaphysical premises from just war considerations results in a tendency towards either pacifism or *Realpolitik*. Through systemization, be it relational (as with Grotius), scientific (as in Waltz's neorealism), or legalistic (as in international law and liberalism), morality in warfare leans towards the one extreme of denying moral considerations in warfare, or towards the other extreme that denies that warfare can ever be just. Without its original ontology, the just war doctrine loses its anchor, and by necessity must drift towards amoralism or pacifism.

However, there are still other issues to be considered. Specifically, this conclusion will reflect upon three issues. First, I will discuss contemporary religious pacifism and its relation to the Augustinian conception of just war. The religious pacifists' perspective derives from a fundamentally different view of Christian theology than St. Augustine's view. This different theology will be briefly described, as well as the limits of comparing pacifism and just war in this work. Second, I will explicate the

relationship between the just war doctrine and a theocentric view of reality. As the

Christian political realism of St. Augustine depends upon a specific notion of God and

the relation between the Divinity and the world, I will consider whether the just war

doctrine requires a "thick" theology, or if the doctrine can remain coherent with a "thin"

or "natural" theology. Finally, I will end this work by making clear the implications of

this work, in terms of future research and, more importantly, the future of the just war

doctrine itself. In particular, I will argue that it may be impossible for the just war

doctrine to remain coherent in the contemporary era. For many theorists and statesmen,

accepting the presuppositions of just war may not be tenable. As such, I explain some

potential results of such an elimination of just war for morality in warfare. But first, it is

time to briefly discuss the challenge to the Augustinian just war tradition from religious

pacifism.

The Challenge of Pacifism

The previous chapters have considered arguments justifying warfare in at least

some situations. Even liberalism, which tends towards pacifism, at least theoretically

posits that some conflicts can be just. As such, it is wise to reflect on the relation of the

just war tradition to pacifism. As there are various studies comparing just war and

pacifism historically or theoretically (Ramsey 1988; Teichman 1986; Johnson 1981), I

will deal with pacifism briefly. One of the difficulties in analyzing pacifism in general is

the sheer variety of pacifisms. Often times, pacifists argue against specific wars, and

therefore focus more upon the specific and practical. As Mennonite theologian John

Howard Yoder says, "[m]any pacifists are activist and not given to systematic conceptual analysis" (Yoder 1992: 13). This activist orientation makes a comparison of the metaphysical presuppositions of pacifism to the Augustinian just war challenging. However, given that the Augustinian perspective is explicitly theological in its focus, perhaps the best type of comparison is with religious pacifism.

As noted in Chapter I, pacifism preceded just war in the Christian tradition, Christians refusing to fight in wars for the first centuries of the religion. Indeed, throughout its history, various groups (monastic orders such as the Franciscans, some heretical groups, the Anabaptists) have believed that non-violence is a (even *the*) key facet of Christianity. In the contemporary era, perhaps the most exemplary religious pacifists are John Howard Yoder and Stanley Hauerwas. For both of them, their pacifism is interconnected with their concept of Christian community. To say that these two thinkers are pacifists only partially describes their views. They are, in many ways, Christian communitarians dependent upon a much different eschatology than St. Augustine. In discussing the Augustinian just war doctrine, a centrally important element is eschatology. Indeed, a key term in St. Augustine's political thought, *saeculum*, is dependent upon a certain eschatological idea. *Saeculum* denotes the time period between the First and Second Coming of Christ, the "in-between" interval where the Heavenly and earthly cities are intertwined. The *saeculum* is the time when the pilgrim Church wanders, waiting for its true home in Heaven. The case, the peace of the kingdom of God still awaits until the End Times, when the wheat and chaff finally will be separated and God's final judgment will come. As such, one cannot act in the world

as if this final peace, the true peace, has arrived. Therefore, force becomes a tragic yet necessary element in human interaction. Indeed, for the Bishop, this is fully consistent with Christian doctrine, where the pilgrim people must submit to their rulers. These rulers, in turn, are responsible for bringing some level of order, and comparative peace, to the violent world of the *saeculum*. In this, they are acting (however imperfectly or unintentionally) within God's plan, so that the world is not overrun by the chaos of competing loves. Peace is central for Christianity, in St. Augustine's view, but it is understanding this peace correctly that is important. Understanding this peace correctly, experienced through the Inexpressible and communicated through metaphysical language, prevents believers from mistaking the world for Heaven, or sin for virtue. Along with the correct order of human relations (something that must wait until the end of time), peace means having one's will, loves, and soul in correct relation to God. While this latter type of peace may not be socially revolutionary (at least directly), it is a right ordering upon which the individual soul depends. Indeed, for St. Augustine, the interior life of the individual believer is of the highest importance. While believers are part of a pilgrim community, it is the faith of the individual, aligning his/her loves towards God above all others, that brings the believer to peace with God, before the world as a whole comes to be rightly ordered.

St. Augustine's view of peace is radically different from that of Yoder and Hauerwas. For both of these pacifists, peace (especially understood as non-violence) is the cornerstone of Christianity. Indeed, the truth of the faith is not primarily an issue of metaphysics (as it would be for St. Augustine or St. Thomas Aquinas), but rather of

ethics. As such, the Christian community *always* will be radically different from the

surrounding society. Indeed, for both thinkers, Christianity must be understood to have

a social focus, much more so than an individualist one. The community is the mission of

the faith (Yoder), or the community provides the "story" of the faith (Hauerwas), and it

is in the community that one truly can act, and be, a Christian. Moreover, the Christian

community (usually simply referred to as "church" by both thinkers) presents its best

witness and its critique of the world by its own being. Or, in other words, it is the

existence and perpetuation of this community that reveals the kingdom of God to the

world. By forming and perpetuating a community based on non-violence and

nonresistance, true Christians reveal to the world that violence are not necessary. As

such, Christianity, more than an individual matter of belief, is primarily a matter of

social (and political) revolution. It is a revolution against the world, most especially in

its acceptance and use of violence. By accepting, or even legitimizing, violence, the

church acts against the core beliefs of Christianity.

For these two major pacifist thinkers, an important concept is

"Constantinianism."[84] The concept obtains its name from the Emperor Constantine of

the Roman Empire, the prince who, within his reign, removed the legal restrictions on

Christianity, who then was instrumental in making Christianity effectively the state

religion of Rome. However, the importance of this concept for Yoder and Hauerwas is

not only historical, but normative. For both authors, Constantinianism is perhaps the

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[84] The best summary of Constantinianism in Yoder's thought can be found in Carter 2001: 157-170. Also see Yoder 1984: 135-147. While Hauerwas tends view Constantinianism through a narrative lens, he appears to be in general agreement with the arguments of Yoder.

most important and long-standing heresy of the Christian faith. Indeed, while not said

explicitly by either author, the implication seems to be that what most people, believer

and non-believer, think are key elements (at least ethically) of Christianity are in fact

merely doctrines of the Constantinian heresy. Most churches (Orthodox, Roman

Catholic, the vast majority of Protestant denominations) are Constantinian churches,

rather than more pure Christian communities. While this heresy has had various names

throughout history (Christendom, the Christian state, the Christian republic), its

underlying principle remained the same – that the church, as the unique, distinctive, and

witnessing community of God, is subsumed by "the world," usually denoting the state

and the surrounding (non-Christian) culture. This subsuming of the church by the world

is the core error of Constantinianism. There are various consequences of this error,

perhaps the major one being a lack of faith and hope in the miraculous acts of God. This

lack of hope leads to a focus on "realism" or "responsibility," where violence is

answered by violence rather than following the essence of Christianity, which is non-

violence. As Yoder explains,

> But with the age of Constantine, Providence no longer needed to be an object of
> faith, for God's governance of history had become empirically evident in the
> person of the Christian ruler of the world. The concept of millennium was soon
> pulled back from the future (whether distant or imminent) into the present. All
> that God can possibly have in store for a future victory is more of what was
> already won. (Yoder 1984: 136-137)

In other words, the trust that *should* be placed in God is instead placed in the Christian

ruler. Moreover, the idea of major change in the world is given up, replaced instead with

a belief in the sanctification of the world as it is. As Hauerwas says, "We have been

beguiled by our established status to forget that to be a Christian is to be made part of an

army against armies" (Hauerwas 1998: 196). The Christian community (the true, non-violent church) is at its heart anti-world. A church that is comfortable with the world is betraying its witness. Yoder would completely agree that "…the cross is a sign of what happens when one takes God's account of reality more seriously than Caesar's" (Hauerwas and Willimon 1989: 47).

While Yoder and Hauerwas use the term Constantinian to describe a current situation, they also employ it to describe the history of the church. To better understand this historical treatment, we must return to the world of Rome in the fourth century. As discussed in Chapter I, St. Augustine faced the influences of Tertullian/Donatist separatism, the Eusebian acceptance of the prince as God's vicar on Earth, and the more nuanced position of St. Ambrose. Of these three positions, along with that of St. Augustine, the only one that would seem "Constantinian" would be that of Eusebius. However, for Yoder and Hauerwas, Eusebius, St. Ambrose, and St. Augustine would be Constantinians. All three accept (or attempt to legitimize) the state in relation to the Divine. Consider Yoder's discussion of the Constantinian elements in St. Augustine's works:

> It is not at all surprising that Augustine, for whom the Constantinian church was a matter of course, should have held that the Roman church was the millennium. Thus the next step in the union of church and world was the conscious abandon of eschatology. This is logical because God's goal, the conquest of the world by the church, had been reached (via the conquest of the church by the world). By no means did Augustine underestimate the reality of sin; but he seriously overestimated the adequacy of the available institutional and sacramental means for overcoming it. (Yoder 2003: 66)

In Yoder's interpretation of St. Augustine, the Bishop put aside eschatology and instead accepted the Constantinian solution. In his reading of St. Augustine's thought, Yoder

argues that St. Augustine, rather than separating the people of God from any particular

nation, instead falsely combined the Christian people with secular, violence-laden

institutions (the state specifically, the budding institutional Roman Catholic Church

implicitly). For Yoder (and implicitly, Hauerwas), the turn of St. Augustine and the

church towards Constantinianism, and metaphysical universalism, was the start of the

long decay of the general Christian community.

As Yoder's comment on St. Augustine noted, strongly related to the issue of

Constantinianism is eschatology, specifically concerning the nature of peace and the

kingdom of God. St. Augustine, as mentioned in Chapter III, defines peace as "the

tranquility of order" (Augustine 1984: 870[XIX.13]). Peace, for St. Augustine, is both

relative and absolute – the former goes on in the *saeculum*, the latter with the City of

God. As such, the eschatological issue is key. Peace in the *saeculum* can never be peace

of the Heavenly City. Indeed, St. Augustine makes it clear that this is the case, in order

to avoid the mistake of thinking that the current world could be made what it is not, a

world where the lion lays down next to the lamb. For the religious pacifists, however,

eschatology considers peace in a different way. As the Kingdom of God is developing

in the world *now*, and not at some endpoint of time, the peace of the Kingdom can, and

should, hold sway. The eschatological difference between the pacifists and St.

Augustine that leads to this more present emphasis on the kingdom is strongly related to

the importance (or non-importance) of metaphysics. While St. Augustine bases his

thought upon certain metaphysical distinctions concerning existence and the human

person, Yoder and Hauerwas quite explicitly oppose viewing the Christian faith in such

nontheological (even "pagan") ways. Rather than focusing on the metaphysical, both pacifists instead base their systems upon community. For Yoder, this communal focus is based upon an understanding of the history and context of the life of Jesus and His early ministry. For Hauerwas, the communitarian ethic is based upon narrative and the ongoing "story" of the Christian people. Metaphysics, in the view of both, creates a false universalism within the faith, more akin to the "Kingdom of Ends" in Kant's thought, rather than focusing on the radical specificity and particularity of the Christian community. Both Yoder and Hauerwas make it a point to say that the path of nonviolence is not effective but right. For Yoder, the cross best represents this, while for Hauerwas the story of the Christian community (different from other stories, he continues, because it is *true*) explicates the correctness of non-violence.

From this very brief summary, it is obvious that Yoder and Hauerwas share some similarities with the Donatists (and Tertullian), and differ strongly from St. Augustine on a variety of issues (internal intention versus external act, the importance of metaphysics, the relation between Church and state). The major difficulty in the comparison of religious pacifism and the just war tradition, for this work, is its content. While I have considered the metaphysical/ontological differences between Augustinian political realism and later varieties of morality in warfare, the conflict between Augustinian just war and religious pacifism is explicitly theological. In order to explicate fully the differences between St. Augustine and the religious pacifists on the issue of war would require an extended discussion of biblical exegesis and ecclesiology, along with the discussion of ontology, God's sovereignty, and the other metaphysical issues.

Thick and Thin Theology

In this work, I have chronicled the decay of the just war tradition from the medieval period into the present. This narrative has been based upon the theological metaphysics of St. Augustine, summarized in the term "the Inexpressible." But does the just war doctrine require following St. Augustine's metaphysical ideas (and their particular interpretation of Christian theology) without any variation? Does the just war tradition depend upon a "thick" Augustinian theology to be viable? If the response to this question is yes, then the just war doctrine becomes much more sectarian, for lack of a better term. Indeed, the just war tradition would therefore only be coherent to Christians following an explicitly Augustinian theology. In other words, the just war doctrine would become a mirror reflection of the Christian communitarianism of Yoder and Hauerwas: both would claim that only the Christian community can know right action regarding warfare, differing only on what right action entails. For both, right reason in war would require, first and foremost, right theological association. As such, it would be unrealistic to expect a "thick" theological just war doctrine to be accepted within a pluralistic society, or indeed within the world at large. The tradition could only be applicable to a subset of Christians. To remain coherent, does the just war doctrine require a thick theology?

In order to answer this question, I must revisit the comparison between St. Augustine and St. Thomas Aquinas. In Chapter IV, I explained that St. Thomas's writing made the just war doctrine clearer, but also required at least a partial loss of the

Inexpressible and tended to turn the focus of the doctrine towards the peace of the

saeculum (the peace so-called) while neglecting (to an extent) the order residing

eternally (true peace). As explained over the following chapters, this systemization of

the tradition resulted in the gradual removal of the ontology upon which it was founded,

leaving the doctrine as merely a checklist of "do's" and "don'ts." One could draw the

conclusion, therefore, that systemization in general (and the Thomist version

specifically) must necessarily make the just war doctrine incoherent. This conclusion,

however, is inaccurate. Indeed, a modified version of St. Thomas's just war doctrine

might be the best method by which to argue for the viability of the just war tradition's

ontology in a manner not strictly dependent upon St. Augustine's theology.

The just war tradition, in terms of historical origins, depends upon the thick

theology of St. Augustine. However, in terms of conceptualization, the just war tradition

does not depend upon such a thick theology, but can be accessed through a "thin" or

natural theology. Perhaps the best way to explain this connection is through a

philosophical example from the neo-Thomist Étienne Gilson on the issue of existence,

with the highest level of existence in God. While a philosophical idea or concept might

be expanded upon or expressed within a philosophical system, the origin of the idea or

concept comes from elsewhere.

> Taken in itself, Christianity was not a philosophy. It was the essentially religious
> doctrine of the salvation of men throughout Christ. Christian philosophy arose at
> the juncture of Greek philosophy and of the Jewish-Christian religious revelation,
> Greek philosophy providing the technique for a rational explanation of the world,
> and the Jewish-Christian revelation providing religious beliefs of incalculable
> philosophical import. What is perhaps the key to the whole history of Christian
> philosophy bears the mark of Christian thought, to the history of modern
> philosophy itself, is precisely the fact that, from the second century A.D. on, men

> have had to use a Greek philosophical technique in order to express ideas that
> had never entered the head of any Greek philosopher. (Gilson 2002[1969]: 43)

In other words, revelation provides the means by which philosophy could come to its

conclusions. Gilson is saying not saying that philosophy *could not* have reached the

same ideas on Being without theology, but rather that it *did not* come to these

conclusions. While this understanding of the relation of philosophy and revelation has

many implications (cf. Gilson 2002[1969]; Gilson 1999[1937]), I will consider this

perspective in a more limited manner as regards just war. To rephrase, it is not that the

just war doctrine *could not* develop without St. Augustine's "thick" theology, but that it

did not. Certainly, some system of morality in warfare could have developed without

the Bishop's theology, but this other system would be markedly different from the

tradition as we have it. Indeed, perhaps such a system of morality in warfare is required

now, as will be discussed below.

The insights of the Bishop's ontology, while best explicated through the

Christian tradition, are not only explicable within that tradition. This makes sense, as St.

Augustine himself based a great deal of his thought on Neoplatonism. As such, his

metaphysics can be expressed in language not dependent upon his "thick" theology.

Such a conclusion may not be clear from the Bishop's works. However, one of the

lacunae in St. Augustine's system is communicating its insights to those who are not

Christian (or, more specifically, Christians of a certain theological persuasion). While

one can extrapolate a notion of natural law from his works (cf. von Heyking 2001), St.

Augustine did not expend many words on trying to make his system clear to non-

believers. In this way, St. Thomas's system is vastly superior. Indeed, in works such as

Summa Contra Gentiles and his various commentaries, St. Thomas used Aristotelian

terminology in order to explain his conclusions in at least potentially comprehensible to

non-believers. This ability to communicate across religious faiths remains a strength of

the Thomist system. The weaknesses of this system have already been considered in

Chapter IV. But are these weaknesses in the Thomistic system insuperable?

The just war tradition would benefit from a combination of the Augustinian and

Thomistic systems. In effect, this would be a modified version of Thomism, one that

would take greater account of some of the Augustinian elements which were less

emphasized by St. Thomas. In particular, this modified version would place more

emphasis on the true peace rather than the peace so-called of the *saeculum*. While the

inherent dangers of systematizing the just war doctrine remain in such a modified

Thomism, the translation into natural theology would clarify the necessary *ontological*

presuppositions of the doctrine that can be known without Christian *theological* notions.

Moreover, it would illuminate that the connection of just war to Divinity can be known

without the necessity of revelation. As an example, let us consider the difference

between St. Augustine and St. Thomas on the issue of right intention.[85] I explained how

St. Thomas's notion of right intention focused upon the temporal advancement of good,

rather than focused on a love of one's opponent (specifically, purging one's self of the

libido dominandi and other cruel intentions instead of peace, both so-called and true).

However, there is nothing in St. Thomas's system that *requires* such a temporal focus –

rather, the notion of right love is certainly accessible through a natural theology. The

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[85] See above, pages 133-134.

idea of having a love for one's opponent as the result of one's love for the Divinity (whatever it may be), along with a trust that the good will succeed in the end, does not need a "thick" theology. Such a "thick" theology may have been needed for the initial construction of the just war doctrine, but is not needed to perpetuate it – only a natural theology that depends upon more "thin" premises.

Moreover, with a "thin" theology, the just war tradition can continue to develop. Certainly, a "thick" theology can be fully capable of development (Newman 1989[1878]), but as the just war tradition is meant to explicate a reality accessible to all rational beings, natural theology provides more flexibility in further interpretations of the doctrine. A recent suggestion of an addition to the just war doctrine provides a salient example. Some scholars have recently suggested that a third general grouping of just war considerations should join *ius ad bellum* and *ius in bello*, a category called *ius post bellum* (cf. Bell 2006; Walzer 2004: 163-168; Bass 2004). *Ius post bellum* concerns what nations are under an obligation to do after hostilities, or at least major hostilities, have ended. Such obligations could include nation-building, aiding in rebuilding a conquered nation's infrastructure, and perhaps could include promoting certain types of political regime types or economic systems in the rebuilt nation. While there is nothing explicit in St. Augustine's system that would require a *ius post bellum* requirement, it may be an implicit requirement of the just war tradition and its ontological presuppositions. In order for the tradition to develop to cope with new issues, and to integrate insights provided by thinkers (like Walzer) who do not share the tradition's metaphysical assumptions, a "thin" type of discourse is more useful. However, as

theology is a necessary element of the doctrine, such a "thin" system still requires some notion of Divinity. As such, a natural, or perhaps "rationalist" (for lack of a better term), theology is a happy medium between a loss of metaphysics, on the one hand, and a limiting "thick" and potentially sectarian theology, on the other.

There are two potential problems with basing the just war tradition upon an idea of natural law. The first difficulty is finding the best means to express such a natural theology. There are certainly various possible avenues that afford greater or lesser help. The "deontological" natural law theory (George 1999; Finnis 1980) clearly derives a great deal from Thomistic natural law, but its deontological nature suffers similar problems to other theories that disavow ontology. Another possible intellectual path might be phenomenology, as attempted by Pope John Paul II (Jeffreys 2004: 33-66). Still another possible way of expressing this natural theology would be through a philosophical system that would integrate the insights of modernity with the truths of older theology. However, such a system has yet to be constructed, or at least to be made well-known.[86] Finally, theorists can attempt to reinvigorate the Thomist-Aristotelian philosophical language, which would involve trying to incorporate this system with the advances of modern science and philosophy, perhaps in a way not dissimilar from that advocated by MacIntyre (MacIntyre 1984: 256-263). None of these options are simple, and none of them can guarantee success. This leads to the second issue.

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[86] For instance, the effort to integrate science and theology in the work of Teilhard de Chardin represents an example of a possible new version of natural theology. However, attempts such as these are strongly debated among theologians: indeed, Gilson wrote that "Teilhard is a gnostic" (Murphy 2004: 308).

The second, and more pressing, dilemma is the matter of theology itself. Even natural theology depends upon some notion of Divinity – a sovereign God, the Unmoved Mover, or at least some type of "universal blueprint," for lack of a better term. Unlike the propositions of revealed religion, natural theology assumes that its knowledge can be attained by unaided reason alone. But, as noted with the first difficulty, natural theology is based upon notions of metaphysics (especially teleology) of Greek philosophy, especially Aristotle. But can such a natural theology gain rational assent in the modern world, after the scientific revolution, Descartes, and Kant (among others)? This dilemma has two parts to it, one philosophical and the other political. First, there is the philosophical problem. Some of the most important philosophical systems either deny that there is such a thing as the Divinity (such as Marxism or other forms of philosophical materialism), or claim that little to nothing can be known about God (such as certain interpretations of Kantianism or the works of Wittgenstein). The second problem is political. Contemporary societies, in particular Western ones, are secular. This secularization can be a matter of political arrangement (the separation of Church and State in the United States, *laïcité* in France) or the result of a decrease in religious belief (as in many nations of Europe). With these types of obstacles to a notion of natural theology, is such a solution even viable?

Is Just War Outdated?

This second dilemma leads us to an inescapable question: is the just war tradition worthwhile today? While questions about the just war doctrine's viability usually focus

upon changes in military technology and international structure (Crawford 2003), the more fundamental issue is philosophical. Indeed, the issue is a matter of truth. While one can argue that the just war doctrine may be *useful*, it is more important to discover whether it is *true*. The problem with trying to use the just war doctrine for its effects, without the necessary ontology, is reflected best by the discussion in Chapter VI – to use the just war doctrine merely because it is expedient tends to make the doctrine legalistic, and in the end, incoherent and pacifistic. To avoid incoherence would involve accepting the ontological presuppositions upon which the tradition depends. But, as the second dilemma illustrates, it might be too much for contemporary thinkers to accept this type of ontology. As such, is the just war tradition worth making the intellectual turn towards a theocentric view?

The question of whether the just war tradition's ontology is true, therefore, becomes the key concern in the doctrine's future. To put it bluntly, if the just war tradition's ontology is not true, then the just war doctrine as it exists is worse than useless. It is pernicious. The just war tradition presumes an objective moral order, presumes that good (by the sheer nature of existence) will succeed in the end, presumes that some Divinity has sovereignty and will also ensure the final victory of the good. If these presumptions are incorrect, many, if not all, the propositions of the just war doctrine will lead those who follow it astray. The restriction of legitimate authority requires some types of groups not to fight. Just cause inveighs against wars for purely prudent (rather than just) reasons. Proportionality and discrimination could place a nation's own security (or at least its own military) at risk. For minor conflicts, such

restrictions might not matter. However, for major (especially total) wars, such restrictions could have disastrous consequences for the nation attempting to fight justly. If the just war tradition's ontology is incorrect, it means that nations acting "justly" are actually fighting foolishly.

This is not to say that there cannot be some type of morality in warfare without the Augustinian just war tradition. However, if the ontology is incorrect, it means that thinkers and statesmen would be better served by disregarding the just war doctrine in total and replacing it with restrictions not dependent in any way on the theocentric tradition. In this way, constraints on warfare would be based upon what is real rather than upon error. From what has been discussed in the previous chapters, however, it would seem likely that this new morality would be inclined towards *Realpolitik* or pacifism, even if not fully so. Or, in other words, the new morality would tend to either amoralism in war or denying there can be any justice in war. Neither of these options may be palatable, but if either of them is more reflective of moral and empirical reality, it should be followed.

If, however, the just war tradition's ontology is correct, it will require a general change in emphasis in both philosophy and politics. It is hard to imagine that theocentric presuppositions in one part of political action would not start to seep into other parts of the political sphere, be it law, constitutional structure, or the like. In terms of philosophy, accepting that the tradition's ontology is true would change the emphasis of much political theory. If there is an objective moral order, with a Divinity that presides over it, topics like deliberative democratic theory would have to be modified.

For instance, Gutmann and Thompson's definition of "relatively reliable methods of inquiry" (Gutmann and Thompson 1996: 56) would have to expand to include knowledge discoverable via natural theology. The modifications implied by this focus upon natural theology would be considerable. If the tradition's ontology is not true, or cannot be known to be true, such major changes may not be worth the exertion needed to bring it about. And likewise, saving the just war doctrine would not be worth the cost in political and philosophical turmoil.

Conclusion

It has been over fourteen hundred years since St. Augustine first articulated his views on just war. There have been many changes in the just war tradition since that time. Moreover, there is a vast chasm between the ideational world of the Bishop's late antiquity North Africa and the military, theological, and philosophical realities of the present. Does the just war doctrine have a future in the contemporary era? If the just war tradition depends on a theocentric ontology, its future is uncertain. Unless thinkers (and, after them, statesmen) focus more on natural theology, concentrating on the theological in a manner not unlike the "discursive turn" of the last couple decades, the just war doctrine cannot remain useful. Such a "theological turn," however, seems very unlikely. Perhaps just war, as it has been generally understood over the centuries in the West, is dead. If the basis of the doctrine is false, perhaps it is best that it should die. However, in the words of Paul Ramsey, "If this is the case, then truly mankind is left in dereliction" (Ramsey 2002[1983]: 499).

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