

Lesson 5:

Introducing the Principles of Just War Theory

Background:

In the Western cultural tradition, discussions of justifiable reasons for going to war and proper conduct during war go back to the Greek and Roman philosophers Aristotle and Cicero. They are also discussed in the Hebrew Bible and in the Koran. What is now called “Just War Theory” was developed by early Christian philosophers/theologians as they attempted to reconcile two conflicting propositions:

- purposeful taking of human life is wrong
- states have a duty to defend their citizens and promote justice.

The theory attempts to lay out the conditions under which states can justifiably go to war. While primarily Christian in origin, the basic principals of Just War theory provide useful touchstones for people of any faith or none.

As philosopher Mark Rigstad points out, “Just war theory is not a settled doctrine. It is a field of critical ethical reflection. That’s why there are as many just war theories as there are just war theorists.” (www.justwartheory.com) There are also many who reject the whole concept of “just war,” arguing either from a pacifist point of view that killing is always wrong, or from a realpolitik position that force is just another strategy for pursuing national interests.

The lessons in the Just War unit are designed to engage students in exploring their own beliefs about the circumstances under which war is justified, if ever, by examining the applicability of just war principles to various conflicts studied throughout their history curriculum.

Grade Level/Subject: History/Social Sciences. The lessons in this unit can be used at the middle or high school level in any history or social science class that includes study of specific wars or conflicts.

Objectives:

- Students will identify traditional and contemporary interpretations of Just War theory.
- Students will analyze, interpret, compare and contrast primary and secondary sources.
- Students will reflect on their own beliefs about when war is or is not justified.

PART I. SURVEYING STUDENT ATTITUDES TOWARDS WAR

Procedure:

1. Set the frame: Conflict and war are recurring occurrences in history. Many people who strongly believe that killing is wrong have struggled with the question of whether war can every be right. We are going to be studying what different historic figures have to say about this issue, but first let's find out what you think.

2. Assign the student survey for homework. Note: The survey can be sent home on paper and tallied the next day. Alternatively it can be posted on line and tallied automatically. <http://www.surveymonkey.com> is a site that allows you to easily construct on-line surveys to use with your students.

Is there a justification for acts of war?

What do *you* think?

	Yes	No
• in self-defense		
• to protect innocent life		
• to protect human rights		
• to overcome other kinds of evil		
• only if you will probably win		
• only as a last resort, after all peaceful alternatives have been exhausted		
• acts of war can never be justified		

3. Tally the results and share with the class.

Take the opportunity to discuss the value of listening to different perspectives and engaging in respectful debate with people of different viewpoints, even when you feel strongly that they are wrong. They probably feel just as strongly that you are wrong. *Listen* as carefully as you would like to be heard.

PART II: JUST WAR THEORY

Vocabulary:

Abrahamic	reconcile
propositions	theology/theologians
synthesized	proportional
doctrine	theorist
strategy	criteria
critical ethical reflection	

Materials: Student Worksheet #1 “Just War Theory” for each student.
Student Worksheet #2 “Ideas of *jus in bello*...” for each student

Procedure:

1. Handout the reading “Just War Theory.” Have students read through once on their own, highlighting or underlining words they don’t understand. If needed, add additional words to the vocabulary list.
2. Discuss the reading with the class using a Socratic Seminar format:

Socratic Seminar

1. What is Just War Theory?
2. Why did early Christians feel they had to justify war? Who else feels the need to justify war? Why?
3. Why do some people totally reject the idea of just war? What do you think?

3. Assign the Student Worksheet #2 reading on *jus in bello* in early Judaism and Islam.
4. Use the Socratic Seminar approach to discuss the following:

Socratic Seminar

1. Why do you think all three religions, Judaism, Christianity and Islam, are concerned about how to behave in war?
2. Do you think people should be concerned about *jus in bello* (justice during a war)? Why? What are some examples of *jus in bello*?
3. What does *jus post bellum* (justice at the end of a war) mean in practice? Why might it be important?

PART III: AUGUSTINE DE HIPPO AND THOMAS AQUINAS ON JUST WAR

Augustine de Hippo (354-430 CE) and Thomas Aquinas (1225-1274 CE) are credited with the origination of Just War theory in Western Christianity. Augustine, one of the most important figures in the early development of Christian theology, wrote extensively on many topics. His discussions on war are scattered throughout his writings. Thomas Aquinas, a priest in the Dominican Order of the Roman Catholic Church and father of the Thomistic school of philosophy and theology, had a profound influence on Western thought and modern philosophy, particularly in the areas of ethics, natural law and political theory. He was the first person to compile and organize earlier discussions about war and peace into a set of principles supporting the concept of just war, which he laid out in *The Summa Theologica*.

Full documents of Augustine de Hippo can be found at: <http://www.newadvent.org/cathen/02089a.htm>
The section on war from Aquinas' *Summa Theologica* (Part II, Question 40) is available at:
<http://faculty.cua.edu/pennington/Law111/AquinasJustWar.htm>.

Vocabulary:	extensively	formation
	theology/theologian	lament
	compel	moderate
	procure	monarch
	advisable	make amends
	seized	inflicted
	perish	contrary
	precept	virtue

Materials:

Student Worksheet #3: Augustine of Hippo, one per student
Student Worksheet #4: Thomas Aquinas, one per student
Student Worksheet #5: Augustine/Aquinas Compared, one for every two students

Procedure:

1. Assign the Augustine reading (worksheet #1.) In class, go over vocabulary, phrases or sentence structures students may find difficult to understand.
2. Have students label a sheet of paper, "In My Own Words – Augustine de Hippo on Just War." **Instructions:** In one or two "regular English" sentences, summarize what Augustine is saying in each quote.
3. Assign the Thomas Aquinas reading. In class, go over vocabulary, phrases or sentence structures students may find difficult to understand.
4. Have students label a sheet of paper, "In My Own Words – Thomas Aquinas on Just War." **Instructions:** Using your own words, rewrite/summarize the three objections to war and the three requirements for just war.
5. Group students in pairs. Have them share with each other how they interpreted and rewrote the Augustine/Aquinas readings.

6. Handout student worksheet #3 (Augustine and Aquinas on Just War, Compared), one per pair. Have them work together to complete worksheet #3. Discuss the results with the whole class.
7. Conduct a Socratic Seminar.

Socratic Seminar

1. Augustine argues that the purpose of war is peace. Do you agree?
2. According to Aquinas, the main Christian objections to war are based on the belief that war is contrary to God's wishes and is always sinful. Are there non-religious reasons to object to war?
3. Consider each of Aquinas' requirements for just war. Do you agree or disagree? Is just one of these sufficient to justify war, or do all three need to be present?
4. Are there other things you would add to his list of just war principles?

Extension:

- Form small groups to discuss Just War Theory. Do they agree with all six of the principles on the modern list (Worksheet #1)? Would they add additional *jus ad bellum* principles to the list? How about *jus post bello* principles? Have the groups report out.
- Have students research: How do the principles your group offered compared to those proposed by modern writers?

Some starting places for research:

http://en.wikipedia.org/wiki/Just_war#Jus_in_bello
http://www.beyondintractability.org/essay/jus_in_bello/?nid=1021
<http://www.economicexpert.com/a/Laws:of:war.htm>
http://www.statemaster.com/encyclopedia/Just-war#Jus_in_bello
http://en.wikipedia.org/wiki/Islamic_military_jurisprudence

JUST WAR THEORY

In the Western cultural tradition, discussions of justifiable reasons for going to war and proper conduct during war go back to the Greek and Roman philosophers Aristotle and Cicero, and can be found in the founding texts of all three of the Abrahamic religions (Judaism, Christianity and Islam.) Today, philosophical discussions around these topics are referred to as “Just War Theory.” Some modern writers talk about three different kinds of just war principles:

- 1) *jus ad bellum* (justice to war) having to do with going to war in the first place;
- 2) *jus in bello* (justice in war) addressing how one should act while at war; and,
- 3) *jus post bellum* (justice after war) concerning just terms at the close of a war.

Justification for Going to War – *jus ad bellum*

A clear set of principles regarding *jus ad bellum* (justifiable reasons for going to war) was first developed by early Christian philosophers/theologians as they attempted to reconcile two conflicting propositions:

- purposeful taking of human life is wrong
- states have a duty to defend their citizens and promote justice.

Very early Christians believed that killing was absolutely forbidden. But as more and more Romans converted to Christianity, the question arose whether it was possible to be a Roman soldier and a Christian at the same time. This question was discussed by the early Christian theologian Augustine of Hippo (354 – 430 B.C.E.) in many of his writings and sermons. Later, the Roman Catholic priest St. Thomas Aquinas (c.1225 – 1274) synthesized Augustine’s arguments regarding justifiable warfare into a clear set of principles.

Today, the principles most often used for determining whether going to war is justified (*jus ad bellum*) are:

1. **Just cause/right intention:** A just war must be fought only for purposes of self-defense against armed attack or to right a serious wrong.
2. **Proper authority:** A war is just only if waged by a legitimate authority.
3. **Last resort:** A just war must be the last resort; all peaceful options must be exhausted before the use of force can be justified.
4. **Probability of success:** There must be a reasonable chance of success; deaths and injury that result from a hopeless cause cannot be morally justified.
5. **Beneficial outcome:** The outcome of the war must be better than the situation that would exist had the war not taken place.
6. **Proportionality:** The violence and destruction must be proportional to the injury suffered.

As Professor Mark Rigstad points out, “Just war theory is not a settled doctrine. It is a field of critical ethical reflection. That’s why there are as many just war theories as there are just war theorists.”¹ Different people will include different principles on their lists, or interpret the same principle in different ways. We should also remember that the concept of a “just war” is totally rejected by many people who argue either from a pacifist² point of view that killing is always wrong, or from a realpolitik³ position that force is just another strategy for pursuing national interests.

¹ [Mark Rigstad](http://www.justwartheory.com), Associate Professor of Philosophy, Oakland University; <http://www.justwartheory.com>

² <http://en.wikipedia.org/wiki/Pacifist>

³ <http://en.wikipedia.org/wiki/Realpolitik>

Ideas of *jus in bello* in Early Judaism and Islam

Although it was the 20th Century before the Latin phrase *jus in bello* (justice in war) began to be used to refer to rules of correct conduct in war, the idea can be found among the early Hebrews and was well developed by Islamic scholars by the time of the Crusades.

In the Hebrew Bible, the Israelites are commanded:

When you lay siege to a city for a long time, fighting against it to capture it, do not destroy its trees by putting an ax to them, because you can eat their fruit. Do not cut them down. Are the trees of the field people, that you should besiege them? However, you may cut down trees that you know are not fruit trees and use them to build siege works until the city at war with you falls. -- Deuteronomy 20:19-20

During the 13th century, the Jewish scholar Nachmanides (1194-1270) wrote,

God commanded us that when we lay siege to a city that we leave one of the sides without a siege so as to give them a place to flee to. It is from this commandment that we learn to deal with compassion even with our enemies even at time of war...

- Supplement by Nachmanides to Maimonides Book of Commandments Positive Commandment #4

Islam also provided rules for conducting war:

And if you have to respond to an attack, respond only to the extent of the attack leveled against you... -- Qur'an, 16:126

In the early 7th century, the first Caliph, Abu Bakr, while instructing his Muslim army, laid down the following rules concerning warfare:

Stop, O people, that I may give you ten rules for your guidance in the battlefield. Do not commit treachery or deviate from the right path. You must not mutilate dead bodies. Neither kill a child, nor a woman, nor an aged man. Bring no harm to the trees, nor burn them with fire, especially those which are fruitful. Slay not any of the enemy's flock, save for your food. You are likely to pass by people who have devoted their lives to monastic services; leave them alone.

From the 9th century onwards, Islamic essays on international law covered the treatment of hostages, refugees and prisoners of war in Islam; the right of asylum; conduct on the battlefield; protection of women, children and non-combatant civilians; the use of poisonous weapons; and devastation of enemy territory.

During the Crusades, these laws were put into practice by Muslim armies, most notably by Saladin and Sultan al-Kamil. After defeat of the Franks by al-Kamil, Oliverus Scholasticus praised the Islamic laws of war, commenting on how al-Kamil supplied the defeated Frankish army with food:

Who could doubt that such goodness, friendship and charity come from God? Men whose parents, sons and daughters, brothers and sisters, had died in agony at our hands, whose lands we took, whom we drove naked from their homes, revived us with their own food when we were dying of hunger and showered us with kindness even when we were in their power.

Augustine of Hippo
(354-430 CE)

Augustine is one of the most important figures in the development of Western Christianity. He wrote extensively on many topics and played an important role in the early formation of Christian theology. His discussions on war are scattered throughout his writings. Below are some of the things he had to say about war.

Full documents can be found at: <http://www.newadvent.org/cathen/02089a.htm>

1.

....the wise man will wage just wars. As if he would not all the rather lament the necessity of just wars, if he remembers that he is a man; for if they were not just he would not wage them, and would therefore be delivered from all wars. For it is the wrongdoing of the opposing party which compels the wise man to wage just wars;....

City of God Book 19, chapter 7

2.

Whoever gives even moderate attention to human affairs and to our common nature, will recognize that if there is no man who does not wish to be joyful, neither is there any one who does not wish to have peace. For even they who make war desire nothing but victory—desire, that is to say, to attain to peace with glory. For what else is victory than the conquest of those who resist us? And when this is done there is peace. It is therefore with the desire for peace that wars are waged, even by those who take pleasure in exercising their warlike nature in command and battle. And hence it is obvious that peace is the end sought for by war. For every man seeks peace by waging war, but no man seeks war by making peace.

City of God Book 19, chapter 12

3.

But it is a higher glory still to stay war itself with a word, than to slay men with the sword, and to procure or maintain peace by peace, not by war. For those who fight, if they are good men, doubtless seek for peace; nevertheless it is through blood. Your mission, however, is to prevent the shedding of blood.

Letter 229.2

4.

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.

Contra Faust xxii, 75

5.

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 it has seized unjustly.

Questions Helpt, qu.x

Thomas Aquinas
(1225 – 1274 CE)

Thomas Aquinas was a priest in the Dominican Order of the Roman Catholic Church, and was a very extremely important philosopher and theologian. He was the father of the Thomistic school of philosophy and theology, and a proponent of natural theology. He had a profound influence on Western thought and modern philosophy, particularly in the areas of ethics, natural law and political theory.

He was the first person to organize earlier discussions about war and peace into a set of principles supporting the concept of just war, which he laid out in The Summa Theologica.

Below are summaries of some highlights of his discussion. The entire section on war (Part II, Question 40) is available at: <http://faculty.cua.edu/pennington/Law111/AquinasJustWar.htm>

OF WAR

We must now consider war, under which head there are four points of inquiry:

1. Whether some kind of war is lawful?
2. Whether it is lawful for clerics to fight?
3. Whether it is lawful for belligerents to lay ambushes?
4. Whether it is lawful to fight on holy days?

Whether it is always sinful to wage war?

Aquinas begins his discussion by listing the different objections that many Christians at the time had to war. These include the following arguments against war:

Objection 1: Punishment is only inflicted for sin, and since “all that take the sword shall perish with the sword,” (Matthew. 26:52) war must be sinful.

Objection 2: War is contrary to “a Divine precept” (“But I say to you not to resist evil” – Matthew 5:39) and therefore is sinful.

Objection 3: Sin is the opposite of virtue. Peace is a virtue and war is contrary to peace. Therefore war is always a sin.

Aquinas responds to these objections by arguing that “...in order for a war to be just, three things are necessary.”

First, the war must be commanded by a proper authority. Those in authority are supposed to protect the people. It is lawful for them to use weapons or force to keep peace and order inside their city/country and to punish people who break the laws and do evil. In the same way, those in authority are responsible for defending the community against external enemies, and can therefore use force against enemies.

Second, there must be a just cause for the war. “... those who are attacked, should be attacked because they deserve it on account of some fault.”

Third, those fighting must “have a rightful intention, so that they intend the advancement of good, or the avoidance of evil.”

Augustine and Aquinas on Just War, Compared

Thomas Aquinas relied heavily on the writings of Augustine de Hippo to back up his arguments about the requirements for just war. Working together, identify the quotes from Augustine could be used to support each of Aquinas' three requirements for just war.

Thomas Aquinas – Three Requirements for Just War	Augustine's discussions of war (Indicate the number of the quotes)
<u>First</u> , the war must be commanded by a proper authority.	
<u>Second</u> , there must be a just cause for the war.	
<u>Third</u> , those fighting must "have a rightful intention	