There is very little in the realm of morality that people of the United States agree on. There are widely divergent opinions and views on abortion, sexual relations, distribution of wealth, gun control, the list could go on. However, there is one contentious moral issue for which there is still a widely accepted set of principles that have been embraced by many societies for centuries, by religious and secular groups and by the United States government and its military. The moral issue is war and the theory or set of principles that people look to for justifying war is called the just war theory. Simply defined those principles are as follows. First, are the justifying principles for why war is waged (jus ad bello) just cause; legitimate authority; right intention; proportionality; probability of success; last resort. Second are justifying principles governing conduct within war (jus in bello) proportionality; right intention; noncombatant immunity.

War is awful. Perhaps General William Tecumseh Sherman said it better than any poet or moral theorist when he described the reality of war in a speech he gave to 10,000 of his former troops in Columbus, OH on August 11, 1880. “There is many a boy here today who looks on war as all glory, but, boys, it is all hell. You can bear this warning voice to generations yet to come.”¹ And in a letter to the mayor and city councilmen of Atlanta in 1864, Sherman warned them before he attacked, “War is cruelty, and you cannot refine it; and those who brought war into our country deserve all the curses and maledictions a people can pour out. I know I had no hand in making this war, and I know I will make more sacrifices today than any of you to secure peace.”² Sherman recognized the two-fold reality of war: it is cruel; it is used to bring about peace.

This author has never been involved in any sort of war and prays that he is spared the horror of war: that “gut-wrenching, heart-pounding cocktail of fear”³ Some may say in closed circles, “just mow ‘em down! Let ‘em have it” when talking about disdain for a particular nation or terrorist group. There is a human fascination with war from the outside. However, speak to ministers who have served as military chaplains or been around members of the armed forces in their congregations. They will tell you that war is hell. They have looked into the eyes of the new widow who has learned her husband isn’t coming home, or the man who has lost a leg or arm from a roadside bomb and does not think his wife or family will love him again. War is hell.

However, what plagues many of those families who send soldiers to war, the soldiers who fought in the war and the citizens who are asked to support the war with their dollars, prayers and donations is one simple thought: Was it right? The families and citizens want to know if there was a good reason for going in. Were we justified for fighting against that enemy? Should we have waited and tried more diplomacy? The soldiers struggle with the guilt of killing and whether they conducted themselves in a right manner: I was just following my CO’s orders; I don’t know why we were there – it didn’t make sense; I killed so many people. All the rationalizing within those comments is the rationalizing that led to the just war theory and its principles, a theory which in recent years has received a lot of debate and scrutiny but one that has its roots in Christian thought.

¹ Lee p.1 ² rigeib.org ³ Lee p.1
That ancient criteria of just war is the topic of this paper: The History of the Just War Theory. This topic is insurmountable as far as reading material is concerned. There are innumerable articles, journals, essays and books written on this theory. The facets of the history of this theory are many. This paper will give you an overview of the history and development of the just war theory. The paper will highlight the beginnings of the just war theory in the time before St. Augustine; the birth of the just war theory in The City of God written by St. Augustine; the codification of the theory by Thomas Aquinas in his Summa Theologica; a brief comment on just war in the Lutheran Confessions; the cracks and reevaluation of the just war theory within the last 30 years; and how this topic may actually come to bear for you and other brothers in the ministry.

**Just War Ideas Before Augustine**

While war is hell, war is a reality in our world. There is no getting away from that. In fact, it’s inevitable because of human nature. In his New Testament epistle James writes, “What causes fights and quarrels among you? Don’t they come from your desires that battle within you? You want something but don’t get it. You kill and covet, but you cannot have what you want. You quarrel and fight. You do not have, because you do not ask God”

James points out that conflict with neighbors, friends and relatives rises out of anger and feelings of injustice. Such attitudes produce world conflicts as well.

War is an inevitable consequence of sinful people living together in a fallen world. It is really naïve and simplistic to think that our efforts will eliminate war from the earth. Christ himself when speaking of war said in Matthew 24 “you will hear of wars and rumors of wars…nation will rise against nation and kingdom against kingdom.” It’s inevitable according to Scripture.

There have been attempts at trying to preach peace on earth – think about John Lennon’s catchy song Imagine where he says, “Imagine there’s no countries. It isn’t hard to do. Nothing to kill or die for and no religion too. Imagine all the people living life in peace.”

It’s a desire of many, but a reality that humanly speaking and this side of heaven we can never achieve.

So a tension exists between a hatred for war, it’s inevitability, and a desire for peace. From that springs reasons to justify war, also called the just war theory. The theory is an attempt to humanize the dehumanization of war. The theory is nothing new.

It’s been around for centuries, even before the time of Christ. The Indian epic Mahabharata, completed in the 400s BC, offers one of the first written discussions of what we know as the just war theory. In that epic, one of the five ruling brothers discussed with his uncle whether the suffering caused by war can ever be justified. In order to justify their war, they come up with some criteria such as proportionality “one should not attack chariots with cavalry; chariot warriors should attack chariots…one wounded should be given medical treatment in your realm”; just cause “war should be waged for the sake of conquest, one should not be enraged toward an enemy who is not trying to kill him”; and fair treatment of captives and the wounded.

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4 James 4:1-2  
5 http://www.lyrics007.com/John%20Lennon%20Lyrics/Imagine%20Lyrics.html  
6 Clooney p.117
Plato was the first Greek to talk about the idea of just war. Aristotle picked up on the topic and first used the term, just war. Roman philosophers like Emperor Marcus Aurelius wrote of his desire for peace and an exit from conflict and the awful nature of war, all while sitting on the front lines fighting to maintain peace. Cicero, in De Officiis, Book 1, argued justifying reasons for war. It is the great Church father, St. Augustine, Bishop of Hippo who is given credit for developing the foundation for just war theory and its first three principles: just cause; legitimate authority; right intention.

*The Birth of the Just War Theory by Augustine*

313 AD Emperor Constantine of the western part of the Roman Empire met in Milan with Licinius who controlled the Balkans. It was from their meeting, Eusebius tells us, that they agree to treat Christians benevolently. From then on Christianity gained more and more favor. The Christians for decades had been the recipients of persecution: they lost land; freedoms; even their lives. But because of this meeting in Milan, Christianity became more accepted and lands were returned to them.

Now Christians could begin to worship more freely. However, even though the religion had been accepted, it and its people were still looked at with disdain by many. The reason being, the Roman empire was in decline. As Christianity became more and more the state religion and the ancient gods of Rome were pushed out, Rome seemingly began to crumble. Many pagan Romans attributed the fall of Rome to the fact that the Christian God was in charge now and failed to keep the empire safe as the old gods had done for so long.

One other practical difficulty that arose for the emperors was how to maintain the Roman army, which for centuries was the backbone of Roman security and the Pax Romana, when many Christians would not or felt they could not serve.

They refused or were reluctant for two reasons: the first being, not surprisingly, the Roman army had been the instrument of the Christian persecution. Second, many early Church fathers preached pacifism. They relied on Biblical passages such as Jesus’ teaching of “turn the other cheek” and his words to Peter in the Garden of Gethsemane “those who live by the sword will die by the sword.”

As pressure mounted from the north and barbarian invasion became more and more an increasing problem and even threat to the safety of the empire and to the city of Rome itself, many Christians found themselves without clear guidelines and direction. Can a Christian answer the Empire’s call to military duty and still have a clear conscience before God?

After Alaric I of the Visigoths sacked Rome in 410 AD, pressure against the Christian God and Christians grew and accusations abounded that Christians were too other worldly to be concerned citizens of the state. In this complex political, military, and cultural environment, St. Augustine writes the City of God, a 22-volume work that he wrote from 413 to 420 AD, possibly 429 AD. It is in that book that Augustine established that Christians could in good conscience assume the full obligations of citizenship, including participation in warfare.

That task was a challenge, since his critics seemed to have plenty of passages on their side. Jesus spoke of agape love, turning the other cheek, loving your neighbor as yourself, among others.
How is that compatible? However, Augustine had already argued in his attack on the Manicheans that Jesus’ teaching of turning the other cheek didn’t call for literal obedience. “What is here required is not a bodily action, but an inward disposition. The sacred seat of virtue is the heart.” The appropriate motive in all cases, Augustine ruled, was love. What was done from love of God must be good. That opened the door for Christians to perform outward acts that might appear forbidden by Scripture. However, there still had to be rationale to step through the door. Augustine addressed that in *The City of God*.

There are two cities according to Augustine: the Earthly City and the City of God. The priority for the Christian was to belong to the City of God. Ultimately, Christians were not to worry unduly about the city of Rome but focus on the City of God. Augustine’s main goal for the Christian was to prepare them for heaven, to make sure their conscience was secure and at rest in Christ. Augustine’s thoughts on the Earthly City are quite telling. “The city of man, for the most part, is a city of contention with opinions divided by foreign wars and domestic quarrels and by the demands for victories which either end in death or are merely momentary respite from further war.”

Augustine had an excellent grasp on Scripture and knew that while there were passages that seemed to speak of pacifism, a closer inspection revealed that war would be a reality in this world because of the corrupt nature of humanity. “Any man who has examined history and human nature will agree that no human heart does not crave joy and peace. One has only to think of men who are bent on war. What they want is to win; their battles are but bridges to glory and to peace.”

The Bible doesn’t shy away from war but speaks openly that it will be there. “…A time to kill and a time to heal. A time for war and a time for peace.” Jesus told us that one of the signs of the end of the age “You will hear of wars and rumors of wars…nation will rise against nation and kingdom against kingdom.”

The Bible also makes it clear that a Christian can in good conscience serve as a part of the military. John the Baptist told repentant soldiers who had been baptized to not extort money. He never told them to put their swords away. Jesus praised the faith of a Roman centurion. He didn’t praise him because he had walked away from the army. But perhaps the biggest indication that St. Augustine gave for why a Christian could in good conscience participate in war was Romans 13. “True religion looks upon as peaceful those wars that are waged not for motives of aggrandizement or cruelty, but with the object of securing peace, punishing those who do evil and supporting the good.”

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7 To illustrate this priority of inward motive, Augustine asked readers to consider a man hitting a boy and another man caressing a boy. The first case seems bad, but the man might be a father lovingly disciplining his son; the second case seems good, but the man might be a child molester. Thus, Augustine said, “We find a man by charity made fierce; and by iniquity made winningly gentle.”

8 He also set out how citizenship or membership of either city was to be determined: ‘I classify the human race into two branches: the one consists of those who live by human standards, the other of those who live according to God’s will’. (City of God, Volume XV.1)

9 City of God Book XV.

10 City of God Book XIX

11 Ecclesiastes 3:3,8

12 Matthew 24:6,8

13 City of God Book XIX
Augustine said that war was never completely justified. Only Christ’s war against evil was justified. Every war that is carried out is tainted by sin, no matter how just it may be. There can never be an absolutely pure motive for carrying out war. Yet, Augustine made it quite clear that there were just reasons for carrying out war. The main reason to go to war was peace. “Even when men are plotting to disturb the peace, it is merely to fashion a new peace nearer to the heart’s desire... It is not that they love peace less, but that they love their kind of peace more... Thus, it is that all men want peace in their own society, and all want it in their own way. When they go to war, what they want is to impose on their enemies the victor’s will and call it peace.”

The purpose of a just war, as opposed to an aggressive war fuelled by greed or ambition, is the pursuit of a better state of peace. “Peace is not sought in order to provoke war, but war is waged in order to attain peace.” Such wars are fought against tyrants or other power-hungry rulers that would threaten their neighbors.

The desire for harming, the cruelty of revenge, the restless and implacable mind, the savageness of revolting, the lust for dominating, and similar things – these are what are justly blamed in wars. Often, so that such things might also be justly punished, certain wars that must be waged against the violence of those resisting are commanded by God or some other legitimate ruler and are undertaken by the good.

The pursuit of a better state of peace must therefore be for a good cause. But also, in those statements Augustine made a distinction between the moral responsibility of the ruler who makes the decision for going into war and the moral conduct of the soldier in war. Those two should be distinguished for the sake of conscience. “Therefore, a just man, if he should happen to serve as a soldier under a human king who is sacrilegious, could rightly wage war at the king’s command, maintaining the order of civic peace, for what he is commanded to do is not contrary to the sure precepts of God... perhaps the iniquity of giving the orders will make the king guilty while the rank of servant in the civil order will show the soldier to be innocent.”

First and foremost, Augustine was not concerned with war, per se. He was concerned with making sure members of the City of God reflected the moral qualities of that city and that their consciences were at peace with God. As it often is today, a soldier has no say in the decision to go to war. War demands participation of those in the military and requires that orders be obeyed. Then he relies on Paul’s words in Romans 13 “Everyone must submit himself to the governing authorities...for the authorities that exist are established by God”. What matters then is the soldiers just conduct within war.

But Augustine was also concerned about the souls of those who waged war. “But the wise man, they say, will wage just wars. Surely, if he remembers that he is a human being, he will lament the fact that he is faced with the necessity of waging just wars; for if they were not just, he would not have to engage in them” Augustine saw war as a way to peace or the “common well-being” as he

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14 City of God, Book XIX
15 Augustine: Political Writings
16 Ibid
17 The Ethics of War. P.82
18 City of God, XIX.7
called it, what we might refer to today as national self-defense. Scatter throughout his writings, most especially throughout The City of God, we find the three foundational principles of just war theory: just cause, legitimate authority, and right intention.

**Just War Theory Codified by Thomas Aquinas**

Augustine’s thoughts on just war are spread throughout his writings but were codified by the great Scholastic theologian, Thomas Aquinas in his Summa Theologica. He, like Augustine, was more concerned for Christians to live in a way that would honor God on earth and lead to an eternity in heaven. Aquinas brought together writings of Aristotle and Augustine to put down three principles for entering a just war: just cause (those who are attacked are attacked because they deserve it), legitimate authority (by the command of sovereign who wages war) and right intention (advance good, avoid evil, achieve peace). These are still at the heart of the just war debate in the twenty-first century.

There are a couple of differences however, that Aquinas had in mind that aren’t part of the thought process of rulers today. Aquinas wrote, “The secular power is subject to the spiritual, even as the body is subject to the soul” Aquinas wanted to preserve the lives of Christians who would often needlessly be put at risk by the aggressive intentions of lords and princes. He wanted their desires restrained. Also, few rulers if any in the modern world would authorize war in the way Aquinas described or would submit to religious authority.

As with Augustine, Aquinas’ intention was to provide an opportunity for Christians to express their faith and live in ways that lead to eternal life. His emphasis on right intention has implications for soldiers today. Aquinas wrote “The common good of many is more Godlike than the good of an individual. Wherefore it is a virtuous action for a man to endanger even his own life, either for the spiritual or for the temporal common good of his country”. When it came to a soldier in battle killing was not only acceptable but in the right circumstances was the ethical thing to do. In other words, the soldier who takes the life of another in battle or endangers his own life is carrying out a virtuous act because the intention in that case is an act of self-sacrificing love for a neighbor or for the good and preservation of country. Aquinas would not however give the same provision to someone whose intention is to kill as many as possible regardless of whether those involved were waged in war or innocent bystanders. “Wherefore if a man, in self-defense, uses more than necessary violence, it will be unlawful: whereas if he repel force with moderation his defense will be lawful, because according to the jurists … it is lawful to repel force by force, provided one does not exceed the limits of a blameless defense.” The principles Aquinas wrote down are still used today, to guide countries going into war and the conduct of soldiers in war.

**Lutheran View of Just War**

The principles of just war are not mentioned in the Lutheran confessions. However, in Article XVI of the Augsburg Confession, just war is mentioned. Since Scripture recognizes a God-given role in this world to governing authorities, the Confessions also recognize the God-given rights of

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19 Summa Theologica, II-II Q. 40.
20 Summa Theologica II-II Q.31
21 Ibid Q. 64
governments which he has not given to individual citizens. “Of Civil Affairs they teach that lawful civil ordinances are good works of God, and that it is right for Christians to bear civil office, to sit as judges, to judge matters by the Imperial and other existing law, to award just punishments, to engage in just wars, to serve as soldiers…”

Martin Luther took it even a step farther in his Large Catechism when speaking on the Fifth Commandment.

God’s purpose here is to have all persons protected, set free and enabled to live peaceable lives in the presence of the injustice and violence of all men. This commandment is a wall…around our neighbor to protect him…from bodily harm and suffering…he breaks this commandment also who unnecessarily omits a service to his neighbor which he might render by anticipating and restraining, and by protecting and rescuing his fellow man from bodily harm or suffering.

Since other papers in this conference will deal with the Lutheran confessions and the Christian’s relationship to the government, and because the Lutheran Church really added nothing new to just war theory principles, only to acknowledge that a Christian could in good conscience participate in war and government, this brief treatment here will suffice.

The Just War Theory in the 21st Century

As time has gone on and individuals were sorted into countries (this happened most prevalently at the Peace of Westphalia in 1648) it has become possible to regulate war through treaties. War has become an activity of countries. Soldiers become instruments of the state. Today the just war theory has been expanded to include two distinct areas: jus ad bello – justifiable reasons for going to war and jus in bello – justifiable actions of the soldier during war. The nine principles are as follower. Jus ad bello: just cause; legitimate authority; right intention; proportionality; probability of success; last resort. Jus in bello: proportionality; right intention; noncombatant immunity. (See Appendix 1 for a fuller definition of these principles.) The modernized just war theory attempts to humanize what is a very dehumanizing activity.

After World War II and the formation of the United Nations, nations who have signed that organizations charter have agreed to abide by its jurisdiction and judgment of jus ad bello. Granted, each nation still holds the right to defend itself when attacked. That’s written into the United Nations charter. That is a justifiable war. However, to gain a coalition to start a war, there has to be agreement among the five nations of the Security Council of the United Nations after justifiable reasons had been given. In addition, countries today also abide by the Geneva Conventions, which oversee a soldier’s conduct in war, jus in bello. Those principles outlined in the previous paragraph have governed modern warfare for hundreds of years. However, in the 21st century there are cracks in the just war theory.

First: today the just war theory is no longer governed by religious intentions or with religion in mind at all. It is a set of principles in Western thought that countries use in a political way to justify their wish or intention to go to war. The just war theory is no longer viewed by many as a set

22 Augsburg Confession Article XVI
23 Large Catechism 46, 47
of principles that help Christians live out their faith and do good works. It is a set of principles used to justify political intentions. Much of the wrangling and debate that goes on concerning the just war theory and whether a war is just happens among lawyers, philosophers, and moralists.

Second: the landscape of war has changed. In the essay entitled “Clausewitz and the 21st Century Warfare”, Colonel Christopher Papaj (U.S.M.C.) makes the case that globalization has changed the ability to wage war over the past 30 years – think Al Qaeda. Due to technology and globalization, non-state actors such as Al Qaeda have the ability to acquire knowledge, intel, equipment, and instruments necessary to wage war against the nation-state. With the benefits of the information age and globalization, the non-state actor is capable of recruiting, training, advancing its message and gaining powerful influence, such that it can compete with the traditional nation state. As such, some philosophers think the just war principles of *jus in bello* should no longer apply to rogue insurgents, but rather insurgent groups should be treated as individual nations and judged according to *jus ad bello* principles in the court of the United Nations.24

Many recent wars have not been the sort of wars we’re used to, state vs. state. Instead, war has become state vs. “rogue” force. The wars the United States fought in Vietnam, Iraq and Afghanistan are examples, as well as the continued war against terrorism. It’s difficult to evaluate these wars on a moral level, since they don’t stand up to the framework of the just war theory which looked at war primarily between states.

Within recent years, a revisionist theory of just war has developed. It attempts to return to an ancient view that war is not the responsibility primarily of the state but it is the responsibility of those who participate in the war, namely the soldier. The individual soldier would bear the responsibility of going to war and his conduct in war.

Today, terrorists and insurgents who go to war in an unjust manner, are still judged in international court and according to the just war theory only by their actions in war. So in effect, an insurgent who is fighting in an unjust war (for example a jihad which is considered a holy war, just like the Crusades, and therefore is generally not viewed as a just war) would only be judged according to how he conducted himself in war, since he is not a member of a particular state, but of a terrorist group. Suffice it to say, the debate about just war is alive and well today. You will hear it talked about by our President, since the United States still follows the classic principles of just war and expects its soldiers to follow *jus in bello* principles.

**Conclusion**

Whenever we get into the area of ethics and morals, it’s enough to make your head spin. One is left wondering, what’s right and what is wrong for a soldier? For a country? What about the wars the United States has fought recently, Iraq and Afghanistan? Were they just wars? Did they change from just to unjust? Is the soldier who fights in the war justified in his actions? Whenever we are dealing with human action and ethics the water is murky at best.

St. Augustine understood rightly and helps us out as pastors, shepherds of the soul, a great deal. For us, our biggest interaction with the just war theory will be with the soldiers who are members of our congregations or whom we know. Today, the average age of service men and

24 Papaj p.5
women is the mid-twenties and they are a group that is largely religiously illiterate and deeply suspicious of organized religion. As faith in Christ continues to be lost among so many in that age group in the military, despair has gone up along with the suicide rate.

We will have opportunity to minister to many who wonder if their actions were justified, if their country was justified. We will have men and women in our congregation who may have taken civilian life because the enemy of today they fight doesn’t wear a uniform and stand in a line on the other side of the field. They blend into their society for good reason.

What good does just war theory have for us? Don’t get caught up in the ethics of it all and try to justify actions. Instead, remember the words of Augustine, “Lord our hearts are restless until they rest in you.” The cross of Christ, the gospel, the empty tomb, those are the places where hearts will come to rest. That is where forgiveness is found for the troubled soldier’s heart, seeking justification for actions. Forgiveness comes through the cross of Christ. Justification comes through faith in Christ. The cross is the place where the only just war was fought to win forgiveness for us all.
Appendix 1

1) It must be a declared war and waged by a legitimate authority. Whatever channels the nation has defined for making decisions of this sort must be observed.

2) The cause must be just. This is usually understood to mean that the nation must defend itself against attack, preserving an order that serves its citizens and preserving the lives innocent citizens.

3) There must be a right intention or attitude. This was particularly important to Augustine, who believed a Christian should not enter into war with a spirit of hatred or vindictiveness.

4) It must be the last resort. Every peaceful means of resolving international problems must be vigorously pursued.

5) There must be reasonable hope of success. It is irresponsible to go to war if there is no realistic prospect of a nation’s successfully defending itself.

6) The good likely to be achieved by victory must outweigh the possible evil effects. This is the norm of proportionality. Even if a nation believes its prospects for winning the war are good, the cost in terms of loss of life and massive destruction may not warrant the conflict.

7) The right means must be employed in the conduct of the war. This is the norm of discrimination. A nation is responsible for avoiding acts that show a wanton disregard for life. This means that there are legitimate and illegitimate military targets. The distinction between combatants and noncombatants must be observed, and prisoners of war must be treated humanely.25

25 Jersild, p.71-72
Bibliography


