

Discontinuity in Catholic Just War Teaching? From Aquinas to the Contemporary Popes

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IN 1996, James Turner Johnson published an article in *The National Interest*, “The Broken Tradition,” in which he argued that the contemporary version of the just war theory as developed by the Catholic Magisterium (Popes Pius XII, John XXIII, and Paul VI are cited in this connection, as are the American Catholic Bishops) “is radically at odds with the classical idea of just war.”¹ The difference between the classical and contemporary versions of just war theory Johnson has summed up with his widely cited contrast between two incompatible starting points for moral reflection on war: “the presumption against injustice” (the classical theory), on the one hand, and the “presumption against war” (contemporary theory) on the other. The latter formulation does indeed figure in the influential pastoral letter by the U.S. Catholic Bishops, *The Challenge of Peace* (1983), which affirms that “Catholic teaching begins in every case with a presumption against war and for peaceful settlement of disputes.”²

For Johnson, the discrepancy between the two forms of just war theory is to the discredit of the contemporary version, which he pointedly calls an “intellectual deterioration . . . in influential quarters”³ which has

¹ James Turner Johnson, “The Broken Tradition,” *The National Interest* (Fall 1996): 27–36, at 33. This was not the first time that Johnson had worked up this thesis, as he had articulated substantially the same view in “Toward Reconstructing the *Jus ad Bellum*,” *The Monist* 57 (1973): 461–88.

² National Conference of Catholic Bishops, *The Challenge of Peace: God’s Promise and Our Response*, A Pastoral Letter on War and Peace, May 3, 1983 (Washington, DC: Office of Publishing Services, United States Catholic Conference, 1983), iii; accessible online at www.usccb.org/sdwp/international/TheChallengeofPeace.pdf.

³ Johnson, “The Broken Tradition,” 27.

“altered the very ground on which the theory itself has stood for more than a thousand years.”⁴ Significantly, Johnson is far from being alone in his assessment that the contemporary teaching of the Catholic Magisterium represents a departure from the “classic canons of just-war thinking.”⁵ An almost identical appraisal may be found in a 1962 monograph by Fr. René Coste,⁶ who argues that for Pope Pius XII (the pivotal figure in the articulation of contemporary Catholic just war doctrine) offensive war, in the juridical and moral sense of the term, must be entirely excluded. This represents, Coste affirms, “a key divergence with the traditional doctrine.”⁷ Unlike Johnson, however, Coste views this doctrinal shift as a positive development, one in keeping with the progress of humanity (as reflected notably in international law) toward a less sanguine view of the nobility of war. The same point is made in a 1988 historical study by Joseph Joblin, S.J., who explains how Pius XII’s repudiation of important aspects of the classical account of just war, particularly its endorsement of offensive war, reflected, in the eyes of the wartime pope, “the judgment rendered by ‘modern conscience’ against the ‘absurdity’ of obtaining satisfaction for violated rights by such means.”⁸ More recently, Peter L. P. Simpson⁹ has argued that Pope John Paul II, in affirming that “[w]ar is a defeat for humanity,”¹⁰ sought to subsume (and thereby relativize) just war principles under the higher dictates of peace and charity. On this reading, just war may be *right* but it will never be a *sufficient* response to the problems “that made the enemy an enemy.”¹¹

In this essay, I examine the relation of classical to contemporary Catholic teaching on just war, to test the claims made above concerning their discontinuity. In examining the discontinuity thesis, I prescind from the normative question, whether this supposed discontinuity should be deemed good or bad, an advance or degeneration.

⁴ Ibid.

⁵ Ibid.

⁶ René Coste, *Le problème du droit de guerre dans la pensée de Pie XII* (Paris: Aubier, 1962).

⁷ Ibid., 288 (my translation).

⁸ Joseph Joblin, *L’Église et la guerre* (Paris: Desclée de Brouwer, 1988), 279 (my translation).

⁹ Peter L. P. Simpson, “Transcending Justice: Pope John Paul II and Just War,” *Journal of Religious Ethics* 39.2 (2011): 286–98.

¹⁰ Address of His Holiness Pope John Paul II to the Diplomatic Corps, January 13, 2003, accessible online at www.vatican.va/holy_father/john_paul_ii/speeches/2003/january/documents/hf_jp-ii_spe_20030113_diplomatic-corps_en.html (cited by Simpson, “Transcending Justice,” 286–87).

¹¹ Simpson, “Transcending Justice,” 291; also see 296.

Parameters of Classical and Contemporary Just War

It will be beneficial, before launching into this comparison, to explain how I delineate the two periods—classical and contemporary—in question. The classical period is framed, at one end by Gratian and Aquinas, at the other by Suarez, Molina, and Grotius. Augustine belongs to the prehistory of the classical doctrine, because his comments on the topic, however seminal, were purely ad hoc, whereas Grotius provided its most systematic formulation. The contemporary period begins roughly in 1870 at the First Vatican Council, with a proposal (the so-called “Postulata”), undertaken at the initiative of the Armenian Synod, and supported by a block of 40 bishops, to petition the pope for a revision of the Church’s teaching on just war.¹² Lying dormant for some years (the “Postulata” was never addressed by the Council, which adjourned early due to the Franco-Prussian war), its main theses were taken up anew after the First World War by the French Jesuit lawyer Yves de la Brière and the Italian sociologist-politician-priest Luigi Sturzo; they were subsequently adopted by a multinational group of Catholic theologians (de Solanges, Delos, Valensin, etc.) who issued a theological declaration (the “Fribourg Conventus”) after their 1931 meeting in the Swiss city by that name.¹³

The idea that the classical just war doctrine must be reformulated to fit the new conditions of international order would, after a consensus had built up in subsequent high-level meetings of Catholic jurists and theologians (for instance the 1938 assembly of the Catholic Council of International Relations), found its way into the papal pronouncements of Pius XII and later popes. Sitting intermediate between these two phases, classical and contemporary, were the just war writings of the natural lawyer Luigo Taparelli d’Azeglio (1793–1862), who sought to update the classical theory in dialogue with Rousseau, Kant, and other moderns, and in light of newly discussed problems such as the justifiability of preventive war or armed humanitarian intervention. His strong endorsement of international society, arbitration, and arms control would contribute toward the papacy’s later embrace of these ideas. Both Benedict XV and

¹² See the account in Joblin, *L’Église et la guerre*, 221–23. This was part of a broader initiative, led by a Protestant, the Scottish diplomat and writer David Urquhart, who in 1869 published a book petitioning Pius IX to work toward a restoration of the *jus gentium* (*Appel d’un protestant au pape pour le rétablissement du droit public des nations. Cinq propositions sur l’oeuvre du future Concile*).

¹³ “Conclusiones conventus theologici Friburgensis de bello,” *Les documents de la vie intellectuelle* 3 (1932): 199–213. Translation in John Eppstein, *The Catholic Tradition of the Law of Nations* (Washington, DC: Carnegie Endowment for International Peace, 1935), 138–42.

Pius XII had been schooled in Taparelli's voluminous *Theoretical Essay on Natural Law Based on Facts* (1840–43), which includes a section on the morality of war.¹⁴

Religious Rationales for Resort to Armed Force

The early exponents of Catholic just war theory endorsed resort to armed force for religious ends. Later thinkers in the tradition progressively distanced themselves from this point of view. Religious rationales for just war were accepted in varying degrees by nearly all classical authors but have largely been rejected in the contemporary teaching of the popes.

The seminal Christian treatments of just war were set within the context of “holy war,” namely an employment of armed force in relation to specifically religious ends. This surfaces for instance in Augustine's polemical writings against the Donatists and in Gratian's *Decretum*, whose treatment of armed force in *causa* 23 takes as its point of departure “a case of heresy into which certain bishops had lapsed, and its repression by their Catholic counterparts, acting upon orders from the pope.”¹⁵ Gratian likewise considers, in question VI of the same *causa* whether “the Church may compel the wicked to the good,” to which he answers in the affirmative, and then, by extension, argues in question VII, that heretics may rightly be despoiled of their goods.¹⁶

The above reasoning of Augustine and Gratian applied only to Christians who were deemed to have deviated from the authentic teaching of the faith—heretics, schismatics, and apostates. It did not apply to Jews, Muslims, and other unbelievers who had never been received, by baptism, into the Christian faith. The former, as baptized Christians, stood permanently under the Church's spiritual jurisdiction. Hence, it was believed

¹⁴ Written in Italian, this work has not been translated into English, apart from selected extracts in Eppstein, *The Catholic Tradition of the Law of Nations*. A complete French translation exists (attributed to Frédéric Oznam): *Essai théorique de droit naturel base sur les faits* (Tournai: H. Casterman, 1875).

¹⁵ A translation of this and other relevant passages by Gratian on war are reproduced in *The Ethics of War: Classic and Contemporary Readings* (henceforth cited as *Ethics of War*), ed. Gregory M. Reichberg, Henrik Syse, and Endre Begby (Oxford: Blackwell Publishing, 2006), 109. This volume reproduces, with editors' commentary, the most representative primary sources on war and ethics from ancient Greece to the contemporary period. Included is a wide selection of texts (some translated into English for the first time) by Christian theologians and canon lawyers such as Augustine, Hostiensis, Raymond of Peñafort, Pope Innocent IV, Thomas Aquinas, Cajetan, Vitoria, Suarez, and Molina.

¹⁶ *Ibid.*, 121–22.

that the Church had the legitimate power to administer penalties for their deviation from the acceptable line of belief. These penalties could include excommunication or removal from office. But under circumstances where the civil order was thought to be threatened by religious dissent, coercive sanctions such as confiscation of property, imprisonment, or even execution could result, as carried out by the relevant civil authorities. The application of temporal sanctions by the Church (acting through the mediation of civil authorities) was largely abandoned by the end of the eighteenth century, but in some isolated cases, such as in Spain, continued up until the nineteenth century. The practice depended on an understanding of Church-State relations whereby “the welfare of the Commonwealth came to be closely bound up with the cause of religious unity.”¹⁷ Such a view is no longer operative within Roman Catholic Christianity, as evidenced for instance by the current *Code of Canon Law*, which includes no provisions for the administration of coercive civil sanctions against persons deemed guilty of heresy and other grave “sins against the faith.”¹⁸ It is now recognized in the official Church teaching that no state, even one where there is a majority of Catholics, can require a profession of faith on the part of its citizens.¹⁹

Historically, and from the earliest times, “non-believers” (in this category would be placed Jews, Muslims, and pagans) were accorded a status different from that of dissident Christians. The mainstream view, from Augustine forward, was that, in the words (ca. 1250) of Pope Innocent IV, “infidels ought not to be forced to accept the faith, since everyone’s free will ought to be respected, and this conversion should [come about] only by the grace of God.”²⁰ A similar, even more emphatic formulation may be found some twenty years later in a text by Thomas Aquinas, when he

¹⁷ Blötzer, Joseph. “Inquisition,” in *The Catholic Encyclopedia*, Volume 8 (New York: Robert Appleton Company, 1910), accessed online at www.newadvent.org/cathen/08026a.htm.

¹⁸ See Canon Law Society of America, *Code of Canon Law* (1999), bk. VI, “Sanctions in the Church,” revised translation of *Codex Iuris Canonici* (Vatican: Libreria Editrice Vaticana, 1983); accessed at www.vatican.va/archive/ENG1104/_INDEX.HTM#fonte.

¹⁹ See Pope Benedict XVI’s comments to this effect, in his Address to the Roman Curia, 22 December 2005. Referring to the the Second Vatican Council, the pope notes: “It was necessary to give a new definition to the relationship between the Church and the modern State that would make room impartially for citizens of various religions and ideologies” (www.vatican.va/holy_father/benedict_xvi/speeches/2005/december/documents/hf_ben_xvi_spe_20051222_roman-curia_en.html).

²⁰ From his commentary “On Vows and the Fulfilling of Vows” on the decretal *Quod super his*; translation in Reichberg, Syse, and Begby (eds.), *Ethics of War*, 154.

wrote (ca. 1270) that “unbelievers . . . who have never received the faith, such as . . . heathens and the Jews . . . are by no means (*nullo modo*) to be compelled to the faith . . . because to believe depends on [a free act of] the will.”²¹ Alternative views did, however, find voice within the Catholic tradition. The influential jurist Hostiensis (ca. 1200–1271) famously held that true dominium (ownership of land and self-rule) could be exercised only by Christians; hence force could be used against infidels, to seize their lands or even, under some circumstances, to compel them to the faith. Likewise, Duns Scotus argued that under certain conditions the children of unbelievers (Jews and Muslims) might forcibly be baptized (for their own good) against the wishes of their parents, a view echoed by some later authors as well.²² Nevertheless, what was described above as the “mainstream view” finally won the day and has been enshrined in major Church documents, such as the Declaration on Religious Freedom (*Dignitatis Humanae*), promulgated by Pope Paul VI in 1965. In this respect, there is an organic development from classical to contemporary just war theory. That this is the Church’s canonical teaching has been re-affirmed on numerous occasions, most recently by Pope Benedict XVI in his speech at the University of Regensburg, where he asserted (quoting from a medieval source) that “spreading the faith through violence . . . is incompatible with the nature of God and the nature of the soul.”²³ Given the historical background of theological vacillation on the permissibility of using force to promote religion, an unequivocal statement condemning any such practice, by the Church’s highest authority, is not without significance.

The exclusion of offensive armed force to promote religion leaves open the question of whether force may be used defensively for the protection of religious interests. The mainstream position of Scholastic theologians was summed up by Thomas Aquinas when he wrote (immediately after the sentence cited above) that

[unbelievers] should be compelled by the faithful, if it be possible to do so, in order that they do not hinder the faith by their blasphemies or their evil persuasions, or even by their open persecutions. It is for this reason

²¹ *Summa theologiae* II–II, q. 10, a. 8; in Reichberg, Syse and Begby (eds.), *Ethics of War*, 193.

²² For discussion and references, see Charles Journet, *Church of the Word Incarnate*, trans. A. H. C. Downes (New York: Sheed and Ward, 1955), 228–31.

²³ Benedict XVI, “Faith, Reason and the University: Memories and Reflections” (12 September 2006), accessed online at www.vatican.va/holy_father/benedict_xvi/speeches/2006/september/documents/hf_ben-xvi_spe_20060912_university-regensburg_en.html, 3rd paragraph.

that Christ's faithful often go to war against unbelievers (*contra infideles bellum movent*), not indeed for the purpose of forcing them to believe . . . but in order to prevent them from hindering the faith of Christ.²⁴

As late at the middle of the twentieth century, this same teaching can be found reasserted in documents of the Magisterium. Thus in his "Radio Address to the Spanish Nation" (16 April 1939), delivered at the close of the Spanish Civil War, which had engulfed the country over the previous three years, the newly elected Pope Pius XII offered his paternal blessing for the "gift of peace and the victory by which God had deigned to crown the heroism of our faith."²⁵ Citing the words of his predecessor (Pius XI), he goes on to praise all those who had assumed "the difficult and dangerous task of defending and restoring the rights and honor of God and religion."²⁶ The same phrase is repeated later when he made clear that it was indeed on the battlefield that many Catholics offered themselves in heroic sacrifice "for the defense of the inalienable rights of God and religion."²⁷ Read in light of the telegram which Pius XII had sent Generalissimo Franco two weeks prior,²⁸ in which the Pope congratulated him for the "much desired victory of Catholic Spain," the two pronouncements constitute a strong reaffirmation of the traditional doctrine that temporal authorities may employ armed force in defense of the faith.

One would be hard put, however, to find any later statements by Pius XII, or his successors, so clearly countenancing engagement in war for the defense of the Catholic religion. Do the Pope's words at the close of the Spanish Civil War represent a last gasp of a dying doctrine? Or inversely, could the papal Magisterium appeal once again to this doctrine, should a relevant set of circumstances arise? It is difficult to decide the issue with any certitude, short of a definitive pronouncement by the Magisterium on the one side or the other.

²⁴ *Summa theologiae* II-II, q. 10, a. 8; translation in Reichberg, Syse, and Begby (eds.), *Ethics of War*, 193.

²⁵ French text in, *Les Enseignements Pontificaux: La Paix Internationale*, ed. Monks of Solesmes, vol. 1, *La guerre moderne* (Tournai: Desclée & Cie, 1956), 203 (my translation). This volume offers a valuable resource by reproducing most papal comments on war, from 1743 (Benedict XIV, *Quoniam inter* on the defense of Christendom) to 1955 (Pius XII, Christmas message on nuclear weapons); it includes an analytic index.

²⁶ *Ibid.*, 204.

²⁷ *Ibid.*, 206.

²⁸ 1 April 1939, in *Les Enseignements Pontificaux*, 203.

The Church's Peacemaking Role and Just War

Much of the contemporary Catholic teaching about war and peace is framed in terms of the Magisterium's self-understanding of its proper role in the world. This theme is discussed by Joblin, who explains how a notable mutation occurred under the pontificate of Pius IX.²⁹ In the earlier period, from Constantine forward, alongside its spiritual mission the Church also functioned as a state, with territories to protect, an army, and so forth. Just war reasoning was applied by the Magisterium to support armed action in favor of the Church's temporal interests.³⁰ For instance, in a letter that Pius VI wrote in 1792 to the king of Hungary, the pope urged that an armed coalition be formed in order to seek redress against France for its annexation of the Church's domain in Avignon.³¹ By contrast, in 1849, when an occasion arose (a war between Piedmont and Austria) that in earlier times would have drawn the papal army into war, Pope Pius IX in a famous speech to the College of Cardinals refused to follow this path, appealing to the pacific mission of the successor of Peter.³² The idea that the pope, as head of the Church, was called to exercise a special role on behalf of peace within the family of nations was increasingly amplified in the teaching of Pius's successors. The loss of the papal territories in 1870 intensified this evolution. With a diminished sovereignty to protect, the Holy See could concentrate more fully on the spiritual aspects of its leadership within the temporal sphere. Thus twice, in 1889 and in 1899, Pope Leo XIII wrote that the proper function of the pope is "to promote peace between nations."³³ This idea, that the pope is invested with a special role as a minister of peace, was associated especially with Pope Benedict XV, who attempted unsuccessfully to mediate an end to the First World War.

Recognition of the papacy's special ministerial role on behalf of peace has led to a subtle alteration of the Church's discourse about just war. Since many pontifical statements express the Church's own engagements in international affairs, it is unsurprising that little appeal is made to the traditional notion of *bellum justum*. One would be hard put, for instance,

²⁹ Joblin, *L'Église et la guerre*, 217–20.

³⁰ For a historical examination of this earlier period, see D. S. Chambers, *Popes, Cardinals, and War: The Military Church in Renaissance and Early Modern Europe* (London: I. B. Tauris, 2006). For a theological discussion, placing the pope's use of force as "head of the States of the Church" in relation to other forms of religiously sanctioned warfare, see Journet, *Church of the Word Incarnate*, 308–11.

³¹ Post peractam, in *Les Enseignements Pontificaux*, 15–16.

³² 20 April 1849, in *Les Enseignements Pontificaux*, 21–22.

³³ Allocutions of 15 July 1889 and 14 December 1899, cited by Joblin, *L'Église et la guerre*, 223; these texts are not reproduced in *Les Enseignements Pontificaux*.

to find any occasion when the current pope, Benedict XVI, or his immediate predecessors, have made use of the term “just war.” This could give the impression that official Church teaching has moved away from its earlier endorsement of this idea.

One could argue, however, that the contemporary teaching has at times conflated two lines of discourse and of action that were previously kept separate. Just war was originally framed as a teaching about the duties of political leadership in the temporal sphere. As such, this doctrine did not apply to the Church within its own proper sphere of activity. Citing the example of Jesus Christ, who willingly suffered death at the hands of his persecutors, leading theologians viewed the Church, taken precisely as the “Body of Christ,” to be called to a nonviolent witness. “[T]he Kingdom of God never takes up arms and never assumes responsibility for spilling blood.”³⁴ For Thomas Aquinas, certainly an eminent representative of the classical tradition, nonviolence and just war were viewed as distinct yet compatible doctrines. The first related especially to the mode of action proper to the Church, constituted by supernatural bonds of faith and charity, while the second expressed the natural principles of justice and sociability that were proper to the state. In this way he established a division of labor in our human response to injustice and evil.³⁵

The contemporary outlook, by contrast, tends to blend these two spheres, so that discourse that the Church has about itself discreetly shapes its teaching regarding the duties of states, with the result that it can at times be difficult to disentangle the Church’s vision of its own role from its understanding of the role incumbent upon statesmen. Has the Church’s reaffirmation of its own role in peacemaking led to a reassessment of the obligations of political leadership? Or, inversely, does the Magisterium continue to judge its own activity in foreign affairs—especially as it relates to issues of war and peace—by a standard quite different from that incumbent upon statesmen?

However one responds to these two questions, it seems clear that the issue of peace has become much more prominent in contemporary magisterial teaching than was the case in previous centuries. To put the

³⁴ Journet, *Church of the Word Incarnate*, 330. These further words of Journet are worth quoting: “Jesus . . . , in whom the Kingdom of God found its highest and purest embodiment . . . offered Himself . . . to death without allowing himself to be defended by the sword; not to condemn the use of the sword by the temporal authorities, as St. Paul clearly saw, but to manifest to all eyes that his Kingdom was not of this world . . .” (ibid.); cf. ibid., §5 on 310 “The Church, as such, does not make war.”

³⁵ See Gregory M. Reichberg, “Thomas Aquinas between Just War and Pacifism,” *Journal of Religious Ethics* 38.2 (2010): 219–41.

same point somewhat differently, in the pronouncements of the contemporary popes, discourse on peace has largely eclipsed the related discourse on the just war. Statements abound to the effect that peace results not from relations of force but from a spirit of truth, justice, and charity. From this one could easily deduce that the imposition of armed force is necessarily antipodal to peace. In the words of the *Compendium of the Social Doctrine of the Church*, “peace and violence cannot dwell together, and where there is violence God cannot be present.”³⁶ The contemporary papacy’s relative silence on “just war” would accordingly signal its perception that appeals to the idea of just war stand counter-productive to the pursuit of peace.

Does this contemporary discourse on peace represent a departure from the just war theory of the Scholastics? Here again, I would argue that the difference resides more in style than in substance. Long ago Thomas Aquinas spoke of peace in positive terms as a condition of friendship within or between nations. This led him to affirm that “peace is the work of charity directly . . . for love is a unitive force.”³⁷ This insight has been much developed in the writings of the contemporary Magisterium, in connection with the related issues of sustainable development, the reduction of poverty, human rights, intercultural dialogue, the construction of effective international institutions, and so forth.³⁸ By the same token, however, the Magisterium has not abandoned the insight, equally stated by Aquinas, that “peace is the work of justice indirectly, insofar as justice removes obstacles to peace.”³⁹ In the measure that just war is remedial action, carried out in pursuance of justice, it too has an important role in removing obstacles to peace. Thus we find the Second Vatican Council affirming that “[t]he requirements of legitimate defense justify the existence in States of armed forces, the activity of which should be at the service of peace. Those who defend the security and freedom of a country, in such a spirit, make an authentic contribution to peace.”⁴⁰

“War”—Contrasting Usages

The classical writings typically spoke of “war” from an *agent-centered* perspective, such that the noun *bellum* (war) functioned as an equivalent

³⁶ Pontifical Council for Justice and Peace (London: Burns & Oates, 2004), §488, 245.

³⁷ *ST II-II*, q. 29, a. 3, ad 3; in Reichberg, Syse, and Begby (eds.), *Ethics of War*, 175.

³⁸ See Robert John Araujo, S.J., and John A. Lucal, S.J., *Papal Diplomacy and the Quest for Peace* (Philadelphia: St. Joseph’s University Press, 2010).

³⁹ *ST II-II*, q. 29, a. 3, ad 3; in Reichberg, Syse, and Begby (eds.), *Ethics of War*, 175.

⁴⁰ Second Vatican Council, Pastoral Constitution *Gaudium et Spes*, no. 79; cited in *Compendium of the Social Doctrine of the Church*, §502, 252.

for the infinitive *bellare* (to wage war). “War” thus signified the act of a belligerent using force against his opponent. In any particular armed conflict, there would accordingly be two wars: a just war waged by one side, and the unjust war waged by the other.⁴¹ In early modernity, a shift occurred. From the agent-centered meaning of the previous period, “war” came to designate the state or condition of two (or more) parties contending by force. It was a “distinctly marked out period of time in which a special legal regime [the “state of war”] was substituted for the ordinary one [the “state of peace”] that generally prevailed.”⁴² For the Scholastics, by contrast, there was “no state of war but only *acts* of war—either wrongful acts by the unjust side or lawful ones by the just party.”⁴³ The classical theorists understood that the overall condition of war is indeed an evil, in the sense that it is both an affliction (*malum poenae*) and more acutely still, a expression of sinful choice (*malum culpae*), since in every war at least one of the parties must be in the wrong. But this negative judgment of war qua condition was nonetheless compatible with asserting that some wars were just, in the sense that one party to the conflict was justifiably using force against the other.

The contemporary Magisterium most often employs the term “war” in the modern sense, as the state or condition of mutual conflict. By the same token, statements abound to the effect that this condition is sinful and an affront to reason. On a superficial reading, the two different usages—medieval and modern—can easily become entangled. Thus some, on hearing of “just war,” imagine that the classical doctrine was intended to glorify the overall condition as one in which a heroic humanity could attain the summit of its potentiality. This of course is a serious misunderstanding.⁴⁴ Inversely, on reading the very negative appraisal of the condition in contemporary writings of the Magisterium, one could easily be misled into thinking that the intent was to repudiate the idea of just war.

Before moving on, mention should be made of a related equivocation. The Catholic magisterial teaching on war, as it emerged in the early twentieth century, was framed as a reaction against the doctrine of *raison d'état*,

⁴¹ A single conflict could also encompass two unjust wars, if neither of the respective belligerents was possessed of a just cause.

⁴² Stephen C. Neff, *War and the Law of Nations* (Cambridge: Cambridge University Press, 2005), 58.

⁴³ *Ibid.*

⁴⁴ In this vein, Pope Pius XII wrote that showing “force of soul and courage, up to the very gift of one’s life should duty demand it, are great virtues; but a will to provoke war because it is a school of great virtues and an occasion to practice them, should be qualified as a crime and as sheer lunacy” (Allocution to Military Doctors, 19 October, 1953, in *Les Enseignements Pontificaux*, 545; my translation).

which had reached its apogee in European state practice during the nineteenth century, a practice that received doctrinal articulation in the legal positivism of the day. On this conception, “war was, above all else, an exercise of will on the part of the state—i.e., a determination made by a state, reached entirely on the basis of its own interest, that a certain foreign-policy goal will be more effectively pursued by force of arms than by alternative means such as negotiation or the exercise of the unheroic virtue of patience”⁴⁵ The pursuit of policy by other means (to repeat the famous turn of phrase from Clausewitz), war was taken to be a recognized institution, codified in international law, to which states could appeal in order to adjudicate their disagreements. This procedure, in which two states mutually agreed to settle their quarrel “by rolling the dice of Mars”⁴⁶ was fundamentally at odds with the traditional doctrine of just war.⁴⁷

[A]ccording to just-war theory, there was never any pretense that a war actually *resolved* a legal dispute. A just war was purely a remedial or enforcement measure, which might be successful or not as the material fortunes of the struggle dictated. It did not *create* any legal rights for the winning side that the party had not possessed previously. Only the law itself could create or extinguish rights. The contractual theory of war parted company with just-war theory on this important point. The essence of the war contract was that the winner of the duel would acquire full legal title to the *res* that was being fought over, without regard to how strong or weak its legal claim might have been beforehand. . . . In the strictest sense of the word, then, might made right according to the contractual perspective . . . something that had never been accepted in traditional just-war doctrine.⁴⁸

Even while rejecting the contractualist view described above, Church writers nonetheless adopted positivist semantics when speaking of “war.” As a consequence, the modern popes may frequently be found condemning resort to war.⁴⁹ When the term “war” was thus understood after the fashion

⁴⁵ Neff, *War and the Law of Nations*, 163.

⁴⁶ *Ibid.*

⁴⁷ Suarez expressly rejected this procedure as a violation of charity; he accordingly deemed it incompatible with the conditions of a just war; see *Disputatio XIII de bello*, section VII, §22, in Francisco Suárez, *Selections from Three Works*, The Classics of International Law, no. 20, vol. 2 (Oxford: Clarendon Press, 1944), 851–52. For discussion, see Gregory M. Reichberg, “Suárez on Just War,” in *Interpreting Suárez: Critical Essays*, ed. Daniel Schwartz (Cambridge: Cambridge University Press, 2012), 185–204.

⁴⁸ Neff, *War and the Law of Nations*, 139–40.

⁴⁹ See for instance the *Compendium*, which asserts that “War is a ‘scourge’ and is never an appropriate way to resolve problems between nations,” §497, 249.

of *raison d'état*, the pontiffs had necessarily to declare war a sin; it was *per se malum* such that the expression “just war” would be an oxymoron. Yet in uttering this condemnation of war, the popes did not intend to target “jus ad bellum” as it had earlier been conceptualized by the Scholastics. It was rather “war” in the contractualist sense of the term that was the target of exclusion. This same rhetorical move is echoed in modern documents of international law, in which the term “war” (and accordingly “just war”) is studiously avoided. This is not to say that contemporary international law has adopted a positivist stance on these matters, any more than have the modern popes. Marking a return to the older just war perspective,⁵⁰ documents such as the United Nations Charter allow for resort to force, yet substitute the “exercise of individual or collective self-defense,” “enforcement action,” “preventive action,” and related terms for the military measures that the Scholastics would earlier have placed under the *jus ad bellum*.⁵¹ Documents of the Magisterium, similarly, speak of “legitimate defense,” “the strong arm of force,”⁵² “the responsibility to protect,”⁵³ “concrete measures to disarm the aggressor,”⁵⁴ as well as “repressive and punitive operations”⁵⁵ against terrorism. Despite this, in all but a few cases⁵⁶

⁵⁰ On the U.N. Charter and its relation to the just war theory, see Neff, *War and the Law of Nations*, 316–34.

⁵¹ “*Bellum*” for the Scholastics, covered a much wider range of acts than the modern term “war.” In addition to large-scale confrontation between states, “*bellum*” could encompass very limited acts of self-defense, forcible humanitarian interventions, returning fire in cross-border incidents, armed reprisals, etc. The latter were the sort of acts that classical international law had placed under the heading of “measures short of war” (see Neff, *War and the Law of Nations*, 215–49).

⁵² Pius XII, Address to the Military Committee of the United States, 8 October 1947, in *Les Enseignements Pontificaux*, 458.

⁵³ Benedict XVI, *Address to the United Nations General Assembly*, 18 April, 2008, with reference to Francisco de Vitoria (www.vatican.va/holy_father/benedict_xvi/speeches/2008/april/documents/hf_ben-xvi_spe_20080418_un-visit_en.html).

⁵⁴ John Paul II, Message for the World Day of Peace, 1 January 2000, §11 (www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_08121999_xxxiii-world-day-for-peace_en.html).

⁵⁵ John Paul II, Message for the World Day of Peace, 1 January 2004, §8: “*the fight against terrorism cannot be limited solely to repressive and punitive operations*. It is essential that the use of force, even when necessary, be accompanied by a courageous and lucid analysis of the *reasons behind terrorist attacks*” (www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_20031216_xxxvii-world-day-for-peace_en.html).

⁵⁶ For instance, in an Address to the International Congress of Penal Law (3 October 1953, text in *Les Enseignements Pontificaux*, 537–43, at 540), Pius XII notes how “even in a just and necessary war” determinate limits must be observed. Similarly in his *Address to Military Doctors* (19 October 1953), Pius XII notes that it is not

the Magisterium avoids any language that might imply anything other than unequivocal condemnation of “war.” A similar semantic turn has occurred with respect to the word “violence” (Latin *vis*). Originally neutral in its connotation (thus the medievals would speak approvingly of “repelling violence by violence” [*licitu est vim vis repellere*]),⁵⁷ in the “legitivist” nomenclature of the contemporary Magisterium, “violence” invariably signifies, not the infliction of any personal injury whatsoever, but an illicit application of the same.⁵⁸ Thus we read in the *Compendium of the Social Doctrine of the Church*: “Violence is never a proper response.” Citing Pope John Paul II, it goes on to state that “violence is evil,” it is “unacceptable as a solution to problems,” and “is unworthy of man.”⁵⁹ Here again, the point is not to deny the legitimacy of private self-defense or public enforcement measures. Instead, this condemnation encompasses the sort of actions that the Scholastics would have placed under the heading of *rixa*: a use of force to effect private vengeance or to secure other unjustifiable ends, in the absence of an authorization from legitimate authority, or in a manner disproportionate to the initial offense.

Weighing Deontological and Prudential Considerations

James Turner Johnson has argued that the Catholic Church, in its magisterial teaching about war, has largely set aside the moral standards of legitimate authority, just cause and right intention. It has concentrated instead on the consequences of military action, as summed up by the categories of proportionality, last resort, side-effect harm, and so forth. The statement

just any sort of injustice that would justify using “the violent method of war” in self-defense. Likewise John Paul II, in addressing the diplomatic corps (13 January 2003) said, “War is never just another means that one can choose to employ for settling differences between nations. . . . [*W*]ar cannot be decided upon, even when it is a matter of ensuring the common good, *except* as the very last option and in accordance with very strict conditions, without ignoring the consequences for the civilian population both during and after the military operations” (emphasis added), §4. (www.vatican.va/holy_father/john_paul_ii/speeches/2003/january/documents/hf_jp-ii_spe_20030113_diplomatic-corps_en.html).

⁵⁷ Raymond of Peñafort, *Summa de casibus poenitentiae*, II, §18; translation in Reichberg, Syse, and Begby (eds.), *Ethics of War*, 138–44.

⁵⁸ Unlike the term “force,” which is employed to signify good or bad, just or unjust, methods of physical coercion, a “legitivist” definition (such as is utilized by the Magisterium) “incorporates a reference to an illegal or illegitimate use of force within the very definition of violence” (C. A. J. Coady, *Morality and Political Violence* [Cambridge: Cambridge University Press, 2008], 23). Coady provides a useful discussion of three different approaches to defining “violence” (wide, restricted, and legitivist).

⁵⁹ *Compendium*, §496, 248–49.

that perhaps best sums up this new approach appears in Pope John XXIII's encyclical *Pacem in Terris*: "In this age which boasts of its atomic power, it no longer makes sense to maintain that war is a fit instrument with which to repair the violation of justice."⁶⁰ One could not more succinctly express how considerations of proportionality effectively trump just cause.

It should be noted, however, that the contrast here established with classical just war is a matter of degree, not of strict principle, since authors such as Aquinas are willing to admit that an agent's rights may legitimately be waived in favor of prudential considerations. For instance, he writes approvingly of legislators who "have greater zeal for maintaining friendship among citizens than even justice itself which is sometimes omitted . . . in the infliction of punishment, lest dissension be stirred up."⁶¹ This pragmatic reasoning would be applied by later just war theorists who emphasized that one should not go to war, even for a just cause, unless reasonably assured of victory.⁶² Moreover it was understood that conditions of charity should moderate, and sometimes even lead the prince to waive, the prosecution of his legitimate rights.⁶³ *Ad bellum* proportionality calculations were likewise understood to be part of concrete decision making about war.⁶⁴ All of this was summed up by the admonition which appears in the conclusion to Vitoria's *De jure belli*: "The prince should only accede to the necessity of war when he is dragged reluctantly but inevitably into it."⁶⁵

⁶⁰ John XXIII, 11 April 1963, §127 (www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html).

⁶¹ In VIII *Ethic.*, chap. 1; translation in St. Thomas Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, trans. C. I. Litzinger (Notre Dame, IN: Dumb Ox Books, 1993), §1542, 477. Grotius applied this teaching specifically to war in a section of his *De jure belli ac pacis* (bk. II, chap. XXIV) entitled "Warnings not to undertake war rashly, even for just causes." There he notes: "[A]t times the circumstances of the case are such that to refrain from the exercise of one's right is not merely praiseworthy but even due, by reason of the love which we owe even to men who are our enemies, whether this be viewed in itself or as the most sacred law of the Gospel demands (in Reichberg, Syse, and Begby [eds.], *Ethics of War*, 414).

⁶² See for instance Francisco Suarez, *Disputatio XIII de bello*, section IV, §10; in Reichberg, Syse, and Begby (eds.), *Ethics of War*, 352.

⁶³ "[A]lthough a Christian King may declare war on some particular just ground, it will nevertheless be possible for him to sin against the charity due to the Church, in pursuing his rights" (Suarez, *Disputatio XIII de bello* section IV, §8, in Francisco Suárez, *Selections from Three Works*, and in §§638.64, 821).

⁶⁴ "[N]ot any cause whatsoever is sufficient to justify war, but only causes that are very serious and proportionate to the ravages of the war" (Suarez, *Disputatio XIII de bello*, section IV, §2; in Reichberg, Syse, and Begby [eds.], *Ethics of War*, 348).

⁶⁵ Francisco de Vitoria, *Political Writings*, ed. Anthony Pagden and Jeremy Lawrance (Cambridge: Cambridge University Press, 1991), 327.

In the case of these classical theorists, prudential considerations were nevertheless applied ad hoc, whereas in the contemporary magisterial teaching, at least as exemplified in statements such as the one by Pope John XXIII, cited above, they take on a systematic character that effectively prioritizes prudential over deontological considerations. This prudential approach was adopted most radically by Luigo Sturzo, who maintained that under conditions of modernity resort to war can never be deemed necessary. His argument was based not on the destructiveness of modern weaponry but rather on the juridical and diplomatic resources of modern states. No matter how compelling the case may seem, and despite the *de jure* justifiability of military measures, he maintained that, *de facto*, alternatives to armed force will always be available.⁶⁶ Appealing to evidence of historical progress in humanity's approach to war, Sturzo sought to relativize arguments in favor of the just war doctrine. Whereas just war was an acceptable practice during the Middle Ages, especially between Christian and non-Christian states, due to the lack of any recognizable international system for adjudicating disputes, in the contemporary period, with the inception of legal mechanisms such as the League of Nations and the Kellogg-Briand Pact, any possible resort to war by states, even for defense, had, in his opinion, been rendered unnecessary and thus unjustifiable.⁶⁷ Drawing a parallel to slavery, formerly a recognized juridical institution among even Christian states, he maintained that war, likewise, was fast losing its recognition as a legitimate practice under the new conditions of international order. Sturzo could admit, however, that as a provisional measure the use of armed force could sometimes be required to maintain order in the international sphere. But once resort to war had been fully outlawed by international law, armed force would henceforth have the character solely of police action.

Despite his influence on later Catholic thought—the views propounded in the Fribourg Conventus were largely derived from his seminal work, *The International Community and the Right of War*—none of the popes followed Sturzo to the point of claiming that the criterion of necessity (last resort) could never be met in the contemporary setting. It is true that Pope

⁶⁶ “The condition of civilized States, the systematization of existing relations, makes it almost morally impossible for a State to be obliged against its will to make war with another State, to be reduced to a state of necessity compelling it to war” (Luigi Sturzo, *The International Community and the Right of War* [London: George Allen & Unwin, 1929], 115).

⁶⁷ Sturzo denies that a normative distinction may be made between offensive (“aggressive”) and defensive war; the distinction has applicability only in the factual or tactical sense (*ibid.*, 114–15).

Paul VI came close to adopting this position in his 1965 address to the General Assembly of the United Nations, when he famously uttered “never again war, war never again!”⁶⁸ Yet even here he quickly qualified the assertion when he commented several lines later that “[s]o long as man remains the weak, changeable and even wicked being that he often shows himself to be, defense arms will, alas! be necessary.”⁶⁹

Balancing Empowerment and Restraint

There are two prongs to classical just war theory. On the one hand, it is a teaching about the obligations of political leadership (and by extension citizens) to take effective action for the protection of civil society and its core goods. In this sense, just war is a doctrine of empowerment in the face of evil. An expression of this may be found, for instance, in Thomas Aquinas. Responding to the standard pacifist objection that Jesus’ precepts of patience require us to refrain from forcibly resisting evil, Aquinas retorts:

non resistere malum [Matt. 5:39] may be understood in two ways. First in the sense of pardoning injury done to oneself, and thus it may pertain to perfection, when it is expedient to act thus for the welfare of others. Second, in the sense of tolerating patiently injury done to others: and this pertains to imperfection, or even to vice, if one be able to resist the assailant in a suitable manner. Hence Ambrose says in *De offic.* [Bk. I, Chap. 27]: “The courage whereby a man in battle defends his country against barbarians, or protects the weak at home, or his friends against robbers, is full of justice.”⁷⁰

Alongside the doctrine of empowerment, just war also functions as a doctrine of restraint. This is the second of the two prongs mentioned above, and the one most often referred to in accounts of the tradition. I

⁶⁸ Pope Paul VI, Address to the General Assembly of the United Nations, 4 October 1965, §5, English translation in *Never Again War!* (New York: United Nations Office of Public Information, 1965), 37. A similar phrase was uttered by Pope John Paul II in an address to the Diplomatic Corps, 13 January 2003, §4: “‘NO TO WAR!’ War is not always inevitable. It is always a defeat for humanity. International law, honest dialogue, solidarity between States, the noble exercise of diplomacy: these are methods worthy of individuals and nations in resolving their differences. I say this as I think of those who still place their trust in nuclear weapons and of the all-too-numerous conflicts which continue to hold hostage our brothers and sisters in humanity.” (www.vatican.va/holy_father/john_paul_ii/speeches/2003/january/documents/hf_jp-ii_spe_20030113_diplomatic-corps_en.html).

⁶⁹ Address to the General Assembly of the United Nations, 4 October 1965, §5, 39.

⁷⁰ *ST II-II*, q. 188, a. 3, ad. 1; in Reichberg, Syse, and Begby (eds.), *Ethics of War*, 192.

would argue that classical just war strikes a balance between these two functions of the theory. By contrast, the discourse of restraint predominates in the contemporary magisterial teaching. This notwithstanding, empowerment also occasionally receives mention. For instance, three years after his famous 1965 Address to the General Assembly of the United Nations, which is framed almost entirely in the language of restraint, Pope Paul VI gave a Message for the Observance of a Day of Peace in which he adopted the language of empowerment:

[I]t is to be hoped that the exaltation of the ideal of Peace may not favour the cowardice of those who fear it may be their duty to give their life for the service of their own country and of their own brothers, when these are engaged in the defence of justice and liberty, and who seek only a flight from their responsibility, from the risks that are necessarily involved in the accomplishment of great duties and generous exploits. Peace is not pacifism. . . .⁷¹

A similar point was affirmed by Pope John Paul II:

Clearly, when a civilian population risks being overcome by the attacks of an unjust aggressor and political efforts and non-violent defense prove to be of no avail, it is legitimate and even obligatory to take concrete measures to disarm the aggressor.⁷²

Apart from these and a few other exceptions,⁷³ the contemporary teaching is couched mainly in terms of restraint rather than empowerment. The doctrinal center of gravity has shifted away from the balancing of the two prongs that was characteristic of the classical theory.

The Reduction of Just Cause to Defense

On the accounts (Coste, Joblin, and Johnson) cited at the outset of this article, the main point of difference between classical and contemporary

⁷¹ Pope Paul VI, Message for the Observance of a Day of Peace, 1 January 1968 (www.vatican.va/holy_father/paul_vi/messages/peace/documents/hf_p-vi_mes_19671208_i-world-day-for-peace_en.html).

⁷² Pope John Paul II, Message for the World Day of Peace, 1 January 2000, §11 (www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_08121999_xxxiii-world-day-for-peace_en.html). The obligation in question is of a piece with the more general obligation, enunciated clearly by the revised English edition of the *Catechism of the Catholic Church* (Corrigenda, 1997) that “[L]egitimate defense can not only be a right but a grave duty for one who is responsible for the lives of others” (§2265, p. 16).

⁷³ See the passages from Pius XII (from his allocution to a U.S. Military Committee and from his Christmas address of 1948) that I cite below.

just war arises from their differing assessments of just cause. Whereas the classical theorists allowed for three just causes of war—defense against unjustified attack, restitution of property wrongly taken, and punishment of injustice—the contemporary teaching restricts just cause solely to the first, namely defense. The contemporary account thereby excludes the two rationales (restitution and punishment) that the Scholastics typically placed under the heading of “offensive” war.

Francisco de Vitoria was among the first to speak (ca. 1540) explicitly of defensive versus offensive force,⁷⁴ although the distinction itself was clearly drawn in the thirteenth century by Pope Innocent IV (who contrasted “defense” to the “execution of jurisdiction”).⁷⁵ On this understanding, defense consists in what is now termed “second use of force,” namely resistance against armed attack. By contrast, in offensive or “first use” of force, war is initiated (*inferre bellum*) as a response to some injury that has previously been received.

In line with Augustine, Vitoria asserts quite emphatically that offensive war (strategic sense) will have moral warrant only when it is reactive to prior wrongdoing: “The sole and only just cause for waging war is when harm has been inflicted.”⁷⁶ To this he adds that the injury in question must be of a particularly egregious sort, for “not every or any injury gives sufficient grounds for waging war.”⁷⁷ Most definitely to be excluded are nonreactive wars, that is, wars undertaken simply for purposes of national aggrandizement (enlargement of empire or the glory of the prince), racist or ethnic dominance, or the propagation of religion. On the other hand, the very notion of a morally valid *offensive war* suggests that the injury received (the “just cause” warranting reactive force) need not take the form of prior (wrongful) armed attack. Seizure of territory, deposition of legitimate rulers, denial of the right of free passage to conduct trade, or refusal to hand over criminals who had done harm to one’s state were cited as possible grounds justifying resort to offensive force. This teaching on offensive war was well summed up by Suarez when he wrote:

⁷⁴ *On the Law of War*, in Vitoria, *Political Writings*, 293–32. The terminology of offensive and defensive war is first introduced on page 297. Upon setting out to show, in the opening chapter, that neither the natural law nor the law of the Gospel forbids participation in war, Vitoria points out that the permissibility of bearing and using arms extends not only to defensive war (*bellum defensivum*) but to offensive war (*bellum offensivum*) as well.

⁷⁵ Pope Innocent IV, *Apparatus in quinque libros Decretalium*, “On the Restitution of Spoils,” §8, in Reichberg, Syse, and Begby (eds.), *Ethics of War*, 150–51.

⁷⁶ *Ibid.*, 303.

⁷⁷ *Ibid.*, 304.

[W]e have to consider whether the injustice is, morally speaking, in progress (*in fieri*); or whether it has already occurred (*facta iam sit*), such that satisfaction is sought through war. In this latter case, the war is offensive. In the former case, war has the character of self-defence.⁷⁸

In sharp contrast to the position staked out by Vitoria, Suarez, and their fellow Scholastics, some comments by the contemporary Magisterium appear emphatically to exclude any possible resort to offensive war. This is particularly manifest in the 1983 Pastoral Letter of the U.S. Catholic Bishops (*The Challenge of Peace: God's Promise and Our Response*), which states, in an opening summary of “principles, norms, and premises of Catholic teaching,” that “[o]ffensive war of any kind is not morally justifiable.”⁷⁹ As was noted above, Johnson has been particularly critical of this new and more restrictive version of Catholic just war theory, while Joblin, Coste, and others take this to be a salutary development. All assume that the negation of offensive war is an established feature of the contemporary teaching. But is this really the case?

Apart from *The Challenge of Peace*, there are to my knowledge no documents of the Magisterium that explicitly rule out offensive war, as it was defined by Suarez and his fellow Scholastics. That said, there are numerous texts, especially in the writings of Pope Pius XII, which condemn *aggressive* war. For instance, in his 1944 Christmas message he wrote: “It is a duty to do everything to ban once and for all wars of aggression as a legitimate solution of international disputes and as a means toward realizing national aspirations.”⁸⁰ Moreover, in the writings of Pius and his successors, discussion of permissible resort to force is consistently couched in terms of legitimate defense, with a conspicuous silence regarding other, broader rationales.

The issue is, however, more complex than it seems at first sight, for two reasons. First of all, the term “aggression,” as it is employed in the contemporary context,⁸¹ is by no means an equivalent for the *bellum offensivum* of the Scholastics. Akin to the legitimist usage of the term “violence,” for the last sixty years (at least) “aggression” has designated a resort to force rendered illicit by reason of a depraved intention. An “aggressor” is one

⁷⁸ Francisco Suarez, *Disputatio XIII de bello*, section I, §6, in Reichberg, Syse, and Begby (eds.), *Ethics of War*, 342.

⁷⁹ *The Challenge of Peace*, iii. This statement figures as the third point in the opening summary of principles (www.usccb.org/sdwp/international/TheChallengeofPeace.pdf).

⁸⁰ Text in *The Major Addresses of Pope Pius XII*, ed. Vincent A. Yzermans, vol. II, *Christmas Messages* (St. Paul: The North Central Publishing Company, 1961), 85.

⁸¹ In contrast to the older usage, as for instance in Suarez, where *aggressivum bellum* functioned as an equivalent for what Vitoria had earlier termed *offensivum bellum*.

who employs force to conquer territory not his own, or in the pursuit of otherwise base motives—for example, ethnic dominance. By the same token (yet with somewhat less severity), “aggression” has been employed by popes to signify non-moral motives for resorting to force—say, as a purely pragmatic approach to resolving intractable disputes among states, or to advance national interests. Yet these meanings implied by “aggression”—(a) war for gain or dominance, or (b) war as the dice of Mars, or (c) war to achieve national aspirations—would not been accepted by the Scholastic theorists within their category of *just* offensive war. Consequently, when the popes reject aggression, it is by no means clear that this rejection was intended to cover the sort of action that the Scholastics placed under the heading of “offensive war.” Imagine, for instance, a situation in which one nation, by threats or sudden invasion, managed to seize the land or resources vital to the well-being of another nation, yet without incurring armed opposition. Should the victim-nation resort to military force several years later to compel the aggressor to restore these goods, such action, for the Scholastics, would come under the heading of *bellum offensivum*, since it was about rectifying a wrong past and done.⁸² This, however, is not the sort of scenario which the contemporary popes have entertained when proscribing “aggressive war.”

Secondly, although the contemporary popes frame their discourse about licit force exclusively in terms of legitimate defense, this too cannot automatically be taken to imply a deliberate narrowing of the *ius ad bellum*. In line with developments in contemporary international law, especially since 1945, we find the popes (Pius XII in particular) employing a more expansive concept of defense than did the Scholastics. Whereas for the latter “defense” always designated a second use of force, for the former, by contrast, “defense” could encompass a first use of force, if this were deemed the only way to oppose a grave injustice. In other words, modes of military action that the Scholastics would earlier have placed under the heading of offensive war, in the post-World War II era have gravitated into the category of “defense.”⁸³

⁸² Thus, in describing the various kinds of injuries that are causes of just offensive war, Suarez mentioned “the seizure by a prince of another’s property, and his refusal to restore it” (*Disputatio XIII de bello*, section IV, §3, 348; in Reichberg, Syse, and Begby [eds.], *Ethics of War*, 352).

⁸³ Neff refers to this as the “self-defense revolution of the post-1945 era” (*War and the Law of Nations*, 327ff.). For a contrast between the contemporary and the Scholastic terminologies on defensive and offensive war, see Gregory M. Reichberg and Henrik Syse, “Humanitarian Intervention: A Case of Offensive Force?” *Security Dialogue* 33/3 (2002): 220–33.

In an allocution to a U.S. Armed Services Committee, Pius XII thus stated:

Law and order may at times have need of the strong arm of force. Some enemies of justice can be brought to terms only by force. But force should be held always in check by law and order and exercised only in their defense.

And then again, in his Christmas address of 1948, the Pope emphasized that

the commandment of peace is a matter of Divine law. Its purpose is the protection of the goods of humanity, inasmuch as they are gifts of the Creator. Among these goods some are of such importance for society, that it is perfectly lawful to defend them against an unjust aggression. Their defense is even an obligation for the nations as a whole who have a duty not to abandon a nation that is attacked.

In these two passages, “defense” is construed broadly as designating something more than repelling armed attack. By positing opposition to injustice (“aggression,” or “attack” construed broadly as an assault on fundamental human goods) as the chief motive underlying a just resort to armed force, the pope would seem to leave open the possibility of, for example, *preventive* measures,⁸⁴—say, to protect a people against genocide, or of measures to enforce the law against egregious violations of human rights. This, quite strikingly, was how Charles Journet read Pius’s Christmas message of 1948.⁸⁵ The Swiss theologian notes how this text speaks of *unjust* aggression. By inserting the qualifier, the pope thereby suggested, albeit indirectly, that aggression is not inherently wrongful.⁸⁶ It will be

⁸⁴ Such preventive measures are alluded to in the pope’s Christmas message of 1944, where he encouraged the formation of an “organ[ization] for the maintenance of peace, of an organ[ization] invested by common consent with supreme power to those whose office it would also pertain to smother in its germinal state any threat of isolated or collective aggression” (*Christmas Messages*, 85). The employment of this preventive military action, by an international organization dedicated to the maintenance of peace, he contrasted to the doctrine of *raison d’état*: “No one could hail this development with greater joy than he who has long upheld the principle that the idea of war as an apt and proportionate means of solving international conflicts is now out of date” (*ibid.*, 85–86).

⁸⁵ Charles Journet, “La guerre et la paix selon l’enseignement de S. S. Pie XII,” *Nova et Vetera* 27 (1952): 15–31.

⁸⁶ “The unjust aggressor,” as Journet puts the point, “*is no longer [on the pope’s understanding] the first to resort to arms. He is the first to resort to arms unjustly*” (*ibid.*, 24, Journet’s emphasis, my translation). Journet proceeds to argue that the pope’s teaching allowed for, and sometimes even rendered obligatory, a first use of force

right or wrong depending on the circumstances. In other words, under some conditions a *first use of force* may be justified. By the same token, however, some modes of first use would *de jure* be ruled out. In this connection, neither the classical theory, nor the contemporary magisterial teaching, would allow for a strategy of purely preventive military action: applying military force to counter an adversary who is either preparing to mount an attack at a still-undetermined point in the future, or, even more remotely, attempting to acquire a military capability that, if exercised, would have devastating consequences for the defender.⁸⁷

It goes without saying that the contemporary teaching on just cause includes some novel perspectives that were more or less absent from the Scholastic accounts. Chief among them is the idea (given normative legal force in the United Nations Charter of 1945) that resort to armed force can be regulated by a supra-national authority that would have the authority to employ offensive force (“enforcement action”) to forestall or rectify grave violations of justice. Indeed, the contemporary Magisterium has emphasized how the authority of the international community (as embodied by the United Nations) is a prerequisite for military action in circumstances other than strict self-defense.⁸⁸ But one could maintain that, far from being inconsistent with the classical just war, internationally mandated military action (as was exercised for instance to expel the Iraqi occupiers from Kuwait during the First Gulf War, or more recently to effect regime change in Libya) is, on the contrary, in large measure an extension of the older ideal. In other words, this is arguably a case of organic development, not rupture.⁸⁹

(“une guerre d’exécution forcée), to prevent very grave forms of injustice (genocide is mentioned). Journet made clear that this sort of military action would be legitimate, in the pope’s eyes, only when the international community had developed organically into an effective regime for maintaining order and justice. This seems to be an allusion, although no mention is made of it explicitly, to the U.N. Charter, chap. 2(4), the enforcement powers of the Security Council.

⁸⁷ On the rejection of these two modes of prevention within the classical tradition, see Gregory M. Reichberg, “Preventive War in Classical Just War Theory,” *Journal of the History of International Law* 9 (2007): 5–33. This conclusion seems implied by the following passage of the *Compendium of the Social Doctrine of the Church*: “[E]ngaging in a preventive war without clear proof that an attack is imminent cannot fail to raise serious moral and juridical questions” (§501, 251).

⁸⁸ See for instance the comments on humanitarian intervention by Pope John Paul II in his World Day of Peace Message for 2000, §11.

⁸⁹ This is the argument advanced in Neff, *War and the Law of Nations*, “A neo-just war order,” 316–34. For similar discussion with more explicit reference to thinkers in the Catholic just war tradition, see Reichberg, “Suárez on Just War” (cited above, note 47), especially 203–4, and by the same author, “Just War or Perpetual Peace?” *Journal of Military Ethics* 1.1 (2002): 16–35.

If my reasoning is correct that Pius XII (and, by extension, his successors) did not entirely reject the traditional concept of *jus ad bellum*, it still must be said that some modalities of this *jus* have nonetheless been disallowed. Whereas the Scholastics sometimes cited the violation of a nation's honor as a possible rationale for just war,⁹⁰ Pope Pius made clear how on Christian principles this would have to be ruled out.⁹¹ Similarly, while Pope Pius and his successors have supported the institutionalization of procedures to penalize war crimes, including aggression, one would be hard put to find them adopting the idea, endorsed by some Scholastics,⁹² that the depredations of war may be deliberately inflicted so as to punish one's unjust adversary.

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Conclusion

Based on the foregoing analysis of texts, classical (Scholastic) and contemporary, my conclusion is that the discontinuity on matters of just war is considerably less pronounced than has typically been alleged. Equivocation on the meaning of key terms, from one period to another, is largely responsible for the appearance of discontinuity. In other words, the discontinuity, where it exists, results more from differences in vocabulary and rhetorical style than from clear-cut differences in doctrine. However, secondarily, and more substantively, the balance of elements constituting the doctrine of just war have come to be arranged differently in the contemporary period than in the past, often in response to technological developments. The advent of nuclear weapons has, for instance, led to a more pronounced emphasis on *ad bellum* proportionality calculations than obtained previously.

⁹⁰ For instance, in his list of the injuries that stand as causes of just offensive war, Suarez mentioned "grave injury to one's reputation or honor" (*Disputatio XIII de bello*, section IV, §3, 348; in Reichberg, Syse, and Begby [eds.], *Ethics of War*, 348).

⁹¹ Thus in the Christmas message of 1948 the pope says: "The Christian will for peace is easily identified. Obedient to the Divine precept of peace, it will never turn a question of national prestige or honor into an argument for war or even a threat of war" (123).

⁹² Cajetan most notably, who spoke of "enforce[ing] vindicative justice with the sword of war" (see *Ethics of War*, 248). Other Scholastics (Vitoria and especially Molina) showed some reserve toward the idea of punitive war, preferring to reserve punishment, when due, to the period *post bellum*. For the relevant texts and discussion, see Gregory M. Reichberg, "Culpability and Punishment in Classical Theories of Just War," in *Just War: The State of the Art*, ed. A. F. Lang, Jr., C. O'Driscoll, and J. Williams (Washington, DC: Georgetown University Press), forthcoming 2013.

Finally it should be noted that my treatment of the contemporary magisterial teaching has focused chiefly on the papal writings of Pius XII and his successors. Whether the various pronouncements of the national bishops conferences are consistent with this papal teaching has not been considered here.⁹³ Nor have I examined whether significant divergences exist among the authors compassed within each of the two periods in question (the various Scholastic writers on just war, and the different contemporary popes). If such a fine-grained comparison were implemented, the doctrinal diversity of the two periods would conceivably become more pronounced, depending on the cases studied. N-V

⁹³ James Turner Johnson, in particular, has developed the classical/contemporary contrast based mainly on an examination of the positions adopted by the U.S. Conference of Catholic Bishops (with only peripheral attention being directed to the teaching of the popes).