

AQUINAS'S MORAL TYPOLOGY OF PEACE AND WAR

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GREGORY M. REICHBERG

Thomas Aquinas's famous treatment of just war (*Summa theologiae* II-II, q. 40) is set within a sequence of questions on theological charity. This placement has elicited two quite different assessments, one laudatory, the other critical. According to the first,¹ this linkage with charity was intended to support a presumption against war, and in so doing Aquinas discreetly voiced an affinity with Christian pacifism. According to the second,² the exigencies of just war would have been better served had Aquinas situated his treatment of this topic within the sequence of questions devoted to the cardinal virtue of justice. Arguing against both views, this article explores how the Dominican master articulated a distinctive moral vision whereby the maintenance of peace between independent nations was viewed as the horizon for just war.

I

Richard B. Miller does not explicitly discuss what reasons might have led Aquinas to place the "De bello" within the sequence of questions devoted to theological charity. He does however maintain that Aquinas's overall strategy in q. 40 was to establish a tight connection between just war and the exigencies of Christian charity. Questioning the interpretation of James Turner Johnson, who takes justice to be "the horizon around which [Aquinas's] inquiry

¹ Richard B. Miller, "Aquinas and the Presumption against Killing and War," *Journal of Religion* 82 (2002): 173–204.

² Mgr. Bruno de Solages, *La theologie de la guerre juste* (Paris: Desclee de Brouwer, 1946). See in particular chap. 1, "Saint Thomas et la pensée médiévale," 9-26.

proceeded”³ Miller counters that “the value of nonviolence, not the virtue of justice, generates the intellectual clearing within which [Aquinas] develops his inquiry.”⁴ The pacifist objections that figure at the head of q. 40, a. 1 are thus meant as reminders that, for Aquinas as read by Miller, just war must remain qualified “by considerations of charity,” such that it will reflect “the commitments that ought to inform a Christian approach to war.”⁵

Was it the aim of subordinating justice to the exigencies of charity that prompted Aquinas to take up the question of just war within the Summa “treatise” devoted to theological *caritas*, as Miller contends? The textual evidence in fact gives little support to this thesis. To the contrary, it was the dynamics of *unjust* war, rather than the exigencies of just war, that prompted Aquinas to discuss the moral problem of war within the context of charity. In so doing his goal was to demonstrate how wrongful war, along with other conflict-causing vices such as discord and schism, stands opposed to the communion of charity. Of itself, this negative reason for including *bellum* among the sins against charity provides scant support for the claim that *just* war must in some special way (over and above what is required of any human act) be measured by the demands of Christian charity. Nor, for that matter, does this placement indicate that just war should itself be viewed positively as an act of charity, say to aid the innocent in their hour of need, if necessary by the sacrifice of one’s own life. While neither implication is expressly excluded (charity as a principle of just-war restraint, or inversely a principle empowering the use of force to protect the innocent from harm), it must

³ Miller’s characterization, “Aquinas and the Presumption against Killing and War,” 183.

⁴ Ibid.

⁵ Ibid., 177.

be emphasized that it was not just war, but rather its opposite, unjust war, that dictated the inclusion of the former within the treatise on charity.⁶

In fact there is every indication that when Aquinas initially formulated his design for this section of the Summa (at the beginning of II-II, q. 29), he was not even thinking of just war. His goal was rather to elucidate how the “fruits of the Spirit,” with charity at their head, and including peace, are contravened by a set of conflict-causing vices. In the process of enumerating these sins he eventually took up the problem of (wrongful) war, and then realized, somewhat belatedly, that this sin could not be discussed without offering some comment on its opposite, *bellum iustum*. This is borne out by a comparison the sequence of prologues in the *quaestiones* on charity. In the first formulation, the prologue to q. 34, Aquinas mentions only two sins in opposition to peace, namely *discord* and *schism*. Then, in the prologue to q. 37, he adds *quarrelling*, *brawling*, and *war* to the list. Finally, in q. 39, he includes *sedition*, making for six sins in total. This progression suggests that when Aquinas began writing the section of the Summa concerned with vices against charity he had not yet formed the plan to include war, sedition, and related sins under the heading of “opposition to peace.”

In light of the awkward fit with its surroundings, at this juncture Aquinas could have changed course and deferred the treatment of just war to a section of the Summa where *prima facie* it would be more appropriately placed, positioning it within the sequence of questions devoted to the cardinal virtue of justice. After all, the very name *bellum iustum* conveys an affinity with the order of justice, a point underscored by Aquinas himself who makes *causa iusta* the centerpiece of his analysis in the *De bello*. In this vein he could have linked just war

⁶ This paragraph sums up my more elaborate criticism of Miller’s interpretation of Aquinas, as presented in Gregory M. Reichberg, “Aquinas between Just War and Pacifism,” *Journal of Religious Ethics* 38/2 (2010): 219-241 .

with the issue of punishment (following the lead of Alexander of Hales⁷), thereby treating this theme in q. 108, *De vindicatio*; alternatively, *bellum iustum* could have been added to question 64 on homicide, where (following Raymond of Peñafort), it might have been treated in continuity with article 7 on self-defense.⁸ Why, then, despite these alternatives, did Aquinas prioritize the link with charity instead?

Taking up this question, de Solanges argues that in opting for charity, rather than justice, as the context for his analysis of just war, Aquinas was motivated by a pastoral concern: provide guidelines for confessors who had the task of assisting Christian princes in making their examination of conscience before God. The “subject-oriented” perspective of charity is most visible, de Solanges maintains, in Aquinas’s emphasis on *recta intentio*, according to which princes and others participating in war are to be held accountable for the inward state of emotion that accompanies their decisions and conduct on the battlefield. Should these individuals give sway to hatred, wrath, cruelty or other illicit dispositions, they would stand condemned as having acted against the exigencies of charity. It was to highlight this “casuistry of sin” that Aquinas situated the “De bello” in the treatise on charity.⁹ By proceeding in this way, Aquinas overlooked the perspective of natural right, a lacuna that would be remedied by later thinkers such as Vitoria and Suarez, who understood that war should be evaluated first and foremost in terms of the objectively determinable rights and obligations that obtain between independent polities.

⁷ Among medieval approaches to just war, the account given by Alexander of Hales in his *Summa theologica* III, n. 466 (“Utrum bellare sit licitum”) “represents perhaps the purest case of a theory built up around the idea of punishment,” Gregory M. Reichberg, Henrik Syse, and Endre Begby, *The Ethics of War: Classic and Contemporary Texts* (Oxford: Blackwell, 2006), 157, footnote 3.

⁸ See Raymond of Peñafort, *Summa de casibus poenitentiae et matrimonio, cum glossis Iiaonnis de Friburgo* II (Rome, 1603), §§ 17-18 (translation in *The Ethics of War*, 134-144).

⁹ See *La theologie de la guerre juste*, 18-19, for the details of this argument.

The argument thus put forward by de Solages misconstrues the function of *recta intentio* within q. 40 “De bello”. Although he assumes that this treatment of right intention was meant to establish a direct link with the supernatural virtue of charity, a close reading of the text in comparison with other, related passages shows that Aquinas was aiming at a somewhat different point. According to the theory of morality that he detailed in ST I-II, q. 18, every voluntary act must be assessed both by reference to its moral kind (in which case an act will be classed as good, bad, or indifferent), as well as the concrete circumstances of its performance. As regards the latter condition, Aquinas notes that “every individual action must have some circumstance by which it is drawn to what is good or bad, at least with respect to the intention of the end” (a. 9). For the purposes of moral analysis, the end in question must be measured in relation to the proximate goal of the activity under consideration. For instance, after having explained that selling goods at a profit does not, of itself (that is to say by reason of its moral species), involve anything sinful, Aquinas takes care to add that concretely the activity will be good if it is pursued (intended) for some worthy proximate goal, for instance, the upkeep of one’s household or assisting the needy; by contrast it will be bad if sought for a wrongful end such as sheer greed for gain (see II-II, q. 77, a. 4). It goes without saying that this proximate goal will also need to be coordinated with the agent’s ultimate end, which is assured by the virtue of theological charity. But this coordination does not entail that proximate ends lose their consistency or that a motion of charity would eliminate the need for natural acts to be elicited by the relevant acquired virtues.¹⁰

¹⁰ See ST II-II, q. 124, a. 7. After noting that ends are proximate and remote, Aquinas clarifies that every virtue is defined in relation to its proximate goal, although its remote end will always be happiness or God. Subsequently in q.124, a.2, ad 2, this is extended into the distinction between the virtue eliciting an act, and the “first motive cause” by which the act is inwardly commanded.

The treatment of just war in q. 40 follows the same pattern of analysis that Aquinas used in his exposition on the commercial activity of selling goods at a profit. The first two requirements of just war – legitimate authority and *iusta causa* – situate the employment of inter-state force within its moral kind. The third, right intention, looks to the chief circumstance that must be met if such force is to be licit, namely that it be applied in view of the requisite end: “intending peace” (*studio pacis*). As is made clear in a parallel passage, II-II, q. 64, a. 7, the peace in question concerns the “public good,” for it is in view of it, not some private interest, that public authorities are empowered to apply force against the commonweal’s internal and external foes.

In assessing Aquinas’s approach to just war, de Solages too quickly assumed that the Dominican theologian’s intent in q. 40 was to place his treatment in direct continuity with the exigencies of theological charity. Hence de Solages concludes that the text has a confessional or inherently religious orientation that renders it alien to a modern context wherein war is normatively evaluated in terms of natural and positive (international) law. But if my analysis below is correct, the peace which forms the backdrop of Aquinas’s discussion of war signifies a condition of *natural* concord that can obtain between independent polities. This natural condition is understood *by analogy* with the supernatural friendship (the communion of human beings in the inner life of God) which is the *raison d’être* of the grace-given theological virtue of charity. In other words, although he speaks of the peace or concord of the temporal realm in a sequence of questions devoted to charity, Aquinas should not be taken to mean that peace at this level would be elicited directly by the virtue of charity,¹¹ as for

¹¹ This point is overlooked by Gerald B. Phelan (“Justice and Friendship,” *Thomist* 5 [1943]: 153-170) who affirms that the friendship of theological charity constitutes, on Aquinas’s account, the bond of political society (169, point 10). Phelan even asserts that the purpose of “social life and relations in all their multifarious forms” is “the reign of Christ on earth” (170, point 12). He thereby collapses the distinction carefully made by Aquinas between peace at two levels: the *respublica* and the *ecclesia*.

instance happens with supernatural joy and mercy. Temporal peace, the fruition of man's natural existence, flows from the exercise of the relevant acquired virtues. The same line of argument holds true for just war, which, having temporal peace as its correlate, would be measured not directly by supernatural charity but by the requisite proximate end and whatever virtues assure a proper ordination to it. Obviously, here, as with any other natural act that is directed to its proximate end, theological charity will be needed to assure coordination with the exigencies of our ultimate end, and by extension it will banish incompatible movements of the will, such as hatred.¹² But this coordination does not imply that acts of just war should in some special way be elicited by charity, no more than would be the case with other acts of our temporal, civil life.

II

For Aquinas as for other medieval theologians, *pax* designated first and foremost a spiritual reality. It was the third of the "fruits of the Spirit" enumerated by the Apostle Paul in Galatians 5:22-23.¹³ Hence, in his prologue to II-II, q. 28, we find Aquinas explaining how the placement of *peace* within the sequence of questions in the Summa will mirror the order of spiritual effects that Paul enunciated in Galatians: "We must now consider the inner and outer effects which result from the principal act of charity which is love (*dilectio*). Of the former, three will be considered: in the first place joy, second peace, and third mercy."¹⁴

¹² On the removal of hatred by charity, see II-II, q. 136, a. 2, ad 1.

¹³ "The fruit of the Spirit is love, joy, peace, patience, kindness, generosity, faithfulness, gentleness, and self-control".

¹⁴ "Deinde considerandum est de effectibus consequentibus actum caritatis principalem, qui est dilectio. Et primo, de effectibus interioribus; secundo, de exterioribus. Circa primum tria consideranda sunt, primo, de gaudio; secundo, de pace; tertio, de misericordia."

A virtue implanted in us by God, enabling the human heart to cleave in friendship to God and fellow men, charity has a set of characteristic acts. First and foremost there is love, an inward impulsion of the soul toward God – and by extension toward self and other human beings – who is grasped as an object of affection. This act is extended into a set of “effects,” including joy, peace, and mercy, to which Aquinas devotes in each case a single quaestio. He recognizes however that these spiritual effects do not arise in us without our consent; on the contrary, their presence depends upon a free choice of the will by which our consent is given or taken away. Hence, the treatment of charity would be inadequate were it not also to include a study of the contrary movement by which one turns away from the divinely inspired love of God, self, and neighbor. This consideration takes Aquinas into a treatment of hatred, sloth, envy and related vices, each of which are inimical to charity and its effects. Here too he follows the lead of St. Paul, whose enumeration of “works of the flesh” in Galatians 5: 19-21 included several conflict-causing vices.¹⁵

Having established a tight link between theological charity and peace (the second being viewed as an extension or immediate effect of the first), it is unsurprising that Aquinas would initially posit schism (and not war) as the paradigmatic case of a vice opposed to the social dimension of peace. If *caritas* consists in “directing many hearts together... to the divine good,” then any willful dissension from that shared good (the communion of charity or *ecclesia*) will dispose the dissenter to perpetrate acts of schism.

However, as his writing progressed from q. 29 (“On peace”) to the subsequent questions on sins against peace, Aquinas seems to have realized with greater clarity that the social bond of charity can find expression at contrasting levels. Already, in q. 29, he

¹⁵ “Now the works of the flesh are obvious: sexual immorality, impurity, depravity, idolatry, sorcery, hostilities, strife, jealousy, outbursts of anger, selfish rivalries, dissensions, factions, envy, murder, drunkenness, carousing, and similar things.”

recognized a distinction between “perfect” and “imperfect” peace (art.2, ad 4). The first characterizes the peace of the blessed in heaven; having crossed the threshold of death, their communion in the vision of God renders them participants in the attribute of divine immutability. Since peace at this level cannot be assailed or in any way harmed by dissension, there is no need to posit any vice in opposition to it. By contrast, the “imperfect peace of the wayfarer” (art. 3, ad 2) is the condition of the Church in this world. This peace is vulnerable to attack, because the shared truth which lies at its foundation – and the communion of charity that flows from it – rests on belief, not intellectual vision; hence the threat of grave dissension remains a constant danger. In this respect there is need to guard against an opposing vice, namely schism.

At the same time that he was composing the *Secunda pars* of the *Summa*, Aquinas was also hard at work commenting on Aristotle’s *Nicomachean Ethics*.¹⁶ The latter work drew his attention to the existence of social bonds of friendship that could be deemed virtuous, but which nonetheless did not proceed in us as an effect of sanctifying grace. The philosopher had, in other words, highlighted the value of properly natural forms of friendship. Very early in the treatise on charity, Aquinas makes clear that this “human friendship of which the philosopher treats” is founded not directly on our communion in the divine good, but rather on goods connatural to us as human beings (q. 23, art. 5, ad 3). Thus, having read and commented on NE, books 8-9, Aquinas saw the value of integrating into his *Summa* account the natural forms of sociability that had been discussed by Aristotle.

In pondering the different forms of natural friendship, Aquinas seems to have been particularly struck by a phrase that appears in the opening passage of NE, bk. 8. Upon

¹⁶ *Sententia libri Ethicorum in Opera Omnia iussu impensaue Leonis XIII*, volume 47 (Rome: Sancta Sabina, 1969); English translation: *Commentary on Aristotle’s Nicomachean Ethics*, C.I. Litzinger, trans. (Notre Dame: Dumb Ox Books, 1993).

enumerating the benefits that friendship brings to human life, Aristotle observes that its importance is not confined to the private sphere, but extends even more crucially to the public sphere as well, “For polities, it seems, are held together by friendship”.¹⁷ Reading this phrase in the translation of William of Moerbeke, Aquinas, who commented on it in his *Sententia libri Ethicorum*, would undoubtedly have noticed how in the remainder of the sentence Aristotle linked the theme of friendship as a binding force within the polis to the related theme of concord: “And legislators are more preoccupied with [friendship] than with justice; this is evident from the similarity between friendship and concord (*concordia*); for they most of all wish to encourage concord and to expel discord as an enemy of the polity.”¹⁸ Since Aquinas had already learned from St. Augustine that *concordia* is another name for peace, on reading these lines the Dominican friar would spontaneously infer a connection between Aristotle’s analysis of friendship in the civil sphere, his own treatment of Christian charity as the most eminent form of friendship, and the theme of peace.

While not explicitly cited within the *Secunda pars*, Aristotle’s idea that “friendship is what holds polities together” was made operative within the *Summa* treatment of charity at two different levels. On the one hand, Aquinas applied it in the way that it was manifestly intended by Aristotle, namely *ad intra* to the members of a single polity, say within the ancient city-state of Athens, or the medieval kingdom of Naples. On the other hand, and importantly for our subject, Aquinas saw that it also could extend *ad extra* when one independent polity was joined in friendship to another. This distinction between the two kinds

¹⁷ “Viditur autem et civitates continere amicitia” (NE 8, chap. 1, 1155a 22-23; cited in Aquinas’s *Sententia libri Ethicorum*, 441). Litzinger’s translation (modified), 475.

¹⁸ “Et legispositores magis circa ipsam student quam iustitiam. Concordia enim simile aliquid amicitiae videtur esse, hanc autem maxime appetunt et contentionem inimicam existentem maxime expellunt.” Cited in *Sententia libri Ethicorum*, 441; Litzinger’s translation, 475 (modified).

of civic friendship, intra- and inter-state, is made explicitly in Aquinas's commentary to NE, bk. 9, 6 (1167b2–4). Whereas Aristotle had referred solely to concord among citizens of the same polity, Aquinas discretely adds that it could also encompass the mutual relations of distinct polities:

[Aristotle] Political friendship (*politica amicitia*), then, seems to be concord, as is commonly held; for it deals with affairs that advance their interests and concern their lives.¹⁹

[Aquinas] Next, at “Political then,” Aristotle shows how concord is related to political friendship. He notes that political friendship, either between citizens of the same polity (*civium unius civitatis ad invicem*), or between different polities (*inter diversas civitates*), seems to be identical with concord. And people usually speak of it this way: that polities or citizens in concord with one another enjoy mutual friendship.²⁰

It is difficult to identify with any accuracy what might have prompted Aquinas to speak of friendship between distinct polities in a commentary to a text that is exclusively framed in terms of the concord that can arise within a single polity. It is possible that this resulted from a Stoic influence. But this in itself would not explain Aquinas's addition to Aristotle's text, since the Stoics typically conceptualized the theme of concord at the macro level of the entire human race (or even the whole cosmos), constituted as a unity under a single law, rather than specifically in terms of the relation between separate political units. He could have taken inspiration likewise from the idea of Christian unity in Europe, wherein the independent principalities and kingdoms were joined together into one community under

¹⁹ “Politica autem amicitia videtur concordia, quemadmodum et dicitur.” Cited in *Sententia libri Ethicorum*, 520; Litzinger's translation, 456 (modified).

²⁰ “Deinde cum dicit: politica autem etc., ostendit qualiter se habeat concordia ad amicitiam politicam. Et dicit, quod amicitia politica, sive sit civium unius civitatis adinvicem, sive sit inter diversas civitates, videtur idem esse quod concordia. Et ita etiam homines dicere consueverunt; scilicet quod civitates, vel cives concordem, habent amicitiam ad invicem.” *Sententia libri Ethicorum*, 557; Litzinger's translation (modified), 457

the spiritual leadership of the pope. But Aquinas's clear distinction between schism on the one hand, and sedition, on the other, shows that he conceptualized the unity of Christians in the supranational Church as essentially different in kind than the temporal unity of citizens in a civil polity. The former derives from supernatural and the latter from natural principles. That the temporal sphere is a distinctive arena for the achievement of peace, Aquinas summed up in this phrase from his *Secunda-secundae* discussion of courage: "The peace of the commonwealth (*pax reipublicae*) is good in itself" (II-II. q. 123, a. 5). Hence when he speaks of the relation of friendship between civil polities, in a philosophical text which makes no mention of shared faith, it seems clear that his thought was not moving in the direction of the supranational Christian republic, of the sort articulated some fifty years later in Dante's *Monachia*. Under the modest cover of a "literal" commentary, it seems altogether possible that Aquinas had in fact launched an original idea, one familiar to us today, yet new to medieval Europe: by their concord, premised on ties of friendship, the nations of the world constitute a natural community. This is a special sort of community, analogous (but not reducible) to the one constituted by the friendship of citizens within a single polity, or of the ecclesial society of faith and charity.

In the *Sententia libri Ethicorum*, this condition of friendship between polities is termed "concord," but it does not yet receive the designation "peace." This could only be expected as Aristotle does not employ the Greek term for peace, *εἰρήνη*, in this specific context. Yet in the theological context of the *Summa* quaestio "De pace" it was only natural that Aquinas would follow the lead of St. Augustine in establishing a close link between *concordia* and *pax*.²¹

²¹ In joining together the signification of the two terms in II-II, q. 29, a. 1, Aquinas admits that they are not purely and simply identical: "Peace includes concord and adds something thereto.... Concord denotes a union of appetites among various persons, while peace denotes, in addition to this union, the union of appetites even in one man. (Respondeo dicendum quod pax includit concordiam et aliquid addit.... Concordia enim, proprie sumpta,

That there exists a special sphere of peace corresponding to the inter-relation of separate polities (each under its own prince) is never stated directly in the Summa.²² This sphere of peace has nevertheless a very real operative presence within the Summa, as it the premise on which Aquinas builds his distinction between sedition and war. Working from the supposition that every vice must be defined by reference to the virtue that it vitiates, in his treatment of sedition Aquinas explains how this sin “is opposed to a special kind of good, namely the unity and peace of the multitude.” The vice consists accordingly in a violent conflict “between mutually dissentient parts of one people, as when one part of the civic community rises in tumult against another part” (q. 42, a. 1, in corp.). To bring the point home, Aquinas compares sedition to the related case of war, in which one multitude contends against another, each considering the other its external enemy. This was called “public war” by the medieval civil lawyers. Reading questions 39-42 as a single sequence, the reader is invited to complete the parallel for himself: just as sedition stands opposed to the unity of a single political community, schism to the unity of the church, and brawling to the various forms of private association, war disrupts the bond whereby one independent multitude (a people or nation) enjoys good relations with another. Each of these unities has the character of a community (an ordered fellowship); each accordingly represents a distinct arena for the achievement of peace.

The originality of Aquinas’s classification of four modes of conflict and the corresponding spheres of peace – ecclesial, intra-state, inter-state, and sub-state – can be seen

est ad alterum, in quantum scilicet diversorum cordium voluntates simul in unum consensum conveniunt).”

²² Although we do find Aquinas making passing reference to the idea of a world-wide community (*communitas totius mundi*) within his youthful commentary on the *Sentences* of Peter Lombard). *Scriptum super Sententiis*, IV, d. 24, q. 3, a. 2, qc. 3co (1856 Parma edition, accessible online at <http://www.corpusthomicum.org/snp1022.html>).

from a rapid comparison with some accounts prominent in his own day. He alone among medieval authors organized his account of war and related forms of violence under the rubric of “sins against peace.” By so succinctly drawing a contrast between civil and religious conflict, international and civil war, sub-state and state violence, Aquinas paved the way for a set of distinctions that are vital to modern political science. The contemporary discipline of international law, likewise, with its concepts of “international community,” and “crimes against peace,” stands indebted to his idea that war violates the normative condition of amity between nations.²³

III

The seminal account, on which all later treatments of war in the Medieval Latin West would depend, was causa 23 of Gratian’s *Decretum* II (written ca. 1140).²⁴ Entirely devoted to resort to force in a Christian perspective, and drawing heavily from St. Augustine’s disparate writings on this topic, the Camaldolese monk laid out the elements, principally in the form of authoritative citations (“canons”), that subsequent church lawyers and theologians would organize into a doctrine of just war.

The compatibility of just war with the exigencies of charity is a central theme in causa 23. In the opening quaestio, Gratian responds point by point to the pacifist line of argument that participation in war stands as a violation of the Gospel precept “love thy enemy.” While he acknowledges that war will be unjust when undertaken for the wrong reasons, for instance “to serve human greed” (canon 4, §1, citing Augustine) Gratian does not specifically organize the causa around the idea, later adopted by Aquinas, of sins against peace. Nor do we find him

²³ See Stephen C. Neff, *War and the Law of Nations* (Cambridge: Cambridge University Press, 2005), 54-82.

²⁴ *Decretum Magistri Gratiani*, in E. Friedberg, ed, *Corpus Iuris Canonici*, pars prior (Leipzig: Tauchnitz, 1879). The passages cited are taken from the translation by Robert Andrews and Peter Haggemacher in *The Ethics of War*, 109-124.

carefully distinguishing war from related forms of violence. Rather, using as near synonyms the terms nouns “force” (*vis*), and “war” (*bellum*), or the verbs “to compel” (*conpellere*), “to coerce” (*cogere*), “to fight” (*pugnare*),” and the like, Gratian bundles together a set of considerations that subsequent thinkers (Aquinas in particular) would place in separate categories.

Whereas for instance Aquinas distinguished ecclesial from civil peace, in Gratian there is no clear differentiation between the two orders. In fact he makes clear at the outset in the prologue to *causa 23* that organized heresy (schism) should be prosecuted in line with other threats to public order. Hence, on his understanding (and to use Aquinas’s later vocabulary) schism is a form of sedition; it may accordingly be repressed by arms because of the harm it does to Christian society. Likewise, under the rubric of just war, the *causa* takes up a number of topics – e.g., self-defense, capital punishment of criminals, the repression of brawling and other forms of disorderly conduct – that Aquinas would place under separate designation. A good example of this conflation may be found in q. V, canon 18, which quotes from Augustine’s *Questions on Matthew*:

It is not vain that regal power, the right of the prosecutor, the iron claws of the executioner, the arms of the soldier, the discipline imposed by the ruler, and even the severity of a good father have been instituted.... While all these things are feared, the wicked are held in check and the good live quietly among the wicked.²⁵

Elsewhere in the *causa*, Gratian does refer, in addition, to the protection of one’s homeland from attack, as well as the fight against infidel powers, and in this sense he recognizes that armed conflict may occur between distinct polities. However, this sort of external warfare he

²⁵ “Non frustra sunt institute potestas regis, ius cognitoris, unguiae carnificis arma militis, disciplina dominantis, seueritas stiam boni patris.... Hec cum timentur, et mali cohercentur, et boni quieti inter malos uiuunt” (*Decretum Magistri Gratiani*, 936; *The Ethics of War*, 118).

does not explicitly distinguish from internal strife (civil war). *Bellum* does not yet have the narrow technical meaning that is implied by for instance Aquinas's contrast between war, sedition, and brawling. Finally, as can be seen from the passage above, Gratian speaks positively of the various modes of coercive authority, whereas Aquinas's classification of different kinds of conflict is framed negatively in terms of the sins against peace. Thus, although Aquinas does clearly borrow from Gratian in other important respects,²⁶ the way that he frames the problem of war as a topic for theological inquiry (against the backdrop of charity and the sins against peace), as well as the systematic classification of *bellum* and related vices, sets his treatment apart from the earlier work of the great canonist.

Gratian's broad use of the term *bellum* may be seen still operative nearly a hundred years later in the work of the Decretalist Henry of Suse (Hostiensis). Taking up the topic of armed force in a section of his *Summa aurea* (written 1239-53) "On Truce and Peace,"²⁷ Henry begins by noting that "peace" designates the cessation of conflict. In this vein he proceeds to explain how the opposite of peace, war, can be of four different kinds. First there is the war that Christians wage against the infidels; this "he termed "Roman war" to emphasize its likeness to the wars, legitimate in his eyes, which ancient Rome waged against foreign peoples, thus considering Christendom as heir to the legal prerogatives of the Roman Empire."²⁸ This sort of war he deemed just on the part of the faithful, with the (unstated) supposition that such war would always be unjust on the part of the infidels.

By contrast, the other forms of war in Hostiensis's list represent divisions within the community of Christian believers. This can happen most notably when Christian Princes rise

²⁶ This particularly the case in II-II, q. 40, in which Aquinas takes up Gratian's refutation of pacifist arguments.

²⁷ Venice, 1574; translation of the relevant passages in *The Ethics of War*, 161-68.

²⁸ From the introduction to the chapter on Hostiensis in *The Ethics of War*, 160-61.

up in war against each other. This sort of conflict Henry deemed condemnable, because it violates the natural kinship by which Christians are joined together in one temporal community under the emperor. Noting that this kinship cannot be abrogated even by the mutual consent of the parties, he chastises the princes of his day for their needless violation of this bond. To underscore how the emperor alone was deemed the possessor of war-making authority, he terms “presumptuous war” the resort to arms by one Christian prince against another without proper authorization from above. For Henry, warfare within Christendom had the character of a civil war; his description of its evils is reminiscent of what one might find in Thucydides, who viewed the Peloponnesian conflict as an internal war among fellow Hellenes.

Hostiensis did nonetheless recognize that one prince could attack another on the basis of a valid legal claim (say for restitution of stolen goods), as long as this claim was pronounced in the determination of a judge. This justifiable resort to arms he termed “judicial war.” Henry says little about what sort of judge would have the requisite authority to order an internal war, beyond the fact that he must have jurisdiction, delegated from the emperor, over the contending princes. In the absence of a judge, there could still be warrant to use arms within the Christian community, either when to do so was authorized by legal precedent (“licit war”), or under the press of necessity (hence he called it “necessary war”), as when private individual defend themselves from an ambush, having no time to call upon ministers of the law. Should force be resorted to beyond what the law allowed, or under conditions other than immediate danger, the wars would be termed respectively “temerarious” or “voluntary.”

Henry's classification of just and unjust wars may be summarized as follows:

Just	Unjust
<i>Bellum Romanum</i> : war against the infidels	(unnamed): war of infidels against believers
<i>Bellum iudicale</i> : war waged by the authority of a judge.	<i>Bellum praesumptuosum</i> : war of one Christian prince against another, without the authorization of a judge
<i>Bellum licitum</i> : war waged with legal sanction	<i>Bellum temerarium</i> : war waged without legal sanction
<i>Bellum necessarium</i> : war waged by private individuals under the press of immediate danger (legitimate defense)	<i>Bellum voluntarium</i> : war waged by private individuals at their own discretion, i.e., for reasons other than strict self-defense.

As can be seen from this list, Hostiensis uses the term *bellum* quite broadly to cover a wide range of different armed contests: between a polity and its external enemies, within a single polity at various echelons, and acts of private self-defense. In this respect his doctrine offers a stark contrast to the Summa account of Aquinas (written some two decades later). According to the latter, only a conflict between independent polities properly merits the designation “war.” Aquinas accordingly notes in ST II-II, q. 123, a. 5, that fights between private individuals may be termed ‘war’ in an extended sense only.²⁹ Moreover, the two thinkers offer differing opinions about what sort of conflicts should be placed respectively in the categories of external and internal war. Aquinas states without qualification that *bellum* is an armed confrontation between opposing polities, with the implication that the term could apply to fighting (1) between Christian princes, (2) a Christian prince and an infidel prince, or (3) between infidel princes. Hostiensis narrows this category to the confrontation between a Christian polity and infidel powers, as was then taking place in the Levant.

Inversely, for Henry the category of internal war was considerably broader than it was for Aquinas, since it encompassed any conflict between independent Christian princes, who

²⁹ “[I]n particulari impugnatione, quae communi nomine bellum dici potest.”

were all, by virtue of their subordination to the emperor, members of a temporally unified Christendom. Underlying this difference were contrasting conceptions of peace. Primarily a negative concept for Hostiensis, who, writing as a lawyer, defined it as the cessation of conflict, Aquinas, writing as a theologian, spoke of peace in more positive terms as a condition of friendship within or between nations. Beyond this semantic contrast and more significantly, the circle of friendship, as applied to polities, was narrower on Henry's understanding than it was for Aquinas. Very much in line with the sacral conception of "political Augustinianism,"³⁰ Henry could see friendship existing between Christian commonwealths only. They alone could form a community of nations. Aquinas, for his part, proceeding from the Aristotelian standpoint that the polis is a natural phenomenon, places no such restriction on the idea of supra-national peace. Finally, whereas Hostiensis posits a perpetual enmity between the Christian community and the infidel Saracens,³¹ on this same topic Aquinas maintains a conspicuous silence.

Writing at roughly the same time as Hostiensis, his fellow canonist Sinibaldo de Fiesco (c. 1180–1254), better known as Pope Innocent IV, wrote an important decretal gloss, "On the Restitution of Spoils"³² that articulated a new technical definition of war. Aquinas's notion of

³⁰ This term was coined by H.-X. Arquillière in his classic work *L'Augustinisme politique* (Paris: Vrin, 2006 [1933]) to designate "the tendency to absorb natural right (*droit naturel*) into supernatural justice, the right of the State into that of the Church" (54).

³¹ In his elaboration on the idea of canonical truce, Hostiensis notes that it does not apply "to Roman war, because this should not be in abeyance even for a day...." (*The Ethics of War*, 166). He does admit, however, that Christians may enter into more limited agreements even with infidels to suspend fighting for a specified time; this he termed a "conventional truce."

³² In *Apparatus in quinque libros Decretalium* (Lyon 1535), glossing the decretal "Olim causam inter vos" (*Decretals*, II, 13, 12), nn. 1-9 (f. 89vb). Translation in *The Ethics of War*, 150-52.

war as an armed contest “between multitudes” (public war) is clearly dependent on Innocent’s earlier and more explicit treatment.

“On the Restitution of Spoils” takes up the question “whether it is permissible for anyone to wage war in self-defense or to protect property.” Innocent immediately qualifies this question by alerting the reader that properly speaking it is not about war but about defense. For, as he explains toward the end of the passage, “[w]ar properly speaking, can only be declared by a prince who does not have a superior.” On this basis, Innocent argues that whereas lower rulers and even private individuals were entitled to use force in self-defense or in the exercise of a jurisdiction, war properly speaking could only be undertaken at the command of a prince who had no superior. And unlike the repression of internal wrongdoing (the “enforcement of jurisdiction” or “police-action” as we would say today), Innocent maintained that war is first and foremost directed against external enemies. While recognizing that his contemporaries often employed the term *bellum iustum* to designate lesser forms of violence, he insisted however that war, correctly understood, represents something different.³³ It is a kind of sanction, one that targets wrongdoers who lie outside of the sovereign’s domestic jurisdiction, and which allows for a range of acts that go well beyond what may licitly be done in strict self-defense or enforcement of a civil jurisdiction.³⁴

Framed negatively in terms of sins against peace, Aquinas’s distinction between war, sedition, and brawling closely parallels Innocent’s contrast of just war to the two other forms of licit violence: the enforcement of jurisdiction and self-defense. Although his treatment of war in the context of vices opposed to charity militated in favor of the negative categorization,

³³ See Peter Haggemacher, *Grotius et la doctrine de la guerre juste* (Paris: Presses Universitaires de France, 1983), 112-14, for an analysis of Innocent’s teaching on the difference between war and lesser forms of violence. Cf. Frederick H. Russell, *The Just War in the Middle Ages* (Cambridge: Cambridge University Press, 1975), 145-47.

³⁴ The above lines draw from the discussion of Innocent IV in the *Ethics of War*, 149.

Aquinas can also be found expounding the same ideas positively as forms of permissible action. Already in q. 40, he advances just war as the counterpart to the sin named war. But less obviously he also posits self-defense as the licit counterpart to brawling, and the enforcement action exercised by ministers of the law as the counterpart to sedition.

Aquinas's classification of kinds of coercion

Licit	Illicit
<i>Bellum iustum</i> : the war of one people against another (<i>multitudinis ad multitudinem</i>), in conformity with the three requirements of legitimate authority, just cause, and right intention.	<i>Bellum</i> : the war of one people against another, in violation of the requirements of a just war.
(unnamed): force used to protect civic concord against factional violence, by public authority, or by a private individual who resists a “wicked prince” (e.g. II-II, q. 69, a. 4).	<i>Seditio</i> : force used in violation of civic concord, either an insurrection against the legitimate rule of a prince, or by a tyrant against the population.
<i>Seipsum defendere</i> : Necessary and proportionate use of force in private self-defense (e.g. II-II, q. 64, a. 7). (unnamed): armed protection of self and public good by officers of the law (<i>minister iudicis</i>) (e.g. II-II, q. 69, a. 4).	<i>Rixa</i> (brawling): force used by individuals or gangs for private reasons other than self-defense.
(unnamed): Excommunication and other canonical measures enforced by ecclesial authority; rendition for punishment by the “secular arm” (civil authorities).	<i>Schisma</i> (schism): acts in violation of ecclesial unity.

Conclusion

In answer then to the question – why did Aquinas keep just war within the treatise on charity despite a less than perfect fit with its surroundings? – we can speculate that he did so in order to maintain its essential link with peace. Just as unjust war is a grave violation of temporal peace – the naturally good concord of nations – in like manner, its opposite, *bellum iustum*, must contribute toward maintaining the peace, or toward reestablishing a peace that has been disrupted. “Wars are directed to the preservation of a commonwealth’s temporal peace.”³⁵

Viewing temporal peace first and foremost as a natural form of communion that can be found both within and between polities, Aquinas conceptualized it by analogy with theological charity, which, on his understanding, represents the best and highest form of friendship.³⁶ In so doing, his aim was to highlight how the well-being of temporal society is ultimately bound up with a characteristic mode of friendship. This friendship requires that basic norms of justice be met,³⁷ but, in and of itself, this civic communion represents something more than rendering to each his due. By the same token, it represents something less than our communal flourishing in the *ecclesia*, which is the proper effect of supernatural grace.

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³⁵ ST II-II, q. 123, a. 5, obj. 3: “Bella ordinantur ad pacem temporalem reipublicae conservandam...” The opening line of the reply, ad 3, “the peace of the commonwealth is good in itself... (*Dicendum quod pax reipublicae est secundum se bona*)” shows that Aquinas agreed with this premise of the objection.

³⁶ The sequence of questions devoted to charity opens by asking (IIa-IIae, q. 23, a. 1) “whether charity is friendship” (*utrum caritas sit amicitia*), to which Aquinas responds in the affirmative.

³⁷ As he observes in ST II-II, q. 29, q. 3, ad 3, “justice removes obstacles to peace” ST II-II, q. 29, q. 3, ad 3.