



# Waging a Just and Ethical War – Contemplating Saint Augustine, ‘Just War’ theory, Gaza, and other Philosophical Notions

Angelo Nicolaidis  
Department of Philosophy and Applied Ethics  
Faculty of Humanities and Social Sciences  
University of Zululand, South Africa  
[https://: orcid.org/0000-0002-2153-2853](https://orcid.org/0000-0002-2153-2853)

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## Abstract

In this paper, the author presents a basic overview of a range of philosophical approaches to the notion of war from the early ancient Greek traditions relating to war, to the conservative tradition. The desktop research methodology employed combines a review of existing literature with a focus on analysis, synthesis, and ethical considerations. By utilizing a diverse range of sources and analytical techniques, it aims to contribute to a better understanding of a ‘just and ethical war’ and provides insights for further research. A range of philosophical ideas through the ages are briefly discussed followed by discussion on the Just War Theory. The role of abolitionists per se is not discussed since this work is then traversing St. Augustine’s philosophy and ethical stance apropos the waging of war which exemplifies the justice and peace aspect in restoring order out of chaos. He calls for an ethos of humanness to prevail when conducting war based on the intention to preserve harmonious co-existence between peoples. Augustine argues that waging any war should be avoided where this is possible, however, a just war allows for the acquisition of virtue which then hopefully leads to justice. The morality of waging war is severely compromised once narcissistic vested immoral interests are the primary motivators for belligerence and no genuine peaceful resolution to conflict has been seriously sought as is seemingly the case in the current Gaza war and its prevailing atrocities. Predictably various philosophers have investigated the subject of ‘just war’ and over time have determined the criteria of *jus ad bellum* (justice toward war), *jus in bello* (justice in war), and also *jus post bellum* (justice after war). It is clear that it is imperative to operate off a strong ethical basis when opting for a state of war to exist and to strongly consider preserving the safety and security of non-belligerents at all costs.

**Keywords:** St. Augustine, virtue, integrity, aggression, legitimacy.

## Introduction

The issue of peace or war has been a critical consideration throughout the course of human history. While there is a wide range of opinions and stances on the notion of war, many idealistic philosophers have considered war to be ill-conceived and evil in orientation, requiring a spirit of good will to lead to enduring peace. Conversely, there are those who are considered to be realists and maintain that there is certainly an inevitability of wars enduring into the future.

The world in which we live has been fashioned by at least 6000 years of planned warfare in which conquered populations were exterminated or greatly reduced in numbers. “There are those who say: ‘War is part of human nature, and human nature cannot be changed. If war means the end of man, we must sigh and submit...’human nature’ is, in the main, the result of



custom and tradition and education, and, in civilized men, only a very tiny fraction is due to primitive instinct. If the world could live for a few generations without war, war would come to seem as absurd as duelling has come to seem to us" (Russel, 1961:50-52). Nonetheless, wars persist.

St. Augustine was in essence the founder of one of three traditions of the Just War theory the "Augustinian, the Westphalian, and the Liberal. The Augustinian just war tradition is an application of the political theory of Medieval Christendom; the Westphalian, of the early modern Enlightenment; and the Liberal, of the broader commitments of classical liberalism" (Miller, 2020). Augustine's role is elaborated on later in this paper.

For the ancient Greeks, waging war against barbarian invaders was considered to be the natural order of things. Consequently, when we look at the pantheon of ancient Greek divinities, we find Ares, the god of war, to be a dominant figure, while Irene, the goddess of peace was a minor deity as such (Edwards, 1967). Heraclitus of Ephesus (about 540 BCE) taught that waging war was the "...father of all and king of all. He renders some gods, others men; he makes some slaves, others free." He argued that the whole of reality was in a state of flux and it was only through waging war that some people were free and others' became enslaved (Robinson, 1987). In essence he argued that "...all things come into being and pass away through strife" (Guthrie, 1962). Heraclitus suggested that "strife is justice" and "all things take place by strife" and he termed the opposites in conflict *ἔρις* (eris), "strife", and hypothesized that the ostensibly unitary state, *δίκη* (dikê), "justice", leads people to "the most beautiful harmony" (Gagarin, 1974).

It was Euripides (480 – 406 BCE) who first proposed the idea of peaceful existence during the latter period of the Athens-Sparta war (431-404 BCE) in his work *The Trojan Women* (415 BCE). It was a story of the long struggle for the city of Troy and it deals with the Greek brutality in the war for Troy resulting in the enslavement of women, human sacrifice, rape and infanticide. "The graphic violence dealt with in the play speaks to us about the absence of heroism in the narrative of Troy, despite what Homer and the epic poets provided in their earlier accounts" (The Conversation, 2021).

This was followed by the classical dramatist Aristophanes' work *Lysistrata* (411 BCE) which likewise proposed that a state of harmony was the preferred state of affairs (Edwards, 1967). The play was written in the concluding years of the Peloponnesian War (Athens against Sparta), where Athens had suffered major military setbacks. Just before the play was performed there was an anti-democratic coup d'état in the city which resulted in an oligarchical regime assuming power.

"In *Lysistrata* peace is brought about by the figure of Reconciliation, a naked woman (that is, a male actor in a costume representing a naked woman). The Athenian and Spartan negotiators argue over her body, each part of which (by the kind of punning Aristophanes loves) corresponds to different parts of Greece. It's a metaphor for carving up the map which mimics territorial negotiations in a comically grotesque way. But as well as offering a neat way to move rapidly from war (both in Greece and between the sexes) to peace this scene also pulls together many of the key elements of the play. The female is Reconciliation; so she embodies the end of the war." (Carey, n.d.)

Aristophanes implies in this work that war is specifically bad when it is between cities that should be able to otherwise co-exist, but he posits that in general terms, war against barbarians is acceptable. Aristophanes also depicts the main triggers of war as being based on the avarice and vain ambition, and the political corruption of influential citizens.



Plato (427 – 348 BCE) in his work *Republic* speaks to notions of justice, virtue, and happiness. He undertakes to explain what justice is and why it is in the interests of all people to strive for justice and both the ethical and political domains. Plato teaches that justice, in itself, is valuable, and that it is better to be a just individual as opposed one who is unjust (Blössner, 2007). Plato endeavoured to project an ideal society and government that were free of injustice and conflicts. Plato posits that justice in individuals, or ethical justice, is a condition that is comparable to political justice. This is the reason why he includes a description of the ultimate city-state. Plato's ideas concerning justice as articulated in the *Republic* and its influence on the arrangement of the state have indeed influenced politics and government today (Dorter, 2006). The *Republic* alluded to by Plato suggests a design for a community to become militarised based on the Spartan example. He does however make a distinction between internecine war amongst Greeks and that waged against outsiders. He argues that war between Greeks should be legally regulated, however when fighting outsiders any excess in whatever form or shape would be considered to be tolerated.

In the Greece of antiquity, the relationship between war and peace was to an extent vague. A state of war was deemed to be a normal occurrence and peace which was considered to be a mere temporary truce during a long-lasting conflict, was viewed as an exception to the general state of *polemos* or war. Nonetheless harmony and political constancy were also highly treasured and when there was war the aim was never to annihilate the opponent (Mallet, 2018). There was generally a balance between war and peace and this conception lasted until the commencement of the Peloponnesian War which in essence redefined the relationship between war and peace. "The meaning of conflict moved from *polemos*, as codified conflict between cities, to *stasis*, as civil war. War was less perceived as something positive and more people valued peace and stability. Plato's political thought was developed in this context as a potential answer to this redefinition of conflict as well as the threat of an excessive and radical conception of war" (Mallet, 2018). Solmsen (1969) asserted that Plato was obliged to construct a new political dispensation in efforts to resolve the challenges posed by the Peloponnesian War (Mallet, 2018).

### **A range of philosophical vantage points**

Saint Thomas Aquinas (1225–1274 CE) a Dominican friar, reflected on the idea of peace and war. He immersed himself in the teachings of the Holy Bible on the theme as well as by considering the ideas on war from Aristotle, Plato, Saint Augustine and other thinkers. In his work *Summa Theologica* (Summary of Theology) at Question 40, argues that peace is the greatest aim towards which people should strive towards when seeking to fulfil natural ends. Nonetheless stated that kings and queens should be duty bound to protect the state. His *Just War* theory which is elucidated on later in this work, has had a profound effect on future thinkers and was a part of the emerging consensus relating to the notion of a 'just war' from Mediaeval European times (Reichenberg, 2017). In the 10<sup>th</sup> Century there was the mediaeval Peace and Truce of God (*Pax et Treuga Dei*) which was essentially a mass movement active in Western Europe and initiated by the clergy that granted immunity from violence to all non-combatants. The Truce of God was an interim suspension of conflict, contrasting with the Peace of God. The Truce of God forbade combat on Sundays and feast days when people were not required to work (Paxton, 1992). The 1179 CE Third Council of the Lateran adopted this for the entire church. Aquinas' analyses on conflict drew to a large extent on the *Decretum Gratiani* of an Italian monk Gratian which was published in the 12<sup>th</sup> century. Aquinas notion of a just war theory was also influenced by Alexander of Hales a Franciscan friar, theologian and philosopher, and Henry of Segusio an Italian canonist (Reichenberg, 2017).



Dante Alighieri (1265 –1321 CE) the Italian poet, writer and philosopher, writing in his work *De Monarchia* contends that “peace was the target at which all shafts were sped” but it could only be achieved though, if need be, through the use of force (Scott, 1996).

Hugo Grotius (1583 –1645 CE), the Dutch inter alia humanist, theologian, jurist and statesman, was profoundly alarmed by prospects of conflicts between nations and diverse religions. Grotius states:

“Fully convinced...that there is a common law among nations, which is valid alike for war and in war, I have had many and weighty reasons for undertaking to write upon the subject. Throughout the Christian world I observed a lack of restraint in relation to war, such as even barbarous races should be ashamed of; I observed that men rush to arms for slight causes, or no cause at all, and that when arms have once been taken up there is no longer any respect for law, divine or human; it is as if, in accordance with a general decree, frenzy had openly been let loose for the committing of all crimes” (Kelsey, 1925).

In a major work *On the Law of War and Peace: Three books, (De jure belli ac pacis libri tres)* written in 1625, he offered a treatise promoting a system of principles based on the natural law which were deemed to be binding on all people and nations regardless of their local customs. The work discusses his conception of war and natural justice. He asserted that in some situations and contexts, war is a justifiable option (Neff, 2012). Furthermore he explicates that there are three 'just causes' for war which include self-defence, reparation of injury, and punishment and that all parties to any war should be bound by the rules, whether their cause is considered to be just or not. He maintained that war should only be fought in order to enforce rights and, when eventually fought, this should be only within the limits of law and then in good faith (Neff, 2012).

Thomas More (1478 – 1535 CE) the English lawyer, judge and social philosopher (declared in 2000 by Pope John Paul II as the patron saint of statesmen and politicians) in his 1518 CE work *Utopia*, posits that utopians tend to have a highly pragmatic but not heroic idea of war which is considered to be a normal happening (More, 2010). He argued when war is fought this should be done as safely and as economically as possible and then only when one's allies are oppressed by aggressors or when one's lands are invaded by external hostile forces (Wegemer, 1996).

Niccolo Machiavelli the statesman from Italy (1469 – 1527 CE) was a diplomat, philosopher and historian who lived during the Renaissance. His greatest work is his political treatise *The Prince (Il Principe)*. He assumed that any armed conflict was in fact a normal part of what it means to be a human being and not because humanity is innately evil. In fact, he believed that people are generally weak and foolish as opposed to being evil. He argues that people are obliged by fortune to take up arms against adversity and should be prepared to meet any eventuality of war (Machiavelli, 1981; 1984). Any new prince is expected to have a tough task in ruling. For a start one needs to stabilise his new power so that a durable political structure can be realised. Machiavelli advises that the social advantages of stability and security can be attained in the face of moral corruption in society. He maintained that any ruler must be concerned with their reputation, but also be prepared to act ruthlessly at times. He states it is better to be widely feared than to be greatly loved since a loved ruler retains authority through a sense of obligation, whereas a dreaded leader rules by terror (Machiavelli, 1984). He supported the necessity for application of brute force and even deceit, including the extermination of entire noble families if need be, in order to thwart any challenge to the prince's authority. For him, the dictum “The ends justify the means” was critical (Mansfield, 1998).

Desiderius Erasmus, the great Dutch humanist (1466 – 1536 CE) was inter-alia a Catholic theologian, and philosopher. In his work *The Plea of Reason, Religion and Humanity Against*



*War (Anti-Polemus)* (1510 CE), he argues that people should never give up but rather perpetually struggle at all costs to eliminate the scourge of war. He believed that man is born for *agape* (love) and not destructive purposes and should thus spend all his energies on promoting harmonious human coexistence in a spirit of friendship and be constantly offering service to one's fellow human beings (Halkin, 1994). Peace, peace-ability and peace-making, were essential traits one needs to possess based on Christian living and his theological approach was that: "The sum and summary of our religion is peace and unanimity" (*Summa nostrae religionis pax est et unanimitas*) (Olin, 1979). Erasmus was alarmed about wars between Christian kings, who he believed should be brothers. He believed that only those who have never experienced war will believe it is sweet, and furthermore, he was critical of the aggressive princes of his age. He described them as being immoral and selfish (Halkin, 1994). He opposed the practical practicality and abuses of the Just War theory. He asserted that war should be limited to realistic defensive activities with widespread support. Furthermore, war is abhorrent and should never be engaged in unless it is the only option (Dallmayr, 2006).

Thomas Hobbes (1588-1679 CE) in his renowned work *Leviathan* (1651 CE), proposes his doctrine of the foundation of states and legitimate governments. He did not consider the state of nature to be a historical condition and argues that war is not merely the act of fighting but rather the temperament to fight which exists where there is no common superior to safeguard that violence shall not be permitted (Hinnant, 1980). Consequently, he called for a commonwealth or superior law-enforcing body to which all people would be subject. Only in this way could peace and harmony prevail and civilisation be ensured. Hobbes argues that without a government and thus in a state of nature, people would have a right, or permit to do as they pleased in the world. The outcome of this scenario would ultimately lead to a "war of all against all" (*bellum omnium contra omnes*). Therefore, a political community is essential for peace and order (Gaskin, 2008).

Jean-Jacques Rousseau (1712 – 1778 CE) asserted the state of nature is relatively peaceful, but a social contract is needed to overcome conflict that is likely to arise as society grows and individuals become more reliant on others to meet their needs. Rousseau repudiated the notion that the natural state of man is a state of war (Sadun-Bordoni, n.d.). Rousseau who presented war as a relationship between states, "...according to the basic 'classic' conception of the law of war, codified in the Hague Conventions of 1899 and 1907, based on 'symmetric war', or on war as a clash between organized armies" (Cassese, 2005: 4). Rousseau considered war to be a social product, "a permanent state which requires constant relations" and therefore war essentially takes place between States, rather than between individuals" (*Du Contrat Social*, I, 4; OC, III, 357). His work *A Project of Perpetual Peace* (1761) based on the groundwork by the abbe de Saint-Pierre was applied to Europe and in this he supported the idea of having a unitary European authority that would be strong enough to enforce peace and thus promote internal stability in the various states (Rousseau, 1927).

John Locke (1632 – 1704 CE) the British philosopher advanced his ethics of war from a position of individual rights to property and ethics and the natural order of society as being harmonious. Locke contends that the only just cause for any war is as a response to an act of aggression (Dunn, 1984). He argues that belligerents lose their rights when they place people into a state of war. Thus, anyone who attempts to establish absolute power on others inevitably enters into a state of war (Cox, 1960). This is why it is essential that one is not under an absolute authority with total power. When people with absolute power try to employ their power any way and subjugate others, they are entering into a state of war as they are violating the other's right to self-preservation and the other has a right to defend themselves. Absolute monarchies are by their nature driving towards a state of violence and destruction, so killing such monarchs is justified under the law of nature. Nonetheless, as far as Locke was concerned, there is a fundamental difference between a war waged for natural rights and





one without this injunction. War was not a universal condition in the state of nature but it arises once force is employed without right.

George Hegel (1770 – 1831 CE) the German philosopher was one of the most significant figures in German idealism and 19<sup>th</sup> century philosophy. He proclaimed that “War is that condition in which the vanity of temporal things and temporal goods takes on a serious significance and it is accordingly the moment in which the ideality of the particular attains its right and becomes actuality” (Hegel, *Grundlinien der Philosophie des Rechts*). For Hegel, an individual's life is meaningless unless it serves the ends of the state, and no principle is left by which the relations between states can be subject to moral principles. He also assumed that war is the medium through which history unfolds its purpose and war is something that should to expected (Fiala, 2006; Knowles, 2002). Hegel believed that war shows us a bigger perspective in which morality and all other earthly things find their larger meaning so war in essence reminds people that for example, that individuality and morality are limited goods that must be comprehended from within a far greater context. Universality is endangered in extended periods of peace and not the reality of an existential conflict with an enemy. War reminds subjects that the universal exceeds their individuality and lives (Fiala, 2006).

States are single entireties and the higher good that ought to be maintained even at the cost of huge sacrifices of individuality and even moral virtue (Hegel, *Philosophy of Right*, §§ 321-322). Evil and war are to be viewed as part of the fullness of life. In glorious war, there are:

“...three elements: a realist description of international affairs, a critique of deontological approaches to thinking about the morality of war, and an idealistic account of a historical destiny that superintends international conflict. One of the implications of this approach is the idea that war shows us the transience of the finite and directs us toward higher goods. In this sense, war is beyond morality in an important and interesting way” (Fiala, 2006: 3).

Hegel contends that limits of war are constructed by the historical and cultural contexts in which wars are fought (Houlgate, 2005; Hegel, 1991). He posits that wars ought not to “...be waged either on internal institutions and the peace of private and family life, or on private individuals” (Hegel, *Philosophy of Right*, 338, p. 370). He was also against wars that aim to totally annihilate others (Beiser, 2005). Hegel supported the notion that war is basically an essential part of the dialectic of ideas and is a mechanism that permits society to advance. He believed wars are necessary for contemporary nations because it helps them to bolster patriotism and it also deters them from tumbling into a sense of self-satisfaction and the lack of progress which exists in peace (Fiala, 2006).

Friedrich Nietzsche (1844 – 1900 CE) was a strong protagonist of the romantic cult of war which essentially supported totalitarianism and the rise of militaristic states including Nazi Germany and to a lesser extent Fascist Italy. In his work *Thus Spake Zarathustra* (1892) and also in his *der Wille zur Macht* (The Will to Power) (1901), he describes war in glorious terms. He stated that a good war sanctifies every cause and an *Übermensch* (superman) mentality was needed and was something that should happen naturally so that a nation's superiority can be shown to others to gain their respect. To fail to do this could lead to a nation becoming submissive and excessively humble which was not at all desirable. The Nazis incorporated the Nietzsche's figurative form of speech of the *Übermensch* and crafted a literal superiority over other ethnicities with disastrous consequences. Truth be told, he did however to an extent oppose antisemitic overtures and to a lesser degree, nationalism (Ansell-Pearson, 1994).

Heinrich von Treitschke (1834 – 1896 CE) was of the opinion the state had unlimited functions and that citizens had to simply obey the commands of the state. The state had to keep law and order as key functions and was also tasked with conducting war which was an essential



element since war is what gives the state its greatness. He considered war to be the main remedy to heal an ailing nation. Without war no state would exist. (Headlam, 1911). All states came to being through warfare and the defence of a country by its armed forces is their foremost and most fundamental task. War should thus endure, and an authoritarian imperialist and militarist notion of the state is acceptable (Bulhof, 2012). War was thus viewed by him as being inevitable and justifiable for any country to wage in, if it wishes to safeguard its own interests first and foremost. War is thus a crucial weapon for a nation to display its domination and to safeguard itself (Headlam, 1911).

From a war realism perspective, one could argue that a war is moral and defensible since a state that declares war is the greatest moral authority to judge what is right or wrong. Thus no one can stop a war or view it as just or unjust, except for the countries involved in it. This position of realism encompasses the strategic use of military force and coalitions to enhance their international influence while upholding a balance of power. War is also viewed as being unavoidable and intrinsic in the anarchistic circumstances that arise in global politics (Devetak, 2012; Goodin, 2010).

Pacifists will of course argue that war is never justified and morally abhorrent since its effects are totally unjustifiable. The idea that all international disputes should be peacefully resolved, calls for the eradication of the military institutions and war. It is opposed to any organization of the social order through governmental force and it totally rejects the use of physical violence to obtain any goals, even shielding oneself and others. The end never justifies the means (Orend & Laurier, 2000).

### **The Holy Bible and War – some lessons**

War is a common theme in the Holy Bible. States that waged war without God on their side generally lost the war. States that trusted in God and waged just wars won wars. Christians believe that war should be sidestepped if possible, and should only be undertaken if all efforts to resolve a dispute by peaceful means have been unsuccessful. Many Christians see war as the result of a failure to live by God's standards. The Holy Bible in the book of Ephesians robustly argues that because of God's victory in Christ, a Christian should not wage any war neither for land nor for a place in the world since the entire world is under the authority of Christ and is His (Matthew 28:18). Below are only some of many verses from the Old and New Testaments that allude to the notion of war and relay wisdom to those waging war. All verses are in the New International Version (NIV).

#### ***Old Testament***

Deuteronomy 20:1-4 - 1 When you go to war against your enemies and see horses and chariots and an army greater than yours, do not be afraid of them, because the LORD your God, who brought you up out of Egypt, will be with you. 2 When you are about to go into battle, the priest shall come forward and address the army. 3 He shall say: "Hear, Israel: Today you are going into battle against your enemies. Do not be fainthearted or afraid; do not panic or be terrified by them. 4 For the LORD your God is the one who goes with you to fight for you against your enemies to give you victory."

Isaiah 2:4 - 4 He will judge between the nations and will settle disputes for many peoples. They will beat their swords into plow-shares and their spears into pruning hooks. Nation will not take up sword against nation, nor will they train for war anymore.

Isaiah 19:2 - 2 I will stir up Egyptian against Egyptian— brother will fight against brother, neighbour against neighbour, city against city, kingdom against kingdom.



Micah 7:8 - 8 Do not gloat over me, my enemy! Though I have fallen, I will rise. Though I sit in darkness, the LORD will be my light.

Zechariah 10:5 - 5 Together they will be like warriors in battle trampling their enemy into the mud of the streets. They will fight because the LORD is with them, and they will put the enemy horsemen to shame.

Zechariah 14:2 - 2 I will gather all the nations to Jerusalem to fight against it; the city will be captured, the houses ransacked, and the women raped. Half of the city will go into exile, but the rest of the people will not be taken from the city.

Zephaniah 2:4-7 - Gaza will be abandoned and Ashkelon left in ruins. At midday Ashdod will be emptied and Ekron uprooted. Woe to you who live by the sea, you Kerethite people; the word of the LORD is against you, Canaan, land of the Philistines. He says, "I will destroy you, and none will be left." The land by the sea will become pastures having wells for shepherds and pens for flocks. That land will belong to the remnant of the people of Judah; there they will find pasture. In the evening they will lie down in the houses of Ashkelon. The LORD their God will care for them; he will restore their fortunes.

### ***New Testament***

Matthew 24:6-7 - 6 You will hear of wars and rumours of wars, but see to it that you are not alarmed. Such things must happen, but the end is still to come. 7 Nation will rise against nation, and kingdom against kingdom. There will be famines and earthquakes in various places.

Matthew 26:52 - 52 Put your sword back in its place," Jesus said to him, "for all who draw the sword will die by the sword.

Romans 12:19 - 19 Do not take revenge, my dear friends, but leave room for God's wrath, for it is written: "It is mine to avenge; I will repay," says the Lord.

Romans 13:4 - 4 For the one in authority is God's servant for your good. But if you do wrong, be afraid, for rulers do not bear the sword for no reason. They are God's servants, agents of wrath to bring punishment on the wrongdoer.

Romans 13:1-5 - 1 Let everyone be subject to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. 2 Consequently, whoever rebels against the authority is rebelling against what God has instituted, and those who do so will bring judgment on themselves. 3 For rulers hold no terror for those who do right, but for those who do wrong. Do you want to be free from fear of the one in authority? Then do what is right and you will be commended. 4 For the one in authority is God's servant for your good. But if you do wrong, be afraid, for rulers do not bear the sword for no reason. They are God's servants, agents of wrath to bring punishment on the wrongdoer. 5 Therefore, it is necessary to submit to the authorities, not only because of possible punishment but also as a matter of conscience.

2 Corinthians 10:4 - 4 The weapons we fight with are not the weapons of the world. On the contrary, they have divine power to demolish strongholds.

James 4:1-2 - 1 What causes fights and quarrels among you? Don't they come from your desires that battle within you? 2 You desire but do not have, so you kill. You covet but you





cannot get what you want, so you quarrel and fight. You do not have because you do not ask God.

### **The Just War Theory and St. Augustine**

The Just War Theory (*bellum justum*) is a code or convention of military ethics that seeks to safeguard that all war is in morally justifiable when being propagated or conducted (Fellmeth, & Horwitz, 2009). There are two core criteria which are termed *jus ad bellum* (right to go to war) and *jus in bello* (right conduct in war). A third criterion was added and termed *Jus post bellum* (justice after a war). Each of these is briefly unpacked below.

#### ***Jus ad bellum***

This criterion relates to the issues around the morality of waging war. Prior to any military act of war, there must be a strong moral justification. The right people in authority must make the decision based upon a lawful and right intention to forge peace. War must be deemed to be the very worst case scenario and resort since war results in far more damage than good.

The political system in which an authority calls for war must permit distinctions of justice. This immediately advises that states controlled by dictatorships or terrorist groups are violators of this criterion. Where there is no justice prevailing, it is not possible to have a so-called 'head of state' declaring a war (Childress, 1978). Only a duly established public authority is legally entitled to wage a war and the war must have the right intent. If for example an invasion is planned the probability of success must be high and based on solid arguments and have achievable aims (Hubert & Weiss et al., 2001). In addition, there must be no mass destruction if such action is unlikely to secure the just cause.

Those waging war must have a compelling justification that they can indeed win, even though they may not ultimately do so (Seybolt, 2007; Childress, 1978). No war should be waged unless fully justifiable all other peaceful avenues have been sought and failed. In addition, an invading force should at the outset employ only small forces rather than an entire army invasion taking place or using hugely destructive armaments. The latter two should be an absolute last resort. In all situations, a reason forward must be just. It may not be waged to punish people or include the loss of innocent lives and drive civilian populations away from their land – although these do invariably happen (Brooks, 2012). Basic human rights of entire populations need to be preserved. Nonetheless obligations, disagreeable outcomes, or unnecessary atrocities may warrant waging war. Any nation waging a war should do so for the cause of justice and not for self-egocentricity or imperialistic reasons. Supposedly, a just war is not considered to be just if reasons of national interest are the utmost consideration or overwhelm the pretext of fighting some or other aggression. The principle of reasonable success is significant in that the costs and benefits of a campaign must be calculated carefully, especially in terms of the loss of human life, and especially that of non-combatants.

#### ***Jus in bello***

This criterion relates to conduct in war and falls under two broad principles of discrimination and proportionality. Discrimination relates to understanding who the legitimate targets are in war, namely the enemy combatants, and not civilian populations caught up in the cross-fire in situation out of their control. This means that civilian residential areas must not be bombed and neither should there be any acts of terrorism perpetrated. In addition, enemy forces that have surrendered or captured may not be attacked. Indiscriminately attacking another country is totally unacceptable (Seybolt, 2007). Any attack undertaken must be justified and the onus must be on the governments to identify any combatants before commencing with any military operation (Jokic & Ellis, 2001). Proportionality relates to the idea that soldiers must make sure



that the harm caused to civilians or their property is not excessive when balanced against any likely military advantage anticipated by carrying out attack on a legitimate military target. In addition any aggressive action should always be strictly proportional to the desired end result. The objective is to apply virtue to minimize destruction and the amount of casualties.

A military attack must be planned solely to defeat one's adversary. This means that any attack must only be made on a legitimate military objective. When combatants surrender or are taken captive, they should not be mistreated. Combatants must also not be involved in evil activities for example using nuclear or biological weapons, mass rape or any other illegitimate acts of war (Brooks, 2012). The *Jus in Bello* principles which have been extant for sixteen centuries, need to be significantly revamped to become germane to 21st century international relations and international peace and security issues and especially to scopes of warfare, given the advent of "...cyber warfare, terrorism, proxy wars and drone warfare" (Miller, 1964).

### ***Jus post bellum***

*Jus post bellum* relates to the issue of justice after a war where three options usually occur. In the first instance an army may have been defeated, or it may have been triumphant, or it may have reach agreement on a ceasefire. In all such scenarios, principles of justice are applicable and especially if specific hostilities may have occurred outside of the conventional battlefield. *Jus post bellum* is important since the principles of justice following war should be universalizable and ethically well-organized. This is to prevent excessively tough or punitive measures being imposed. This principle is useful in that it can help belligerents to agree on what to do if there are for example prisoners that have been taken by either side. People use *jus post bellum* based on what they read or hear, to warrant the hunt for terrorists in order to protect a state. A defeated invader may inter alia just be asked to pay for the damage incurred by the war that has been conducted. The just war theory acts as a reminded to contestants that war is always a last option. It is always desirable to seek enduring peace (Orend, 2001; Robinson, 2006).

### **The Current War in Gaza**

The Gaza Strip has been under the control of the militant Islamist group Hamas since 2007. On 7 October 2023 attacks by Hamas resulted in over a thousand Israeli deaths and the taking of Israeli captives by Hamas. Israel responded with intense bombing and a large-scale ground invasion in its efforts to terminate the military and governing abilities of Hamas which is committed to the destruction of Israel (BBC, 2024). A protracted campaign by Israeli forces now means that millions of people in Gaza are currently facing hopeless living conditions and food shortages mount daily as the conflict between Israel and Hamas persists (BBC, 2024). Roughly two million people have been driven from their homes and face a dire situation. A large proportion of the population is struggling with water shortages and hunger issues and famine is impending in numerous parts of Gaza. Consequently, many children are dying due to malnutrition and disease (Marsi, 2023). The World Health Organization (WHO) states that 80% of civilian infrastructure including healthcare facilities has been destroyed or badly damaged. (BBC, 2024). The Gaza Strip is thus undergoing a humanitarian crisis of immense proportions. Is such a war a just and ethical war? In a war, where there is huge collateral damage and millions of people are affected, through supposed legal pondering and also through the egotism of a few people, its justification and its scale are questionable especially where innocent civilian populations are being penalized (Ioanes, 2023). The culpable party, Hamas, cannot of course be exonerated for their heinous acts on October 7, 2023, since they have failed to respect human life, beneficence, and justice and have been maleficent in their actions (Dehghan et al, 2024). Said (2023) also informed that Hamas were quite prepared to put Palestinian lives in danger by expressly advising them to stay put, and not vacate the areas occupied by them in the Northern areas of Gaza. They have thus deliberately exposed



Palestinian civilians to the heavy costs of urban warfare so as to gain global support through the agony endured by their own Palestinian civilians.

According to international law Israel was fully justified in retaliating against Hamas after the 7 October murders. Israel of course legitimately acted in self-defence but the question must also be asked if accusations that Israel has reacted disproportionately are valid. Military commanders have an obligation do everything possible to lessen civilian risk, even when engaging an enemy that is not acting in the same way. They are bound to be horrific consequence of closing with and terminating one's enemy in a densely urban environment when the enemy clearly has no respect for the rules of war and makes no genuine attempt to safeguard its own civilian Palestinian population.

### **Saint Augustine**

Augustine admitted that there would forever be wars fought by belligerent parties. He expressed the notion that war was sinful and a very sad event. While war was always the product of sin, it is also the cure for sin. Morality is at the core of Augustine's beliefs and was based on his notion of philosophy in striving for happiness which was in essence a drive for wisdom and the inculcation of the idea of living life in a virtuous manner. His primary roadmap for achieving the right life and for one to live in harmony with reason and truth was the New Testament. He maintained that one should not expect to achieve all their desires in life, and needs to be cognisant of the fact that all that is granted to one is only through God's grace. But at the same time, nothing that is remotely evil should be desired (De Trin. XIII, 5, 8). Mankind has numerous drives and wants, and even impulses and partialities, that are at times even unconscious. What makes some people sad makes others happy, and this makes the attainment of harmony a remote possibility especially given the human condition after the fall of man through Adam's sin. People have a capacity or a free will, but should strive to love their neighbour as this is morally desirable and theologically sound. This leads us to the notion of just war where a "rightly ordered love" is needed (De Civ. Dei XV, 22). This means that priority needs to be given to having things in the correct order of importance based on their real value. This can only be attained if a person or a state has the right order of value in their actions and inclinations which is gained through a thorough comprehension of the concept of divine law, God's grace, what is good and what is evil.

The Just-War Theory has its beginnings in early Christian theological thought namely that of Saint Augustine of Hippo (354-430 CE). Augustine argued that a Christian could be a soldier who serves God and his country with honour. He asserted that people should not resort to violence instantly since God has allowed governments to rule. He discusses just war issues in his work *Civitate Dei* (The City of God) (Augustine, 1956a). where he states:

"But, say they, the wise man will wage just wars. As if he would not all the rather lament the necessity of just wars, if he remembers that he is a man; for if they were not just he would not wage them, and would therefore be delivered from all wars...For it is the wrongdoing of the opposing party which compels the wise man to wage just wars; and this wrong-doing, even though it gave rise to no war, would still be matter of grief to man because it is man's wrong-doing. Let everyone, then, who thinks with pain on all these great evils, so horrible, so ruthless, acknowledge that this is misery. And if any one either endures or thinks of them without mental pain, this is a more miserable plight still, for he thinks himself happy because he has lost human feeling." (Augustine, 1956a; see also Schaff, 1890 -Chapter 7.- Of the Diversity of Languages, by Which the Intercourse of Men is Prevented; And of the Misery of Wars, Even of Those Called Just.).



Augustine believing that all warfare was intrinsically vile and he denounced all those who appealed for war, sought it, and that appreciated war. He stated that to engage in any just war is to engage in war by force of compulsion not pleasure. He considered the perpetrators of war to be excessive in their actions. For Augustine, war was a lesser of evils. The just war tradition of Augustine was in essence part of the Medieval period's Christian political discourse from the early 16<sup>th</sup> to the mid-17<sup>th</sup> centuries CE, and it plainly spoke to the difficulties of what today term as state failure and related aspects. St. Augustine's convention justifies war in self-defence and when supporting one's allies and defending those who are victims of oppression. He touches on war in another of his works entitled *De libero arbitrio* in Book 1, (Augustine, 1964). where he speaks to the notions of preventive and pre-emptive killings. He argues that God is good and cannot condone evil, but evil people are their own worst enemy and are driven to conduct evil deeds by their internal dispositions. If a person kills another in war, he may be justified in terms of human thinking but in God's eyes this is sinful and base. Augustine also elucidates how a morally upright citizen of a comparatively just state could be viewed as justified in pursuing combat and going to war, and most likely eventually killing another human being albeit it most reluctantly (Augustine, 1964).

Wars fought in the Old Testament period were divinely ordered according to Augustine since this was the way to restore a sense of justice and punish evil (Vorster, 2015). Augustine also viewed the decline of the Roman Empire as been based on its unethical conduct. There could be no justice where people have turned away from the Creator. The only reason that the Roman empire prevailed for a while was that it indeed included virtue in its dealings and a sense of justice then prevailed. Once love for God diminished, national pride raised its ugly head and the trajectory of Roman was altered (Oates, 1948, cited in Vorster, 2015).

The Augustinian notion of a just war was grounded on the idea that there is a natural law and this is what is needed to direct human conduct and the political dispensation in a state. There is a need to uphold the common good and defend it and that any action should be guided by justice. Thus, there were just and defensible causes and intentions for going to war such as inter-alia, *agape* love for a neighbour, self-defence and fighting to preserve justice, peace and civic harmony in line with the principles of natural law (Bainton, 1960). However, it was also important to try to avoid war situations due to the immense destructive results thereof.

Just war was never an isolated exercise in military ethics; it was originally an argument about the rights and purposes of the state, about natural law, and about justice. A just war could only be waged for one of three criteria including authority, intention and necessity (Vorster, 2015). This means that the one authorising a war should be the actual legal authority. A war is only a considered just if the correct motive exists for example creating, restoring or keeping a just peace (Mattox,2006). Where God commanded leaders to opt for war in Old Testament times, this was justifiable, but where leaders were engaged in warring without God's authority or a justifiable intention to do so, would be held accountable. In addition, their troops would not be accountable for obeying their unrighteous leaders' orders (*Contra Faustum*, 12.75).

War is just when the objective is a dire need to penalize injustice and keep the peace (*Contra Faustum*, 12.74). Augustine also states that no war is commenced by a good state except in support of good faith or for safety reasons. Augustine explains that war between men and nations cannot be totally avoided since is an intrinsic part of a fallen human reality. People can battle with this aspect of their lives and ultimately be victorious through reading holy scriptures and prayer as they seek a life of virtue that will lead them to their desired peace. Augustine essentially proposed that there were three just causes for a war including defending a nation against attack, recapturing things taken away from a country. or punishing people who have committed crimes.





Augustine's political worldview and his understanding of war integrate his conceptualisation of the notion of peace. He states that God fashioned people to live together in a state of harmony. Due to man's fallen nature however, he is able to live according to what God desires in one 'city' or he can oppose what God desires in another 'city'. He differentiates the two cities and the type of peace they pursue:

There is, in fact, one city of men who choose to live by the standard of the flesh, another of those who choose to live by the standard of the spirit. The citizens of each of these desire their own kind of peace, and when they achieve their aim, that is the kind of peace in which they live. Augustine. (Augustine, 1956a: *The City of God*, XIV, 1)

People generally seek peace on their own terms and it then in reality becomes a mere pause between enduring states of war. The only real peace will be in heaven. Augustine outlines three varieties of peace. There is a perfect peace found only in the City of God, and then an internal peace people may experience in their daily lives and lastly there is peace which exists in each of those 'cities' simultaneously. However, the earthly peace is somewhat lacking consistency while God's perfect peace is only attainable in the hereafter in God's eternal heavenly kingdom. Augustine asserts in Book 4, chapter 14 in *The City of God*, that "to carry on war and extend a kingdom over wholly subdued nations seems to bad men to be felicity, to good men necessity". In Book 9, chapter 7 he avers: "But, say they, the wise man will wage just wars. As if he would not all the rather lament the necessity of just wars, if he remembers that he is a man; for if they were not just he would not wage them, and would therefore be delivered from all wars. For it is the wrongdoing of the opposing party which compels the wise man to wage just wars."

In the *City of God*, which is Augustine's commentary on all of holy scripture and the heavenly and earthly realms, humanity has been divided between two distinct communities. The one loves the ego and is divorced from God's redemptive purposes and the other loves God. In the *City of God*, we find the essence of Augustine's political theology and prescriptions for a political community to be grounded on the notion of *agape* love failing which humanity will never reach its full potentiality.

A politically organised society grounded on love is required where the authorities and governments strive to uplift humanity rather than spurring them on to warfare and atrocities. If war is needed it must always be just. States need to remedy dire situations and not exacerbate them by disintegrating the social order through evil coercion that is based on political authority. Augustine maintained that people should not instantly resort to violence. Using Romans 13:4 (ESV) "for he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain. For he is the servant of God, an avenger who carries out God's wrath on the wrongdoer" he states that God has given the "sword to government for noble reasons. The authorities instituted by God need to carry out God's will by castigating people who do wrong. Christians should thus submit to those in authority, striving to do good continually, and they should obey all laws that are not in violation of Christian principles including war.

A war may be ethical, but the conduct of war may well be unethical, for instance, inter alia, bombing civilian targets, the use of landmines, torturing captives, and using chemical weapons. Whatever war is waged must be conducted by a state. It is commonly accepted that those engaged war must be held accountable for their actions in conflicts but Augustine counters this contention and states "who is but the sword in the hand of him who uses it, is not himself responsible for the death he deals." Those who kill evil people "have by no means violated the commandment, 'Thou shalt not kill.'" Nonetheless, they should not be remitted of breaking the principles of a just war (Miller, 2020). In Augustine's work *Contra Faustum Manichaeum* book 22 s. 69–76, he contends that Christians must through a Christian and virtuous approach safeguard peace at all costs and castigate evil when they are pressed to





do so by their government. "What is here required is not a bodily action, but an inward disposition. The sacred seat of virtue is the heart."(Augustine, 1887). Thus, quietness in the face of a grave wrong that could be stopped by only violent behaviour would be a sin. Justice expects the justification and restoration of freedom in all wars, during the wars, and after wars have concluded (Miller, 2020). All wrongs must be righted and there must be steps taken to prevent wars from beginning in the first instance. When waged, no war is just if it is not waged in a manner that clearly differentiates between civilians and fighters.

## Conclusion

It is clear from his writings it is clear from his writings that Augustine was opposed to the notion of war. The damage perpetrated on both combatants and civilians is mostly too horrific to contemplate and the levels of destruction that exist after war in warring states are generally intolerable for the inhabitants of countries to live in. His main ideas are evident in the doctrine of Just War and he asserts that war is very often not justifiable, but when it takes place it should be conducted in a just manner and observe the principles as stated earlier in the paper. The ideal of course is for there not to be wars at all. If people are true to God's word and seek to genuinely love their neighbour, the likelihood of war will be much lower. The most important ground rule that should be observed is that of love.

Augustine also believed that a 'city' of peace is mainly impossible given the reality of a fallen humanity and that wars may well continue to plague the world. It was on this basis that he developed his primary moral framework the Just War Theory relating to issues of war and military interventions by especially the European states. His intention was to at least to an extent, maintain the moral order. He states that the use of violence in defence of justice can also be justified if it has a realistic prospect of success at bringing about a just and lasting peace. Augustine's 'City of God', has in many ways led to the development of principles of the just war theory that have been implemented in The Hague and Geneva Conventions, and a range of laws relating to armed conflict, and the rules of engagement which are followed by most nations. The United Nations Charter in 1945, by applying Article 2(4), interfered with the Just War theory by expressly prohibiting the use of force by one independent state over another no matter what the context or situation is. It has been left totally at the discretion of UNO Security Council to decide how to control the aggressive doings of states as opposed to the doctrine of Just War which argues that war can be waged by any nation against any other nation if it is considered to be justifiable (Nussbaum, 1943).

The Just War theory is to all extents a mere limitational setter on the induction and conduct of war, and it clearly seeks to promote of peace and condemn the notion of war. Augustine suggests that when an unjust government is waging an unjust war the citizens should seek to participate in a just way. Nations after all have a moral obligation to defend life and must have a righteousness in their cause if they opt for war and destruction. The leaders of nations opting for war must make their case honestly and communicate the facts, present a carefully crafted range of options, discuss the potential risks and losses, the sought objectives, and of course the ultimately dire consequences of taking a decision to wage war so that all citizens can make an informed decision to support it or not. The Holy Bible in the book of Ephesians robustly argues that because of God's victory in Christ, a Christian should not wage any war neither for land nor for any place in the world since the entire world is under the full authority of Christ and is His (Matthew 28:18).

The Just War theory is a middle point between two extremes i.e. pacifism and realism. The first argues that war can never be considered to be just under any circumstance, while the second argues that war is the only likely effectual means of using arms eliminate evil and keep the world safe. The general idea of the concept is that a nation waging a just war should be doing so for a just cause and not for self-egotism, imperialism or enrichment at the expense



of other populations and nations. We also need to concede that in certain contexts and scenarios, there may well be an inherent belief that war is terrible but less so when waged with the right conduct and intention. A range of responsibilities, possible undesirable outcomes or unnecessary atrocities may justify the waging of wars. In essence there may be legitimate needs for any war but there must also be certain moral thresholds that should never be crossed when doing so.

In contemporary warfare scenarios it is not always evident who the aggressor actually is and often both sides claim that they are fighting for a just and of course a moral cause. Given the deadliness of current weaponry and the deficiency of coherent moral rationalisation for engaging in any war, it is time for a severe rethink. While the principles of the Just War theory are morally supportable and rational, they would work well if actually adhered to and put into practice in wars. Based on a range of current military engagement practices globally, in for example the Ukraine and Palestine wars of 2023, it may be an anachronistic theory requiring an urgent revamp.

It is stated by numerous commentators the Just War theory is anachronistic given that war in the late Middle Ages was fought somewhat differently to today. At that time war was generally between states, today however, wars are also waged against terrorist networks. This brings into question the relevance of the theory. It is time to develop and consider a new framework for the conduct of war. Using proportional force to protect the general good is not necessarily possible and peace is not easily attainable. Perhaps a fallen humanity just keeps falling further down the abyss. It is time to recapture the spirit of love in interstate and human relations.

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