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AQUINAS THE PACIFIST?

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TABLE OF CONTENTS

<i>Chapter</i>	<i>Page</i>
1. INTRODUCTION	1
2. MILLER'S ARGUMENT	8
Thomas's Patterns of Reasoning	8
The Stacking of Objections and New Testament Texts	10
Other Paradigmatic Cases	13
Conclusion.....	14
3. REICHBERG'S REBUTTAL	16
An Inquiry Regarding the Title of Question 40	16
The Objections Revisited	19
The Subject of War Within the Theological Virtue of Charity.....	21
The Proper Interpretation of the Biblical Texts	23
Conclusion.....	26
4. MILLER AND REICHBERG COMPARED	27
Do the Objections Show a Presumption of Nonviolence?	28
The Virtue of Charity and Its Implications	31
What Lies Ahead.....	39
5. THE IMPORTANCE OF CATEGORICAL DISTINCTIONS	41
The Supervening Virtue of Justice.....	42
6. CONCLUDING REMARKS.....	54
Further Challenges to the Prima Facie Schema	57
BIBLIOGRAPHY.....	62

Chapter One

INTRODUCTION

From a historical perspective, the mitigating measures, specified in the just war criteria posited by Thomas Aquinas in his *Summa Theologica*¹, provided the justifiable rationale for the use of force against a nation's unwarranted attack.² In this paper, I will attempt to find whether recent analytical tools of interpretation faithfully capture Aquinas as possessing a presumption against war when he put together his just war theory.

It has always been the case that war, as a corrective restraint against various forms of injustice, was never considered to be a morally condemnable act.³ However, post World War II events - such as those seen in the Holocaust – along with technological advancements in biological, chemical and nuclear armaments, have begged the question whether the understanding of the traditional just war theory should be the correct starting point for moral reflection on the use of force. With the increase of the potential for mass destruction, the classical just war tradition has become the target of scrutiny of which many believe to be in need of a new outlook.

With this realization for the potential for widespread destruction, a revision of the topic of war within contemporary Catholic dogma, - seen in the U.S. Bishops 1983

¹ Aquinas's treatise on war can be found in IIaIIae, question 40.

² St. Augustine provided initial, rudimentary elements of just war theory throughout his writings. However, it was Aquinas who was able to fully synthesize these elements into a formulation of just war criteria regarding a war to be just when fought with the proper authority, for a just cause and with the right intention. In essence, these criteria addressed two issues. The first answered the question when is it right to resort to armed force (*jus ad bellum*). The second, addressed the appropriate behavior one should exhibit when using such force (*jus in bello*). While these two issues are related, the classical medieval understanding of the use of force as a legitimate means of action was never seriously questioned.

³ That the resort to war in itself was never considered to be a moral issue from Aquinas's point of view can be seen when we examine his comments regarding just intention. In the *Summa Theologica* II-II Q.40 art. 1 we see Aquinas quoting Augustine as saying: "True religion looks upon as peaceful those wars that are waged not for motives of aggrandizement, or cruelty, but with the object of securing peace, of punishing evil-doers, and of uplifting the good." It is only when it is fought with the negative characteristics listed by Augustine that makes it morally reprehensible.

pastoral letter, *The Challenge of Peace*, - has sought to provide a moral foundation from which all decisions pertaining to war *should* start. The bishops' state:

The church's teaching on war and peace establishes a strong *presumption against war* which is binding on all; it then examines when this presumption may be overridden, precisely in the name of preserving the kind of peace which protects human dignity and human rights.⁴

Adding:

... how we treat our enemy is the key test of whether we love our neighbor; and the possibility of taking even one human life is a prospect we should consider in fear and trembling.⁵

Significant to this revision is a redefining of the topic of war that seeks to establish a convergence between the historical understanding of just war thinking with the benevolent, non-violent tenets found within pacifism. This convergence recognizes a presumptive orientation against war, allowing it to be overridden in some cases in order to preserve "the kind of peace which protects human dignity and human rights." The reclassification of just war ideology has changed the landscape of moral discussion regarding the thoughts of Aquinas as he put his criteria for a just war together. Once seen as a presumptive deterrent to injustice, war is now classified as a morally reprehensible act in need of justification whenever the obligatory statute to never harm has been violated.

Some scholars find reason to believe that with a "proper" understanding of Aquinas's *Summa*, a presumptive attitude against war can be seen. This "proper" understanding finds its justification through the use of modern analytical tools enshrined in "the logic of *prima facie* duties" along with a presumptive language against harm. It is

⁴ U.S. National Conference of Catholic Bishops, *The Challenge of Peace: God's Promise and Our Response* (Washington, D.C.: U.S. Catholic Conference, 1983), par. 70

⁵ *Ibid.*, par. 80.

argued that when these analytical tools are applied to the *Summa*, a presumptive attitude against war emerges. In fact, not only does it emerge, but it is asserted that this was Aquinas's position all along.⁶

Richard B. Miller sees no reason to doubt that Thomas did indeed provide the ethical constructs of a just war according to the logic of "*prima facie* duties" and the "presumption against harm"⁷ thereby justifying a common starting point between just war and pacifism. Although justice was always viewed as the impetus for Aquinas's treatment of war in which coercive force did not need any qualifiers for its implementation, a reconstruction of Thomas's moral compass has occurred allowing for belligerent actions, albeit through the filter of pacifistic ideology. This recent postulation (one in which there exists a convergence between pacifism and just war), is a new shift within Catholic dogma.⁸ The question is whether such a shift can be validated to show that this was indeed Aquinas's ethical position as he formulated his thoughts on war. Richard Miller seems to think that it does.⁹

⁶ James F. Childress seeks to make sense of the just war criteria by asserting how they, "can be illuminated by the language of *prima facie* obligations," in which coercive force is justified only when all other moral considerations have been considered. However, James T. Johnson, believes that Childress "employs these criteria as categories abstracted from their traditionally informed content seeking to provide a 'rational reconstruction' of them apart from such content." To Johnson, this assertion is ill conceived for the reason that Childress "never examines any of the actual positions taken by historical figures who have shaped the normative content of just war tradition", adding, "they are irrelevant to his style of argument." See James F. Childress, "Just-War Criteria," in his *Moral Responsibility in Conflicts: Essays on Nonviolence, War, and Conscience* (Baton Rouge: Louisiana State University Press, 1982), p. 67. Also, see James Turner Johnson, "Comment," *Journal of Religious Ethics* 26 (Spring 1998): 220.

⁷ Richard B. Miller, "Aquinas and the Presumption against Killing and War." In *The Journal of Religion* 82 (2002), 173-204.

⁸ John Howard Yoder (1927-1997), professor of theology and ethics at the University of Notre Dame and best known for his defense of Christian pacifism, acknowledges how this new shift is "an innovation in Roman Catholic thought." He goes on to state that, "no earlier approval of principled pacifism is found in Roman Catholic magisterial texts in modern times." See John Howard Yoder, *The War of the Lamb: The Ethics of Nonviolence and Peacemaking* (Grand Rapids, MI: Brazos Press, 2009), 86.

⁹ Gabriel Palmer-Fernandez disagrees with Miller concluding, "the view that just war doctrine begins with a presumption against war and converges with pacifism is unsound." See his article, "A Note on the Relation of Pacifism and Just-War Theory: Is There a Thomistic Convergence?," *Thomist: A Speculative Quarterly Review*, 59:2 (1995)

Gregory M. Reichberg contends that scholars, such as Miller, who wish to argue in favor of a Thomistic allegiance to pacifistic inclinations, “proceed from a mistaken reading of the medieval theologian’s writing on just war.”¹⁰ Reichberg maintains that Miller has too quickly assumed that Thomas intended to place war in “direct continuity with the exigencies of theological charity”¹¹, whereby non-violence serves as the ethical springboard from which Aquinas wished to advance his just war ideology.

A few issues are at stake within this discussion. First, is the matter of hermeneutical integrity when deciphering the writings of Aquinas by using the recent, rigorous analytical tools of twenty-first century ethics such as those found in the “logic of *prima facie* duties” along with a “presumptive language against harm.” To be sure a serious inquiry into the underlying motives of the just war position should be sought; however, such an inquiry should be aware of dubious conclusions that find their basis on anachronistic interpretations of ancient texts. So, a degree of caution must be called upon to safeguard any proposal that has a moral agenda that favors non-violence over violence.

Second, if it is found that Aquinas discreetly voiced an affinity with pacifism, then the logical outworking of pacifistic ideology should be allowed a larger voice within the political arena of statecraft. Clearer objectives for the promotion of conscientious oppositions to war would serve to influence the negotiating capabilities of governments, thereby holding just war theorists accountable to a higher moral theory. The importance of peace over conflict would seem to be advantageous and advisable given the increasing

¹⁰ Gregory M. Reichberg. “Thomas Aquinas Between Just War and Pacifism,” *Journal of Religious Ethics* 38 (2010): 220.

¹¹ *Ibid.*, 239. In essence, since Aquinas’s treatise on war is placed within his section on the theological virtue of charity, it is assumed by Miller that Aquinas is thereby qualifying war’s actions from the motivations of benevolent love found within the Christian faith. The reason for this position is seen when Miller utilizes *prima facie* reasoning, comparing love for enemies against the duty to execute justice.

potential for global mass destruction as nuclear deterrent initiatives play an increasing role in current affairs.¹²

Since the main focus of these discussions centers on the thoughts of Thomas Aquinas, the thesis I am offering is a comparative analysis between Richard Miller and Gregory Reichberg and how each interprets Aquinas's thoughts on war within the *Summa Theologica*.¹³ With that in mind, an investigation to discover whether the ethical tools of "the logic of *prima facie* duties" along with the "language for a presumption against harm" correctly reveals an ethical orientation held by Aquinas that favored a belief that opposed killing and war. To be more succinct, can these ethical tools faithfully exegete Aquinas's thoughts within the *Summa* to show that he possessed a negative outlook on harming others when he formulated his just war ideology? Miller has concluded that those wishing to "reconstruct Aquinas's argument using these modern terms and categories are justified in doing so."¹⁴ By contrast, Reichberg finds no justification in the use of these terms to interpret a Thomistic disposition favoring non-violence. On the

¹² My thoughts concerning this point are centered around the reported advancements of nuclear capability within the country of Iran and their well documented antagonism toward the nation of Israel. I believe it's important to make an interesting distinction regarding the topic of "peace". For in one sense, the U.S. Bishops letter seems to define "peace" as the absence of war. However, Joseph E. Capizzi has pointed out how the *Catechism of the Catholic Church*, no. 2304 has defined "peace" as not merely the absence of war, but as an outworking of justice in order to secure the 'tranquillity of order'. Such "securing", ensures the dignity of persons as their rights to goods and 'free communication among men' are preserved. So, although it is given that peace over conflict is desirable, the kind of peace hoped for becomes important. See Joseph E. Capizzi, "On Behalf of the Neighbor: A Rejection of the Complementarity of Just-War Theory and Pacifism", *Studies in Christian Ethics*, no.14 (2001): 87-108.

¹³ No doubt, there are other texts written by Aquinas that can be drawn upon, however, since both authors relegate their discussion within the work of the *Summa*, I thought it best to focus on this work as opposed to others.

¹⁴ J. Bryan Hehir professor at Harvard's Divinity School also supports the use of these categories as interpretive means to reinforce the finding of both Childress and Miller. He states that because "...Augustine and Aquinas did not use the categories does not demonstrate that using these corrupts their theories of legitimating war in defense of justice. See "In Defense of Justice", *Commonweal*, (2000) 33.

contrary, Reichberg maintains, “if anything, Thomas proceeded from a presumption against pacifism, rather than, as has been alleged, from a presumption against war.”¹⁵

In providing my analysis, I will detail the argument put forth by Miller in chapter two, who uses these analytical constructs to illustrate how Aquinas possessed a presumption of pacifistic ideals through a number of ways within the *Summa*. Among these are:

1. His efforts to show how Thomas’s patterns of reasoning conform to the ethical theory of *prima facie* duties.
2. How Aquinas’s ethical orientation is one of non-violence by way in which he stacks his objections in the *quaestio* on war.
3. How Thomas presupposes an attitude that goes against killing by his comments regarding the divine precepts found within the New Testament, which denounce the use of retaliatory force in the face of injustice.¹⁶

And lastly,

4. How Aquinas’s response to the related issues of tyranny and sedition serve as paradigmatic cases in which a presumption against harm is assumed.

Once these are explained, in chapter three I will then turn to Gregory Reichberg’s interpretive analysis of Aquinas’s writings within the *Summa*, detailing distinctive critiques in which he either provides further elaborations on Miller’s evaluation or outright rejects his interpretive conclusions regarding the kind of ethical disposition

¹⁵ Reichberg, 237.

¹⁶ The first New Testament verse Aquinas mentions is found in Matthew 5:38, 39 in which Jesus states, “You have heard that it was said, ‘An eye for an eye and a tooth for a tooth.’ But I say to you, Do not resist the one who is evil. But if anyone slaps you on the right cheek, turn to him the other also.” And the second verse is found in Romans 12:17, in which Paul states, “Repay no one evil for evil, but give thought to do what is honorable in the sight of all.”

Aquinas held. I will show how Reichberg differs with Miller in some key areas.

Namely:

1. How a perception of the act of war as being sinful due to the opening title in Q.40 is mistaken due to a lack of understanding on how the *Summa* was originally drafted.
2. How contrary to Miller, Aquinas's use of the objections listed in Q.40 did not presuppose a moral affinity toward pacifism.
3. How war's placement within Aquinas's treatise on charity does not support a presumption against harm.
4. How a presumption against harm cannot be substantiated based upon the New Testament biblical texts that support pacifistic ideals.

I will then compare these arguments in chapter four, highlighting any strengths and weaknesses of each in an effort to ascertain which scholar has put forth the more persuasive case. Chapter five will consist of my own thoughts regarding any key concepts either scholar may not have developed more fully that may be vital in determining Aquinas's actual disposition toward war. And lastly, chapter six will serve as my concluding remarks.

Chapter Two

MILLER'S ARGUMENT

The *modus operandi* behind the just war theory can be found within the restrictive mandates of its criteria put forth by Thomas Aquinas in *IIaIIae* Q. 40. In this chapter, I provide a breakdown of Richard Miller's position where a convergence between just war and pacifism is argued based upon the recent use of analytical tools placed upon Aquinas's most notable work, the *Summa Theologica*.

Since the criteria are commonly viewed as exceptions allowing for the justifiable use of force, the belief is that a preliminary presumption against harm must be in place in order for such criteria to be necessary. For this reason, just war theory and pacifism should not be viewed as concepts incompatible with one another, but rather convergent theories, possessing the common ground of non-violence as their basis, from which all moral conduct should derive.

Thomas's Patterns of Reasoning

Miller seeks to justify this presumptive orientation against harm by first identifying patterns of reasoning found within the mind of Aquinas as he dealt with various precepts and virtues in the *Summa*. These patterns play a significant role in the relevancy they command toward Thomas's thoughts on war. Miller explains how:

First, Thomas classifies an act as intrinsically good, bad, or indifferent. Some acts are acceptable or unacceptable by definition, and part of Aquinas's moral theology provides a taxonomy of paradigmatic cases...Second, Aquinas specifies the meaning of a virtue or precept by indicating precisely how it is meant to be understood. In this respect, he restricts the range of a virtue or a precept's application, taking a broad, general idea and showing how it is meant to be circumscribed...Third, Thomas reasons by analogy from paradigmatic classifications to other cases drawing inferences from settled cases or definitions when considering the morality of similar problems...Fourth, after virtues or precepts have been specified, Aquinas will rank or weigh them when they appear to conflict. That ranking, in turn, draws on a more general hierarchy of value, in which some virtues (i.e., faith, hope, charity) are considered superior to others (e.g., courage, justice, temperance, prudence).¹⁷

Miller sees these patterns being consistent with the logic of *prima facie* obligations in which competing virtues are “pitted” against each other and appraised as to their level of importance.¹⁸ The issue is an important one. For in essence, the debate regarding the ethical inclinations of Aquinas is “whether his pattern of reasoning is one of specification alone or whether it also includes ranking rival virtues or precepts” as illustrated in Miller’s fourth point above.¹⁹

Since for centuries the Catholic Church’s understanding of the Thomistic treatment of war has been one that is defined through the restrictive lens of justice alone, the emergence of the interpretive tools under review has given rise for Miller to state how “a careful examination of pertinent materials...will show that the language of *prima facie* duties is compatible with his [Aquinas’s] reasoning.”²⁰ Thus, Thomas’s justification of war is only brought about by the recognition that a presumptive duty (the duty not to harm) has been outweighed in favor of war’s occurrence. As seen earlier, the Catholic Church’s position on war thus cannot be framed within the limited conceptualization of justice alone; but rather is justified only when other presumptive precepts and values have been superseded.

The first of four ways in which Miller seeks to legitimize a pacifistic presumption within the mind of Aquinas has just been discussed. Namely, how the logic of *prima*

¹⁷ Miller, “Aquinas and the Presumption against Killing and War.” 178. He identifies four patterns in total. Although he sees all four patterns in operation within the *Summa Theologica*, through his own admission, he will focus “primarily on issues of specifying precepts and ranking or weighing rival precepts”, in order to make his case. Hence, these will be the ones pertinent to my discussion.

¹⁸ Miller quotes Childress in providing an understanding of what *prima facie* duties are, stating that “certain features of acts that have a certain tendency to make an act right or wrong claim our attention. But our actual obligation depends upon the act in its wholeness and entirety.” See Miller, p.174.

¹⁹ Miller, 178.

²⁰ Ibid.

facie duties comports with established patterns of reasoning employed by Thomas within the *Summa*. When two conflicting duties present themselves, each are weighed in order to ascertain which duty emerges as the appropriate one to act upon.

We now move to Miller's second and third attempt to substantiate this presumed disposition of nonviolence by taking a closer look at the article on war within the *Summa Theologica* itself and how the objections delineated by Thomas encapsulate further a *prima facie* conceptualization of duties. In addition, we will look closely at two New Testament texts found in one of Aquinas's objections, which pacifists like to employ in order to substantiate their position of non-violence.

The Stacking of Objections and New Testament Texts

It is Miller's belief that since Aquinas stacks the objections in Q.40 to support an apparent presumption against war, Thomas must therefore consider "nonviolent values as foundational in prompting moral questioning into the ethics of war." His justification for this centers on the work of M. D. Chenu, who interprets the overall purpose of the *quaestio* as a reconciliation of conflicting opinions into a "higher synthesis whereby the truth of each [objection] could be confirmed." This 'synthesis', allows Miller to utilize Chenu's analysis of the *quaestio*, the common literary genre used by medieval theologians, to conclude that the "value of non-violence...generates the intellectual clearing within which he [Aquinas] develops his inquiry" since all the objections seek to prescribe war as an immoral act.²¹

²¹ For a detailed discussion see M. D. Chenu, *Toward Understanding St. Thomas*, trans. A-M. Landry and D. Hughes (Chicago: Regnery, 1964).

Of the four objections listed by Aquinas, Miller focuses his attention on the second, implying how war goes against the New Testament texts of Matthew 5:39 in which we see Jesus calling others “not [to] resist an evil person; but whoever slaps you on your right cheek, turn the other to him also, and Paul’s edict never to “take your own revenge...but leave room for the wrath of God...” found in Romans 12:19. Since Jesus seems to categorically prohibit the use of force against aggression, Miller is able to assert that any retaliatory response to injustice by a Christian is viewed to be morally reprehensible. Love or charity should be the influence behind our interactions with our enemies. The divine ownership of vengeance is an action that would be reserved solely for God. Such ownership must not under any circumstance be usurped by the actions of men, seeking to take matters into their own hands.

He sees Aquinas’s response to this objection closely adhering to the pattern of reasoning identified above. Namely, by showing how the virtue of charity - defined as neighborly love toward enemies - should be ‘borne’ in readiness of mind, Thomas seems to indicate that the virtue of charity should be the motivating force behind situations in which conflicts arise. Miller interprets this as an implied presumption against harm in which a negative attitude toward killing and war serves as the best explanation for why Thomas would respond to this objection the way in which he has. He states:

Most important, charity requires that Christians “should be prepared to love even a particular enemy,” a preparation “required by an attitude of mind...if real necessity arises. Aquinas thus clarifies the commandment’s meaning by saying that it generally pertains to inward disposition rather than outward action...The virtue of charity points to the good of nonviolence, for which Christians should be disposed and prepared.”²²

²² Ibid. 185

Moreover, for Miller this exegesis of the objection elucidates the logic of *prima facie* duties while at the same time incorporating a clear language of presumption against harm. For, although Aquinas notes how the divine command not to resist “should be borne in readiness of mind,” there are moments in which one must act contrary to this directive for the common good, thereby overriding an initial obligation placed upon the person’s moral action. Miller emphasizes the point stating, “Here, his [Aquinas’s] pattern of reasoning does not specify the requirements of justice but weights justice against rival goods and corresponding duties,”²³ thereby, clarifying moral conduct within a *prima facie* conceptualization.

So far, we have summarized three attempts offered by Miller in which he seeks to assert that Aquinas possessed a presumption against harm through the use of *prima facie* duties along with a presumptive language against the use of force that favors non-violence. It was presented that a Thomistic moral affinity toward non-violence was the framework from which Aquinas operated based upon his stacking of objections in Q.40. In addition, a denunciation toward coercive force was offered based upon biblical texts that condemned retaliatory actions in the face of injustice. However, occasions to supersede this presumptive attitude may be warranted in certain circumstances. I will now move to Miller’s last point in which the ethical disposition to pacifism is fortified through the examples of sedition and tyranny.

²³Miller, 187.

Other Paradigmatic Cases

Strengthening his case further, Miller seeks to uncover Aquinas's ethics by the way Thomas deals with the special cases of tyranny and sedition found within the *Summa*. Upon initial reflection, both these cases seem to be treated by way of specification of justice alone. Thomas labels these issues as inherently wrong, finding no justification for them at all. However, Miller reveals that more than justice is at stake when a closer examination of the text is undertaken. Although it may seem that "Aquinas appears to frame these issues without reference to a presumption against harm..."²⁴ other issues need to be examined that involves more specificity than justice alone. The virtues of peace and civic order also play a significant role in determining what the proper course of action should be when a society is subjected to an oppressive regime.

According to Thomas, a ruler can be guilty of sedition by enforcing unjust laws that are beneficial not for the common good, but for the private good of the ruler. Aquinas classifies such a ruler as tyrannical. Consequently, he sees nothing wrong in seeking to dispose such a ruler unless "the tyrant's rule be disturbed so inordinately, that his subjects suffer greater harm from the consequent disturbance than from the tyrant's government."²⁵ For Aquinas, some measure of injustice might have to be endured so civil order may be preserved. Any contemplation regarding the removal of a tyrant must involve a proper proportion between the good of his removal versus any increasing harm that may be inflicted upon the community.

Miller sees this as a moral trade-off, in which the recognition of one value may threaten the value of another. For Aquinas, some oppression is considered tolerable,

²⁴ Ibid., 191.

²⁵ II-II Q.42, A.2, R3

maintaining how it is better to endure injustice than to risk civil lawlessness. By contrast, if the oppression becomes intolerable, Thomas does not see a problem with the taking of forceful initiatives to remove a despotic regime.²⁶

In both the cases of tyranny and sedition, Miller identifies a common thread in their application within civil communities. Each shares a presumption against harm; however, actions to overthrow a tyrant must be quantified against potential disruptions to the higher civic virtues of peace and order. Aquinas sees the benefits of these two as the amalgamate effects of charity. Therefore, the engagement of violent aggression must be “traded off against the implications of charity when considering the demands of civic duty.”²⁷ The cases of tyranny and sedition imply the framework of *prima facie* duties put forth by Miller, in which charity serves as the springboard for a presumption against harm orientation.

Conclusion

To summarize, Miller endeavors to justify an ethical disposition held by Aquinas that favors non-maleficence. It is his belief that when Thomas’s writings are undertaken in toto, a *prima facie* conceptualization of duties is evident along with a presumption against harm. Consequently, a pacifistic orientation is then discovered serving as the underlying motivation for Aquinas’s formulation of his theory on just war.

The basis for such an argument was drawn from Miller’s perceived patterns of reasoning identified within the *Summa* in which Aquinas ranked virtues and precepts to

²⁶ Aquinas does not provide a standard of measurement needed to ascertain when the level of injustice inflicted by a despotic ruler would be considered intolerable. This opens the door for subjective interpretations by an oppressed people. What would seem intolerable to one group would seem tolerable to another.

²⁷ Miller, 193.

ascertain those values in which the greater good is achieved. An analysis of the medieval *quaestio* was given, arguing for a presumption against harm based upon Aquinas's stacking of objections in his article on war. Moreover, further substantiation was argued focusing on the New Testament passages that seem to negate any retaliatory force in the face of injustice. Finally, a presumptive attitude against harm was demonstrated by Aquinas's use of the paradigmatic cases of sedition and tyranny. In the next chapter, I will turn to the counterarguments provided by Gregory Reichberg.

Chapter Three

REICHBERG'S REBUTTAL

One cannot ignore the arguments put forth by Miller that seeks to advance a presumptive meta-ethic of non-violence operative within Aquinas's moral framework. However, his analysis is not immune to critique from opposing scholars wishing to set the historical record straight regarding what they believe to be Aquinas's true moral intent. In this chapter, I will put forth the critique of Gregory Reichberg, who seeks to nullify some of the assertions put forth by Miller that was briefly discussed in the previous chapter.²⁸

In his article titled, *Thomas Aquinas between Just War and Pacifism*, Reichberg examines some of Miller's arguments and is not convinced of their soundness. It is his belief that upon closer examination, weaknesses are present that cannot be ignored. According to Reichberg, attempts to situate Aquinas within pacifistic ideology, based upon an initial appraisal of article one of Q.40, "proceeds from a mistaken reading of the medieval theologian's writing on just war."²⁹ In his view, further understandings of the overall structure of Aquinas's *Summa Theologica* are necessary if a precise formulation of his ethical orientation is to be achieved.

An Inquiry Regarding the Title of Question 40

To start, Reichberg draws attention to Aquinas's article on war. He shows how the title, "Whether war is always sinful", is allegedly viewed as evidence that Thomas "expressly intended to discuss the sinfulness of war, with the implication that Aquinas

²⁸ In Reichberg's examination, he does not address every issue put forth by Miller, only those he deems relevant, adding his own perspectives to the overall question whether Aquinas had a presumption against harm.

²⁹ Reichberg, 220.

came to the traditional doctrine of just war with strong reservations about its applicability.”³⁰ As a result, Aquinas is seen to be a proponent of an ethical orientation that favors a presumption against killing and harm. Miller agrees, stating that by “starting with the idea that war might be sinful, Aquinas seems to establish a burden of proof in favor of nonviolence and against war.”³¹

Taking issue with this claim, Reichberg believes the drawing of such a conclusion is unwarranted. He finds the assertion unjustifiable due to a lack of a historical understanding of how the *Summa Theologica* was originally written as well as a non-realization of an undeniable pattern regarding how Aquinas would answer a topic based upon an article’s introduction. He goes on to demonstrate how the individual articles expressed in the *Summa* were originally void of descriptive titles. To be sure, the articles “were indeed numbered, but apart from those instances where the author interpolated a prefatory comment, each [article] began simply with an enumeration of opening objections.”³²

Thus, Q.40 A.1, which currently has the title, “Whether waging war is always sinful?” would have originally read: “Proceeding to the first article, it would seem that waging war is always sinful.” However, Reichberg asserts that a more accurate representation of the article’s current opening statement (*utrum aliquod bellu sit licitum*), is best rendered, “Whether any war is licit.”³³ In Thomas’s time, the term *licitum*, or

³⁰ Ibid, 220.

³¹ Miller, *Aquinas and the Presumption Against Killing and War*, 181.

³² Reichberg, 220.

³³ Ibid., 221

“permissible”³⁴, was considered to be the standard grammatical construct used by medieval theologians and lawyers to evaluate actions “whose normative status was in some measure open to doubt.”³⁵ The interrogative “*utrum*” (whether), seen in many article headings within the *Summa Theologica*, was added in later editions by an editor, resulting in the opening query we are now accustomed to seeing. Stemming from this title, the enumerative objections related to the query would then follow. With this in mind, a Thomistic presumption against war would then be difficult to show, since the descriptive title was not there when the *Summa* was originally written.

Continuing, Reichberg points out how the article headings formulated within the *Secunda-secundae* utilizing the *licitum* term, almost invariably resulted in affirmative responses.³⁶ Likewise, an affirmative response is given by Aquinas to those article headings “that inquire whether a certain act (*y*) should be counted a virtue.”³⁷ Hence, if the first objection within the article states that an act is not a sin, this gives clear indication that Aquinas will affirm within the body of his response how the act in question was indeed a sin. Similarly, when the first objection to an article states how an act is not a virtue, Aquinas will point out how it is a virtue within the construct of his

³⁴ Reichberg states the term *licitum* “does not share a common linguistic root with *lex* (law), hence it is best rendered by “permissible” or allowable,” rather than “lawful.” See Reichberg, 221.

³⁵ Ibid, 221.

³⁶ Reichberg identifies the single exception contrary to this, which is interestingly found in Q.40 A.1 (the very passage under discussion) where the question of “whether waging war is always sinful?” is answered in the negative. From this, Reichberg seems to conclude that while the beginnings of other articles that questioned the permissibility of acts of virtue and vice served as merely rhetorical questions for which Aquinas had no doubt as to their answer, Q.40 possesses a unique characteristic quite different from all the other articles within the *Secunda-Secundae*. “This indicates that the “*De bello*” did not fit neatly into the rubric that Aquinas had established in the antecedent question on charity.” see Gregory Reichberg, “Aquinas between Just War and Pacifism.” *The Journal of Religious Ethics* endnote 5.

³⁷ Ibid, 221.

rebuttal. So in short, we see Aquinas taking the opposite view of whatever an article's first objection attempts to substantiate.

Seeing this as an obvious pattern within the *Secunda-secundae*, Reichberg is able to surmise how, "Aquinas did not approach his material from a neutral standpoint, as though the normative valence of the wide range of acts under evaluation was in each case equally up for grabs."³⁸ Rather, a definitive certainty was evident within the mind of Aquinas from the very beginning as to how acts should be categorized. By "orienting the *utrum* question around the typology of *virtue* and *vice*, he [Aquinas] indicated what positive or negative presumption was operative in each individual case."³⁹ As such, Reichberg recommends a more cautious approach to what he deems a hasty conclusion made by Miller "that a scholastic article was 'meant to impel inquiry into a doubtful matter.'"⁴⁰ Inquires framed in terms of permissibility (*licitum*) should not be necessarily interpreted as an affirmative position against the act in question. Thus, for Reichberg the alleged negative presumption against war based upon the title of Q.40 is untenable.

The Objections Revisited

Directing his attention to Miller's claim that the stacking of objections in Q.40 is evidence of Aquinas's presumption against war, Reichberg offers a pedagogical breakdown of the *quaestio disputata*. Recall earlier how Miller bases his argument upon M. D. Chenu's understanding of the *quaestio* format. There we saw Miller and Chenu agreeing that the objections of an article are collaborative elements, able to be unified to uncover their overall meaning. Objections thus serve as a "dialectical procedure in which

³⁸ Ibid., 221.

³⁹ Ibid., 222.

⁴⁰ Reichberg quoting Miller in *Aquinas and the Presumption Against Killing and War*. 179

a collection of conflicting viewpoints...were reconciled into a higher synthesis wherein the truth of each could be affirmed.”⁴¹ This synthesis would then be articulated within Thomas’s response, thereby bringing clarity to any misunderstandings one may have of a given topic. From this, Miller was able to conclude that since all four objections are stacked in favor of a presumption not to harm, this indicated that Thomas recognized how “the value of nonviolence, not the virtue of justice, generates the intellectual clearing within which he [Aquinas] develops his inquiry.”⁴²

However, Reichberg argues that a closer reading of Aquinas’s work shows different variations in how he dealt with objections throughout the *Summa*. In some areas, Thomas assimilates the objections within his response, elaborating upon them with distinctions of which the overall truth is unveiled. While in other parts, Aquinas either offers no synthesis of the objections at all, or in some cases outright denies their truthfulness regarding the subject matter altogether.⁴³

Moving to the objections themselves in Q.40, Reichberg can see no attempt of Aquinas to synthesize them within his formulated response, as Miller purposes. In fact, “it will be quickly apparent how these [objections] either are not addressed within the *responsio*, or reach conclusions that are rejected therein.”⁴⁴ He provides a breakdown of how each objection is handled by Aquinas, beginning with the fourth which states that

⁴¹ M.D. Chenu, *Toward Understanding Saint Thomas*, 93-96.

⁴² Miller, 183.

⁴³ For example, Reichberg points out how in *IaIIae* Q.95, “Whether divination by dreams is illicit?”, Aquinas proceeds in a dialectical form, affirming “conclusions from both the objections and the *sed contra*”, drawing distinctions between the various causes of dreams, finding their origins in both natural and divine causes. However, a very different approach is taken by Aquinas regarding the question whether God exists in (*I Q. 2, A.3*) in which Thomas does not take a dialectical approach, but rather by-passes the objections altogether, proceeding then to offer proof of God’s existence in five ways. See Reichberg, 227, 228.

⁴⁴ Reichberg, 228.

warlike exercises in tournaments are forbidden by the Church. Reichberg sees this objection as having no immediate bearing on the threefold criteria of “just war” as discussed by Aquinas. Likewise, objections one - that calls war a sin based upon the punishment that will ensue for those who pick up the sword - and two, that highlights the biblical passages of Matthew 5:39 and Romans 12:19 discussed in the previous chapter, are both equally dismissed within the *responsio* finding no justification in the allegation of the sinfulness of war. Lastly, the third objection – that war is necessarily sinful because it is contrary to peace – is discarded due to Aquinas’s “express teaching... that a just war is undertaken precisely with the intention of peace.”⁴⁵ Because of this closer reading, Reichberg cannot assent to Miller’s assertion, explaining “In sum...we can see how the *responsio* to Q.40, A.1 does not bear out to Miller’s claim that ‘Thomas’s four objections produce a presumption against war,’” insofar as they ““present weighty but not definitive reasons that must be considered when crafting an ethic of just war.””

The Subject of War Within the Theological Virtue of Charity

If you recall in the previous chapter, Miller seemed to indicate that the virtue of charity should be the motivating force behind situations in which conflicts arise. Since we find Aquinas’s discussion of war placed within the section on charity, it would seem that the presumptive attitude toward nonviolence is the framework from which Thomas draws upon when drafting his thoughts on war. As we turn back to Reichberg’s critique, we find him disagreeing with this assertion by giving a contextual understanding of war’s positioning within the *Summa Theologica*.

⁴⁵ Ibid., 228.

Proceeding to the prologue in Q.39, Reichberg directs us to the itemized list of vices given by Aquinas that are contrary to peace. What is interesting to note, is that war has been included by Thomas as a vice along with three other deeds, namely schism, brawling and sedition. It is clear that when one reads the articles associated with these three, a sinful categorization is given in one way or another. Reichberg suspects that “in light of this treatment, one would expect his [Aquinas’s] account of war to follow the same path...”⁴⁶

However, an abrupt shift occurs when Aquinas approaches the topic of war in Q. 40. Rather than provide an elaboration for why war would be unequivocally denounced as sinful, Aquinas proceeds to explain on what conditions war can be considered just.

As Reichberg states:

Clearly, some special characteristic sets apart “war” from “schism,” “brawling” and “sedition.” While it would be contradictory to speak of a “just schism,” a “just brawling” or a “just sedition” (the three terms denote sin and sin only), “war” alone permits subclassification into good and bad kinds...There is a patent discrepancy between, on the one hand, the theme of war as announced in the prologue to Q.39, and the actual treatment of this theme, on the other.⁴⁷

This “subclassification” of war “into good and bad kinds” allows Reichberg to conclude “It was thus the dynamics of *unjust* war (a sin he [Aquinas] simply names “*bellum*”), rather than the exigencies of just war, that originally prompted Aquinas to take up the moral problem of war in his treatise on charity.”⁴⁸ Moreover, Reichberg assumes the overall objective of Aquinas’s insertion of war within the section on charity

⁴⁶ Reichberg, 224.

⁴⁷ Ibid., 224.

⁴⁸ Ibid., 224.

was to “demonstrate how wrongful war, along with other conflict-causing vices such as discord and schism stands opposed to the *concordia* that flows from charity.”⁴⁹

Again, Reichberg cautions against arriving at a rash conclusion – as the one Miller seems to take - that just war must be qualified by the demands of charity. Further elaborations are necessary, so an understanding of Aquinas’s logistical positioning of the topic of war can be achieved. To bind the moral actions of just war theorists through the exigencies of charity alone is too quick an assertion for Reichberg to assent. At the very least, the main emphasis he wishes to convey is that “it was not just war, but rather its opposite, unjust war, that dictated the inclusion of the former within the treatise on charity.”⁵⁰

The Proper Interpretation of the Biblical Texts

We now move from a contextual look of wars positioning in the *Summa* to Reichberg’s rebuttal of a presumption against harm evidenced in the mind of Aquinas based upon various biblical texts that seem to condemn belligerent conflict.

He spends the remainder of his article examining the New Testament passages (Matthew 5: 38, 39, 43, 44), commonly used by pacifists to justify their ideological stance. According to Miller, the main rationale for a presumptive ethic of non-violence by Thomas is seen in Aquinas’s comments regarding these divine precepts, which denounce any retaliatory force in the face of injustice. Reichberg offers an interpretative analysis of the “do not resist evil” passage (Matthew 5:39), illustrating how Aquinas understood the meaning of this verse. He seeks to provide a strong relevance between the

⁴⁹ Ibid., 224.

⁵⁰ Ibid., 225.

imperative command of Christ and the classic doctrine of just war to which Thomas espoused. According to Reichberg:

[I]t was incumbent on Thomas to explain how these phrases might be understood differently, and, to his mind, more accurately, than in the pacifist interpretation whereby these precepts were thought to rule out the very possibility of a just war.⁵¹

In providing his analysis of Thomas's understanding regarding the meaning of these passages, Reichberg asserts how Aquinas sought to dispel interpretive errors put forth by two opposing camps. The first were those of the Gentiles, who maintained that to follow the command of non resistance toward evil, would result in the complete destruction of public life, "because society cannot be maintained against disturbances without the imposition of punishment against evildoers." The other were probably those of the Cathars, viewed as a heretical group, "who maintained that all vengeance should be ruled out in observance of the Gospel law, even if this should undermine the social order."⁵²

Reichberg shows how Thomas's response was "two-pronged." Arguing against the Cathars, Thomas claimed that the prohibition against resistance to evil was not God's intention when it came to matters "undertaken for love of the public good (*ex amore publici boni*).⁵³

Contrary to the Gentiles, the (Matthew 5:39) directive to "not resist evil" should be understood as an imperative that should be observed within the Church. "Christians

⁵¹ Reichberg, 229.

⁵² Ibid., 230.

⁵³ Ibid., 230. Interestingly, Reichberg is not averse to point out how Aquinas makes the similar point in Q.40, A.1, Ad.2, in which the directive of (Matt 5:39) should be within the forefront of the mind, however "sometimes it is necessary to act otherwise for the common good, or for the good of those with whom we are fighting."

should be inwardly prepared to desist from self-defense, and to refrain from retaliating for harm done, thereby undergoing hardship and even death, if such will prove spiritually beneficial to the neighbor.”⁵⁴ According to Reichberg, the issue for Aquinas was one of distinction between the roles of those of church and state. In sum, violence had no place within the church, however, within the temporal sphere of political sovereignty, coercive force is justifiable as a corrective means in restraining deviant behavior that seeks to jeopardize the welfare of the common good.⁵⁵ Identifying with the epistle written by Paul to the Romans (chapter 13), Reichberg asserts:

God had instituted a public authority (princes) to impose penalties for malfeasance, such that private individuals were prohibited from taking initiative in this domain. Hence, those who permissibly resist evil for love of the common good are first and foremost princes, judges, soldiers, and others who have responsibility for maintaining public order.⁵⁶

Contending that Aquinas was postulating for a prohibitive directive given to the clergy not to engage in acts of war, Reichberg asserts Thomas’s understanding of the phrase (“not to resist evil”), “was not meant to prohibit punishment altogether, since in particular cases active resistance to evil-doing might very well be apposite.”⁵⁷ Hence, Aquinas’s understanding, as read by Reichberg, of the New Testament verse was not meant as a precept, but a counsel, affording an individual the opportunity – if they so desired – to offer nonresistance from an attacking assailant. An exhibition of self-sacrificing love when faced with egregious actions by an assailant was certainly

⁵⁴ Ibid., 231.

⁵⁵ Further elaboration will be offered in chapter five regarding this topic.

⁵⁶ Ibid., 231.

⁵⁷ Ibid., 232.

meritorious. Justifiable violence could find no place within the clergy. However, armed force “could legitimately be used by civil authorities to maintain peace.”⁵⁸

Conclusion

Recapping what was just discussed, we have explored counterarguments to an ethical disposition allegedly held by Aquinas that favors a presumption against harm and subsequently war. Reichberg has illustrated that claims to label such a presumption within the mind of Aquinas can’t be legitimized for a number of reasons.

First, efforts to show an implied disapproval of war based upon the article’s insinuation of its sinfulness were incorrect due to a lack of historical understanding of how the article was originally formulated. Second, the stacking of objections found in Q.40 in order to collectively synthesize the overall truth favoring nonviolence was problematic due to Aquinas’s variations in how he dealt with the objections throughout the *Summa*. Third, a negative outlook toward war’s applicability can be seen due its inclusion in Aquinas’s section on charity wasn’t justified when a contextual analysis of why war was placed within this section was offered. Lastly, no presumption against war could be substantiated based upon biblical texts that supported pacifistic ideals.

⁵⁸ Ibid., 229.

Chapter Four

MILLER AND REICHBERG COMPARED

We have now laid out both arguments from each scholar. It is evident that both reach a different conclusion regarding the question whether Aquinas possessed a presumption against harm in his assessment of war. The task before us now is to examine both arguments to ascertain which scholar provides the correct representation of Aquinas's thoughts regarding war's justification. To answer this, let us focus on the issues that each scholar touched upon.

If you recall in chapter one, I highlighted four areas of concentration in which Miller sought to demonstrate how Aquinas had a presumption toward pacifistic ideals. These were 1) by identifying patterns of reasoning that conform to the theory of *prima facie* obligations. 2) by the way in which Aquinas stacks the objections listed in Q. 40. 3) by focusing on biblical passages that seem to denounce the use of retaliatory force. And 4) by seeing Thomas's use of the topics of sedition and tyranny as paradigmatic cases in which a presumption against harm can be assumed.

I believe Reichberg responds to all four areas presented by Miller. In this chapter, I will attempt to communicate these responses and determine whether they were successful in casting doubt on Miller's conclusions. I will also provide ancillary comments where necessary in order to enhance a particular thought that neither scholar developed fully enough that may be pertinent to the discussion.

Do the Objections Show a Presumption of Nonviolence?

In comparing the writings of both, a point of contention seems to be evident on how each scholar sees Thomas utilizing the list of objections proposed in Q.40 regarding the topic of war. Miller sees a clear negative attitude toward war held by Thomas by the way in which these objections are stacked. Because of this he is able to assert that the “value of non-violence... generated the intellectual clearing within which he [Aquinas] develops his inquiry.”⁵⁹

Reichberg disagrees, dismissing this attempt to synthesize Aquinas’s objections to show a presumptive attitude favoring non-violence. In his view, no amalgamation of the objections in an effort to find a higher meaning is necessary or warranted. Reichberg sees no need to go any further other than to claim that Aquinas’s responses to the objections are quite clear in their attempt to nullify any misconceptions offered by the opposing view. For Reichberg, if we simply take the objections at face value, without reading any other motive behind their inception, it becomes clear that Thomas’s main intent was to shoot down the claims of these objections within his response. Jeffrey Stout agrees stating, “...it is only misunderstandings of one sort or another that create a presumption against waging war..., Aquinas’s aim is to help readers beyond overly simple presumptions like this and toward a comprehension of the conditions under which waging war can be just.” Gabriel Palmer-Fernandez is also in agreement stating, “...Aquinas wants to rebut some mistaken replies his readers might give to the question of Christian

⁵⁹ Reichberg, 183

participation in war, and to specify those conditions which make warfare the morally right and binding thing to do.”⁶⁰

In my estimation, Reichberg is correct. The stacking of objections posited by Miller to show a presumption against harm cannot be maintained for the simple reason that we do not see Aquinas utilizing objections in this manner when other articles within the *Summa* are examined. Perhaps a few examples can illustrate this point. In IaIIae, Q.4, A1, Aquinas stacks objections that presume God is imperfect. Are we to therefore conclude that Thomas held to a presumption that God was less than perfect? We would have to if we were to follow Miller’s logic. Similarly, in IIaIIae, Q.23, A3, Aquinas stacks objections against charity being a virtue. Again, are we to infer from this that Aquinas did not believe charity was a virtue? I think not. These examples make the force of Miller’s argument on this particular point less convincing. The acceptance of his conclusion regarding Aquinas’s objections toward the article on war does not yield the same result when we apply his conjecture to other parts of the *Summa*.⁶¹ Therefore, the presumptive attitude against harm seems untenable and unable to garner enough support.

Furthermore, for Miller to suggest that within an article’s opening objections, “there is an effort to embody the truth that the opposing position contains within a wider

⁶⁰ Jeffrey Stout, “Justice and Resort to War: A Sampling of Christian Ethical Thinking,” in *Cross, Crescent and Sword : The Justification and Limitation of War in Western and Islamic Tradition*, ed. James Turner Johnson and John Kelsay (Westport, Conn.: Greenwood, 1990). Also see Fernandez “A Note on the Relation of Pacifism and Just-War Theory: Is There a Thomistic Convergence?”, *Thomist: A Speculative Quarterly Review*, 59:2 (1995). Miller believes both these scholars are correct, however, he goes on to say “but it is inaccurate to conclude that the objections are only pretenders to truth. They are not false per se but only when they are interpreted as unqualified objections to war. Their truth must be properly conceived, and Aquinas sets out to clarify their veracity in his replies to the objections...” However, per Reichberg it is hard to assent to Miller’s assertion of a presumptive attitude against war without reading too much into the text.

⁶¹ To push the matter one step further, we see in IIaIIae Q.25, Aquinas stacks the objections against Christians loving their enemies through the virtue of charity, why doesn’t Miller argue for Aquinas having a presumptive attitude against loving enemies, since he argues for Aquinas having one against war based upon the same methodology? One can argue that a clear case of special pleading is being employed that can be seen as a bias that favors nonviolence. Since Miller has this presupposition, its no wonder that he is able to show this within Aquinas’s text.

framework which... underwrites its truthfulness,” seems to go beyond the original intent of Aquinas’s thoughts and into the realm of speculation. Reasoning along these lines overlooks the consistent formative patterns already existing within the *Summa* regarding Thomas’s use of the objections and the position he would take based upon their implied presumption.

For example, when the first objection of an article seems to establish a negative presumption toward the initial inquiry, this gives a clear indication that Aquinas will demonstrate within the body how the acceptance of such a presumption would be mistaken. As a case in point, in I-II Q.31 A.1 Aquinas’s first objection states “It would seem that delight is not a passion.” However, in his response, Thomas mentions how delight “is a passion of the soul.” Likewise, Thomas’s first objection in I-II Q.81 A.3 states how “it would seem that the sin of the first parent is not transmitted...to all men,” to which he retorts that “original sin is transmitted to all those who are moved by Adam...” Therefore, to state that Aquinas is making an attempt to draw out the conglomerate truthfulness of each objection in order to show his allegiance to its position is unsubstantiated. If anything, the pattern within the *Summa* shows that when an article tries to substantiate a certain presumption, Aquinas would reject this as being untrue. Miller’s attempt to apply this reasoning to the article on war and the objections therein, seeks to solidify a particular presumption held by Aquinas (namely non-violence), where one does not exist.

The Virtue of Charity and Its Implications

Since we cannot seem to find an allegiance toward nonviolence by the way Aquinas stacks the objections, perhaps the presumptive disposition against war can be established elsewhere. Miller maintains that Aquinas held a presumption against harm when he quotes New Testament passages that denounce the use of force in the face of injustice.

In Thomas's second objection listed in Q.40, Miller believes that by citing the divine commands of Matthew 5:39 and Romans 12:19, "a more focused presumption is found," one that "coheres with the pattern of reasoning associated with *prima facie* duties and the language of a presumption against harm."⁶² Miller identifies this *prima facie* duty as the good of non-violence, which on occasion may be circumvented by a competing duty that requires the protection of the common good. This also seems to be the reasoning of Andre Marie Dubarle who believes the divine imperatives found within the New Testament should "be understood as a statement of a hierarchy of values" in which their "immediate and remote context must be taken into account" if a proper exegesis is to be derived.⁶³

Since the theological virtue of charity serves as the backdrop to the discussion of war, Miller is able to argue that:

Justified recourse to violence is based on the judgment that the good of protecting the community outweighs restrictions on actions that would flow from the good of non-violence implied by Jesus' command.⁶⁴

⁶² Miller, 187.

⁶³ Andre Marie Dubarle, *The Biblical Doctrine of Original Sin* (New York: Herder & Herder, 1964), 137.

⁶⁴ Miller, 186.

Adding:

If, in Aquinas's thought, justice remains unqualified by considerations of charity, then his position seems to lack commitments that ought to inform a Christian approach to war.⁶⁵

Reichberg's response to this attempt to link a presumptive attitude against harm in objection two takes a multi-faceted approach. One that focuses on the reason why the treatise on war is placed within the section of theological charity and another that augments certain categorical distinctions overlooked by Miller when these New Testament passages are used to support pacifistic ideology. Reichberg does not directly address the *prima facie* schema set up by Miller to qualify the occurrence of war however, only commenting that the implied meaning of Miller's statements should be "expressly rejected with respect to its dual claim that it is sinful to (1) use force in resisting evil, and to (2) avenge wrongs."⁶⁶ Nonetheless, a contextual look at war to ascertain the reason for its positioning within the section of theological charity is worthy of a second look, since Miller places so much emphasis on its qualifying role on the justifiable use of violence.

Of the vices listed in opposition to concord in Q. 37, contention, schism, quarrelling, war and sedition, Reichberg mentions three – schism, strife, and sedition – that Thomas classifies as inherently sinful. However, war received a special treatment, leading Reichberg to surmise that some notable feature set it apart from the other vices.

Categorizing schism, strife and sedition as sinful modes of behavior would be accepted by Miller, agreeing that "Thomas classifies an act as intrinsically good, bad, or

⁶⁵ Miller, 177.

⁶⁶ Reichberg, 228.

indifferent.” Adding how “some acts are acceptable or unacceptable by definition.”⁶⁷ Schism, strife and sedition would certainly fit this mold. This being the case, it would be safe to presume that Aquinas held a strong presumption against these acts, finding them morally reprehensible, deserving of the utmost disdain. But such a presumption can not be affixed to war, since Thomas makes great pains to show how it can be justified, devoting an entire *quaestio* to its permissibility. No attempt to justify the three other vices was offered, again confirming Thomas’s strong belief in their illicit status. Hence, stating that Aquinas held to a presumption against war would make little sense, given his attempt to clarify a clear distinction between when the topic of war is first introduced in Q. 37, to its re-introduction in Q.40.

If a reading of Q.40 points to Aquinas stating what benchmarks would make a war just, then it is plausible to assume that when war is mentioned in Q.37, Aquinas was contemplating those characteristics that would make a war unjust. Presumably, Aquinas had an unjust war in mind when he listed it among the other vices, but wanted to make clear to his readers that war in itself can be used as an instrument for good, if fought under the proper conditions. Reichberg is very intent on mentioning this important distinction. For although Aquinas’s positioning of the topic of war within his treatise on charity seems ambiguous at first, “it must be emphasized that it was not just war, but rather its opposite, unjust war, that dictated the inclusion of the former...”⁶⁸ Such ambiguity is removed when we see how wars fought unjustly, violate the charitable grounds in which they ought to be fought.

⁶⁷ Miller, 177.

⁶⁸ Reichberg, *Thomas Aquinas Between Just War and Pacifism* 224.

This argument becomes more persuasive when we read Thomas's comments concerning the proper intentions combatants in warfare ought to possess. For he thought "it is necessary that the belligerents should have a rightful intention, so they intend the advancement of good, or the avoidance of evil."⁶⁹ Aquinas continues this thought by quoting Augustine, who believed "true religion looks upon as peaceful those wars that are waged not for motives of aggrandizement, or cruelty, but with the object of securing peace, of punishing evil-doers, and of uplifting the good."⁷⁰ The implication of these statements is clear. The harboring of unjust intentions in warfare would be a violation of the justice called for when engaging in such acts. To entertain such motives would be subject to moral condemnation and therefore, unjustifiable.⁷¹

This argument for wars inclusion within the virtue of charity seems plausible and would explain why Aquinas devotes an entire article on the subject emphasizing the differences between wars fought unjustly from those fought with honorable intentions. War's first introduction as being part of a list of vices, allows Reichberg to clarify further the reasoning Thomas held for its specific placement within the *Summa*. "His [Aquinas] goal was rather to elucidate how the "fruits of the Spirit," with charity at their head, and

⁶⁹ We find in Reichberg's other writings support for this when he comments how, "The subject-oriented perspective of charity is most visible...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." See Reichberg, "Aquinas' Moral Typology of Peace and War." *The Review of Metaphysics* 64, no.3 (March 2011): 470.

⁷⁰ II-II Q.40 A.1. Aquinas says that he is quoting Augustine from *De. Verb. Dom.*, however, this quote cannot be verified in Augustine's works.

⁷¹ Augustine also is quoted as saying how "the real evils of war are love of violence, revengeful cruelty, fierce and implacable enmity, wild resistance, and the lust of power. To fight under these motives would be in direct opposition to virtuous charity. See Augustine *Contra Faustum manichaeum* 22.74

including peace, are contravened by a set of conflict causing vices.”⁷² Jeffrey Stout recognizes this by asserting “Whether engaging in a particular war is a just act or not depends upon such matters as the authority under which it is fought, the cause that provides its occasion, and the intentions of those who undertake it.”⁷³ Wars become unjust when governing rulers “give sway to hatred, wrath, cruelty or other illicit dispositions, they would stand condemned as having acted against the exigencies of charity.”⁷⁴ Aquinas recognized this and sought to amplify this vital point within an article specifically devoted to war.

Toward a Broader Understanding of Just War Ideology

Turning our attention to the New Testament passages brought up by Miller, Reichberg clearly engages with these passages and offers a very competent interpretation of their meaning, of which I will address later. However, I wish to divert somewhat and spend some time on these important texts, hopefully offering a broader background perspective on why Aquinas saw the need for just war ideology given the express teachings of Jesus.

Advocates of pacifism have maintained how these texts for the non-use of force need to be positioned within an eschatological framework in which every day political activities are viewed with secondary importance compared to Christ’s proclamations that point to the ultimate reality of God’s kingdom that will one day be fully recognized on

⁷² Reichberg, “Aquinas’ Moral Typology of Peace and War.” *The Review of Metaphysics* 64, no.3 (March 2011). 469. Miller would agree with this statement. However, he wants to establish the language of presumption against war by arguing how such language signals opportunities to exercise virtue against the breakdown of charity with associated safeguards that indicate when a war is fought with immoral intent.

⁷³ Jeffrey Stout *Cross, Crescent, and Sword: The Justification and Limitation of War in Western and Islamic Tradition*. New York: Greenwood, 1990. 22.

⁷⁴ Reichberg, 470.

earth. Within the Sermon on the Mount, we see Jesus addressing the issue of retaliation by exhorting his listeners “not to resist evil”, but rather to “turn the other cheek to the one who strikes you” (Matthew 5:39).

William J. Danaher Jr. points out that, “This kingdom, of course, has not yet come in its fullness. Christians live “between the times,” that is, there is a tension between what we now experience and the future consummation of all things in Christ.”⁷⁵ In light of the occupation of the Roman Empire leading to Jewish expectations for political liberation, Christ admonishes a non-retaliatory attitude. The rebellion hoped for and anticipated by the Jews is countered by the teaching of Christ, to “love your enemies and pray for those who persecute you, so that you may be sons of your Father who is in heaven.” (Matthew 5: 44-45).

However, just war theorists postulate a different perspective from these non-violent texts. Their interpretation of the New Testament edicts of Christ are counterintuitive to what pacifist advocates take as literal meanings. Contrary to the non-use of force, proponents of just war seek justification of their stance by incorporating not only the Old and New Testaments, but important philosophical constructs regarding morality and natural law. Aquinas asserted that man is “by nature a political and social animal”, who needed to be governed because of his natural propensity to be selfish and disinterested in the common good.⁷⁶ Therefore, because of the realities of sin, we see the need for the establishment of justice, governance and law as a means of restriction.

⁷⁵ William J. Danaher Jr., “Pacifism, Just War, and the Limits of Ethics” *Sewanee Theological Review* Vol. 46, iss. 3 (2003): 318.

⁷⁶ Paul E. Sigmund. *St. Thomas Aquinas on Politics and Ethics: A New Translation, Backgrounds, Interpretations*. (New York: Norton, 1988), 14,15.

Evidence within pagan cultures gives credence to the Thomistic call for a governing politic in which justice needs to be recognized. This acknowledgement of man's awareness of universal truths is none other than the "natural law" in action. The result of coupling its existence with man's inclination to duplicitous acts can only lead to potential conflict and strife. It is because of this inevitability in which the possibility of warfare must be considered. If so, measures need to be taken as to how a peaceful equilibrium can be restored.

Responding to the pacifistic position, Davis Brown maintains that in order to be true to God's word there must be a recognition that "The God of the Old Testament is very much a warrior and the God of the New Testament cannot be divorced from that image. Christianity views God the warrior, God the just, God the merciful, and God the loving all as the same."⁷⁷ So, although there is an acknowledgement from just war theorists of the eventual manifestation of God's kingdom here on earth at a future time, corrective force must be used in this temporal world in an order to restrain wickedness and secure the safety of all.

The institution of an ordained civil government set up by God within the New Testament has been established for this very reason. In order to inhibit sinful behavior and provide a level of social order within a society, Paul calls for the submission to the governing rulers, for they are "God's servant to do you good. But if you do wrong, be afraid for he does not bear the sword for nothing. He is God's servant, an agent of wrath to bring punishment on the wrongdoer" (Romans 13). Even still, contentions and conflicts are bound to occur. Sometimes, warfare is inevitable whenever the human

⁷⁷ Davis Brown, *The Sword, The Cross, and The Eagle: The American Christian Just War Tradition* (New York: Rowman & Littlefield Publishers, Inc., 2008)

passions are present. Just war principles, when properly understood, seek to clarify the conditions in which war is to be waged.

Although Miller seems to feel the divine commands expressed in the New Testament provide unequivocal proof that Jesus was against any use of force to hostile aggression, an examination of other passages seem to prove otherwise. For example, when asked by Pontius Pilate if Jesus was King of the Jews, he responds by saying, “My kingdom is not of this world, if it were my servants would fight so that I may not be handed over to the Jews (John 18:36).” If Jesus were against resistance to violence unequivocally, why would he say such a statement? Furthermore, in Luke 3:14-15, we see soldiers, who apparently were converts to Christianity, coming to John the Baptist, inquiring, “What should we do? (v.14)”. One would think this was a perfect opportunity for John to condemn their occupations as soldiers thereby denouncing all forms of violent aggression. However he does not pursue this course, instead commands them not to “extort money... accuse people falsely and be content with your pay” (v.14). If such a career were unsuitable for a follower of Christ, why would John not harshly rebuke the soldiers because of their enrollment in soldiery?

Finally, we see the account also recorded by Luke concerning Cornelius in Acts 10:1 – 11:18. From the text, we are able to ascertain two things. First, that Cornelius was a centurion in the Italian Regiment (v.1). Second, that both he and his family were devout, God-fearing people who “gave generously to those in need and prayed to God regularly” (v.2). The text then states how Cornelius converts to the Christian faith in response to a visitation from an angel, through the ministry of Peter. Yet, there is no indication from the text of any renunciation by Cornelius of his position as centurion. To

press the matter further, Luke is quick to point out how many of the Ephesians who practiced sorcery, renounced their former way of life when they believed the gospel message by burning their magical scrolls (Acts 19). However, a renunciation of a military career that was believed to be unfitting for a Christian is not mentioned by Luke at all. These apparent omissions, by the New Testament writers, leads Nigel Biggar to assert, “If the New Testament regarded participation in the military profession as sinful, then surely its authors would have taken care to tell us that soldiers who became Christian disciples, renounced their military service.” Yet, we see no evidence of this at all.⁷⁸

What Lies Ahead

As we read these passages, it would be premature to agree with Miller that unequivocal proof has been given to substantiate a non-violent stance taken by Christ. At best, further elaboration would be necessary for a proper reconciliation between Thomas’s article on war and these passages of scripture. To support his case even further, Reichberg correctly notices how “While [Thomas] does cite the scriptural passages that pacifists had typically advanced in support of their position, in all of this *quaestio* there is

⁷⁸ In response to this uncomfortable piece of evidence, Richard B. Hays postulates that the appearances of soldiers need to be seen in the proper context. To explain these occurrences, Hays states, “they serve to dramatize the power of the Word of God to reach even the unlikeliest people. They are set beside tax collectors (Luke 3:12-13) as examples of how John’s preaching reached even the most unsavory characters.”

On the surface, this does seem tenable. However, given the account of Cornelius, Hays’s argument does not hold. Although Luke’s gospel does mention how God warmly receives ‘sinners’, who are engaged in questionable occupations, Cornelius is not presented to the reader in this vein. Quite the contrary, he is portrayed as a God-fearing, pious man who earnestly prayed before God on a regular basis. Attempts to place him together with the ‘unsavory characters’, such as prostitutes and tax collectors would simply be untrue and contrary to the text.

Admittedly, Hays does concede that, “these narratives about soldiers provide the one possible legitimate basis for arguing that Christian discipleship does not necessarily preclude the exercise of violence in defense of social order of justice.” However, in an effort to salvage his pacifistic viewpoint of the prohibition of force, he later states that the New Testament does not depict these positive stories of Christian soldiers fighting or using force in God’s service. This may be so; nonetheless, this assertion lies more in the realm of speculation than it does fact. See Nigel Biggar, “Specify and Distinguish! Interpreting the New Testament on ‘Non-Violence’.” *Studies in Christian Ethics* (2009), 169; Richard B. Hays, *The Moral Vision of the New Testament: A Contemporary Introduction to New Testament Ethics* (New York: HarperCollins Publishers, 1996), 335.

not one direct quote from Tertullian, Lactantius, or the other early Christian authors who had sought to construct a doctrine of principled objection to war.”⁷⁹ Despite this observation, it becomes evident that Miller’s reading of Aquinas’s reply regarding this particular objection becomes the main hinge by which the convergence between just war theorists and pacifists can be actualized.

Upon our return to Reichberg, the spelling out of interpretive understandings of two opposing camps (those of the Gentiles and Cathars) during Aquinas’s time begins to lay the foundation of categorical distinctions essential for a proper understanding of Thomistic justice. Such justice operating from the political realm inherently involves coercive force as a mitigating means of restraint among deviant citizens. To affix a presumptive attitude against war is to deny the very strength by which resort to a just war affords, namely to rectify egregious acts of injustice.

Although Reichberg has effectively laid the necessary groundwork for distinctive roles, I believe he falls somewhat short of a comprehensive unfolding of the Thomistic idea of justice contained within the *Summa*. Since I perceive Miller’s argument essentially rising or falling on this important issue, I have offered my own analysis that is paramount in answering the question where I believe Aquinas’s ethical orientation really resides. In the following chapter, I will seek to uncover this orientation by exposing a categorical error made by Miller in his attempt to characterize Aquinas with a presumptive disposition against war. By showing how Thomas dealt with the topic of justice, I seek to uncover differing modes of ethical operation within the sphere of human relations that takes into account personal as well as political associations.

⁷⁹ Reichberg, 228.

Chapter Five

THE IMPORTANCE OF CATEGORICAL DISTINCTIONS

In examining Miller's overall argument, two assertions are recognized in order to legitimize a perceived presumption against harm within the mind of Aquinas. The first is a move to substantiate the logic of *prima facie* duties based upon Thomas's juxtaposition of enemy love against the love for the common good. In chapter two, we found extenuating circumstances in which the attitude to love our enemies must at times give way to an immediate need to protect innocent lives.⁸⁰ The second assertion derives its conclusion from the first in that an overridden duty is endorsed as a 'foundational presumption' that ought to exercise its influence over a moral agent's subsequent acts. Here, the convergence hypothesis between just war and pacifism is emphasized, claiming a common ethical orientation evident between the two ideologies, namely a presumption by both not to harm.

Regarding the first, competition between *prima facie* duties does seem evident within the writings of Thomas. The example given by Miller above regarding Aquinas's treatment of sedition is rightly construed within a *prima facie* conceptualization. In that particular case, the duty toward civic order and peace is measured against any negative consequences that may result from the overthrow of a despotic ruler. Aquinas mentions how the overthrowing of a tyrant was justifiable "unless indeed the tyrant's rule be disturbed so inordinately, that his subjects suffer greater harm from the tyrant's government."⁸¹ In another passage we read "if the tyranny is not extreme, it is better to

⁸⁰ See page 21.

⁸¹ II-II, Q. 42, A.2

tolerate a mild tyranny for a time rather than to take action against it that may bring on many dangers that are worse than the tyranny itself.”⁸² Justice would then seem to be structured within a hierarchy of values taking its specification by a competing duty that serves as a supervening virtue.

However, Miller takes these instances of competing duties and surmises from them a presumptive orientation of nonviolence to the point where it becomes the underlying foundational inference for all aspects of human interaction. At first glance, I believe Aquinas would agree with Miller’s conjecture; but only to substantiate an ethic that should be normative for relationships between private individual members of a society. Thomas would not accept Miller’s understanding of this individual ethic against harm as the normative undertow for *all* fields of human interaction, such as those found between sovereign rulers of countries or the intra-state relations between citizens and governing officials. To see this distinction between private members and those found within the political sphere, foundational groundwork needs to be laid regarding Aquinas’s treatment of justice within the *Summa* and how this virtue directly correlates to various facets of human interaction. In the following pages, I offer a more comprehensive discussion of justice and its appropriate place within human relations.

The Supervening Virtue of Justice

According to Aquinas, the virtue of justice “consists of those things that belong to our intercourse with other men.”⁸³ While the other virtues seek to appropriately direct the inner passions of a man in relation to himself, justice seeks a “special rectification,

⁸² Thomas Aquinas, “On Kingship”, in *St. Thomas Aquinas on Politics and Ethics*, ed. Paul E. Sigmund (New York: Norton and Company, 1988), 23.

⁸³ II-II, Q. 58, A.1

not only in relation to the agent, but also in relation to the person to whom they are directed.”⁸⁴ Hence, according to Thomas, “the object of justice is to keep men together in society and mutual intercourse,” adding “this implies relationship of one man to another. Therefore justice is concerned only about our dealings with others.”⁸⁵ As with many topics addressed by Aquinas, further elaboration and distinctions are necessary to achieve a full understanding of how a particular topic is operative within human experience. Justice does not escape this rationalization. For although Thomas has provided a general definition of justice; he is quick to point out how this virtue is in need of additional specification.

Through a careful and deliberative approach, Thomas seeks to establish the appropriate ethical norms existing within two realms – one between private individuals and one between public functionaries - and how justice is the supervening virtue operative within both. In his assessment of the virtue of justice, Aquinas states:

Justice...directs man in his relations with other men. Now this may happen in two ways: first as regards his relation with individuals, secondly as regards his relations with others in general, in so far as a man who serves a community, serves all those who are included in that community. Accordingly justice in its proper acceptation can be directed to another in both these senses.⁸⁶

From the outset, Aquinas identifies two distinct ways in which justice “directs man in his relations with other men.” One regarding his relation with “individuals”, the other regarding his “relations with others in general.”⁸⁷ His response within this context

⁸⁴ II-II Q. 58 A.2, R.4. Aquinas’s reasoning is Aristotelian, explaining how the formation of a society is the natural outgrowth of human ingenuity, since man is by nature a social animal.

⁸⁵ Ibid.

⁸⁶ II-II Q. 58 A.5

⁸⁷ Jean Porter states how “The discussion of justice is the longest, the most complex, and arguable the most difficult treatment of a particular virtue in the *Summa Theologica*.” She goes on to say how amongst classical authors such as Augustine, Cicero and Gregory the Great cited within the *Summa* “There was a general agreement among

seeks to answer the objection given that justice should not be considered a general virtue, meaning its benefits do not affect all aspects of human inter-relatedness. Rather justice should be understood as a distinct category, just as the cardinal virtues of temperance and fortitude are specified and distinct from one another. Any species of action would therefore derive its categorization from the virtue to which it pertains. For example, prudent acts are specified as such because they derive their status from the virtue of prudence. In the same manner, just acts would find their derivation from the virtue of justice. Any positive effect from a virtue does not overlap into other areas of virtuous living. Understood in this manner, to regard justice as a general virtue applicable to all aspects of moral conduct would be an inappropriate appellation. Its effects as a virtue are restricted to itself alone.

Aquinas disagrees with this assertion, claiming how:

[I]t is evident that all who are included in a community, stand in relation to that community as parts to a whole; while a part, as such, belongs to a whole, so that whatever is the good of a part can be directed to the good of the whole. It follows therefore that the good of any virtue, whether such virtue direct man in relation to himself, or in relation to certain other individual persons, is referable to the common good: so that all acts of virtue can pertain to justice, in so far as it directs man to the common good. *It is in this sense that justice is called a general virtue* (italics mine).⁸⁸

To Aquinas, to view justice as a general virtue *is* an appropriate specification – contrary to the objection just proposed - since *all* acts of virtue find their ultimate expression in the *common good*. Hence, since individuals are seen as parts, the virtuous life of each is subsumed within the greater organic whole known as the common good.

Aquinas's sources that justice is a virtue; at the same time, however, there was considerable diversity of views about what this means." Porter is in agreement however with the Thomistic view of justice being nuanced in many different perspectives, among them being general and particular which is relevant to this thesis. For a fuller understanding see Porter's "The Virtue of Justice (IIa IIae, qq.58-122)", *The Ethics of Aquinas*, ed. Stephen J. Pope (Washington, D.C.: Georgetown University Press, 2002).

⁸⁸ II-II, Q.58, A.1

Thomas sees a transitive relationship between the virtuous good an individual possesses and the benefit it contributes to the welfare of a community. Justice serves as the overarching virtue, since it directs the relations of others within the common good as this society moves towards its appropriate ends. This Thomistic understanding of justice is supported by Jean Porter who declares how Aquinas, “draws from Aristotle, that there is a kind of general justice that has the common good of the community as its object.” She elaborates further claiming, “understood in this sense, justice is said to be a general virtue because it directs the acts of the other virtues to its own object, the common good, which transcends the good of the individual toward which the other particular virtues are directed.”⁸⁹

In reading Miller, he seems to overlook this important nuance. He undeniably brings up the topic of justice stating how Aquinas “discusses justice not only with reference to diminished social arrangements and individual conduct but as a virtue *simpliciter* (italics not mine)”, but no further commentary is offered by him recognizing how justice is to be directed toward men in the two distinct ways Aquinas mentions.⁹⁰ Recognition of this distinction would seem to prove paramount if any authentic

⁸⁹ Porter goes on to say how justice is in a sense “architectonic” with respect to the other virtues. See “The Virtue of Justice (IIa IIae, qq.58-122)”, *The Ethics of Aquinas*, ed. Stephen J. Pope (Washington, D.C.: Georgetown University Press, 2002). 273.

⁹⁰ Miller’s comment regarding the virtue of justice needs to be explained. He reads Aquinas’s use of justice as a “natural and obvious moral response to the prior breakdown of peace.” Since war is listed as a “sin against peace” in the prologue of II-II Q.37, Miller sees Aquinas’s conditions for war as being a direct result of a moral good that has been compromised. These moral goods are “a loss of friendship and fraternal social arrangements”, constituting the need for justice. Since the occasion for war is a result of a sin against charity, Miller is able to insert the presumption against harm thesis within Aquinas’s ethical orientation. He states further that, “The language of a presumption against war captures the nonideal circumstances and the associated temptations that form the horizon of political realism according to which we are to imagine the moral problem of war. Applying the virtue of justice to political duty must occur against the (unarticulated) background circumstances in which the virtue of charity has been directly compromised.” However, as stated within the text above, Miller does not show the two ways in which justice directs man and the appropriate ethical modes of behavior that would be acceptable to both.

understanding of the ethical motives driving Aquinas as he deals with the topic of war can be achieved.

In our preliminary study, we have seen the beginning of an unfolding of justice which has merely scratched the surface of the many nuances inherent within. So far we have determined a specification of justice that allows for its operation in two ways.⁹¹ One that regards how an individual relates to another privately and second how this same individual relates to others more generally within the larger framework of society. Stated differently, Aquinas offers a distinction that recognizes the virtuous good of a person as an individual from the virtuous good of this same individual as a citizen. Justice was found to be a general virtue, directing man's relationships with others individually *and* corporately as the later moves toward the benefit of the common good.

Having offered a more concise meaning of justice, Aquinas responds to the objection given that since it has been proven that general justice sufficiently directs all men in their relations with one another, the need for a particular justice that seeks to rectify *individual* relations would seem superfluous. Offering his reply, Thomas states:

Legal justice does indeed direct man sufficiently in his relations towards others. As regards the common good it does so immediately, but as to the good of the individual, it does so mediately. Wherefore there is need for particular justice to direct a man immediately to the good of another individual.⁹²

Notice how an even further qualification is offered by Aquinas, one in which a perspective of justice is needed that would "direct a man immediately to the good of

⁹¹ Josef Pieper's reading of Aquinas identifies three basic relations. 1) the relations of individuals to one another (*ordo partium ad partes*); 2) the relations of the social whole to individuals (*ordo totius ad partes*); 3) the relations of individuals to the social whole (*ordo partium ad totum*). I believe 2 and 3 can be viewed as the same. See Josef Pieper, *The Four Cardinal Virtues: Prudence, Justice, Fortitude, Temperance*. New York: Harcourt, Brace & World, 1965), 71.

⁹² II-II Q.58, A.7; When Aquinas uses the term 'legal justice', he means this to be synonymous with 'general justice'. In II-II Q.58, A.5 r.3. he states, "Wherefore legal justice, may be called a general justice."

another individual.” This, Thomas identifies as a particular justice and is in contrast to the legal justice mentioned that identifies how a man relates to another in regard to the common good. One can only surmise Thomas’s reasoning for this distinction is to set the stage for ethical parameters that would be appropriate for each classification of human inter-relatedness. The immediate value general justice brings to a collective body is incapable of substantiating the personal ethics that are required between private individuals. To rectify this, Aquinas narrows the scope finding the need for a particular justice from which a proper ethic between individuals ought to be derived. Thus, we see a bifurcation of justice in which two features are discovered. One that is operative within the realm of the community (*general justice*)⁹³ along with another that operates on the more intimate setting of relations between private persons (*particular justice*). As a result, the need for a particular justice is not superfluous; in so much as it illuminates this distinction between the whole of the common good from the individual persons who make up its parts. This becomes more apparent when Thomas states:

The common good of the realm and the particular good of the individual differ not only in respect of the many and the few, but also under a formal aspect. For the aspect of the common good differs from the aspect of the individual good, even as the aspect of whole differs from that of part.⁹⁴

Since Thomas identifies differences between the realm of the common good and that of the particular good, appropriating the same moral ethic for each would make little sense. Hence, it is safe to say that a certain form of ethical behavior that is acceptable between individuals might be inappropriate or unacceptable within the sphere of the

⁹³ In his reply whether justice as a general virtue is the same as all virtue in II-II Q.58, A.6 r.4, Aquinas declares how “...there must be one supreme virtue essentially distinct from every other virtue, which directs all virtues to the common good; and this virtue is legal [general] justice.”

⁹⁴ II-II Q.58 A.7 r.2

common good. As Gabriel Palmer-Fernandez claims, “the conceptual foundation for this response is a distinction between what is permissible for private persons and what is permissible for public functionaries.” He goes on to mention how “this is a longstanding distinction in Christian ethics that allows public authorities to do things on behalf of the commonweal that are always impermissible for individuals to do in the sphere of private life.”⁹⁵ Even Aristotle maintains “that they are wrong who maintain that the State and the home and the like differ only as many and few and not specifically.”⁹⁶ Since distinctive qualities exist in a legal justice which recognizes the common good from a particular justice that acknowledges the individuals who make up its parts, proper assessments of moral behavior would recognize this differentiation when adjudicating matters pertaining to justice. Both aspects of justice should then operate from different systems of ethical standards.

As with Miller, Reichberg also fails to fully develop this concept specified by Aquinas. The only statement with any semblance of this Thomistic thought is Reichberg’s comment regarding Christians and self-defense. There we see that “...exposing oneself to harm does not stand contrary to the natural inclination of each thing to preserve itself from physical corruption, since it is altogether possible to view oneself as a member of a larger whole, a whole that is conserved by this self-sacrificing action.”⁹⁷ Justice and its nuanced characteristics are nowhere to be found within this

⁹⁵ Gabriel Palmer-Fernandez, “A Note on the Relation of Pacifism and Just-War Theory: Is There A Thomistic Convergence?” *Thomist* 59, no.2 (April 1995) 253-4.

⁹⁶ Aquinas quotes Aristotle from the *Politics*, i.1.

⁹⁷ Reichberg, “Thomas Aquinas between Just War and Pacifism.” *Journal of Religious Ethics* 38, no.2 (2010). 231. It must be noted that this is not to say that Reichberg has not addressed this in any other of his writings...he may have. However, the objective of this thesis was to compare certain elements of this article with the ones found in Miller’s.

claim. However, we do see Reichberg's correct interpretation of the Thomistic concept of an individual being a part of a larger whole, identifiable as the common good.⁹⁸ And since we have uncovered two forms of justice – legal and particular – by Aquinas, we can now see how these ethical norms play themselves out that are based upon what species of human inter-relatedness are evident.

For example, in discussing the matter of fraternal correction, Aquinas states how, “The correction of the wrongdoer is twofold. One which belongs to prelates, and is directed to the common good, has coercive force...The other fraternal correction is directed to the amendment of the wrongdoer, whom it does not coerce, but merely admonishes.”⁹⁹ From this text, Aquinas unequivocally points out distinctive responsibilities that exist between public functionaries from those of private citizens and how each should administer correction. What we notice here is that in order to correct those who continue to exhibit unlawful behavior, one form of correction recognizes coercive force as a necessary means in order to maintain unified and peaceful relations within the realm of the common good. The nature of such force is to be administered by those who are in proper authority. However, Aquinas also expresses another form of correction, one that does not involve force, but seeks to effect change within the

⁹⁸ It also must be noted the context in which Reichberg makes this statement. He is addressing the New Testament passages which pacifists quote to support non-retaliation in the face of evil and injustice. Namely Matthew 5:39, “Do not resist evil, if someone strikes you on the right cheek, turn to him the left also;” Romans 12:21 “Do not be vanquished by evil;” Hebrews 12:14 “If possible, live peaceable with all;” and Matthew 26:52 “Put your sword back in its sheath.” As stated in my synopsis of Reichberg's argument earlier, these texts are directed to the church. In no way is Aquinas against the role of the state by which God has instituted “foremost princes, judges, soldiers, and others who have responsibility for maintaining public order.” Reichberg sees these imperatives directed toward the church, and these individuals “should be inwardly prepared to desist from self-defense...undergoing hardship and even death, if such will prove spiritually beneficial to the neighbor.” See Reichberg, “Thomas Aquinas between Just War and Pacifism.” 231.

⁹⁹ II-II Q.33 A.6

wrongdoer through means of admonishment. Evidently, this form of correction is reserved for those friendships that are private and more intimate in nature.

The distinctive roles and their accompanying duties emerge even further when we see Aquinas stating, “It is permissible to kill a criminal if this is necessary for the welfare of the whole community. However this right belongs only to the one entrusted with the care of the whole community...”¹⁰⁰ John Courtney Murray agrees claiming, “Force is the measure of power necessary and sufficient to uphold...law and politics.”¹⁰¹ Ethical parameters that entail constrain are totally acceptable as a means for control and the overall welfare of the community. “As the highest representative of the warrior class, it is the king’s duty to use force against those internal and external enemies who would threaten the just and righteous order of society.”¹⁰² The maintaining of peace would necessarily entail restrictive measures appropriate for the use of those in proper authority. Thomas goes on to say “such correction should not be omitted...” admitting that if a man is unwilling to alter his wicked behavior, “he should be made to cease sinning by being punished...since the order of justice is observed...”¹⁰³

However, in contrast, such disciplinary action would be impermissible as a mode of correction between private individuals. Instead, here Aquinas states that the way in which correction should be administered *in this type* of relationship is one of admonishment only, in the hopes that the offending person would see the error of their

¹⁰⁰ Thomas Aquinas, *On Politics and Ethics*, 69.

¹⁰¹ John Courtney Murray. *We Hold These Truths: Catholic Reflections on the American Proposition*. New York: Rowman & Littlefield Publishers, Inc., 1960. 274.

¹⁰² Valerie Ona Funk. "Just War: An Ethic of Restraint or the Defense of Order?." Conference Papers -- American Political Science Association (2004). 5

¹⁰³ *Ibid.*

way and pursue a more lawful course of action. The ethical orientation between individuals should not exhibit any measures of coercive force, instead should consist of verbal warnings only. When all efforts of admonishment fail, Aquinas sees nothing morally suspect in allowing governing authorities the right to intercede by way of capital punishment.

We see this line of reasoning emerge once again when Aquinas responds to the inquiry whether it is lawful to kill sinners. There he states, "...if a man be dangerous and infectious to the community, on account of some sin, it is praiseworthy and advantageous that he be killed in order to safeguard the common good..."¹⁰⁴ Thomas again acknowledges ethical distinctions between private persons and civil officials, stating such an action can only be "entrusted to persons of rank having public authority: wherefore they alone, and not private individuals, can lawfully put evildoers to death"¹⁰⁵ He thus qualifies a form of ethical proceeding that is permissible to governing authorities but impermissible and inappropriate to private persons. So, for Aquinas, the way in which justice is administered is relative and distinguishable between the types of relationships within a social community. What would be ethically acceptable for relations between public functionaries and the common good, are not acceptable in relationships between private friendships.

So, we see supportive evidence of two distinct spheres of human relations at work. Each of them operates from different ethical norms and responsibilities. Associated with the duties of civil magistrates is a component of governance that may

¹⁰⁴ II-II Q.64 A.2

¹⁰⁵ II-II Q.64 A.3

call for the justifiable use of force. Thomas sees this force against a member of society as beneficial and contributive to the overall good of a community, “in so far as it applied to a person as a punishment for the purpose of restraining sin.”¹⁰⁶ He goes on to mention elsewhere within the *Summa* how “In the infliction of punishment it is not the punishment itself that is the end in view, but its medicinal properties in checking sin,” adding how such a punishment “partakes of the nature of justice...”¹⁰⁷ The maintenance of any society, which acknowledges a form of general justice, inherently involves the coercive use of force as a mitigating measure to safeguard the common good against egregious moral acts.

Miller views Thomas’s assessment of justice within a qualified framework that can be traceable to considerations of charity. To be sure, Darrell Cole sees this assessment “as the model for Christian participation in war, thus making love rather than justice the controlling factor in using just force.”¹⁰⁸ However, this assertion fails to take into account Aquinas’s deliberative breakdown of justice and how it should be applied to different categorizations of human interaction that distinguishes relations between private individuals from those involving the governance of society.

This being the case, Miller’s interpretation of Aquinas’s reply to the second objection in question 40, in which war is seen as sinful due to the divine commands of Matthew 5:39 and Romans 12:19, does not take into account the ethical norms germane for which public functionaries must adhere for the protection of a social community.

¹⁰⁶ II-II Q.65 A.1

¹⁰⁷ II-II Q.43 A.7 r.1

¹⁰⁸ Darrell Cole, “Thomas Aquinas on Virtuous Warfare.” *Journal of Religious Ethics* 27, no. 1 (1999). Footnote 6 on p. 66.

Miller's analysis falls short of the justification for a presumption against harm by failing to notice the various specifications of justice Aquinas goes at great length to discuss.

The dispositional attitude to always be ready to love your enemies must therefore be understood as an ethic to which a particular justice is practiced between private individuals. Such a justice would condemn personal retaliatory force in the face of evil. However, given that the nature of human relations entails a general justice, such force would be an acceptable course of action in order to curtail any maladaptive behavior from influencing the common good. Thomas seems to be alluding to this distinctive element when he states how "God works in all things without exception whatever is right, yet in each one according to its mode."¹⁰⁹

Harm to individuals, when done through the proper mode of authority, is morally acceptable to Aquinas. It is the harming actions of those who don't have the authority to do so that is reprehensible in his eyes and deserving of strong reproof. Recognizing the importance of these distinguishing roles sheds light on how the divine commands of Matthew 5:39 and Romans 12:19 should be read. Daryl J. Charles acknowledges this importance, agreeing how "the injunction not to resist evil, contextually, must be located in the realm of personal injury, not state policy...In the sphere of the private, justice does not call for retribution. In the sphere of the public...justice demands retribution."¹¹⁰ With that said, no presumptive attitude against warfare and killing within the mind of Aquinas is evident.

¹⁰⁹ II-II Q. 64 A.4

¹¹⁰ Daryl J. Charles, *Between Pacifism and Crusade: Justice and Neighbor Love in the Just War Tradition*. *Logos: A Journal of Catholic Thought and Culture*, no. 4 (2005). Endnote 21

Chapter Six

CONCLUDING REMARKS

The recent use of analytical tools accessing war through *prima facie* duties along with a presumptive language against harm has brought about a reconstruction of Aquinas's writings. Joseph E. Capizzi has recognized that current formulations of war within a *prima facie* concept is becoming "influential even if historically the application of the *prima facie* logic to just war thinking is a recent arrival."¹¹¹ The reality of global destruction through nuclear means has caused deep concern for scholars such as J. Bryan Hehir who sees "The substantive reason for placing a presumptive restraint on war as an instrument of politics as...entirely necessary. Both the instruments of modern war and the devastation of civilian society which has accompanied most contemporary conflicts provide good reasons to pause (analytically) before legitimating force as an instrument of justice."¹¹²

We have already witnessed the Catholic Church's effort to acknowledge a convergence between just war ideology and pacifism. However, this anachronistic method has garnered the question whether such a conceptualization of war, through *prima facie* means, was evident within Thomas's mind.

Miller has been forthright in his attempt to synthesize the writings of Aquinas to show a meta-ethic of nonviolence that presumably shares a starting point with just war

¹¹¹ Joseph E. Capizzi. "On Behalf of the Neighbor: A Reflection of the Complementarity of Just-War Theory and Pacifism." *Studies in Christian Ethics*, no.14 (2001). 94

¹¹² J. Bryan Hehir, "In Defense of Justice", *Commonweal* 32-33.

ideology.¹¹³ He views any attempt by scholars to show Aquinas possessing a negative attitude toward war through these analytical means, as warranted.

However, from an examination of his main points, I find his belief of a presumptive orientation that favors non-violence unconvincing. Therefore, I am compelled to say that those who wish to reconstruct Aquinas along these lines are not justified in doing so. Of the main points offered by Miller, the two that seem to carry the most weight (the stacking of objections and the New Testament passages that condemn personal retaliation) were unable to substantiate a pacifistic presumption against war with Aquinas when the *Summa Theologica* was examined in fuller detail.

Reichberg's explanation of Thomas's reason for the use of objections was successful in instilling doubt against the higher synthesis theory Miller asserted. The discovery of a Thomistic presumption against a particular idea when the stacking hypothesis was applied to other passages of the *Summa* was shown to yield conclusions Aquinas would have undoubtedly rejected. Therefore, the claim that the objections of war "enshrine[d] nonviolent values to be the basis for impelling moral inquiry into the ethics of war," can't be validated when the bona fide reason for how Thomas used objections to an article's inquiry was explained.

Likewise, the assertion that a scholastic article was "meant to impel inquiry into a doubtful matter"¹¹⁴ was indefensible given the recognizable pattern within the *Summa* showing readers how Thomas was going to respond to an article based upon its opening

¹¹³ He has admitted that his attempt to substantiate the presumption against harm thesis follows what Richard Rorty calls, a "'rational reconstruction'" of a historical figure," which "is written "in light of some recent work in philosophy which can reasonably be said to be about the same questions as the great dead thinker was discussing." See Miller, footnote 20 and (Richard Rorty, "The Historiography of Philosophy: Four Genres," in *Philosophy in History*, ed. Richard Rorty, J. B. Schneewind, and Quentin Skinner [Cambridge: Cambridge University Press, 1984], pp. 54,57).

¹¹⁴ Miller, 179.

objection. If the first objection would make an argument for the illegitimacy of a particular act, this would immediately tip the reader off that Aquinas was going to contravene the assertion to show how the act was legitimate. The article on war in *II-IIae* showed no exception to this established pattern. The illicitness of war as a presumption against its implementation was clearly contested by Aquinas, showing how such characterizations toward war were misguided and in need of further elaboration, which Thomas goes at great length to offer in his responses.

It would make sense then, why the theological virtue of charity served as the backdrop from which Aquinas formulized his treatise on war. For Thomas, war was perfectly licit if fought within certain parameters. The sole purpose of these conditions was to safeguard against unjust motivations that would lead to a violation of charity. From this theological framework in which he operated, Joan Tooke is able to conclude “For Aquinas, Christian revelation elevated just warfare to a divine activity, and affected the spirit of love, justice, and punishment in which it ought to be fought.”¹¹⁵ Echoing this sentiment is Reichberg, who sees Christian participation in war as “not merely permissible, but, if carried out for the common good, and with due restraint, it represents an exercise of true virtue.”¹¹⁶ Understood along these measures, the apparent reason for Q.40’s appearance within the treatment of charity, “may be that for Aquinas, war under the specified conditions is motivated by and an expression of virtuous love for others.”¹¹⁷

A *prima facie* conceptualization, in which the duty to use force is pitted against the duty not to harm, does not therefore seem to be within the ethical purview of Aquinas

¹¹⁵ Joan Tooke, *The Just War in Aquinas and Grotius*. (London: S.P.C.K, 1965), 170-1.

¹¹⁶ Reichberg, “Is There a ‘Presumption Against War’ in Aquinas’s Ethics”. *The Thomist* 66 (2002). 346

¹¹⁷ Palmer-Fernandez, 256.

when discussing war. On the contrary, his rebuttals to the objections listed in Q.40 were successful in illustrating why the use of coercive force assumes a presumption against egregious acts of injustice, not, as argued, a presumption against harm. If a presumption against harm were in the forefront of Thomas's epistemology, then an obvious question would have to be asked why he believed "it is sometimes right and meritorious to make war?"¹¹⁸ An ethical disposition that favored nonviolence would not make sense given this statement. When all of these points are collectively presented, demonstrations to show a Thomistic ethical disposition against war and harm, becomes unlikely.

Further Challenges to the Prima Facie Schema

But aside from the compelling reasons just offered, I see at least three additional challenges to the *prima facie* logic. The first calls for a deeper look at what I believe to be an unspoken assumption the *prima facie* model states when trying to legitimize coercive force.

Discussions regarding war through *prima facie* grounds as a whole seems to raise some interesting questions relating to presuppositional content. One cannot simply take a neutral stance toward the given data we see from the reality of life in which we live. The reason I raise this issue is because I feel it is relevant to the current topic.¹¹⁹ To be more specific, in formulating the *prima facie* paradigm, Miller seems to advocate a neutral stance when judging between two competing duties. Based upon the evidence each duty offers, a moral judgment can then be made as to the appropriate course of action. In the case of war, the presumptive duty not to harm is pitted against the duty to

¹¹⁸ IIaIIae Q.40 A.4 r4

¹¹⁹ Although this is not the main focus of this thesis, perhaps opportunities might be available for further studies in this area.

protect innocent lives. When all the evidence for each is weighed, it will become evident which duty will come to the fore. One may look only at the features pertinent within each and through the use of reason; the right duty to which we are obligated to follow will eventually emerge.

However, it seems to me that this type of neutrality employed is one that is illusory and cannot be used by an analysis of brute facts alone. Just as an operating system runs programs on a computer, so to the moral judgments we make are funneled through our pre-existing operative worldview. A purely neutral stance would not and can not be possible given our engrained proclivities. Applying this to *prima facie* logic, it would seem that what is operative in its moral analysis of presumptive duties is an unspoken presupposition that serves as an implied standard of measurement used to adjudicate between them.

Jeffrey Stout seems to show what this presuppositional commitment is when stating “What it [the *prima facie* schema] lacks is a theory of justice. And [Miller’s] view that we ought to recognize the *prima facie* duty of non-maleficence as having force without help from a view of justice is every bit as controversial as any Thomist’s theory of justice.”¹²⁰

I agree wholeheartedly with Stout. An implied resort to justice seems to be already presupposed within the mind of Miller. For presumably, it would not be just to allow innocent lives to be sacrificed at the expense of a presumptive orientation that negates any use of force. Justice would call for the immediate protection of life over gratuitous suffering. In that case, the historical understanding of Aquinas’s treatment of

¹²⁰ Stout, *Cross, Crescent, and Sword*. p.20

war making an appeal to justice bears itself out. I have shown how the overarching virtue of justice operative within the categories of human interaction recognizes distinctive roles between private and public functionaries. That being said, I wonder if the whole notion of categorizing the justification of war through *prima facie* means would in the end be superfluous, since a presuppositional view of justice is already implied within its makeup.

A second challenge I see with the defining of war through *prima facie* means involves the inescapable concessions just war and pacifism must make in order for a convergence between the two can be posited. Joseph Capizzi has commented that inevitably “by interpreting just war and pacifism within a system of *prima facie* duties, the convergence thesis circumnavigates the core theological convictions of each tradition...”¹²¹ To be more specific, an overt compromise between both positions (just war and pacifism) would undoubtedly have to be admitted if the *prima facie* stratagem were implemented. On the one hand, the absolute pacifist would have to lower her ethical standard in order to allow for an ideology that goes against her strongest convictions. On the other hand, the just war theorist would have to concede in a starting point that would question the use of means by force as a legitimizing counteractive to obvious manifestations of evil. It would be fair then to question the significance *prima facie* obligations can contribute if ideological stances lose their defining statues within such a conceptualization.

Lastly, I wish to take up what I feel is the most telling concern afforded by the recent advent of *prima facie* logic and for that matter, modern analytical tools of interpretation in general. And that is focused upon the concept of truth itself. We are

¹²¹ David Baer and Joseph E. Capizzi, “Just War Theories Reconsidered: Problems with *Prima facie* Duties and the Need for a Political Ethic”, *The Journal of Religious Ethics*, Vol. 33, No. 1 (2005) 122.

witnessing before our very eyes “large sectors of academia...” in which “truth has become such a contested category that no debate is more intense than whether truth can be known at all.”¹²² The recent reinterpretation initiated against Thomas Aquinas’s *Summa Theologica* is a small sampling of the consequential outcomes inevitable once postmodern attitudes toward truth are entertained. It would seem that no historical work from past writers is beyond the reach of the hand of deconstructionism.¹²³ The penetrating trends of cultural ideas are serving to be an influencing force as the worldview of human secularism takes more of a prominent role. This coupled with a disregard for theism as a rational belief are causing many within the realm of academia to resist any belief system seeking to express itself as authoritative and absolute.

When the analytical tools proposed by Miller are used as an interpretive means toward any piece of literature, the undoubted result, I feel, is a compromise of original intent. Such methodologies that adopt a postmodern worldview jeopardize the very nature of truth itself. Analytical “reassessments” of important theological as well as political works opens the door to relative stances and reinterpretations. The admitted “reconstruction” of Aquinas’s ethical orientation is just one example of an interpretive attempt vying for equal authoritative status from the political and theological realms. As a consequence of such an approach, truth has become to the human mind what beauty is to the beholder. The seeking of its objective meaning will be replaced with a cultural consensus, rather than what the author truly intends.

¹²² Al Mohler, “Truth and Contemporary Culture”, in *Whatever Happened to Truth?* ed. Andreas Kostenberger (Wheaton, IL:Crossway Books, 2005), 55.

¹²³ We are witnessing this very thing in many Protestant churches’ re-interpretations of scriptures regarding homosexuality and the overall meta-ethic of love Jesus commands in order to accept these practices within Christian living.

James T. Johnson has encapsulated this thought, commenting how the presumption against war hypothesis is “not based on an unchangeable moral principle, but on a condition in the world that is not only subject to change but fated to change.”¹²⁴ He sees a rejection of the classical just war position in favor for an ideological trend that is more representative of the current cultural movement than anything else. If these trends continue, then it will be interesting to see if Aquinas’s thoughts on war will undergo another revision two hundred years from now.

¹²⁴ James T. Johnson, “The Broken Tradition.” *The National Interest* 45 (1996): 34.

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