

Classical Thomistic Just War Theory and its Applicability in the Modern Environment

A Research Paper submitted to the Department of Engineering and Society

Presented to the Faculty of the School of Engineering and Applied Science
University of Virginia • Charlottesville, Virginia

In Partial Fulfillment of the Requirements for the Degree
Bachelor of Science, School of Engineering

Scott Durkin

Spring 2024

On my honor as a University Student, I have neither given nor received unauthorized aid on this assignment as defined by the Honor Guidelines for Thesis-Related Assignments

Advisor

Pedro A. P. Francisco, Department of Engineering and Society

STS Research Paper

I. Introduction

War. It has been a constant presence throughout all of recorded human history. It has been the source of some of our greatest pieces of art and literature, from Homer's *Iliad* and Lord Tennyson's "The Charge of the Light Brigade" to Stephen Crane's *The Red Badge of Courage* and Hemingway's *For Whom the Bell Tolls*. It has been the source of countless stories of bravery and heroism which depict incredible grit, virtue, and self-sacrifice, from combat medic Desmond Doss on Okinawa and the Marines in the Chosin Reservoir to Catholic chaplain Vincent Capodanno in Vietnam and St. Maximilian Kolbe in Auschwitz. War has also been the source of some of the most infamous and deplorable events in human history, from Andersonville Prison and Sherman's March to the Sea to the Rape of Nanking and the My Lai massacre. Some wars were necessary and virtuous in purpose, yet others were acts of aggression worthy of condemnation. In the so-called "good wars" there were still many atrocities committed by the "good guys", such as the aforementioned March to the Sea and the bombing of Dresden in the Second World War. Even the "bad guys" have had their moments of heroic virtue; first in my mind is Luftwaffe ace pilot Franz Stigler who, at incredible risk to himself, not only refused to shoot down a disabled B-17 Flying Fortress but escorted it out of German airspace to the North Sea.

The moral and ethical landscape of war has continued to become increasingly complex through evolutions in the geopolitical environment and dramatic technological advancements. How then, are we to reckon with the ethical dilemmas which are certain to accompany an armed conflict in this new and rapidly evolving environment? The answer – or at least its roots – can be found, some may say surprisingly, in medieval scholastic philosophy. While the nature of war is

changing, the nature of virtue and vice, of right and wrong, is fixed and transcendent. Prudence, Justice, Temperance, Fortitude, Charity – these are the timeless and trusted stars by which we can set our course when we find ourselves amid tempestuous waters.

There is a subdiscipline of ethics called Just War Theory which provides the framework for discussing and evaluating the moral and ethical components of war. Just War Theory has emerged as a *via media* between two other modern schools of thought, a permissive “realism” and a restrictive “pacifism”, but it has a long and venerable tradition, dating back to *The City of God* written by St. Augustine of Hippo, in which the term was coined, and the *Summa Theologiae* written by St. Thomas Aquinas, in which criteria for a just war were first enumerated.

In the ever-evolving combat environment and with rapid advances in military technology continuously reforming the practice of war, the classical theory has been called into question by competing schools of thought. In this paper, I aim to investigate several questions. Firstly, does the classical theory remain relevant and applicable in the modern environment? Secondly, is it sufficient as an evaluative ethical framework? Finally, what ideas and concepts need to be further developed in light of current situations? These questions could each be individually explored in book-length treatments, so the scope of this paper will be substantially limited in order to keep it an appropriate length.

II. Background, Significance, and Motivation

Classical Just War Theory is comprised of two subsections: *jus ad bellum* (just reason to go to war) and *jus in bello* (just conduct in war).

There are three *jus ad bellum* criteria in the classical theory which all must be met for a war to be considered just. First, the war must be prosecuted by a sovereign authority. The use of force is only to be undertaken by the public authority for the public good. Because the sovereign authority is the one to whom the common good is entrusted, the wielding of force in defense of that common good is an action which is proper to that authority. Second, the war must have a just cause, “namely that those who are attacked should be attacked because they deserve it on account of some fault,” according to Aquinas. Augustine describes a just cause as putting an end to or “avenging wrongs, when a nation or state has to be punished, when a nation refuses to make amends for wrongs inflicted by its subjects, or restoring what a nation has seized unjustly” (Aquinas, 1274). Third, the war must be pursued with a right intention. This criterion has both negative and positive requirements. Those pursuing a war must be free of evil intentions such as lust for power, wrath, and bloodlust. Furthermore, the right intention must be directed to the aim of securing peace. At first glance, this criterion may seem redundant after the just cause criterion, but it is not so. Philosopher James Turner Johnson elaborates: “[right intention] does not simply reduce to a restatement or reinforcement of the requirement of just cause. Rather, it focus on two other things: the state of mind of one who authorizes the war and those who fight under that authorization, and the fundamental moral purpose for all uses of force – to achieve the peace that comes only with a justly ordered community” (Johnson, 2005).

There are three *jus in bello* criteria in the classical theory, proportionality, discrimination, and necessity. Proportionality states that the force utilized and foreseeable collateral damage must be proportionate to the goals or military objectives of the use of that force. Discrimination states that noncombatants and neutral third parties should not be harmed and that belligerents are obligated to distinguish between these and legitimate military targets. Necessity states that any

collateral damage must be deemed unavoidable in the pursuit of a military objective and that it should be minimized to the greatest extent possible. Also of note, the avoidance of any actions that are *malum in se* can be included among these criteria but is often unstated and left implied due to its self-evident nature. It is helpful to list as a pedagogical tool, as it identifies Just War Theory as being derived from a worldview which is based upon an intelligible objective morality.

Despite the United States not having officially declared war since World War II, the US military has been engaged in numerous armed conflicts over the past several decades. None of these, however, have been directly waged against near-peer adversaries or global superpowers. That is not likely to remain the case for much longer. Admiral Phil Davidson, USN (Ret.), then Commander of the US Indo-Pacific Command, argued in a 2021 congressional hearing that China is likely to make a move to seize Taiwan within the next six years. This 2027 timeline has been dubbed the “Davidson Window” and has guided short-term US military planning and policy for the past several years. The nature of US military preparation and the endorsement of the Davidson Window by numerous high-ranking military and defense officials supports the assertion that such a war is probable in the near future (Gallagher, 2021). With the first conventional war between near-peer world superpowers seemingly just around the corner, the significance and timeliness of the topics discussed in this paper cannot be understated. Furthermore, considering ongoing conflicts such as the Russo-Ukrainian War, the Israel-Hamas war, and the Haitian Gang War, in which civilians have been frequently targeted and have experienced sufferings of immense magnitude, further amplifies the significance of this topic.

III. Methodology

Since Just War Theory is itself an ethical framework, it is reasonable for it to be evaluated by the overarching frameworks and schools of thought from which it derives its principles.

Accordingly, this essay will explore developments in Just War Theory from the perspective of the Thomistic worldview from which the theory is derived, namely, from the dual perspectives of Aristotelian virtue ethics and Catholic moral theology.

Aristotelian virtue ethics is the school of thought developed by Aristotle building upon the work of Plato and Socrates. It is practically oriented, focusing on the identification and practice of virtues, or excellent traits of character. The practice of these virtues is seen as a way to achieve *eudaimonia*, a concept best translated as a fusion between flourishing, happiness, and well-being (Kraut, 2022).

Moral theology is the branch of theology which deals with identifying virtues and determining right actions. While drawing from virtue ethics, moral theology goes one step further with a teleological approach. Teleology, from the Greek *telos*, meaning end, purpose, or goal, is the study or consideration of something in relation to its final cause, end, or purpose. Moral theology defines the virtues in relation to man's ultimate end as established by the Catholic faith, namely, eternal union with and beatitude in the presence of God in heaven (Lehmkuhl, 1912).

Virtue ethics utilizes the faculty of reason to make judgements regarding virtues and the moral quality of actions. Moral theology, in addition to using this natural faculty of reason, contextualizes it within the context of divine revelation with the practice of the theological virtue of faith. This is critical, because, as James Turner Johnson argues, "Catholic moral thought is distinctive because it holds that wisdom resides in the record of the Holy Spirit's interactions with the faithful throughout the history of the Church...one cannot have a genuinely Catholic

contemporary understanding of just war without a grasp of the Church's tradition" (Johnson, 2005).

To investigate the questions posed in Section 1 of this paper, two main methods will be undertaken. First, a literature review will present examples of proposed modern *jus ad bellum* and *jus in bello* criteria which will be examined and evaluated for fidelity to the tradition and measurable contribution to the doctrine. Additionally, case studies of technologies and circumstances unique to the contemporary environment will be presented, with the aim of demonstrating the sufficiency of the classical tradition and those developments which maintain close adherence and fidelity to it as an evaluative framework. Through these methods, the answers to the identified research questions can begin to be formulated.

IV. Literature Review and Discussion

One principle which undergirds the idea of Just War Theory is the Catholic view of the concept of sovereignty. This is, that the state is charged with the maintenance and protection of the common good, and its authority to do so comes from God. The Catechism of the Catholic Church states "The authority required by the moral order derives from God...For there is no authority except from God, and those that exist have been instituted by God" (*Catechism of the Catholic Church* [CCC], 1997). This is not issuing *carte blanche* for any state to act however it pleases; on the contrary, the Catechism continues: "Regimes whose nature is contrary to the natural law, to the public order, and to the fundamental rights of persons cannot achieve the common good of the nations on which they have been imposed. Authority does not derive its moral legitimacy from itself...Authority is exercised legitimately only when it seeks the common good of the group concerned and if it employs morally licit means to attain it" (CCC, 1997). The

Catechism also cites Aquinas, who writes in the *Summa Theologiae*: “Human law has the nature of law insofar as it is in accord with right reason, and thus derives from the eternal law. Insofar as it deviates from right reason, it is called an unjust law, and thus has the nature, not of law, but of violence” (Aquinas, 1274). The Catechism defines this common good as “the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfillment more fully and more easily” (CCC, 1997). The common good consists of three essential elements: respect for the person and the fundamental rights of the person, social well-being and development of society’s spiritual and temporal goods, and peace within the context of the stability and security of a just order (CCC, 1997).

This view of sovereignty is in contrast to the modern concept of Westphalian sovereignty, practiced since its institution in the 1648 Peace of Westphalia, in which each state has exclusive sovereignty over its own territory and sovereignty is the exclusive purview of nation-states. The foremost living Just War scholar, Michael Walzer, goes even further in his seminal work, *Just and Unjust Wars*, arguing that sovereignty is tied to the will of the people and thus only legitimately held by liberal democracies (Walzer, 1977). On the other hand, it is clear from history that the *telos* of the state, namely, the service of the common good, can be achieved by multiple forms of government, including republics, democracies, and monarchies, among others. Therefore, Walzer’s biased assertion can be rejected in favor of the traditional Catholic perspective which has a definition of sovereignty that is more universally applicable and defined by principles which are not unique to a particular time and place.

Recently, the preeminence of the Westphalian view of sovereignty has been challenged by the rise of powerful international institutions, the foremost among which is the United Nations. International agreements such as the 1948 Universal Declaration of Human Rights and the

Responsibility to Protect principle adopted at the 2005 UN World Summit have given the United Nations (particularly the Security Council) a kind of quasi-sovereignty in which they can legally declare a war and mandate intervention by member nations to put an end to human rights abuses (United Nations, 2020). This development was predicted by Clyde Eagleton, a scholar of international law, in his 1937 *Analysis of the Problem of War*. Eagleton asserts that “states must surrender some of their national sovereignty and accept...an international organization...backed by an overwhelming physical force” (Eagleton, 1937). Eagleton identified the League of Nations as impotent and ineffective because of its lack of universal participation and limited powers. He concludes by asserting that “the only answer to the problem of war...requires an international organization to which all states belong, willingly or not...with a force behind it capable of overcoming all resistance” (Eagleton, 1937). That would merely trade the problem of war for an even greater problem, the tyranny of an all-powerful one world government (Biggar, 2013). Rather than an international sovereign authority which would erode the sovereignty of nations and violate the principle of subsidiarity, the Catholic Church presents itself as wielding a kind of supernatural and moral authority, but not the type of temporal authority which is proper to the secular governments of individual nations.

The sovereignty of a nation comes with an obligation towards the common good which extends beyond the confines of the borders of the nation. Oxford philosopher Nigel Biggar likens the waging of a just war to the practice of fraternal correction. He argues that because nations are “originally subject to the natural law, and...their brother’s keeper” the use of force to punish an “equal” is legitimate, provided it is exercised in a “fair, charitable, and prudent” manner (Biggar, 2013). Guiding this is an intrinsic necessity for restraint, on account of the fact that “the just warrior cannot stand to the unjust perpetrator as clean to unclean, righteous to unrighteous...only

as one sinful creature to another. Even the enemy partakes of an equal dignity that deserves respect” (Biggar, 2013). Further development of the concept of sovereignty beyond the modern nation-state is necessary as civil wars and wars of self-determination become more prevalent. The Catholic worldview provides a solid philosophical basis for this development to build upon.

Additional novel *jus ad bellum* criteria have been proposed cited as prerequisites for a just war with increasing frequency. This has been so pervasive that some sources now list them among – or even in place of – the classical Thomistic criteria. For example a comparative study of different religious and cultural perspectives on just war includes reasonable chance of success and last resort as *jus ad bellum* criteria in both its introduction and chapter focusing on the Catholic perspective (Robinson, 2003). Additional frequently proposed criteria include proportionality between overall net harms and gains of the war. These – and other proposed criteria – are examples of an emergent pacifistic trend. This trend is manifested in the ideas of “modern-war pacifism” and “presumption against violence” which have both become increasingly popular positions (Pavliscek, 2008). Modern-war pacifism holds that the increasing scale of destructive technologies make war no longer meet a proportionality criterion. Presumption against violence, which as been described as a kind of “crypto-pacifism”, says that uses of force are permissible only in exceptional cases (Pavliscek, 2008). Keith Pavliscek, a retired Marine Corps Colonel and military ethics expert, identifies the inconsistency of this presumption against violence, noting that the originators of the just war tradition “did not begin with a presumption against war but rather with a presumption against injustice” which is derived from the duty to the common good which obliges the sovereign authority to act (Pavliscek, 2008).

These criteria are not as ironclad as the classical three. Political philosopher Eamon Aloyo argues that last resort ought to be removed entirely due to the erroneous presumption against violence present. He utilizes utilitarianism to demonstrate that use of alternate means of statecraft in strict adherence to last resort can frequently result in greater harm than would have come from going to war (Aloyo, 2015). Aloyo further demonstrates that when the last resort criterion is watered down to the point where it is no longer nonsensical, it is made redundant by the proportionality criterion (Aloyo, 2015). Walzer concurs about the self-contradictory nature of last resort, writing that “we can never reach lastness, or we can never know that we have reached it” (Walzer, 2004). The reasonable chance of success criterion makes the common fallacy of assuming the primacy of the material world. There are injustices that are so great, evils so profound, that duty compels the just man to resist, even if there is seemingly no chance of success, even if defeat is all but certain. Obviously, one ought to consider the plausibility of one’s goals and futile action is most certainly the exception and not the rule, but nevertheless, the reasonable chance of success criterion is not absolute. Proportionality is by its nature a concept unique to each situation and bears more relevance to the manner in which a war is conducted than to the question of whether or not to pursue it. Additionally, it is mere speculation as Walzer demonstrates: “...we want...leaders to worry about costs and benefits. But they have to *worry*; they can’t calculate, for the values at stake...can’t be expressed or compared mathematically, as the idea of proportion suggests. How do we measure the value of a country’s independence against the value of the lives that might be lost in defending it?” (Walzer, 2005).

Wars themselves are fought because an unjust peace is deemed unacceptable and antithetical to the common good and therefore in need of being remedied into a just peace. While these new proposed criteria do bear relevance and are worthy of consideration, they are by no means as

important as the three classical criteria. Those are absolutely necessary and have clear boundaries of fulfillment, they are the non-negotiable *sine qua non* of just war. These, on the other hand, are criteria, the application of which is highly situational. Many scholars have taken to calling these “prudential criteria” and consider them secondary to the classical criteria. Johnson says they must be taken seriously but are “of a qualitatively different character from” the classical criteria (Johnson, 2005). Pavlischek laments how many modern scholars “invert these priorities so that prudential criteria...are presented as being the center of the tradition” but argues that they still “must be taken seriously” (Pavlischek, 2008). Walzer summarizes: “Though military means may be ruled out in practice in this or that case, they are never ruled out in principle. It is our abhorrence of aggression that is authoritative here, while the maxims of last resort and proportionality play only marginal and uncertain roles” (Walzer, 2004). This is a healthy middle ground for the theory, wherein proper discernment is encouraged regarding a broad list of concerns while not allowing a de-facto pacifism in all but name to emerge.

The advancement of military technology and the frequency of conflicts between sides with disparate levels of technologically-derived military capacity raises interesting questions regarding *jus in bello*. From what source is the right to kill an enemy combatant derived? Is it derived from the just cause of the war? Is it derived from the individual soldier’s proximate self-defense? If a soldier is utilizing technology to fight from a remote position does this still apply? How does this affect the application of the criterion of discrimination between combatants and noncombatants? These are the types of questions raised by the advancement of technology and the new pattern emerging in the practice of war.

The answer to the first question lays important groundwork for the understanding of subsequent questions. It has, however, been a point of divergent opinions among just war theorists.

Accordingly, these various perspectives will be explored. Walzer holds the principle of the ‘moral equality of soldiers’ and argues that soldiers of either side have a right to kill one another within the confines of war. He writes “In our judgments of the fighting, we abstract from all consideration of the justice of the cause. We do this because the moral status of individual soldiers on both sides is very much the same: they are led to fight by their loyalty to their own states and by their lawful obedience. They are most likely to believe that their wars are just, and while the basis of that belief is not necessarily rational inquiry but, more often, a kind of unquestioning acceptance of official propaganda, nevertheless they are not criminals; they face one another as moral equals.” (Walzer, 1977). Walzer further refers to soldiers as being the “human instruments” of their respective states (Walzer, 1977). It is also frequent for scholars to refer to enemy soldiers on opposite sides as ‘brothers in arms’, an idea epitomized in the following passage from Erich Maria Remarque’s novel *All Quiet on the Western Front*:

“Comrade, I did not want to kill you...But you were only an idea to me before, an abstraction that lived in my mind and called forth its appropriate response. It was that abstraction I stabbed. But now, for the first time, I see you are a man like me. I thought of your hand-grenades, of your bayonet, of your rifle; now I see your wife and your face and our fellowship. Forgive me, comrade. We always see it too late. Why do they never tell us that you are poor devils like us, that your mothers are just as anxious as ours, and that we have the same fear of death, and the same dying and the same agony—Forgive me, comrade; how could you be my enemy?” (Remarque, 1929).

This is a sentiment not only depicted in fiction, but also in examples from history. Franz Stigler, the German fighter ace mentioned in the introduction to this paper, recalled “We knew we had a job to do – defend our country, and we knew the boys in those airplanes had a job to do, too, because they had orders to get the war finished and it was just such fierce combat” (Makos, 2013). Stigler described his reunion with B-17 pilot Charlie Brown in 1990 as: “It was like meeting a family member, a brother you haven’t seen in forty years” and later recalled “In 1940, I lost my only brother as a night fighter...Charlie Brown, is for me, as precious as my brother was” (Makos, 2013). The position of moral equality of soldiers is held quite broadly, both by idealists who see it as derived from a chivalric code of honor and by realists who see combatants as mere instruments of their respective governments. One example of these would respectively be the fighter pilots of the First World War who saw themselves as modern-day knights of the air and the foot-soldiers below them enduring the squalid conditions and high casualty rates of trench warfare.

The principle of the moral equality of soldiers is widely accepted in the modern era, likely due to the unrivaled level of influence Walzer has as the preeminent living authority on the topic of just war, but its acceptance is far from universal. The opposite position is advanced by a group of just war revisionists, such as political theorist Toby Reiner, who argues that the separation between *jus ad bellum* and *jus in bello* is problematic. He holds that the right to kill in war is derived from the enemy posing an “illegitimate threat” (Reiner, 2018). He argues that since “soldiers prosecuting a just war are not morally responsible for an illegitimate threat” they “are not liable to attack” (Reiner, 2018). This would make enemy soldiers prosecuting an unjust war nothing more than criminals and murderers, bearing full culpability for their actions. This leads some to hold the ‘supreme emergency’ position, a term coined by Churchill to justify bombings

of German cities in World War II. This position holds that if a cause is important and dire enough, the conventions of *jus in bello* can be thrown out entirely and any action is justified in order to achieve victory over an evil enemy (Walzer, 2004). Prince Andrei in Tolstoy's *War and Peace* echoes this sentiment, declaring "I would not take prisoners...The French have destroyed my home and are on their way to destroy Moscow...They are my enemies. In my opinion they are all criminals...They should be executed! Since they are my foes they cannot be my friends, whatever may have been said...They plunder other people's houses, issue false paper money, and worse of all they kill my children and my father, and then talk of rules of war and magnanimity to foes! Take no prisoners, but kill and be killed!" (Tolstoy, 1958). Reiner argues that it is a soldier's duty to reflect on the justice of a conflict and refuse to fight if he deems it to be unjust and calls for a sweeping reform of practices regarding conscientious objection and dishonorable discharge to normalize this practice (Reiner, 2018).

If one holds that a soldier's right to kill comes from exercising "the right to self-defense within the conditions of a mutual imposition of risk" then emerging trends of asymmetric warfare could potentially nullify the justification for taking the life of an enemy (Kaempf, 2014). This 'reciprocity' precondition is commonly held amongst current just war scholars. In the post-Vietnam environment, the U.S. military has become increasingly casualty averse. This has led to a marked reduction in risk assumed by military personnel, to the point where during the Gulf War, casualty rates for U.S. troops were lower than the death rates for young men back in the U.S. (from causes such as motor vehicle accidents and violent crime) (Kaempf, 2014). As the assumed risk continues to decrease and military personnel begin to conduct operations via remotely operated systems with increased frequency, the condition of proximate self-defense from a mutually imposed risk would no longer be met. Kaempf argues that the U.S. military has

already passed the inflection point and currently operates with a significant emphasis on minimizing risk. He concludes that this asymmetry “violates the fundamental principle that establishes the internal morality of warfare” so that “the U.S. military can no longer draw on existing moral and legal frameworks to justify the killing of enemy soldiers” (Kaempff, 2014). Kaempff asserts that the only way to rectify the emergent contradiction would be to either (1) reverse the risk-averse policy or (2) only utilize non-lethal weapons (Kaempff, 2014). Not only are both proposed solutions untenable, the conclusion is also erroneous.

Even if Kaempff’s assessment of the problem were correct, his proposed solutions would still be insufficient. U.S. doctrine holds the lives of its soldiers as being of supreme importance and value. U.S. Secretary of Defense, Lloyd J. Austin is quoted as saying “The greatest assets of the United States Army aren’t our tanks or our helicopters or our sophisticated weapons systems. They are our people.” (Vergun, 2012). With the current level of value placed on individual soldiers and their training and development as professional warfighters, soldier safety is set to remain of paramount importance. Furthermore, non-lethal weapons are simply not as effective as conventional weapons, and, until that changes, militaries will not adopt them, as doing so would compromise their ability to fulfill mission objectives.

The proximate goal of a military force engaged in combat is, put simply, to kill the enemy and achieve the combat objective while oneself avoids being killed. It is therefore natural, intrinsic, and imperative for a military to seek out asymmetries to exploit in combat, be they technological or tactical. This can be seen in countless examples throughout all ages of military history. While Kaempff is correct in describing the current level of asymmetry present in U.S. operations as unprecedented, he neglects one key distinction. The difference between current (and projected future) asymmetries and past asymmetries is a difference in degree, not a difference in essence.

The right of a combatant to kill an enemy combatant does not come from the enemy posing a proximate threat to him, but from the categorical threat posed by an enemy combatant. A soldier, in the eyes of theorists such as Walzer, temporarily forfeits some of his rights when he becomes a combatant party to a conflict (Walzer, 1977). Among these can be found (situationally, with respect to opposing combatants) the right to life. Any enemy combatant (with the exclusion of wounded, infirm, surrendering, prisoners of war, and the like) categorically poses a threat to the soldier and to his cause. Thus, following the principle of discrimination between combatants and noncombatants, the enemy combatant is a legitimate target for the soldier, regardless of the proximate threat posed to the individual soldier by the enemy combatant (or lack thereof).

While this appears at first glance to be coherent, upon reflection it is seen to be incompatible with the axiomatically held idea that according to the natural law, only the guilty may be slain and no one known to be free of guilt can be slain (Biggar, 2013). Analogizing to a simpler scenario, imagine a case of burglary/attempted home invasion. The homeowner is within his rights to utilize force, should he deem it necessary in order to protect himself, his family, and his property. Is the burglar morally equal to the homeowner now that force has been brought into the equation? Our natural reason answers no, of course not. The burglar is an unlawful aggressor and justice demands that the aggression be repulsed and that the just, peaceful order he disrupted be restored. Returning to the macro-scale of international conflict, there can never be a situation where a just war is fought between two justified parties. Either one side is justified, or the other is, or neither is, but both cannot simultaneously be justified in their recourse to force (Biggar, 2013). Admittedly, the international geopolitical context surrounding any conflict can appear ambiguous as it is ongoing. Additionally, it is highly plausible that the information available to a soldier at the time of a conflict will be extremely limited, and likely originating from a biased or

propagandistic source. Furthermore, it is also plausible that he may be compelled into service against his will by threat of violence against himself or his family. In Catholic moral theology, culpability for a sin requires three conditions to be met: (1) grave matter of the act committed, (2) knowledge that the act was wrong, and (3) full consent to the act. Recognizing the high likelihood that an unjustified combatant is misled by biased information and/or subject to coercion as well as the natural duty and deference owed to a nation and her government by her subjects, medieval scholastics have argued successfully that “common soldiers are not bound to make diligent investigation of the justice of the cause of the war” so long as it is not abundantly clear to them that the war is unjust (Biggar, 2013). When and if we speak of combatant equality, we should use a framework of legal equality, not a moral equality. The legal equality framework is pragmatic, as it enshrines and preserves the principle of discrimination between combatants and noncombatants and focuses significant attention on the *jus in bello* principles which can easily be neglected if one only considers *jus ad bellum* (such as Churchill’s ‘supreme emergency’ concept in the Second World War which he used to justify the strategic bombing of German cities such as Dresden).

Returning to the topic of asymmetric conflicts, there is one caveat to the legitimization of remote force. While combatants voluntarily assume the hazards associated with war, civilians and other noncombatants do not. I use the term ‘hazard’ intentionally, as it implies a danger intrinsic to a situation or profession, rather than the term ‘risk’ which holds a negative connotation and implies something undesirable to be avoided (Coker, 2008). The military is a dangerous occupation, and the choice of servicemembers to accept the dangers associated with the occupation and to hazard their lives in service of their country exemplifies the uncommon virtue and heroism which is commonly displayed by military personnel. If a remote action increases the risks posed to

civilians, then that must be a factor considered in determining whether or not to proceed with the operation. From the perspective of Ethics of Care, on account of the unequal relations, some argue that there is a duty among combatants to accept higher risk to their personal safety in order to mitigate potential risks posed to civilians (Van den Toorn, 2003). Retired U.S. General James Dubik agrees and identifies it as a prudential matter. He argues that a precise answer regarding how much risk should be assumed and what level of care is owed cannot be determined theoretically, but nevertheless it cannot be ignored (Dubik, 2016).

These are but a few of the multitude of active questions in the field of military ethics. I have sought to engage with them from a classical perspective informed by the Catholic intellectual tradition to demonstrate the relevance and applicability of the classical Thomistic just war theory in the modern environment.

V. Conclusions

The research questions investigated above are answered as follows. The classical Thomistic theory was demonstrated to be relevant and applicable in the modern environment. The classical theory provides a solid foundational framework for development of the theory. These developments are useful practical tools, but most are ultimately prudential matters, making them secondary to the universal principles of the classical theory. There is ample opportunity for future work to build on the ideas presented in this thesis. For example, the permissibility of nuclear weapons remains a contentious and multi-faceted question. Are they permissible at all, or are they *malum in se*? If they are permissible, what targets are legitimate and what collateral damage is acceptable? Another question bearing timely relevance is the nature of international

law and organizations like the United Nations and the International Criminal Court. The nation-state system has been in place for centuries and could be poised to change dramatically.

The topic of just war theory remains relevant as ever in the particular moment at which this thesis is being written. As was mentioned in the introduction, U.S. military leadership believes that a conflict over Taiwan could erupt into a full-scale conventional war between the U.S. and China, the scale of which the world has not seen since the Second World War. Wars are unpredictable, difficult, sometimes impossible, choices need to be made. Wars are also major drivers of technological innovation, which would likely lead to additional questions regarding the permissibility of newly developed technologies.

One final note is that when Aquinas writes on the concept of just war in the *Summa Theologiae*, he does so in the section which discusses the theological virtue of charity, *caritas*. He defines charity, or love, in a manner similar to Aristotle, as ‘to will the good of the other for their own sake’. This serves as a key reminder that the object of a just war is a just peace. There are numerous scholars who are currently arguing that the *jus ad bellum* criterion of right intention is redundant and ought to be removed from the list of canonical criteria (Kaurin, 2022). But this is a critical component of the just war tradition. Ultimately, a just war is aimed at bringing forth a flourishing society which is rightly ordered towards the common good. Without the principle of right intention, that purpose is lost, and war devolves into senseless killing. In this respect, the importance and relevance of the classical theory as contrasted to modern deviations cannot be understated, as it is the classical Aristotelian-Thomistic understanding of virtue and of good and evil which undergirds the entire concept of just war. Without this overarching framework, erroneous ideas are bound to be introduced and ultimately distort the theory. Just war theory overall is in a good position with an abundance of talented scholars and new questions being

posed as the combat environment continues to evolve. So long as new developments remain faithful to and coherent with the classical theory, Just War Theory will continue to be an effective evaluative framework.

VI. Bibliography

Aloyo, E. (2015). Just war theory and the last of last resort. *Ethics & International Affairs*, 29(2), 187-201.

Aquinas, T. (1920). Secunda Secundae Question 40: War. *Summa Theologiae*, (Fathers of the English Dominican Province, Trans.). Benzinger Brothers. (Original work published ca. 1274 AD).

Biggar, N. (2013). *In defence of war*. Oxford University Press.

Catechism of the Catholic Church (2nd ed.). (1997). Libreria Editrice Vaticana.

Coker, C. (2008). *Ethics and war in the 21st century*. Routledge.

Dubik, J. M. (2016). *Just war reconsidered: Strategy, ethics, and theory*. University Press of Kentucky.

Eagleton, C. (1937). *Analysis of the problem of war*. Books for Libraries Press.

Gallagher, M. (2021). Prepare now for war in the Pacific. *Proceedings*, 147(7).

Gross, M. L. (2010). *Moral dilemmas of modern war*. Cambridge University Press.

Johnson, J. T. (2005). Just war, as it was and is. *First Things: A Monthly Journal of Religion & Public Life*, 149, 14–24.

Kaempfer, S. (2014). Postheroic U.S. warfare and the moral justification for killing in war. In C. E. Gentry & A. E. Eckert (Eds.), *The future of just war: New critical essays*. University of Georgia Press.

Kaurin, S. (2022, March 24). *Just war theory*. Issues in National Security Lecture Series no. 12, U.S. Naval War College, Newport, RI. https://www.youtube.com/watch?v=b_FD-GQSqcA

Kraut, R. (2022). Aristotle's ethics. In E. N. Zalta and U. Nodelman (eds.), *Stanford Encyclopedia of Philosophy* (Fall 2022).

Lehmkuhl, A. (1912). Moral theology. In *The Catholic encyclopedia*. Robert Appleton Company.

Makos, A., & Alexander, L. (2013). *A higher call*. Berkley Books.

Pavlishek, K. (2008). Reinhold Niebuhr, Christian realism, and just war theory: A critique. In E. Patterson (Ed.), *Christianity and power politics today: Christian realism and contemporary political dilemmas*. Palgrave Macmillan New York.

Reiner, J. T. (2018). New directions in just-war theory (J. G. Pierce, Ed.). United States Army War College Press.

Remarque, E. M. (1929). *All quiet on the western front*. Little, Brown, & Company.

Robinson, P. (Ed.). (2003). *Just war in comparative perspective*. Ashgate.

Tolstoy, L. (1958). *War and peace*. Simon & Schuster.

United Nations Office on Genocide Protection and the Responsibility to Protect. (2020) United Nations. Retrieved July, 2024 from <https://www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml>

Van den Toorn, R. (2003). Just war and the perspective of ethics of care. In P. Robinson (Ed.), *Just war in comparative perspective*. Ashgate.

Vergun, D. (2012, November 2). *Army Vice Chief: 'Soldiers are the Army's greatest asset'*. MilitaryNews.com. https://www.militarynews.com/peninsula-warrior/news/around_the_army/army-vice-chief-soldiers-are-the-army-s-greatest-asset/article_4f263191-6fe1-5568-bcd9-bc3753a80a32.html

Walzer, M. (1977). *Just and unjust wars: A moral argument with historical illustrations*. Basic Books.

Walzer, M. (2004). *Arguing about war*. Yale University Press.