

## The Modern Construction of an Augustinian Just War

Although the assertion that it was St. Augustine who set out the foundational principles of Christian just war is only a century old, the beginning of the basis for that claim rests in the numerous citations from his works in the second part, *causa*23 of Gratian's *Concordia Discordantium Canonum* or *Decretum* (c. 1140).<sup>1</sup> In response to the hypothetical there, which posits a defense led by orthodox bishops against the aggression of heretics, Gratian addressed issues related to sin and the conduct of war, and specifically the question as to what constitutes a just war. In *causa*23, Gratian, by my count, cited Augustine no fewer than seventy-eight times, far more than the thirteen citations of the next most-quoted authority, Gregory the Great.<sup>2</sup> Yet Gratian nowhere explicitly denominated Augustine as the originator of just war.

Nor does the other most influential medieval writer on just war, Thomas Aquinas, ever describe Augustine thusly. In *quaestio*40, article I in the *Secunda Secundae* of his *Summa Theologiae* (c. 1270),<sup>3</sup> Thomas countered criticisms that war violated the letter and spirit of Christianity, detailing there criteria for a just war which, given Thomas's subsequent reputation, have come to be regarded as constituting an authoritative core of Christian just war tradition.<sup>4</sup> Adding to the impression given by the *Decretum*, one of his sources, Thomas seemingly further cemented Augustine's position as the original authority on just war: other than once mentioning Jerome, his only cited authorities here are Augustine and the Bible.

1. *Corpus iuris canonici*, *Decretum magistri Gratiani*, ed. Emil Friedberg (Leipzig, 1879).

2. *Decretum*, col. 889–965.

3. *S. Thomae de Aquino Summae Theologiae Secunda Secundae* (Ottawa: Commissio Piana, 1953), vol. 3, col. 1632a–34a.

4. E.g., Johnson, "Just War" (General Introduction, note 2 above), p. 16.

In fact, in the subsequent centuries of canonical and theological commentary on the *Decretum* and the *Summa Theologiae*, Augustine is never explicitly named as the originator of a Christian just war idea, although he is mentioned frequently, sometimes in the company of other patristic authorities.<sup>5</sup> For this “prehistoric” period of international law before Grotius, I have found only two instances where the author could be interpreted as explicitly assigning Augustine a special place in the expression of a Christian doctrine of just war. Toward the end of the fifteenth century, the Spanish jurist Juan Lopez/Joannes Lupus (d. 1496) wrote a brief treatise *De bello et bellatoribus*.<sup>6</sup> In a dialogue between *magister* and *discipulus*, the student at one point says:

I acknowledge everything which you said and adduced, and I acknowledge the conclusion of the blessed Thomas, of Innocent and of Hostiensis and of the Archdeacon, who speak best on this matter, and of the others whom they seem to follow in everything, the blessed Augustine and the blessed Jerome and the blessed Isidore.<sup>7</sup>

Note, however, that Lopez here regarded Augustine as one member of a group of patristic authorities. The African Father is not singled out, but treated as one voice in a *consensus doctorum* on war. In the period before Grotius, the Spanish Jesuit theologian Gregorio de Valencia perhaps came the closest to conferring upon Augustine a uniquely authoritative status on the subject of just war. In his *Commentaria Theologica*, first published in 1595,<sup>8</sup> the author cited Augustine numerous times in his *quaestio* 16 on war.<sup>9</sup> In discussing the conditions required for a war to be just, he cited the relevant passage from Thomas and added: “Augustine wrote briefly but quite clearly on this matter . . . from whom almost

5. E.g., *Die Summa Magistri Rolandi*, ed. Friedrich Thaner (Innsbruck, 1874), 90, 91, 92; Giovanni da Legnano, *Tractatus de bello, de represaliis et de duello*, ed. Thomas Erskine Holland (New York: Oceana, 1964), 85–6; Franciscus Arias, *De bello et eius iustitia*, in *Tractatus universi iuris, duce, & auspice Gregorio XIII pontifice maximo, in unum congesti: additis quamplurimis antea nunquam editis* (Venice, 1584), tom. 16, 325ff.; *Summula Caietani* (Lyon, 1550), 32, s.v. *bellum*; *Summae Sylvestrinae, quae summa summarum merito nuncupatur, pars prima* (Venice, 1578), f. 66r, s.v. *bellum*; *Lud. Molinae e Societate Iesu, primarii quondam in Eboresi academia sacrae theologiae professoris, De Iustitia et Iure tractatus* (Venice, 1611), tom. 1, col. 365, 366, 367, 368, 369, 370, 374, 375, 381, 385, 390, 393, 401, 404, 412, 425, 428.

6. *Ioan. Lup. De Bello & Bellatoribus*, in *Tractatus* (previous note), ff. 320–22. On his date, see Walker (n. 30 below), 213, n. 2.

7. *De Bello & Bellatoribus*, f. 320v.

8. Regout (n. 56 below), 245.

9. *Gregorii de Valentia Metimnensis e Societate Iesu, sacrae theologiae academia Ingolstadiensi professoris Commentariorum Theologicorum* (Paris, 1609), tom. III, col. 829–63.

all the other authorities took that which they handed down concerning the very same matter.”<sup>10</sup>

Regarding this statement, it is interesting that although Grotius often cites Valencia’s work in his *De Iure Belli ac Pacis*,<sup>11</sup> he still did not thereby derive the conclusion that Augustine originated the just war. If Valencia’s statement is taken as an acknowledgment of Augustinian paternity, it is curious that, Grotius excepted, for the next three centuries there seems little notice taken of Valencia’s statement, let alone any conclusion derivable from it as to Augustine’s role in developing the just war idea. Rather than an expression of Augustinian origination, Valencia’s words are probably best regarded as a significant yet isolated assessment of Augustine’s preeminent authoritativeness and clarity of expression on the subject of just war, which is not quite the same thing as suggesting that he authored the very idea.

Because of their influence on Grotius, a particular series of sixteenth-century writers on the just war stand more directly in the line of scholarship that ultimately led to the assertion of an Augustinian paternity, beginning with the great Spanish theologian Francisco de Vitoria (d. 1546). The pattern of Vitoria’s selection of Augustinian citations on war clearly betrays the influence of the earlier canonical writers. As with the previous authors, Vitoria at points acknowledged Augustine’s authoritativeness on the subject of just war without ever attributing origination to him. So, for example, in his *De iure belli*, based on lectures delivered in 1539,<sup>12</sup> Vitoria noted that the proposition that Christians could wage war was “Augustine’s conclusion in many passages.”<sup>13</sup> For one of Vitoria’s successors at the School of Salamanca, the Jesuit Francisco Suárez (1548–1617), Augustine was only one of a number of earlier Christian authorities on war, including Vitoria himself, who helped to form a *communis sententia* on the subject.<sup>14</sup>

A similar approach to Augustinian authority on war is seen in the two most prominent lay precursors to Grotius in the field of the *ius belli*. Balthazar Ayala wrote his *De iure et officiis bellicis* in 1581 while serving as judicial advisor for the Duke of Parma’s army operating in the Spanish Netherlands. For Ayala, as for his predecessors, Augustine was one of several authorities on war

10. *Commentaria Theologica*, col. 841–42.

11. Regout (n. 56 below), 245.

12. On the date, Oliver O’Donovan and J. L. O’Donovan, eds., *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought* (Grand Rapids: Eerdmans, 1999), 610.

13. Francisco de Vitoria, *De Indis et de iure belli relectiones*, ed. H. F. Wright (Washington, DC: Carnegie Institution, 1917), 272–73.

14. *Francisci Suarez opera omnia* (Paris: L. Vives, 1858), tom. XII, 737–63.

who contributed to a *communis omnium consensus*; in addition, his citations of Augustine show his dependence on immediate predecessors such as Diego Covarruvias for his knowledge of the relevant passages from Augustine.<sup>15</sup> Likewise the Italian expatriate and sometime professor of law at Oxford Alberico Gentili, whose *De iure belli* was very influential for Grotius's later work on the *ius belli*,<sup>16</sup> often cited Augustine, but nowhere privileged the African Father as the originator of a just war doctrine.<sup>17</sup>

In both the juridical work of his youth, the *De iure praedae commentarius* (1605), and his classic *De iure belli ac pacis* published twenty years later, Hugo Grotius cited Augustine numerous times. Grotius more than most of his predecessors explicitly singled out Augustine as an authority in the field of the *ius belli*. Augustine was the “most outstanding of the theologians,”<sup>18</sup> the “greatest teacher of religion and morality,”<sup>19</sup> whose authority alone stood for that of all theologians.<sup>20</sup> Grotius recognized that the authority of the African Father, whose writings on war—possibly here echoing Valencia's appreciation—he characterized as universally known to be more numerous and clear than the earlier statements by Ambrose,<sup>21</sup> had been followed in almost everything in the law of war by writers of recent times.<sup>22</sup> As with those earlier writers, though, Grotius nowhere interpreted Augustine's preeminent authoritativeness on issues of war as proof of doctrinal originality.

Important for the development of the notion of an Augustinian paternity for the Christian idea of just war was the reputation that the work of Grotius acquired in subsequent generations. Grotius occupies a situation similar to that of Augustine in the realm of the history of ideas, inasmuch as later writers by the very fact of their attribution to him of the origination of international law ultimately created a conceptual reality.<sup>23</sup> Over time the jurisprudential

15. Balthazaris Ayala *De iure et officiis bellicis*, f. 31r-v.

16. Walker (n. 30 below), 276.

17. Alberici Gentilis *De iure belli libri III* (Hanover, 1612).

18. Hugo Grotius, *De iure praedae commentarius*, Vol. II, *The Collotype Reproduction of the original manuscript of 1604 in the handwriting of Grotius* (Buffalo, NY: William S. Hein & Co., 1995), f. 146v: “praestantissimo theologorum Augustino.”

19. *De iure praedae commentarius*, f. 3v: “summus ille doctor pietatis et morum.”

20. *De iure praedae commentarius*, f. 25v: “Theologos poscimus? En unum pro omnibus Augustinum.”

21. Hugonis Grotii *De iure belli ac pacis libri tres* (Amsterdam, 1646), I.3.2, 47: “Augustini multo etiam plura sunt & clariora, omnibus nota.”

22. *De iure belli ac pacis*, III.1.17, 434: “Non placent haec scholae auctorum paulo ante seculorum, ut quae unum ex veteribus Augustinum ferme in omnibus sequendum sibi delegerit.”

23. On the development of the reputation of Grotius as the father of international law, see Haggemacher (n. 109 below), 3–8.

development of international law and the place assigned to Grotius in its origination had two effects on the perception of the idea of just war, effects certainly ironic given Grotius's dependence on and fundamental continuity with earlier sixteenth-century writers, writers explicitly indebted to the medieval canonical tradition. First, as a result of the self-conscious effort of Enlightenment writers to characterize a body of international law as independent of theological premises, the foundations of the *ius belli* and the idea of just war subsumed within it were located no further back in time than Grotius and his immediate predecessors, thereby effacing the putative role of Augustine in the development of the law of war. Thus in articles on war in his *Encyclopédie* of 1757, Diderot either cited Grotius or referred readers to him for more information,<sup>24</sup> and Ompteda in 1785 in his survey of the literature of the *Völkerrecht* began his discussion of the *ius belli* with Ayala, Gentili, and Grotius.<sup>25</sup> Second, the same perceived liberation of international law from theology supposedly effected by Grotius, and the accumulation over especially the nineteenth century of a body of conventions and decisions putting international law into practice, tended toward the relative devaluation of the practical applicability of the just war idea, as it became regarded as being more of a moral than a legal concept.<sup>26</sup> One late nineteenth-century learned perception of the just war idea was well expressed in the article "International Law" in the ninth edition of the *Encyclopaedia Britannica* in 1881.

To the question whether a given war be just or unjust international law has no answer to give, or only a formal one. . . . The justice or injustice of any war is really a question of morality, and in proportion as international law has escaped from the merely ethical region it has abandoned the attempt to decide this question.<sup>27</sup>

But at almost the same time as this dismissive statement from the *Encyclopaedia Britannica*, historians of international law, by virtue of their very perception

24. Denis Diderot, *Encyclopédie* (Paris, 1757), s.v. "guerre," 985.

25. D. H. L. von Ompteda, *Literatur des gesammten sowohl natürlichen als positiven Völkerrechts* (1785), II, 615.

26. On the so-called "positivistic" era in the history of international law during especially the nineteenth century, Stephen Neff, *War and the Law of Nations: A General History* (Cambridge: Cambridge University Press, 2005), 161–275.

27. *Encyclopaedia Britannica*, 9th ed. (New York: Charles Scribner, 1881), s.v. "International Law," vol. 13, 193. See also the remarks of Joachim von Elbe, "The Evolution of the Just War in International Law," *The American Journal of International Law* 33 (1939): esp. 676–84 and the literature cited there.

of Grotius as marking the turning point in the development of international law from medieval moral theology to modern jurisprudential science, thereby acknowledged that the concept of a law of war had a “prehistory,” and in the course of tracing out that history began the move toward the attribution to Augustine of the creation of a doctrine of just war. Compared with later assertions of Augustinian paternity, the initial remarks on Augustine’s role among late nineteenth-century historians were hesitant, tentative, and much qualified. Furthermore, their appreciation of Augustine’s role was often contextualized in a narrative that sought to explain a shift from a presumed generalized pacifism in early Christianity to an acceptance of war by the medieval church. Perhaps the earliest historian of international law who thus highlighted Augustine’s role was Ernest Nys in his 1882 *Le droit de la guerre et les précurseurs de Grotius*:

This aversion [of early Christianity toward war] went so far as to refuse military service. The accession of Constantine the Great and the radical transformation which this brought about in the relationship of church and state provoked a reaction against this extreme view. Under Constantine, a council condemned soldiers who out of religious motives abandoned their standards, and soon thereafter, especially as a consequence of the writings of St. Augustine, the idea of the legitimacy of war penetrated Christian consciousness. Not that the great thinker does not acknowledge and deplore the appalling calamities of war; not that he does not preach moderation in combat; but his pragmatic mindset overcomes any pacifist views and he admits that war can be just.<sup>28</sup>

In his own history of international law before Grotius, published the year after Nys’s work appeared, Rivier pivoted the early course of development around Gratian, who “sanctioned the reasonable doctrine of Saint Augustine, in opposition to the ancient fathers of the church, who had unreservedly condemned war.”<sup>29</sup> In the following years, other historians of international law continued to highlight both the role of Gratian in transmitting Augustinian thoughts on war and the supposed post-Constantinian pragmatism of the African Father.<sup>30</sup>

28. Ernest Nys, *Le droit de la guerre et les précurseurs de Grotius* (Brussels & Leipzig: C. Muquardt, 1882), 25.

29. Alphonse Rivier, *Note sur la littérature du droit des gens avant la publication du jus belli ac pacis de Grotius* (Brussels: F. Ha, 1883), 12.

Late nineteenth-century legal historians were already prepared to see Augustine as a key figure in the development of a Christian *ius belli*. In the wake of these initial scholarly forays into the development of international law in the centuries before Grotius, and partly in reaction against the secular positivism among such legal scholars manifested in their unfamiliarity or discomfort with the theological tincture of the medieval law of war, there appeared in the early twentieth century the works of Alfred Vanderpol (1854–1915), who more than anyone was responsible for cementing the position of St. Augustine in modern historical scholarship as the founder of a Christian doctrine of just war.<sup>31</sup> Vanderpol was educated as an engineer and in the late 1800s became prominent at Lyon as a leading civil engineer and industrialist, but also as a charitable benefactor. Vanderpol's life was marked by hardship and tragedy. An active and vigorous man well into his forties, he suffered a months-long paralysis in 1900 and never fully recovered. He lost a three-year old son to a carriage accident in 1888, and his youngest son and son-in-law died in the First World War. Vanderpol himself did not live to see his son-in-law's death. In the early days of the war he had helped to establish and administer a hospital for the wounded in Lyon. Three months after his son had died at the hospital after having been evacuated there ill from the front line, Vanderpol, worn out by grief and overwork, on the way from Lyon to his country house suddenly collapsed and died on 18 June 1915, an indirect casualty of the war.

In the months while he lay bedridden after his attack of paralysis in 1900, Vanderpol had taken up again a youthful enthusiasm that the intervening years of adult work had caused him to abandon, an interest in the question of war and peace. Strongly influenced by his deeply held Catholic beliefs, he undertook an extensive reading program in the works of both modern pacifists and those of the church fathers. Ultimately Vanderpol became one of the leaders in the Catholic peace movement in the years immediately preceding the war. In attendance at an international congress of European pacifists at Milan in 1906 and inspired by encouraging responses to the movement from Pope Pius X,

30. Thomas Erskine Holland, *Studies in International Law* (Oxford: Clarendon, 1898), 42 (“St. Augustine was the champion of such a reasonable construction of the Bible as would allow the lawfulness of war, and his views seem to have been generally accepted.”) and 43 (“The 23rd causa of the Second Part of the *Decretum Gratiani* contains a discussion *de re militari et de bello*, in which are embedded the theological conclusions of St. Augustine . . .”); Thomas Alfred Walker, *A History of the Law of Nations* (Cambridge: Cambridge University Press, 1899), vol. 1 [only volume published], 204 (“Augustine, who was destined to exercise a predominant influence in the West, adopted more practical counsels.”).

31. A good appreciation of Vanderpol's influence and role in twentieth-century just war scholarship is in James Turner Johnson, *Ideology, Reason, and the Limitation of War* (n. 76 below), 3–4, 27–30.

Vanderpol went on the next year to help found and maintain the *Bulletin de la Société Gratry*, later the *Bulletin de la Ligue des catholiques français pour la paix*, to which he often contributed and which had the goal of propagating church doctrine on the law of war. Until the very outbreak of war, Vanderpol worked tirelessly at the *Bulletin* and at building up a Catholic peace movement among the countries of Western Europe.<sup>32</sup>

Vanderpol's friend Emile Chénon, professor of law at Paris, urged him in his studies to devote more attention to the writings of the church fathers, which were little known to his Catholic contemporaries, than to the works of the modern pacifists.<sup>33</sup> In his survey especially of the medieval canonists, of whom until then Vanderpol had known only their names, he was also assisted by the great French legal historian Paul Viollet.<sup>34</sup> As a result of these studies, Vanderpol became convinced that far back into the medieval period, many centuries before Grotius, there had existed a Christian doctrine of a law of war, transmitted as a coherent tradition by successive theologians.<sup>35</sup> While acknowledging the centrality of Thomas Aquinas's role in systematizing a just war doctrine in the *Summa Theologiae*, Vanderpol explicitly maintained that Thomas's doctrine was nothing other than the just war doctrine of St. Augustine, passed down through the intervening centuries.

Vanderpol first made his claim for the Augustinian paternity of such a doctrine in his 1911 *Le droit de guerre d'après les théologiens et les canonistes du moyen-âge*. He wrote in the foreword:

The goal of the present work is to show that there was in the Middle Ages a doctrine of the law of war, and to make that doctrine known. This doctrine, universally and continually professed by theologians up to the seventeenth century, was regarded by them as being that of the fathers of the church and constitutes an authentic Christian tradition.<sup>36</sup>

32. These biographical details are found in Chénon's preface, vii–xxviii, to Vanderpol's *La doctrine scolastique du droit de guerre*(n. 40 below).

33. Vanderpol, *La doctrine scolastique*, xii, xviii.

34. Author's inscription in his presentation copy of *Le droit de guerre d'après les théologiens et les canonistes du Moyen-Âge*(see n. 36 below; property of Purdue University): "c'est vous qui avez guidé mes premiers pas au milieu de ces théologiens et de ces canonistes du Moyen-âge, dont je ne connaissais même pas les noms."

35. Vanderpol, *La doctrine scolastique*(n. 40 below), xviii, xx–xxi.

36. Alfred Vanderpol, *Le droit de guerre d'après les théologiens et les canonistes du moyen-âge*(Paris: Tralin, 1911), I.

Later, in his list of authorities, Vanderpol wrote of Augustine:

It is in this work [*The City of God*] and in certain of his letters that St. Augustine treated the question of war and indicated the principles which served as the basis for the doctrine of St. Thomas and for the Christian tradition of war during the entire Middle Ages.<sup>37</sup>

The next year, in his book *La guerre devant le Christianisme*, Vanderpol gave further details on the sources of Augustine's thought and its transmission and relationship to the works of later authorities.

[The scholastic doctrine of war] is the only one which has been professed in the church from St. Augustine up to the last years of the sixteenth century. All the theologians and all the canonists of this period, without any exception, made it the basis of their teaching. The principles of this doctrine are found in the works of St. Augustine, particularly in *The City of God* and in the book *Contra Faustum*. The principal passages from these works relative to war are reproduced in Gratian's *Decretum*, a fact which demonstrates the importance ascribed to them by the church during the centuries which preceded their appearance in the *Decretum*.<sup>38</sup>

The great synthesis of Vanderpol's interpretation of the history of a Christian law of war in the centuries before Gratian, a work that the outbreak of war forced him to abandon and that was published after his death due to the efforts of his friend Chénon,<sup>39</sup> a work that became the foundational argument setting out an Augustinian paternity of the doctrine of just war for twentieth-century historical scholarship, is his *La doctrine scolastique du droit de guerre*, published in 1919.<sup>40</sup> In this work Vanderpol attempted a summary statement of his contention that a Christian doctrine of war had always existed in the church, a doctrine systematized by various medieval scholastics, who in turn had based their ideas of just war on the writings of Augustine. In an almost scholastic manner, Vanderpol first presented an outline of the elements of just war doctrine, showing throughout by the numerous citations of Augustine where he thought the wellspring of those elements lay.<sup>41</sup> He then proceeded to

37. Vanderpol, *Le droit de guerre*, VI.

38. Alfred Vanderpol, *La guerre devant le Christianisme* (Paris: Tralin, 1912), 67–68.

39. Vanderpol, *La doctrine scolastique* (n. 40 below), vii, xiv, xxi.

40. Alfred Vanderpol, *La doctrine scolastique du droit de guerre* (Paris: A. Pedone, 1919).

a historical survey, in chronological order, that set out how that doctrine had manifested itself in successive Christian writings. There he wrote of Augustine's writings on war that "[t]hese are the fundamental principles defined by St. Augustine which served much later as the basis for the doctrine set forth by St. Thomas in his *Summa Theologiae*."<sup>42</sup> Later, after showing by nine citations Thomas's dependence on the African Father for the elements of his just war doctrine, Vanderpol went on to conclude:

It can therefore be said that the doctrine of war contained in the *Summa Theologiae* was for St. Thomas nothing other than an exposition of the doctrine of St. Augustine, an exposition interpreted according to the church's practice in his period.

But since all the texts upon which St. Thomas depended are found in the *Decretum*, and moreover since that work contains nothing in it which could contradict the doctrine of the holy doctor, it could equally be maintained that he simply laid out in a clear and precise form the canonical doctrine of the law of war just as it was taught in his time.

All of which is to say that since two things equal to a third are equal to each other, then the doctrine of St. Augustine, the canonical doctrine and the scholastic doctrine of the law of war are in reality nothing other than one and the same doctrine, more or less developed.

Furthermore, as this question of the law of war was not dealt with by any author in the centuries which immediately followed St. Augustine's death, it is possible to believe that the principles set forth by him were accepted by all and interpreted by the church in the same sense as they were interpreted much later by the canonists of the eleventh and twelfth centuries.

At the very least it can be claimed that from St. Augustine until St. Thomas and—as has been seen in the first part [of the book]—from St. Thomas until the end of the sixteenth century, the only teaching given by the Catholic church on the subject of the law of war conformed to what we have called “the scholastic doctrine of the law of war,” that is, to the doctrine developed by St. Thomas in the *Summa* according to the principles set forth by St. Augustine.<sup>43</sup>

41. Vanderpol, *La doctrine scolastique*, 15–158 (“Exposé de la Doctrine”).

42. Vanderpol, *La doctrine scolastique*, 196.

43. Vanderpol, *La doctrine scolastique*, 213–14.

Vanderpol's thesis of a more or less consistent Christian law of war stretching from Augustine to the end of the sixteenth century, an argument culminating in the patient and exhaustive synthesis of medieval and early modern authorities detailing such a doctrine in his last great work, exercised an almost immediate magisterial influence among writers on the just war. Vanderpol's interpretation was seconded soon after the publication of his last work by a sort of companion volume to it, the 1920 *L'Église et le droit de guerre*, a volume that featured a posthumous contribution from him. Building on Vanderpol's earlier work and that of other contemporary Catholic pacifists, the authors sought to set out in chronological order the views of the fathers on the *ius belli*.<sup>44</sup> In the preface to that work, the authors explicitly argued that a traditional doctrine of just war, though first explicated by Augustine, went back to the very origins of Christianity.<sup>45</sup> Augustine played a role in this development as "the oracle of succeeding generations, the master of theologians."<sup>46</sup>

Shocked by the horrors of the First World War and by the apparent inability of international law to prevent or mitigate those horrors, even before the war ended a number of writers began to attempt a reformulation of the law, a venture that included a reconsideration of the historiographic interpretation that with Grotius and his successors international law had "escaped from the merely ethical region."<sup>47</sup> In such an intellectual climate, some historians were now prepared to take more seriously the "prehistory" of international law before Grotius. Even as the moral underpinnings of international law were being rediscovered, the first hints of unease with Vanderpol's arguments began to appear.

Both the rediscovery of the Christian roots of international law and a dissatisfaction with Vanderpol's arguments are seen in Geoffrey Butler and Simon Maccoby's 1928 *The Development of International Law*. The authors of this volume at one point admitted that the aftermath of the First World War had "revived a conception [just war] which gives new interest to the musty

44. Vanderpol, *La doctrine scolastique*, xxiv.

45. P. Batiffol, Paul Monceaux, Émile Chénon, A. Vanderpol, Louis Rolland, Frédéric Duval, and Abbé A. Tanqueray, *L'Église et le droit de guerre* (Paris: Bloud & Gay, 1920), vi–vii. It should be noted that this strong version of the origins of a Christian *ius belli*, already implicit in Vanderpol, was ignored by later writers, who were largely content with seeking the beginning of the doctrine no earlier than the post-Constantinian church.

46. Batiffol et al., *L'Église et le droit de guerre*, 41.

47. L. Oppenheim, *International Law: A Treatise*, 6th ed. (London: Longmans, Green and Co., 1947), 4, n. 2; Beaufort (n. 51 below), vii, x; Elbe (n. 27 above), 687–88 and notes 169–71. On the "rebirth" of the just war idea in the wake of the First World War, see also Neff (n. 26 above), 285–313.

tomes of Fathers and canonists and scholastic moralists.”<sup>48</sup> Augustine here was singled out because he “gave a lead to subsequent Fathers of the Church by a statesmanlike exposition of the passages [of the Bible, which could be cited in support of pacifism].” Too, Augustine had expressly sanctioned the profession of arms by Christians.<sup>49</sup> In their discussion of the just war, the authors relied without question upon the texts that Vanderpol had collected in *La doctrine scolastique*. But they went on to say that “[h]is deductions and conclusions, however, have not always been followed.”<sup>50</sup>

The Franciscan legal scholar L. J. C. Beaufort explicitly wrote his 1933 *La guerre comme instrument de secours ou de punition* in reaction to “le cataclysme de 1914” and to the tendency of previous historians of international law to minimize the dependency of Grotius upon ancient and medieval authorities.<sup>51</sup> Although Beaufort wanted to see Augustine as not being completely original and as being somehow dependent on Ambrose for his views on war and peace, he thought that the African Father’s rigorous argumentation nonetheless rendered him “the pioneer and guide for the generations coming after him.”<sup>52</sup> Beaufort admitted that Augustine wrote no systematic work specifically devoted to issues of war and peace and that what can be extracted from Augustine on such matters constitutes incidental references in various works written for other purposes. Such, however, was Beaufort’s confidence, or need, regarding Augustine’s relevance for the development of international law that it seemed possible despite the lack of a systematic treatise to reconstruct an authentic Augustinian theory “without the aid of forced or arbitrary interpretations.”<sup>53</sup>

Though his work was already well advanced when Beaufort’s book appeared, Robert Regout was still able to use it in his 1934 *La doctrine de la guerre juste de Saint Augustin à nos jours*, a work that approaches Vanderpol’s in terms of its significance for later historians of the just war idea<sup>54</sup> and by its very title betrayed the author’s interpretation of Augustine’s role. Regout’s

48. Geoffrey Butler, Simon Maccoby, *The Development of International Law* (London: Longmans, 1928), 119.

49. Butler, Maccoby, 108, 109.

50. Butler, Maccoby, 185, n. 1.

51. D. Beaufort, O.F.M., *La guerre comme instrument de secours ou de punition* (The Hague: Nijhoff, 1933), vii, x, 1.

52. Beaufort, 8, 14.

53. Beaufort, 14–15.

54. Regout’s influence on later historiography of the just war idea can be seen, for example, in Joan Tooke’s *The Just War in Aquinas and Grotius* (London: William Clowes & Sons, 1965), *passim*.

book was both an updating, with brief biographical and analytical treatments of successive authorities, of earlier histories of international law before Grotius, especially Carl von Kaltenborn's 1848 *Die Vorläufer des Hugo Grotius*,<sup>55</sup> and to some extent an engagement with Vanderpol's historiographic interpretation of the development of a Christian *ius belli* in all its particularities. Regout's motivations for writing were similar to Beaufort's insofar as he felt that the Great War had set in motion "new currents in the science of international law [that] burst asunder the confining dams of juridical positivism."<sup>56</sup> These new currents opened up to international jurisprudence the long-neglected yet ancient work on the moral criteria of the just war as *ius ad bellum*, as opposed to the hitherto prevailing focus on the laws of war after hostilities had commenced, the *ius in bello*.<sup>57</sup>

While little that Augustine wrote on the subject was new, according to Regout the scope of his arguments and the logic with which he developed his ideas were such as to justify regarding him as having laid "the foundations of a medieval doctrine of the law of war."<sup>58</sup>

After a period of hesitations and of contradictory arguments, there occurred about the year 400 a crystallization of opinions on war, due especially to Augustine . . . whose ideas, brought to a completion by Isidore of Seville, exercised an absolute dominance (*un empire absolu*) at the beginning of the Middle Ages.<sup>59</sup>

Regout went on to attempt a deeper analysis of Augustine's ideas about war than had been found in earlier works such as Vanderpol's, with their long lists of Augustinian statements organized according to the traditional criteria of just war doctrine, finding a core principle to be Augustine's view of the just war as a means to obtain peace.<sup>60</sup> Regout was quite explicit about the important influence of Vanderpol's work in the historiography of the Christian *ius belli*.<sup>61</sup> But Regout was also critical of Vanderpol's work, arguing, despite "les nobles aspirations de cet ardent pacifiste,"<sup>62</sup> that his writings had not avoided the risk

55. Carl von Kaltenborn, *Die Vorläufer des Hugo Grotius* (Leipzig: Mayer, 1848).

56. Robert H. W. Regout, S.J., *La doctrine de la guerre juste de saint Augustin à nos jours* (Paris: A. Pedone, 1934), 16.

57. Regout, 16–17.

58. Regout, 39.

59. Regout, 15.

60. Regout, 39–44.

61. Regout, 9, 27–28, 30.

62. Regout, 301.

inherent in the anthologizing of authorities of being false to the original and of ignoring various “nuances d’interprétation.”<sup>63</sup>

Buttressed by Vanderpol’s exhaustive and seemingly convincing documentation, and by Regout’s chronological contextualization of Augustine at the head of an unbroken stream of writers stretching to the present, the proposition that the African Father was the progenitor of the just war idea was taken as axiomatic by later twentieth-century theological and historical writers, and it would be idle to pile up examples of this tendency. In the United States, a good instance of an influential work in this regard is Roland Bainton’s 1960 *Christian Attitudes Toward War and Peace*, a historical survey in which Bainton wrote of Augustine’s developed code of war that “it continues to this day in all essentials to be the ethic of the Roman Catholic Church and of the major Protestant bodies.”<sup>64</sup> In his commentary on the passages on the Catholic church’s stance toward issues of war and peace articulated in the *Pastoral Constitution on the Church in the Modern World*, approved at a general congregation of the Vatican II council in December 1965, René Coste similarly wrote of “the unanimous tradition of Catholic doctrine since Augustine (who for his part reflects the view of the major part of the early Church)” and cites in support Regout, among others.<sup>65</sup>

Next to the works of Vanderpol and Regout in terms of its influence on recent scholarship,<sup>66</sup> but ultimately in accordance with their view of the Augustinian paternity of the just war, is the 1975 book *The Just War in the Middle Ages* by Frederick Russell.<sup>67</sup> Russell recognized that the work of his predecessors on the history of the just war lacked analytical depth and had often been written from a nonhistorical perspective, or had been excessively brief in treating the medieval period.<sup>68</sup> He therefore sought to provide a historically contextualized account of the chronological development of the idea that “concentrates upon those theories of the just war elaborated by scholars of

63. Regout, 9–10.

64. Roland Bainton, *Christian Attitudes Toward War and Peace: A Historical Survey and Critical Re-evaluation* (New York and Nashville: Abingdon, 1960), 99.

65. *Commentary on the Documents of Vatican II*, trans. W. J. O’Hara (New York: Herder & Herder, 1969), vol. V, *Pastoral Constitution on the Church in the Modern World*, 351, 355, n. 12.

66. A notable instance of Russell’s importance in contemporary just war discourse is found in *The Challenge of Peace: God’s Promise and Our Response, A Pastoral Letter on War and Peace, May 3, 1983* (Washington, DC: United States Catholic Conference, 1983), 27, n. 31, where Russell’s work is listed first among “[r]epresentative surveys of the history and theology of the just-war tradition.”

67. Frederick H. Russell, *The Just War in the Middle Ages* (Cambridge: Cambridge University Press, 1975).

68. Russell, vii–viii, 1–3.

the high Middle Ages.”<sup>69</sup> Although his focus was on this later period, Russell, following his predecessors, not only maintained that “[t]he die for the medieval just war was cast by St. Augustine”<sup>70</sup> but also devoted several pages to an analysis of the African Father’s just war writings.<sup>71</sup> According to Russell, Augustine viewed a just war, when fought without vengeful hatred or sadism, as an act of Christian love exercised against evildoers to stop their wrongdoing and thus hopefully to mitigate their eternal damnation.<sup>72</sup> In Russell’s analysis, Augustine elided the categories of crime and sin, making war an acceptable punishment for both and thereby justifying war against both foreign enemies and religious heretics.<sup>73</sup> Despite what seemed to have been the explicit formulations of specific just war criteria, in the immediately subsequent centuries of the early medieval period “[t]he genuine Augustinian opinions in all their complexity were neglected, and even his formula for the just war disappeared,”<sup>74</sup> not to be fully recovered until the appearance of Gratian’s *Decretum* around 1140.<sup>75</sup>

In the same year as Russell’s book was published there appeared another historical treatment of the just war idea by another American scholar, James Turner Johnson. In his *Ideology, Reason, and the Limitation of War*, the first of a number of books Johnson has written on the just war, he focused on the historical development of the individual elements constituting the classical Western just war tradition. In thus attempting, along with Russell, a more historically nuanced analysis of just war’s development, Johnson made explicit what had mostly been implicit in Russell, that such a detailed historical examination revealed serious problems with the narratives and interpretations of Vanderpol and Regout. Johnson argued that the modern just war formulation is constituted of two general legal categories: the *ius ad bellum*, the criteria for determining whether it is justifiable to go to war, and the *ius in bello*, the ethics involved in the fighting itself. Because, as he saw it, medieval theologians and canonists had dealt only with the first category:

69. Russell, 1.

70. Russell, 16.

71. Russell, 16–26.

72. Russell, 17; idem, “Love and Hate in Medieval Warfare: The Contribution of Saint Augustine,” *Nottingham Medieval Studies*31 (1987): 108–24. This idea of an Augustinian just war as an act of love is not original with Russell, but is already found, for example, in Herbert Deane’s *The Political and Social Ideas of St. Augustine* (New York and London: Columbia University Press, 1963), 164. For another example of this war as love idea, this time applied to the Crusades, see Jonathan Riley-Smith, “Crusading as an Act of Love,” *History*65 (1980): 177–92.

73. Russell, 19–20, 23–26.

74. Russell, 27.

75. Russell, 56.

Those authorities who have traced Christian just war theory back to its Augustinian and medieval roots have overlooked one simple yet devastating fact: *there is no just war doctrine, in the classic form as we know it today* [italics in original], in either Augustine or the theologians or canonists of the high Middle Ages. This doctrine in its classic form [incorporating both *ius ad bellum* and *ius in bello*] . . . *does not exist* [italics in original] prior to the end of the Middle Ages.<sup>76</sup>

In thus recognizing that the modern just war doctrine could not be linked in a simple linear fashion back to Augustine, Johnson came close to stumbling upon an important truth, that Augustine, in fact, originated no such doctrine. Yet Johnson was not prepared to go that far. Instead, he argued that Augustine was ultimately responsible for the elements in the *ius ad bellum* tradition, and that the original Augustinian formulations had come down through the ages via the vital intermediation of Thomas Aquinas, a position that Johnson continues to maintain.<sup>77</sup> With the passage of time, perhaps because of the different thematic orientations of his other works, or perhaps simply out of sheer weariness at having constantly to provide nuanced reservations, Johnson in his later works has come increasingly to characterize Augustine plainly as the father of the just war idea.<sup>78</sup>

A similar intellectual trajectory—from initially expressing reservations with the standard intellectual historical narrative to recasting the terms of Augustine’s role as progenitor of the idea—seems visible in the important works of David Lenihan on the just war and Augustine. In 1988 in his “The Just War Theory in the Work of Saint Augustine,” Lenihan practically undermined the entire house of cards making Augustine the founder of the just war idea . . . but not quite. He began by acknowledging how well established was the scholarly position that Augustine stood at the head of the Christian just war tradition.<sup>79</sup> In evaluating this scholarly consensus, Lenihan did something that it seems to have occurred

76. James Turner Johnson, *Ideology, Reason, and the Limitation of War: Religious and Secular Concepts, 1200–1740* (Princeton: Princeton University Press, 1975), 7–8.

77. Johnson, *Ideology*, 32: “The three main requirements in the *jus ad bellum* of the classic doctrine come straight down from Augustine via Thomas Aquinas . . .” Cf. Johnson, “Just War, As It Was and Is,” esp. 16.

78. E.g., *Just War Tradition and the Restraint of War* (Princeton: Princeton University Press, 1981), xxiv, xxix–xxxi; *Can Modern War Be Just?* (New Haven: Yale University Press, 1984), 1; *The Quest for Peace: Three Moral Traditions in Western Cultural History* (Princeton: Princeton University Press, 1987), 57–66; “Just War, As It Was and Is,” 14.

79. David A. Lenihan, “The Just War Theory in the Work of Saint Augustine,” *Augustinian Studies* 19 (1988): 37.

to few historians to do: he surveyed what Augustine had written on the just war *both* in its original literary *and* historical contexts. What he found through this relatively straightforward exercise was the utter fallacy of attributing to Augustine the origination of the just war idea as commonly conceived. One overwhelming fact alone points clearly to this conclusion:

Migne's *Patrologiae Latinae* devotes twelve large tomes to Augustine, more than any other writer. . . . In this ocean of words the just war is mentioned in but a few scattered references. . . . The just war theory is clearly a minor aspect of Augustine's work. He did not perceive it as a major problem worthy of the fuller treatment he gave to issues of doctrine such [as] the Trinity, Grace, Original Sin, Predestination and Free Will.<sup>80</sup>

Even within the wide range afforded by this extensive corpus, "Augustine never had occasion to address the subject independently of other concerns."<sup>81</sup> Augustine himself therefore did not fashion what became the just war theory, but was instead made its originator by later writers: "the medieval just war is not a direct descendant, but a mis-interpretation and simplification by the decretalists who failed to see the full Augustinian position with its spiritual complexity."<sup>82</sup>

It would seem that Augustine has been cast into this position by theologians who, like Thomas Aquinas, answered the moral question of whether it was always sinful for Christians to engage in warfare by ferreting, out of context, small proof texts from Augustine to justify Christian participation in warfare.<sup>83</sup>

Rather than the workaday acceptance of war's realities implied by making him the serene theoretician of just war, Lenihan, in characterizing Augustine's premier work addressing the nature of human society, wrote that "[t]he mood of the *City of God* is somber and resigned, accepting of a flawed and imperfect reality, as the necessary consequence of original sin."<sup>84</sup> Taking into account the historical context in which he wrote, Augustine's scattered thoughts on war

80. Lenihan, "The Just War Theory," 55.

81. Lenihan, "The Just War Theory," 42.

82. Lenihan, "The Just War Theory," 41.

83. Lenihan, "The Just War Theory," 38.

84. Lenihan, "The Just War Theory," 51.

actually show him to be “on a continuum with the pacifist tradition of the earlier fathers.”<sup>85</sup>

Although Lenihan was dismissive of the prevailing narrative of Augustinian paternity of the just war idea, he also argued that “Augustine did recognize the possibility of just wars” and noted that he therefore did allow for wars waged under a legitimate authority for the purposes of defense or punitive redress—all features, incidentally, of the standard just war criteria.<sup>86</sup> As with Johnson, however, a few years later Lenihan explicitly and with little qualification ascribed to Augustine (and to Ambrose before him) the origination of a just war ethic.<sup>87</sup> A comparison of a 1988 remark and a similar comment eight years later seems to reveal a subtle though important shift. Whereas Lenihan had earlier written that later medieval theologians had justified Christian participation in war “by ferreting, out of context, small proof texts from Augustine,”<sup>88</sup> a few years later he wrote “that the Augustinian just war was ferreted out centuries later by the decretists who sought patristic approval of their doctrine,”<sup>89</sup> thus seemingly emphasizing more the presence of a coherent Augustinian idea to be ferreted out. Yet, curiously, the presence of this idea was for a long time conspicuous by its absence, since “after Augustine, the just war went largely ignored for centuries.”<sup>90</sup> Curious, too, that neither Russell nor Lenihan drew the obvious conclusion from their observation of this centuries-long silence.<sup>91</sup>

Robert Holmes in his 1999 article “St. Augustine and the Just War Theory” echoed Lenihan in questioning the basis for making Augustine the father of just war, yet was thereby able to come to a conclusion diametrically opposed to Lenihan’s on the stance of the African Father toward war. Holmes acknowledged that “[t]he prevailing view is that, at least within Christianity, the father of just war thinking is St. Augustine.”<sup>92</sup> He continued:

85. Lenihan, “The Just War Theory,” 37.

86. Lenihan, “The Just War Theory,” 56–57.

87. Lenihan, “The Influence of Augustine’s Just War: The Early Middle Ages,” *Augustinian Studies* 27, no. 1 (1996): 78, 79.

88. Lenihan, “The Just War Theory,” 38.

89. Lenihan, “The Influence of Augustine’s Just War,” 76.

90. Lenihan, “The Influence of Augustine’s Just War,” 55. On Russell’s observation of the same phenomenon, see n. 74 above.

91. For Vanderpol’s even more curious explanation of this silence, see notes 38 and 43 above.

92. Robert L. Holmes, “St. Augustine and the Just War Theory,” *The Augustinian Tradition*, ed. Gareth B. Matthews (Berkeley: University of California Press, 1999), 323.

The extent of his influence is documentable. If that is all that is meant by his being called father of the just war theory (or of the just war tradition, as some prefer to put it), the claim is certainly correct. But if one means more than that, the claim needs closer scrutiny. For although Augustine clearly seeks to justify war, what is less clear is what he offers in the way of original thinking about war, and whether his views hold together in a coherent and consistent fashion. . . . Insofar as the just war theory is thought to provide moral criteria by which to judge whether to go to war (*jus ad bellum*), and how to conduct war once in it (*jus in bello*), there is, I maintain, little of such guidance in Augustine, hence little ground on that score for representing him as the father of the just war theory.<sup>93</sup>

Holmes went on to argue that “[w]hen one looks at the practical import of Augustine’s account . . . one finds an acceptance of war, with only the frailest of constraints against entering into it.” Holmes thus located Augustine in a tradition that would ultimately lead to political realists of the ilk of Machiavelli and Hobbes.<sup>94</sup> Whereas the incoherence of Augustine’s views on war reflected pacifism in Lenihan, for Holmes the same incoherence bespoke an incipient militarism!

How difficult it has become in practice to sustain the proposition of there being a coherent, logical Augustinian just war is seen in the important 2006 book by John Mark Mattox, *Saint Augustine and the Theory of Just War*. Quite understandably given its prevalence in twentieth-century just war literature, Mattox maintains the position that despite “the fact that, of Augustine’s 116 extant works, not one of them deals exclusively, or even particularly, with just war,” that there is nonetheless detectable in Augustine “a consistent set of premises, which . . . reveal the presence of an underlying, if unstated, theory.”<sup>95</sup> Mattox’s need to formulate an “Augustinian complex” of doctrines, complicated by its origin as an amalgam of neo-Platonic and Christian ideas and influences,

93. Holmes, 323, 324. For a similar assessment at about the same time, see the introduction to *Augustine: Political Writings, Cambridge Texts in the History of Political Thought*, ed. and trans. E. M. Atkins and R. J. Dodaro (Cambridge: Cambridge University Press, 2001), xxiv: “Here [on the question of war] too, Augustine is often seen as an innovator and described as ‘the first Christian just war theorist.’ In this case, the label is certainly misleading, for at least two reasons. First, no major Christian theologian since the time of Constantine had been a pacifist, and Christians had for a long time taken it for granted that war was permissible. . . . Secondly, Augustine had no systematic theory of what would count as a just war, or a just way of waging wars.”

94. Holmes, 338.

95. John Mark Mattox, *Saint Augustine and the Theory of Just War* (London: Continuum, 2006), 4, 5.

in itself demonstrates the intractable resistance of the Augustinian texts to being so systematized.<sup>96</sup> Surprising conclusions can sometimes follow from such a complicated theory, such as the idea that “Augustine finds in Jesus the perfect just warrior.”<sup>97</sup>

One would think that theologians might have something to say on the subject of Augustine and the just war, and yet to my knowledge only one writer in recent years has made a sustained effort—an effort, in my opinion, that ultimately falls short—deliberately to integrate a supposed Augustinian just war idea into the African Father’s more general theological perspective. Josef Rief in his 1990 “*Bellum*” *im Denken und in den Gedanken Augustins* proposed that for Augustine—perhaps reflecting a residual Manichaeism, or perhaps a biblically based dualism—*bellum* was a basic principle of the “divine plan of the world” (*göttliche Weltplan*),<sup>98</sup> a perpetual strife discernible not only in the external battles of human warfare, but in the internal human conflict between flesh and spirit.<sup>99</sup> According to Rief, only *boni homines* acting *Deo auctore* are capable of distinguishing the greater from the merely human interests involved in the issues of war and peace and thus of deciding whether it was justifiable to go to war.<sup>100</sup> Rief took as axiomatic the proposition that Augustine had an idea of just war peculiar to himself,<sup>101</sup> but ended up proposing an Augustinian theology of war that does not always seem immediately obvious in the sources.

Clearly something is wrong. By the beginning of the twenty-first century, it was becoming increasingly problematic to view Augustine as the progenitor of a coherent and consistent Christian just war doctrine. The absence in the Augustinian corpus of any systematic treatise or even ephemeral digression devoted to the subject remained the leading embarrassment for the advocates of such a position, and, *pace* Beaufort, it did seem increasingly difficult to construct an Augustinian just war “without the aid of forced or arbitrary interpretations.”<sup>102</sup> There was also the disquieting circumstance that up until Gratian’s *Decretum* in the 1140s there was a period of over seven centuries

96. Mattox, 92–154. I don’t share Mattox’s confidence that these two strands of influence on Augustine can be easily disentangled.

97. Mattox, 135.

98. Josef Rief, “*Bellum*” *im Denken und in den Gedanken Augustins*, Beiträge zur Friedensethik 7 (Barsbüttel: Institut für Theologie und Frieden, 1990), 7, 9. Rief even cites the Darwinian struggle for existence in supporting the idea of strife as a basic cosmological principle (15).

99. Rief, esp. 59–67.

100. Rief, 27–33, 73–77, 88–97.

101. Rief, 3, 60: “So unbestreitbar es ist, daß Augustinus vom gerechten Krieg spricht . . .”

102. Note 53 above.

during which Augustine's just war idea as a coherent proposition seems to have utterly vanished from view. Too, it seemed difficult to derive an Augustinian just war idea convincingly from the Father's known theological positions. Was even retributive war an act of love? Was strife a basic cosmic principle? Was Augustine more in line with earlier Christian pacifists, or, despite his expressed distaste for war, was he actually albeit perhaps unwittingly an intellectual father of militaristic realism, the fashioner of a just warrior Jesus? What had seemed a relatively straightforward and uncomplicated proposition in Vanderpol's writings at the beginning of the twentieth century had become by century's end a contradictory and unwieldy tangle of ideas. Especially in the works of Lenihan and Holmes, as well as others, there were intimations that the way to resolve the apparently insoluble issue of the Augustinian paternity of the just war idea was to cut the Gordian knot, and to recognize that Augustine himself never originated a distinctive just war idea, or ever intended to.

A significant step toward this realization was taken in 1983 with Robert Markus's article "Saint Augustine's Views on the 'Just War.'" Markus decried the tendency of writers since Vanderpol to view Augustine's thinking on the matter through the prism of the just war tradition as it had developed since the fifth century. "[Being] conscious that there is nothing that can obscure the true nature of an original thought as radically as the tradition to which it gives rise," Markus proposed "to turn the telescope the right way round" and to view Augustine's thought "in the immediate context of his own intellectual biography."<sup>103</sup> One interpretive criterion distinguished Markus's approach to Augustine's just war writings from that of any previous would-be synthesizer.

The one thing which has emerged from almost all serious studies of Augustine in the last fifty years or so is that whatever can be said about almost any aspect of his thought is unlikely to be true of it over the whole span of his career as a writer and thinker.<sup>104</sup>

Building upon the conclusions of his earlier groundbreaking study *Saeculum*, Markus went on to argue that the notion, propounded at least since the late nineteenth century, that Augustine had sanctioned a Christian turn away from pacifism was clearly false. Such a shift, insofar as it had occurred at all, had already taken place a century earlier as witnessed by Eusebius of Caesarea, among others. "He did not need to check his contemporaries' 'pacifist inclinations'—few of them could have had any."<sup>105</sup> But Augustine *had* in the

103. R. A. Markus, "Saint Augustine's Views on the 'Just War,'" *Studies in Church History* 20 (1983): 1.

104. Markus, "Saint Augustine's Views," 2.

late 390s shared with contemporaries a certain Christian optimism verging on triumphalism, a conviction that the visible, often violently imposed dominance of orthodox Christianity in the Roman world at that period was nothing other than the fulfillment of biblical prophecy. Thus in the *Contra Faustum*, written at that time and containing important “proof texts” for later just war theoreticians, Augustine could hold something he did not a decade later, that the conversion of kings and submission of peoples to Christianity revealed the continuing and straightforwardly interpretable providential hand of the God of the Old as well as of the New Testament.<sup>106</sup> For by the time Augustine began writing the *City of God*, just war had become a regrettable necessity, a necessary evil that checked greater evils in a human society no longer considered “sacralized” by the mere prevalence of Christianity within it.<sup>107</sup> Markus had thus provided an interpretation that helped explain an apparent contradiction—an apparent contradiction further complicated by earlier synthesizers in their attempts to construct an internally consistent Augustinian just war theory—between Augustine’s somewhat offhand acceptance of war in a Christian empire in the *Contra Faustum* and the passionate denunciations of war found later in the *City of God*. The appearance of an irresolvable contradiction between the views expressed in two works written at different times was more real than apparent, because in the interim Augustine had actually changed his mind. Yet in thus revealing and explaining a real contradiction in the writings of Augustine on war, Markus still could not quite bring himself to question the scholarly consensus making Augustine the father of the just war tradition.<sup>108</sup>

In 1983, the same year as Markus’s article, in an apparently little-noted early section of his book *Grotius et la doctrine de la guerre juste*, Peter Haggenmacher provided what should have been the final blow to the notion of an Augustinian paternity for the just war. Haggenmacher declared that only by a sort of “optical illusion” can the three conditions for a just war delineated by Thomas Aquinas be seen to be prefigured in Augustine.<sup>109</sup> As Lenihan later argued, it was the excerpting of scattered citations by later medieval canonists

105. Markus, “Saint Augustine’s Views,” 11–12.

106. Markus, “Saint Augustine’s Views,” 8–9.

107. Markus, “Saint Augustine’s Views,” 10–11.

108. Markus, “Saint Augustine’s Views,” 1. I must mention that in a conversation with me in October 2004, Professor Markus seemed open to the argument that Augustine, in fact, did not originate the Christian just war tradition as commonly conceived, and indeed now saw his 1983 article as not inconsistent with such an argument.

109. Peter Haggenmacher, *Grotius et la doctrine de la guerre juste* (Paris: Presses Universitaires de France, 1983), 13–14.

and theologians that led to the “artificial construction”<sup>110</sup> imagined by later scholars of an Augustinian just war doctrine.

We do not doubt that the work of St. Augustine includes many reflections on war, nor that the work demonstrates its familiarity with the Roman notion of just war, nor finally that his work will be decisive for the creation of the doctrine of just war. Rather, we only dispute that his work actually already contained this doctrine.

Insofar as Augustine played any role at all in the elaboration of a just war doctrine, that role was “indirect et passif.”<sup>111</sup>

Augustine wrote no treatise *De bello iusto*. Even in the late 390s when he seemed most well disposed toward the idea of a Christian Roman empire, in one of the very works where this attitude appears and at a place in the work where such a treatment might have logically occurred, Augustine in the *Contra Faustum* explicitly declined the opportunity, characterizing such a discussion as too long and unnecessary for his purpose,<sup>112</sup> and there is not one scintilla of evidence to suggest that Augustine ever wrote such a treatment. Despite the statements of numerous twentieth-century writers, Augustine did not intentionally originate his own idea of just war, a conclusion that can be demonstrated with near mathematical certitude. If it is one’s intention, it is of course possible to regard Augustine’s statements on war as authoritative, given that such statements formed much of the later medieval synthesis that would ultimately become a just war doctrine. But if one looks at Augustine’s statements on war in their original context a picture emerges far different in many key respects from what ultimately became that doctrine.

110. Haggemacher, 17.

111. Haggemacher, 13.

112. CSEL25, *Aureli Augustini Contra Faustum*, ed. J. Zycha (Vienna: F. Tempsky, 1891), 22.74, 673: “et de iustis quidem iniustusque bellis nunc disputare longum est et non necessarium.”