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JETTISONING LEGITIMATE AUTHORITY?
A THOMISTIC RESPONSE TO REVISIONIST JUST WAR THINKING

By

NATHANIEL A. MOATS

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Nathaniel A. Moats defended this dissertation on June 22, 2020.

The members of the supervisory committee were:

John Kelsay
Professor Directing Dissertation

Michael Ruse
University Representative

Sumner Twiss
Committee Member

Aline Kalbian
Committee Member

The Graduate School has verified and approved the above-named committee members, and certifies that the dissertation has been approved in accordance with university requirements.

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ABSTRACT

Historically-oriented and revisionist scholars advance two main approaches to contemporary just war thinking. Historically-oriented scholars argue for the continued use of historic just war thinking as it has provided sufficient, substantial, and extensive consensus regarding just war criteria. Revisionists, however, argue that this approach has enabled unjust wars through statist and collectivist emphases, which has resulted in producing unique moral norms for war. Therefore, revisionists argue that just war criteria should be defined by universal moral norms of justified violence and revolve around individuals rather than political entities.

In particular, two of the most prominent revisionists, Jeff McMahan and Cécile Fabre emphasize the primacy of individuals and their rights by arguing for war as morally symmetrical to cases of self-defense. Revisionists claim to focus on the moral principles of just war criteria rather than the historical formation of the just war tradition. The revisionists' moral principles approach has led to several controversial conclusions that reorder, revise, or reject historical just war criteria. In response to these "revisions", scholars' primary attention has revolved around revisionists' controversial ethical conclusions. Revisionists' methodological and political claims, however, have received far less attention. Therefore, my dissertation discusses and critiques revisionists' method and the political theory which significantly influences and motivates their approach. I argue that revisionists' method is inadequate for its ahistorical approach and mischaracterization of the historic just war tradition. In contrast, I argue for James Turner Johnson's historical-oriented approach, which emphasizes utilizing past just war thinkers' moral, political, and pragmatic wisdom to guide political leaders in the restraint and application of armed force.

Additionally, I display the way in which classical and modern just war thinking is derived from one's political theory. More specifically, I argue that the revisionist approach to the use of armed force is based on an individualistic political vision resulting in an atomistic and reductive instrumentalization of political life. Revisionist political theory emphasizes the primacy of individuals and their rights without properly acknowledging the importance of humans' communal context and the non-material goods of political community. Revisionists' individualistic priority is seen most clearly in their rejection of the criterion of legitimate authority. They claim that this criterion is particularly problematic in the context of armed rebellion against political tyranny. Therefore, revisionist just war thinking attempts to jettison the primary criterion on which classical just war thinking was based.

By way of contrast, I present Thomas Aquinas as a historical just war thinker who defends the centrality of the criterion of legitimate authority in just war thinking even in the context of a justified armed rebellion. Further, I argue that Aquinas' account of legitimate authority is to be preferred for the way in which it is tied to his larger political framework, which promotes an interdependent conception of human flourishing in the context of political community. Aquinas' communitarian political perspective is based on political leaders who maintain an other-regarding orientation by serving their citizens in protecting and cultivating the common good for the flourishing of all. This political approach highlights the reality of human interdependence and the intrinsic value of political life. Further, given the political nature of war and the depiction of political authorities as representatives of their communities, I argue that the criterion of legitimate authority is not an antiquated relic of the past, but the central criterion on which just war thinking should be based. The criterion of legitimate authority for just war thinking should not be "jettisoned" but emphasized as vital for theory and practice. Therefore,

the political theory which grounds and motivates just war thinking is of utmost importance in determining which method and theory will best lead to the articulation, defense, and application of just war criteria in the contemporary era. In contrast to revisionist method and theory, I argue that a Thomistic approach that draws on the historical just war tradition and a communitarian political foundation provides a richer and more adequate account on which to base future just war thinking.

INTRODUCTION

Just war thinkers from diverse political, philosophical, and religious backgrounds have contributed to a multilateral effort to defend just war criteria resulting in a substantial tradition of thought garnering widespread agreement over the centuries. As the tradition developed, these just war criteria were categorized as *jus ad bellum* (right to war) and *jus in bello* (right conduct in war).¹ Contemporary scholars who identify as “historically-oriented” just war thinkers have continued to defend the historical just war tradition as a sufficient and substantial guide for contemporary practice.² In response to this long-established approach, a recent group of scholars self-identified as “revisionists” have attempted to reorder, revise, or reject just war criteria in pursuit of a more morally oriented approach.³ Revisionists claim that traditional just war thinking and international law have become morally compromised through a pragmatic orientation that seeks to limit the destructiveness of war above other moral concerns.⁴ The traditional orientation’s moral problems are further compounded in the tradition’s treatment of war as morally *sui generis*. The proposed revisions purport to correct the moral failures of the historical just war tradition by crafting a revised just war theory based upon universal moral principles, which govern all forms of justified violence. The historical just war tradition is said to have morally failed by endorsing a statist and collectivist orientation which obscures personal moral responsibility in war. Emphasizing political authority, political affiliation, or group identity (i.e. combatants) has resulted in and will continue to enable unjust wars. Rather than focusing on these collective entities, revisionists claim that just war theory needs to be reoriented around individuals and their rights. Therefore, revisionists argue for a “deeper moral” framework relocating the emphasis of the responsibility of the use of armed force on individuals and the

moral norms that guide all forms of justified violence.⁵ Additionally, revisionists claim that this moral orientation will have the pragmatic benefit of reducing unjust wars in the future.

Jeff McMahan, an American philosopher, has laid the groundwork for the revisionist movement. His work has influenced other scholars to develop and extend the revisionist project.⁶ McMahan's theory aims to be a moral corrective to established just war criteria. He argues that war is morally analogous to self-defense, lethal liability is determined by individual culpability, the right of lethal force should be restricted to just combatants, and the absolute prohibition against targeting non-combatants should be rejected.⁷ McMahan's claims stem from his individualistic orientation (i.e. the elevation of individuals and their rights in contrast to a conception of political community) and reductive methodology (i.e. self-defense as morally symmetrical to war).⁸

In conjunction with this revisionist approach, Cécile Fabre, a French philosopher, extends McMahan's central arguments to form a systematic "cosmopolitan just war theory" also grounded in emphasizing the primacy of individuals and their rights. The cosmopolitan political theory on which her approach is based blends individualistic, egalitarian, and universalistic principles to deemphasize the moral relevance of political borders.⁹ Fabre depicts individuals as "the fundamental and primary loc[us] for moral concern and respect" with the hope that such a focus can produce universal human flourishing consistent with justice.¹⁰ Her just war theory revises the criteria of just cause, legitimate authority, proportionality, and non-combatant immunity while accepting traditional forms of last resort, necessity, and a reasonable chance of success.

The influence of McMahan's individualistic and morally oriented approach is seen most clearly in Fabre's understanding of armed rebellion in the context of political tyranny. Fabre

describes legitimate authority as a problematic principle that should be “jettisoned.” She argues that the “right to war” is an individual rather than a communal right. The right to war is conflated with the right to self-defense. Governments only hold the right of armed force on behalf of individuals in a “fiduciary” sense. When political authorities become abusive or culpably negligent, they forfeit their right of authority and in turn their ability to use armed force on behalf of the community. With this loss of authority, the right of armed force reverts to individuals allowing them to violently overthrow their abusive leaders. Therefore, requiring the criterion of legitimate authority as necessary for a justified rebellion is seen as especially problematic within an individualistic orientation.

Fabre’s utilization of McMahan in conjunction with her cosmopolitan political vision and revised just war criteria leads to a flood of controversial positions including: war as an individual rather than communal phenomenon; an individual right to war; the moral irrelevance of political borders and special relationships, the justice of subsistence, civil, humanitarian, commodified, and asymmetrical wars; a universal right to resources allowing the targeting of the affluent; the targeting of morally culpable non-combatants; the use of human shields by just combatants; the use of mercenaries; and the use of unjust tactics by just insurgents in asymmetrical circumstances.

In response to McMahan’s and Fabre’s controversial just war conclusions, critics have tended to focus exclusively on the controversial ethical conclusions that these approaches yield without focusing on what grounds and motivates such conclusions. Revisionist methodology also attempts to engender an ahistorical methodology that isolates just war criteria as isolated moral principles. I argue, however, that revisionist methodology and theory is grounded in the historical past and deeply intertwined with their political theory. Further, I argue that focusing

exclusively on the ethical elements distracts us from evaluating the significant individualistic political vision on which McMahan's and Fabre's revisionist theory rests. Therefore, by addressing revisionists' individualistic political theory, I highlight the way in which they skew concepts of political life, authority, and the use of armed force resulting in their significant departure from the historic just war tradition.

Central to my analysis, I argue that just war thinking is irreducibly political in nature.¹¹ James Turner Johnson, a prominent historically-oriented scholar, argues, "the historical just war tradition defines a way of thinking about the right use of armed force as a tool to be used in the service of responsible government of the political community."¹² In other words, one cannot separate the moral elements from the political elements. Revisionists, however, claim to elevate moral principles above all else to produce a purer moral theory. Despite their claim to focus exclusively on the moral norms guiding the use of armed force, revisionists' ethical conclusions are built on a specific political vision revolving around the individual. Therefore, I argue that revisionist just war thinking is based on an individualistic political vision, which leads to an atomistic, reductive, and instrumentalized view of political life elevating the importance of individual liberty with the resulting loss of acknowledging the intrinsic goodness and non-material aspects of political life. Further, revisionist methodology is based on a dismissive understanding of the historical just war tradition resulting in a replacement theory rather than revisions that are congruent with the past just war tradition. Ignoring the past wisdom of just war thinkers leads to inaccurate assessments and unsuitable "revisions". Therefore, revisionist method and theory create profoundly serious problems for the theory and practice of the ethical use of armed force.

To highlight revisionists' political vision and the rejection of the historic just war tradition, I focus on the criterion of "legitimate authority" as it serves as revisionists' most problematic criterion. To protect individuals and their rights, revisionists see the legitimate authority criterion as morally repugnant due to their individualistic orientation, which allows for an individual's right to war.¹³ Legitimate authority is seen as perhaps most problematic in contexts of armed rebellion. The context of armed rebellion has received renewed interest in the last fifteen years in efforts to craft a "just rebellion theory" in which armed force is used against political leaders who are guilty of oppression or gross negligence.¹⁴ Given the historical just war tradition's emphasis on the exclusive restriction of armed force to political authorities, revisionists claim that it is morally incapable of providing guidance in this context.¹⁵ In response, my dissertation critiques McMahan's and Fabre's revisionist just war thinking by focusing on the historic just war tradition's understanding of legitimate authority as displayed in the classical just war thinker Thomas Aquinas. I argue that legitimate authority is a politically and morally necessary criterion for just war thinking as substantiated in the historical just war tradition. Further, congruent with historically-oriented scholars, I argue that the historical just war tradition is an ongoing and ample resource to sufficiently guide the ethical use of armed force even in such difficult cases as armed rebellion. To display this, I highlight Aquinas' ability to maintain the centrality of the criterion of legitimate authority even in the context of justified armed rebellion.

In line with my claim that just war thinking is irreducibly political, I display how Aquinas' political theory motivates his just war thinking. In contrast to the individualistic political vision implicit in McMahan and explicitly articulated in Fabre, I argue for a Thomistic communitarian political vision to base just war thinking. Aquinas' communitarian political

perspective is based on the communal pursuit of the common good, which acknowledges the reality of human interdependence and the intrinsic value of political life. Political leaders serve a special role in this construction to protect and cultivate the common good on behalf of their citizens. Therefore, Aquinas' political vision provides us with a richer moral and political account of what political leaders owe their communities and how communities can respond when their leaders have failed to exercise their political responsibility. Aquinas' account of legitimate authority is to be preferred for the way in which it is tied to a political framework, which promotes other-regarding political authority and an interdependent conception of human flourishing. Therefore, I argue that a Thomistic approach that draws on the historical just war tradition and a communitarian political foundation provides a richer political vision and a more adequate base for just war thinking. Further, the contemporary relevance of the historical just war tradition is displayed by comparing Aquinas' and Fabre's approach to authority in a justified armed rebellion (arguably the most difficult context to maintain such a criterion). I argue that Aquinas' interdependent understanding of political life allows for addressing political oppression without abandoning legitimate authority. Therefore, a Thomistic construction supplies a better foundation for future just war thinking (including just rebellion theory) than revisionists who reject legitimate authority.¹⁶

Trajectory:

I critique the methodical inadequacy and the individualistic political theory offered by revisionist just war thinking in four chapters. In chapter one, I evaluate revisionist method as well as juxtaposition it to my historically-oriented approach. Additionally, I provide a summary and evaluation of the central arguments of McMahan and Fabre, the two principal contributors to a prominent strain of revisionist just war theory. McMahan develops his arguments through a

steady critique of Walzer. In response to Walzer, McMahan offers an individualistic moral orientation to just war theory based on war's moral symmetry to self-defense, an individual's right of defense, the exclusive moral permissibility of violence for justified combatants, a logically dependent *ad bellum* and *in bello* criteria, an emphasis on combatants' personal moral responsibility, and liability determined by individual moral culpability.

Fabre extends McMahan's revisionist methodology and theory to blend it with her cosmopolitan political theory. Fabre argues for a cosmopolitan morality, justice, and sufficientism to highlight the importance of individuals and their rights alongside universalist and egalitarian values. Fabre argues that a political community's worth is found in its material provisions and protection of individual's rights. If a political community cannot provide these elements then they do not have any moral worth. Thus, Fabre deemphasizes the communal nature of political life in favor of elevating a universalist vision based on the individual. Alongside a broadening of just cause and a rejection of legitimate authority, Fabre argues that individuals are the holders of the right to war. Political communities are said to safeguard this right and utilize it in justified circumstances but forfeit such rights in contexts of political tyranny or gross negligence. Additionally, I provide five examples of the controversial conclusions of Fabre's cosmopolitan just war theory: subsistence wars for a minimally decent life, territorial and political self-determination as a component of a minimally decent life, humanitarian war as a right and duty, revising non-combatant immunity based on individual culpability, and the use of asymmetrical tactics by just insurgents.

In chapter 2, I highlight the political nature of McMahan's and Fabre's approach. McMahan's and Fabre's political vision can be summarized as an individualistic orientation that emphasizes the moral priority of individuals and their human rights without regard for their

political and communal situatedness. Therefore, revisionists set the primary value of political life in its instrumental worth to produce a context of individuality, equality, and liberty. While I affirm these ends, I argue that their vision is inordinately individualistic and leads to an insufficient and reductive political perspective that is incongruent with communal life thus warping their just war thinking. Additionally, to elucidate revisionists' political theory and to counter their purported moral principles approach, I trace the influence of revisionist political vision through three major Enlightenment thinkers: Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. I argue that while these Enlightenment figures laid the political foundation for revisionist views, McMahan and Fabre extend their arguments in a manner that these historical figures would be uncomfortable with. In other words, revisionists provide an extended enlightenment perspective. Lastly, I critique McMahan and Fabre for their imprecise connotations, false dilemmas, individualistic human rights, and instrumentalized understanding of political life. By interacting with their political vision, I display why their just war claims are deficient and should be rejected from a political perspective.

In chapter three, I provide a brief historical account of Augustine's influential political theology and its relation to Aquinas' political thought. I display that while Augustine was foundational to Aquinas in many ways, Aquinas departs from his predecessor in significant ways. After discussing the historical background, I describe the central components of a Thomistic communitarian political vision on which Aquinas bases his political theory. A Thomistic understanding of the purpose of political life is the communal pursuit of the common good, which leads to interdependent human flourishing built around a virtuous conception of reciprocal rights and duties. Citizens are given a significant role in determining their political construction while also entrusting their leaders to faithfully fulfill their duties. Political leaders

are entrusted to serve the community by providing, preserving, cultivating, and protecting the common good. The pursuit and establishment of justice also provide relational flourishing between individuals. Therefore, laws are established to help protect the community and inculcate virtues that lead to individual and communal flourishing.

After describing this Thomistic political foundation, I provide Aquinas' understanding of just war theory as a moral and political guide for authorized leaders to determine when war is warranted. The central features of Thomistic just war thinking are comprised of legitimate authority, just cause, and right intention. Legitimate authority is the primary criterion from which the rest of just war thinking flows. Thus, legitimate authority is an essential and necessary criterion for just war thinking. In contrast to revisionists depicting just war theory as a moral theory for all individuals, I argue in conjunction with Aquinas and Johnson that just war theory is primarily about guiding political leaders in their use of armed force on behalf of their political community's common good. Thus, just war thinking is based on intertwined political *and* moral theory highlighting my claim of the irreducibly political nature of war. Therefore, a political vision that understands human interdependence and the positive value of political life is better situated to address issues of armed force than revisionists' efforts to isolate individuals and their rights in an atomistic political vision.

In chapter four, I focus on the criterion of legitimate authority as particularly applied in the context of armed rebellion by comparing Aquinas's and Fabre's approach to political tyranny. Fabre argues that legitimate authority is not a necessary criterion for just war theory as particularly shown in its inability to address political tyranny. Fabre endorses an individual right to wage war, the fiduciary management of this right by the government, the forfeiture of such right if political authorities are grossly negligent or abusive, and the reversion of the right of

armed force to individuals in oppressive circumstances. Therefore, she argues that legitimate authority should be jettisoned as a criterion in just war thinking.

In contrast to Fabre, I argue that Aquinas offers a response to political tyranny without abandoning the criterion of legitimate authority. Aquinas' perspective on armed rebellion is based on his political vision established in chapter 3. A Thomistic understanding of legitimate authority affirms the forfeiture of legitimacy in a tyrannical political regime if there is consistent and substantial abuse of the people. Abusive political leaders are held accountable even to the point of allowing citizens the use of armed force. Before this can occur, however, the legitimacy of authority follows a line of succession (i.e. central political leader, other national leaders, international leaders, and a united coalition of citizens). When citizens are allowed to use armed force against political leaders, they are depicted as a unified community seeking the restoration of their political order rather than a loose coalition of former citizens acting in self-defense or defense of their rights. Therefore, a Thomistic construction of armed rebellion is framed in terms of restoring the political order for the sake of the common good rather than merely defending or retaliating against injustice. Thus, the right to war never reverts to individuals per se. Rather, citizens acting as a unitive coalition gain legitimate authority in terms of citizens' responsibility to protect the community.¹⁷ Therefore, I argue that this Thomistic understanding of legitimate authority provides a way to maintain this important criterion in a politically and ethically responsible manner while still addressing the need to use armed force against oppressive political leaders.

Despite McMahan's and Fabre's attempt to replace traditional just war thinking, I display the historical just war tradition as an ongoing and rich resource for the ethical use of armed force even in such contested contexts as armed rebellion. Therefore, I argue that future development in

just war theory and just rebellion theory is better off utilizing the historic just war tradition than favoring the more recent offerings from revisionists. Further, the criterion of legitimate authority is not an antiquated relic of the past, but the central criterion on which just war thinking should be based. The criterion of legitimate authority for just war thinking should not be “jettisoned” but emphasized as vital for theory and practice. Therefore, understanding the political theory which grounds and motivates just war thinking is of utmost importance in determining which method and theory will best lead to the articulation, defense, and application of just war criteria.

CHAPTER 1
METHODOLOGY
AND
THE KEY ARGUMENTS OF JEFF MCMAHAN AND CÉCILE FABRE

Introduction:

In this chapter, I provide an evaluation of Jeff McMahan's and Cécile Fabre's revisionist method as well as juxtaposition it to my historically-oriented approach informed by James Turner Johnson. Revisionists' problematic method is one of the central reasons for their troubling political and ethical claims. Additionally, I provide a comprehensive summary of McMahan's and Fabre's central arguments which guide their just war thinking. The summaries presented herein attempt to accurately represent McMahan's and Fabre's perspectives before engaging in critical evaluation.

Revisionist Methodology:

McMahan's and Fabre's methodology can be summarized as an ahistorical, philosophical, political, and moral critique of traditional just war theory.¹⁸ Three areas display revisionists' inadequate method: the moral principles approach, neglecting historical just war thinking, and presenting Michael Walzer as the primary representative of traditional just war thinking.

Moral Principles Approach:

A historically-oriented approach provides a descriptive and contextual understanding of how just war criteria were formed and of their normative import for the ethical use of armed force. In other words, moral norms are historicized. This is not a rejection of their objectivity, but of the need to understand how they were perceived, developed, and incorporated within just war thinking. By contrast, revisionists approach just war by emphasizing isolated objective moral

principles that stand behind *ad bellum* and *in bello* constraints. In other words, revisionists argue that there are certain moral norms that constrain all forms of violence regardless of context. War is complex, but not exceptional in the application of these moral constraints. This results in revisionists elevating, expanding, or abandoning parts of just war criteria in contrast to historical formulations. This approach leads revisionists to treat historicity, legality, and practicality as secondary concerns for moral theory. Therefore, the historical method emphasizes the formation and heritage of the just war tradition while revisionists focus on moral purity. Both methods make normative ethical judgments, but base them on a vastly different understanding of approaching moral norms. Historically-oriented scholars base their views on the historical argumentation of just war thinkers to evaluate just war criteria.¹⁹ Revisionists, however, argue that just war criteria can be evaluated independently of just war thinkers through an objective moral lens. As a consequence, if just war thinkers' contributions are ignored or cast aside, so be it as long as a purer moral theory manifests.

McMahan and Fabre argue that their primary aim is to analyze and defend the *moral principles* which guide the ethical use of armed force. They argue that traditional just war theory and international laws have created a moral disparity between war and other forms of violence. Traditionalists' theories (including historically-oriented scholars) are charged with moral compromise and theoretical stagnation. Therefore, revisionists argue for a "deeper moral" formulation that does not focus exclusively on pragmatic concerns or past thought. Revisionists assume that the just war tradition is primarily (if not exclusively) a moral theory.²⁰ McMahan states, "just war theory is usually understood as a set of principles that have been discovered rather than designed, and that provide an objective account of the morality of war."²¹ While he acknowledges the "discovery" of moral norms, he does not discuss how this moral inquiry takes

place. I argue that moral inquiry (especially with an issue like war) is intertwined with historical inquiry.²² Our moral perceptions are at least partially shaped by the intersection of historical processes (i.e. historical thinkers, our placement in history, etc.). McMahan, however, seemingly affirms a moral intuition account concerning the norms of armed force as he assumes rather than defends his principles.

Fabre's approach is also focused on moral principles.²³ She is not concerned with how moral theory would or should apply to international laws, but the "first-best principles for war" before addressing "applicability".²⁴ To develop her theory, she relies on "pre-theoretic intuitions" while incorporating "hypothetical scenarios" and "historical examples."²⁵ It is a synthesis of Rawlsian "reflective equilibrium" and "casuistry."²⁶ Therefore, she claims to provide a hybrid of deontological and consequentialist philosophies without an exclusive commitment to either.²⁷ Alongside deontologists, she affirms the "intrinsic" right and wrong of some acts regardless of consequence.²⁸ Alongside consequentialists, she affirms that consequences matter morally in certain circumstances. She acknowledges that some may find this approach to be ad hoc, but she believes it is better than endorsing or rejecting either ethical framework in its entirety.²⁹

As revisionists approach just war thinking through abstracted moral principles, they assume that just war theory is articulating an individualistic morality. In contrast, the historic just war tradition is never articulated in such an individualistic fashion as it would be incoherent to view it through such lenses given that historic just war thinking always had the political context in mind. Just war thinking was never about abstracted moral principles of violence, but guiding political leaders in the violence that occurred between communities. The historical just war tradition addresses morality, individuals, and the use of armed force, but as situated within the

context of political communities. Therefore, revisionist efforts to reorient around the individual produce significantly different conclusions.

In contrast to the moral principles approach, I argue that just war theory is not *exclusively* a moral theory, but one that is deeply political in nature.³⁰ Treating just war theory as solely as moral theory misses a central aspect of how just war thinking was historically formed and framed. Just war thinkers from across a diversity of time periods and backgrounds have always set it within the context of political life. This is one of the reasons I affirm the historically-oriented approach to the just war tradition. According to Johnson’s historical approach, the just war tradition affirms a moral realist perspective in which moral norms are apprehended in historical time by thinkers who help to clarify and defend its normative force. Widespread recognition and articulation support the validity of such norms. Therefore, moral theory does not occur in a vacuum, but is worked on and continues through history as a form of “practical reasoning.”³¹ A historical orientation thus affirms the just war tradition’s recognition of a substantial, widespread, and sufficient criteria that helps to morally guide war. This contrasts with an approach in which moral truths are abstracted, intuited, or reasoned through analytical analysis before being applied to war.

Despite the purported moral principles approach, it is evident that there are significant political claims at stake outside the principles of justified force. Revisionists provide an individualistically oriented political theory promoting a reductive instrumentalization of political life driven by the aim to elevate individuals and their rights above all else (i.e. political authorities, association, or a politically restrictive right to armed force).³² To ignore or downplay this element will lead to an improper assessment of what is at stake in revisionist claims. Even in making these claims, however, revisionists are taking part in a historical dialogue. While

revisionist ethical conclusions are worth interacting with, I argue that the political orientation inculcated is far more important to address. Political theory is by its very nature about communities and individuals. It is never an either/or approach. The political aspect of just war thinking cannot be ignored or undervalued. Johnson states, “the proper moral use of [the just war] tradition implies its historical use as well.”³³ The moral aspects of the historical articulation of just war criteria is defined through a historical analysis of the intertwined moral, political, and pragmatic considerations that these guidelines formulated in an effort to create substantial and serious considerations for ethical reflection and practice. Therefore, ethics should not be detached from historical inquiry and political theory. In other words, revisionists’ ahistorical moral principles approach conceals the larger political claims at stake.

Neglecting Historical Just War Thinking:

Historically-oriented scholars dispute the validity of revisionists’ claim to be working within the just war tradition.³⁴ Johnson criticizes scholars who wish to use aspects of the just war tradition (i.e. terminology) without doing the proper historical work. Johnson alludes to the revisionist approach when he argues that “at some point a local version of a language may become so different, so unintelligible to persons from different localities, that it has to be recognized as a different language.”³⁵ Revisionists are disingenuously claiming affiliation to the just war tradition by using just war terminology, but expanding or revising the definitional meaning. One needs more engagement beyond similar terminology and subject matter to claim kinship. Johnson argues that the accurate and appropriate use of the just war tradition seeks “engagement with the tradition out of which it comes and entering into dialogue with the classical statement of the just war idea within the tradition.”³⁶ Despite the claim to revise the just war tradition, revisionists largely ignore the contributions and insights of historical just war

thinkers. I argue that to claim affiliation with the just war tradition requires one to take its history seriously.³⁷ Further, to claim to revise the moral errors of the just war tradition without engaging the formation and development of the tradition is misleading. It maligns the just war tradition's integrity, contributions, developments, and widespread influence without sufficient cause.

Johnson states,

I do believe contemporary moralists working with concepts drawn from just war tradition have an obligation to understand those concepts as developed and used in that tradition; they are wrong simply to make up new ideas at odds with those traditional meanings and attach the label 'just war' to the new ideas.³⁸

Revisionists have not paid due attention to the tradition and as such, they have offered inaccurate critiques and endorsed "revisions" which are antithetical to past just war wisdom, which has been widespread and influential in guiding warfare for centuries. Therefore, it would be imprudent to ignore such consolidated wisdom in favor of a "fresh" take, which does not concern itself with the past. This is not to suggest that the just war tradition is monolithic, inerrant, immutable, or static. A historical approach to just war thinking shows just the opposite as diversity, disagreements, errors, and development is evident throughout its history. Yet, amidst the diversity and developments, the just war tradition has formed a widely-held consensus that is at the very minimum worth considering. In principle, revising or developing the just war tradition is not excluded, but requires significant interaction with past thinking to do so. If revisions are needed, one must accurately understand the origins, utilization, and development of just war thinking. Revisionists do not engage just war thinkers, its formation, or development in such a manner that tempts one to consider such revisions as a legitimate part of the historic just war tradition.

McMahan's and Fabre's writing does contain two types of interaction with historicity.

First, McMahan and Fabre make the occasional reference to a historical just war thinker, but it is

done in such a way to validate a point they are making. Therefore, historical just war thinkers are only used to support the validity of their perspective and to make some claim of affiliation to the just war tradition. Convenient references of affiliation aim to downplay the controversial and novel nature of their perspective. In other words, referencing the historical tradition is done when it enhances their argument in some manner, but it is shunned when it does not. Second, McMahan and Fabre provide some historical cases to evaluate their moral norms. The problem again, however, is that they fail to provide the required historical nuance needed to use such references. Historical cases are treated as fodder for their moral principles rather than appreciating the unique circumstances that they represent. In these ways, they depreciate historical inquiry and can thus still be viewed as providing a type of ahistoricism.

In general, McMahan avoids discussing the formation of the historical just war tradition to focus on foundational moral principles, but he does supply an illuminating narration of his understanding in a two-part op-ed published in *The New York Times*. McMahan attempts to “summarize the evolution of the traditional just war theory, then make a case for why that theory can no longer stand.”³⁹ Ironically, McMahan provides a revisionist history regarding the just war tradition. In this context, I use revisionist pejoratively to refer to how the historical account is not accurately reconstructed. McMahan states,

[J]ust war principles were to be used in guiding and judging the acts of individuals. Later, however, as individuals became more firmly sorted into sovereign states and the regulation of warfare through treaties between states became increasingly effective, the theory began to conceive of war as an activity of states, in which individual soldiers were merely the instruments through which states acted.⁴⁰

Therefore, McMahan is claiming that just war theory was originally formed with an individualistic orientation. It was meant to guide individual combatants rather than political communities. This is historically inaccurate, to say the least. Just war theory was formed well-after the consolidation of political communities (i.e. Roman empire). Just war thinking was

always depicted in light of political communities while also having implications for individual combatants. Thus, it is fundamental to understand the political thinking within just war theory to properly understand its usage and development. McMahan's re-telling of the tradition's history is agenda laden. McMahan blames the advent of modern nation-states and the development of international law for hijacking the tradition's individual orientation. This coincides with his larger claim in *Killing in War* that morality and law have been unduly separated due to the pragmatic orientation of international law. McMahan claims,

As it turns out, this 'revisionist' account, though not as yet fully worked out, is in certain respects a reversion to the classical theory that was superseded by the traditional theory several centuries ago. It returns, for example, to the idea that it is individual persons, not states, who kill and are killed in war, and that they, rather than their state, bear primary responsibility for their participation and action in war.⁴¹

McMahan's historical narration claims that international law has shifted the proper moral trajectory of the just war tradition away from the individual to political nation-states. What is unclear is where he gets this historical account. Even a cursory historical reading does not support the claim of an individualistic orientation.

McMahan's narration in the *NYT* also seems contradictory in the fact that he simultaneously claims that revisionists are saving just war theory from morally negligent just war thinkers while also returning to its original orientation. He states, "When [analytical] philosophers consulted the traditional theory to evaluate these wars, they discovered problems that had somehow eluded earlier thinkers. They have subsequently sought to develop a more plausible theory of the just war."⁴² Thus, McMahan paradoxically claims that revisionists are simultaneously returning to the original individual orientation of just war theory while also forming new revisionist accounts that replace the theory from centuries of thinkers who were morally heedless. Considering these contradictory claims, are we to return to the moral correctness of just war thinkers' wise individualistic orientation or should we shun the

collectivism deeply imbedded in traditional just war thinking?⁴³ Therefore, McMahan offers a conflicting reconstruction of the just war tradition even in his own reckoning.

McMahan claims that revisionist theory returns to the foundation of just war theory. With a similar desire, but a contrasting method, I am also concerned about a return to the foundational structure of the just war tradition. As displayed in chapter three, I argue that the just war tradition is based on a preceding political theory aimed at the common good, which helps to orient just war theory's purpose, usage, and development. I do not argue for a static understanding of the tradition but argue that its initial goals are still foundational and relevant for its usage in contemporary society. As displayed in chapter 4, legitimate authority is not an antedated criterion of oppressive eras, but the principal component of just war thinking.

Walzer as the (Mis)representative of Traditional Just War Thinking:

Revisionists have provided withering moral critiques that have influentially caused just war theory to be seriously questioned and reconsidered. McMahan argues that the traditional conception “can no longer stand” as “the cracks have widened into gaping crevices” made evident in the contemporary setting of modern warfare in which even non-state entities are participating.⁴⁴ As previously noted, despite the widespread agreement on just war criteria, the just war tradition is not a monolithic coalition of thinkers. Therefore, it is important to understand which strain of just war thinking one is interacting with. For revisionists, Michael Walzer is the primary interlocutor for their critique. This by itself is not problematic, but what is troublesome is the way they present Walzer as the definitive representative of traditional just war thinking. Given that the majority of revisionists' critiques deal with Walzer's approach, McMahan's conflation of Walzer with the historic just war tradition is a significant error as he wrongly maligns the tradition as laden with “many incoherencies and inconsistencies.”⁴⁵

Walzer is one of the most prominent just war thinkers and has been an influential popularizer in the modern era.⁴⁶ Walzer's book, *Just and Unjust Wars*, helped to revive just war theory in the 20th century as well as served as a prominent resource for academic and military instruction.⁴⁷ It is considered the "most important modern work in the field" among many scholars.⁴⁸ It would be misleading to downplay his considerable influence, but it would also be equally misleading to overemphasize his importance to the just war tradition. Specifically, it is problematic to depict Walzer as the definitive representation of the just war tradition as displayed in revisionist analysis.

Chris Brown notes that Walzer's position among just war theorists is quite contested.⁴⁹ On one hand, McMahan is one among a group of scholars that considers Walzer "the single most influential just war thinker of the last hundred years."⁵⁰ Brown, however, counters that Walzer is "not, in any considered sense of the term, a just war thinker at all" and his legacy in the tradition is "complex."⁵¹ Walzer's attempted to ground just war theory in the real world while also being driven by moral principles.⁵² Brown states, "Although he uses the term 'just war' to describe what he is doing, in practice the secular, legalistic version of the just war that he presents bears little relation to the way the tradition has understood the term."⁵³ Walzer ignores or rejects significant aspects of the tradition while taking an "a la carte" approach to the tradition.⁵⁴ Brown states, "[Walzer] employs some of the concepts made available to him by the just war tradition, but is never afraid to discard parts of the tradition or adapt other parts to make them more amendable to contemporary conditions."⁵⁵ For example, Walzer views "just cause" as exclusively restricted to self-defense while also rejecting the criterion of right intention.⁵⁶ Further, Walzer does not make substantial comments on the criterion of legitimate authority despite this being a central aspect for classical thinkers.⁵⁷ Therefore, the classical conception of

just war thinking centered on legitimate authority, just cause, and right intention is absent in Walzer's approach. A further difference is the way classical thinkers viewed the just war criteria as a unified package whereas later modern thinkers (including Walzer) separated the categories of *ad bellum* and *in bello* criteria.⁵⁸ For Walzer, the justice of the war in no way affects the combatants who may or may not be killed.⁵⁹ This leads to Walzer's moral equality of combatants, which is a significant cause of revisionists' revulsion. It must be noted, however, that the moral equality of combatants is not found in the just war tradition.⁶⁰ Ultimately, Walzer cannot be categorized as either a traditionalist or revisionist.⁶¹ Brown argues that Walzer's approach could be interpreted as a "defense of the current legal framework governing the use of force" that departs "radically" from the just war tradition.⁶² Therefore, Walzer's position is more closely aligned with contemporary international norms than the just war tradition. This fact helps explain why revisionists also tend to conflate traditional just war theory with international law.

Despite my critique of revisionist method, I do believe some of McMahan's critiques against Walzer are justified, but this does not justify his overall assessment of the status of the just war tradition. Despite McMahan's ire with Walzer, these scholars are far more akin than is often realized. Similar to McMahan, Walzer grounds his account in "the rights of the individual."⁶³ Ironically, some of Walzer's first critics noted the individualism laden within his approach.⁶⁴ Therefore, the dispute between McMahan and Walzer is not over the importance of human rights, but rather how it applies within the war context.⁶⁵ McMahan's criticisms are most likely driven by this similarity.

In response to revisionists, Walzer critiques revisionist just war theory as being far too theoretical with little practical relevance.⁶⁶ Walzer argues that revisionists view "the subject of just war theory [a]s just war theory [whereas] I think the subject matter of just war theory is

war.”⁶⁷ Therefore, Walzer describes his approach as creating a realistic, but morally driven perspective that can be enacted in the real world.⁶⁸ In this way, Walzer is not a hardened realist, amoral pragmatist, or moral purist.⁶⁹ He firmly upholds a belief in morality while acknowledging that one may have to act with “dirty hands” in some scenarios.⁷⁰ Brown labels Walzer’s approach as a “principled pragmatism” that rejected the dogmatism of both traditionalists and revisionists.⁷¹ Further, Brown argues that “[Walzer] may or may not be just war thinker in the full sense of the term, but is the most accomplished moral phenomenologist of war of our age.”⁷²

Regardless of Walzer’s influence, the conflation of his position with historic just war tradition is deeply problematic. If McMahan aimed to exclusively challenge Walzer’s notions, then I believe McMahan’s project provides a valid contribution to just war thinking. As it stands, however, McMahan’s conflation of Walzer with the just war tradition is historically negligent and damaging for contemporary discussions of the relevance of the just war tradition.

McMahan’s approach also becomes problematic in the way he has influenced other revisionists. Whereas McMahan mentions Walzer numerous times, Fabre ends up following McMahan’s conflation, but in a way that loses explicit sight of Walzer. The result is that Walzer’s distinct approach is no longer seen. Thus, traditional just war is critiqued for the faults of Walzer without realizing how foreign his approach is to the historic just war tradition. In philosophical terms, McMahan is guilty of creating a “straw man” argument, which ends up being passed down to other revisionists. Thus, the “damning” moral critiques of revisionists are only damning for those who follow Walzer’s approach or who have little understanding of the historic tradition.

Therefore, it is more accurate to say that McMahan and Fabre are responding to Walzerian just war theory rather than to traditional just war theory.

Historically-Oriented Methodology:

Following James Turner Johnson:

In contrast to the problematic revisionist method, my just war methodology is modeled after James Turner Johnson's historically-oriented approach.⁷³ To argue in a historically-oriented manner is to understand history as "referring to the past as effective or alive in the present through both institutions and human consciousness."⁷⁴ Johnson has been described as "a foundational historian, theorist, and moralist of contemporary just war thinking."⁷⁵ Johnson rejects pacifistic and realist approaches to armed force as he argues that violence is morally neutral and therefore can be morally justified.⁷⁶ Johnson was also a major contributor to the renaissance of a traditional just war approach in the 20th and 21st centuries. During the resurgence of just war theory, Johnson helped to emphasize a need to return to historical sources in the formulation of just war thinking for the contemporary era.⁷⁷ The historical emphasis was not about simply providing descriptive information of the past, but seeing its contemporary "significance and relevance."⁷⁸ Johnson understands the just war tradition in the following way:

As traditionally understood, the ethics of just war is a practical art, not a science; the responsible party makes a decision, following the guidelines laid out but also attempting to discharge the responsibility given him or her to pursue justice and peace and thus serve the common good. This is a conception that corresponds to the Greek notion of ethics as having to do with arete, excellence achieved through practice (which includes the possibility of making mistakes and learning from them). Rules are important for this praxis, but they do not themselves yield the right and wrong.⁷⁹

Therefore, the just war tradition is a mixture of moral, political, and pragmatic theory seeking to guide communities in the restraint and application of armed force.

The Historical Formation of the Just War Tradition:

Despite his emphasis on the need to return to the historical sources of just war theory, Johnson does not affirm a static understanding of the just war tradition as he openly acknowledges that it has undergone changes.⁸⁰ According to Johnson's narration, the just war

theory began to develop with Cicero and Augustine but did not find a systematized form until the Middle Ages.⁸¹ The just war tradition was grounded in Christian theology, which emphasized right authority, just cause, and right intention.⁸² The theological tradition was less concerned with *in bello* issues, which were developed at a later time. Francisco de Vitoria later shifted just war thinking into a more pluralistic form that relied less on Christianity *per se* by emphasizing a “natural law” approach, which Hugo Grotius further extended into a more secular sphere.⁸³ Grotius helped to encapsulate the *ad bellum* and *in bello* categories as well as to incorporate just war theory into international law. Although, it is important to note that the international incorporation of just war norms does not exactly parallel the historical tradition and its values. In the 20th century, a resurgence in just war theory occurred in response to the past abuse of political authorities’ use of armed force and a growing trend towards pacifism. Johnson argues that the influences Paul Ramsey and Michael Walzer were influential in such a resurgence. Yet, Johnson argues that Ramsey and Walzer failed to sufficiently consult the historical sources in their formulations.⁸⁴ Therefore, Johnson emphasized the importance of historical inquiry for the 20th and 21st century just war thinking.

Johnson prefers the use of the term “tradition” rather than “theory” or “doctrine” as the former term implies the “multifaced and various unity of moral insights and practices reflecting the experience and judgments of historical persons across the whole breadth of cultural institutions.”⁸⁵ For Johnson, the authority and relevance of the just war tradition comes from a recognition of the unified moral values that have been recognized, formulated, and articulated across centuries and cultures.⁸⁶ Developments have occurred throughout the history of just war thinking, but a fundamental moral unity can be detected and should be retained.⁸⁷ The just war criteria should not be retained for sentimental value, but because it offers substantial insights on

the use of armed force which has received widespread recognition for the last 2,000 years of history. Therefore, while the just war tradition contains a diverse collection of thinkers, there is a broad, but substantial consensus on criteria that can be applied to contemporary warfare.⁸⁸ While the technology and complexity of warfare have changed, the applicability of the just war tradition remains ever relevant. Therefore, Johnson's work as a historian is centrally tied to his belief in the normative efficacy of the just war tradition.⁸⁹ In agreeance with Johnson, I affirm the sufficient moral and pragmatic guidelines of wisdom found within the just war tradition.⁹⁰

Moral Formation Through History:

In opposition to a "moral principles approach", Johnson argues that ethics is "a 'history-conscious' discipline."⁹¹ He believes that a moral principles approach ignores the history of the formation of the just war tradition by elevating some principles above others, which leads to "misinterpretation by truncation."⁹² The moral principles approach upholds universal values in an "ahistorical" manner, which does not accurately represent the formation of the tradition itself.⁹³ In contrast, Johnson's method historically analyzes the moral values as entrenched throughout history.⁹⁴ There is a dialectical relationship between morality and ethics.⁹⁵ Johnson states:

My own understanding of the nature of moral values is that they are known identification with historical communities, while moral traditions represent the continuity through time of such communal identification. This implies that moral life means...keeping faith with such traditions; it is also requires, more fundamentally, that moral decision making be understood as essentially historical in character, an attempt to find continuity between present and past, and not an ahistorical activity of the rational mind.⁹⁶

Rather than focusing primarily or exclusively on moral principles, I argue that we must look at the contextual formation that is inseparable from our moral understanding. This means we must be prepared to look at the historical, political, practical, and ethical contexts that shape our moral understanding.⁹⁷ While McMahan and Fabre aim to isolate the moral principles from everything

else, I argue that we must expand our scope to sufficiently deal with this tradition. Philosophy does not occur in a historical vacuum and therefore it is negligent to attempt to isolate the philosophical principles without acknowledging the influences that justify operating in this manner.⁹⁸

The Political Nature of Just War Thinking:

Johnson's approach also defends the intrinsic political nature of just war thinking.⁹⁹ Political theory precedes just war theory. In other words, just war thinking is based on prior political theory concerning the purpose of political life and the roles, responsibilities, and accountability of leaders and citizens. Just war theory is tied to the proper purpose and functioning of government and as such is not attempting to describe an individualistic morality concerning violence.¹⁰⁰ Johnson argues that just war

focused on the problems of good government, not on individual morality. It developed within a set of assumptions about such government expressed as the three ends of politics: order, justice, and peace, with justice understood by reference to historical precedents, context, and natural law, and peace defined as what Augustine had called the 'tranquility' of an order ruled by the doing of justice.¹⁰¹

Therefore, just war theory focuses on "the lasting concerns about human life in political community on which just war thinking is based and which it expresses."¹⁰² A just war is primarily concerned with political injustice because "in the absence of justice, the political community is not rightly ordered, and there is no real peace either in that community or in its relations to other political communities."¹⁰³ In light of these ideas, Johnson affirms a conditional view of political authority, which can be forfeited through failure to perform one's proper duties.¹⁰⁴ Thus, claims that just war theory's "inability" or "insufficiency" to address issues such as political tyranny grossly exaggerates the moral ignorance of just war thinkers and their political foundation on which just war thinking was built.

The Classical Concept of Just War:

Related to the political nature of just war thinking, I advocate for what Johnson terms “the classical statement of the just war idea [where the] central focus is on the place of the use of armed force as an instrument of public authority in the service of the common good, both for the domestic political community and for the interrelations between and among such communities that we today denote by the term ‘the international order.’”¹⁰⁵ Johnson states, “The classic conception of just war is aimed first at the person or persons having the ultimate responsibilities of government, and the classic just war criteria are all statements of duties reflecting those responsibilities. In ethical terms, they are deontological requirements.”¹⁰⁶ The classical statement was formulated in the Middle Ages by Aquinas until it was reshaped for international law by Grotius.¹⁰⁷ While last resort, proportionality, and reasonable hope of success are not found within the classical statement, these are prudential guidelines that a leader should consider after determining whether force is justified.¹⁰⁸ Johnson believes that much of present-day just war thinking has wrongly place the prudential criteria as the primary lens.¹⁰⁹ By accepting the prudential guidelines, I acknowledge the importance of the development of just war thinking. I do not affirm a static understanding or an exclusively classical approach. Rather, I argue that the classical emphasis has been downplayed in contemporary thought resulting in the climax of such theories as revisionism in which legitimate authority is easily dismissed. We would be unwise to ignore or dismiss such a criterion especially as it was considered the primary criterion in the past. The importance of such a criterion is not a result of an antiquated understanding of rulers’ superiority, but rather the distinct responsibility political authorities have as representatives of their community. What lies behind the legitimate authority criterion is a political concept centered on a pursuit of the common good that protects and cultivates interdependent human

flourishing. Further, I argue that this past political theory is better situated for future contemporary insights on warfare than an individualistically oriented one. Therefore, while I affirm the prudential guidelines, I argue for the resurgence of legitimate authority as the preeminent criterion for just war thinking as displayed in the classical tradition (via Aquinas) and throughout this dissertation.

The Key Arguments of Jeff McMahan's *Killing in War*:

The War on Walzer:

Jeff McMahan is the founding father of revisionist just war thinking. Similarly, McMahan's main interlocutor is Michael Walzer, whom he depicts as the contemporary father and representative of traditional just war theory. McMahan's primary aim is to critique Walzer's views to make a wider critique of traditional just war theory and its subsequent influence on international laws.¹¹⁰ McMahan's authorial anxiety revolves around the fear that traditional just war theory has depicted war as a morally sui generis category of violence in which unique moral principles apply. He argues that this coincides with a "statist" and "collectivist" orientation that has overridden the importance of individuals and their rights of life, liberty, property, and other fundamental goods. For example, Walzer's endorsement of the "moral quality of combatants" permits unjust aggressors to use lethal force by virtue of their status as combatants authorized by their political communities. In response, McMahan argues that combatants should be depicted as individuals distinct from their political or collective identity. In this construction, "just cause" becomes the preeminent just war criterion in contrast to "legitimate authority." Innocent individuals—meaning persons who do not violate the right of others—are not to be attacked or otherwise harmed. If an aggressor harms them, they have a right to defend themselves, and the type of conflict we call war is an extension of that right. Applied to war, then, the moral precepts

associated with the just war framework apply. McMahan develops these ideas through a steady critique of Walzer. We can see the way McMahan's ideas develop by examining his responses to Walzer on the following issues: the moral standards for war, the right to defense/war, the moral justification of combatants, the relation of *ad bellum* and *in bello* criteria, combatants' personal moral responsibility, and individual liability.¹¹¹ Additionally, McMahan dismisses traditionalists' three common justifications of consent, epistemic limitations, and permission.

Moral Standards for War:

McMahan argues that it is morally incoherent to allow an act for a political entity, which is not allowable for an individual.¹¹² McMahan finds it morally problematic that people allow acts to be "justified" in the political sphere which would never be acceptable in other contexts.¹¹³ One of McMahan's primary aims is to overturn the idea that war is morally distinct from other forms of violence.¹¹⁴ In other words, traditionalists hold strikingly different moral standards for war than other contexts of violence (i.e. self-defense). His assessment of the just war tradition is partially accurate. The classical just war tradition does see war as distinctive in that it involves the use of lethal force in the service of the common good. This is why legitimate authority comes first in most lists of criteria governing judgments about war. Defense (Latin *defensio*) is the private right of citizens who are victims of aggression. Other forms of lethal force, like duels or armed robbery, are illegitimate and those in authority should seek to suppress them in the name of the common good.¹¹⁵ Yet, this distinctive understanding of war does not entail a suspension of morality or an endorsement of actions that are manifestly immoral in nature. The context of war is deeply complex by virtue of the intertwined nature of political life composed of history, customs, communities, and individuals. It is a complexity that McMahan's analysis does not acknowledge. McMahan depicts the complexity of war in terms of the number of individuals

involved rather than the more substantial issues which give rise to individuals serving as combatants. The classical just war tradition approached war in a communal and political fashion. This means that the tradition does not focus on parsing individual moral culpability in the way that McMahan attempts to do. War involves not only political leaders, military commanders, and combatants, but it is also tied to defending communities' territory, citizens, customs, etc. This is not to say that an unjust community's use of violence is morally acceptable, but it acknowledges that the political nature of warfare creates a vastly different context than the analogies used by McMahan.

McMahan denies that war is morally distinct due to its being a collective effort (i.e. groups, states, combatants, etc.).¹¹⁶ He further denies the claim that states have independent rights.¹¹⁷ McMahan argues that all state rights are derived from individual rights, which are transferred to governing authorities upon consent. If a government abuses these derivative rights, then they forfeit their ability to use them. In such a case, the rights revert to individuals. For McMahan, war is complex, but the moral principles of violence are clear. Moral principles to which all individuals are accountable. War is only a difference of "degree" rather than kind.¹¹⁸ Therefore, war is an extension of the right of self-defense. He defends his analogical use of individual self-defense as a simple moral case to display how the right to self-defense is by extension applied to war.¹¹⁹ The moral principles that govern the justification of self-defense are the same principles that govern war.¹²⁰ War is only more complex because of epistemic restrictions and the number of people involved.¹²¹ Therefore, war is morally analogous to cases of self-defense.¹²²

McMahan depicts all forms of violence as being justified through a set of common moral principles.¹²³ He argues, "The principles governing collective violence in war should be the same

as those governing collective action in domestic contexts.”¹²⁴ He claims that it is morally incoherent that unjust combatants can offer “violent resistance” whereas perpetrators of crimes cannot claim a right to self-defense while committing a crime.¹²⁵ Self-defense is only morally justified if it protects one's rights.¹²⁶ In a parallel fashion, just combatants are “morally innocent” and therefore have not forfeited their “right against attack.”¹²⁷ This means that they are not legitimate targets and it is “indiscriminate” to target them.¹²⁸ In this regard, *ad bellum* and *in bello* constraints of discrimination are violated by an unjust combatant.¹²⁹ Unjust combatants are defined as “those who fight without a just cause and also without a lesser-evil justification.”¹³⁰ Therefore, unjust combatants do not have the right to use lethal force. They should “surrender” rather than commit unjust killings.¹³¹ In some cases, all involved parties may be unjust and equally engaged in unjustified killing.¹³² Gang wars provide a moral analogy for mutually unjust violence.¹³³ The criterion of proportionality is also important for McMahan’s argument. He distinguishes between wide and narrow proportionality to show how narrow proportionality is uncontroversial in cases of individual self-defense but disallowed by most theorists in the context of war.¹³⁴ Traditional just war theorists have uncritically accepted unjust combatants’ license to kill despite vehemently denying this in contexts of self-defense.¹³⁵ He argues, however, “harm is proportionate in the narrow sense only if the victim is liable to suffer it, in the circumstances.”¹³⁶ Therefore, the common emphasis on “wide proportionality” is morally incorrect.¹³⁷ Just combatants are only liable if they use “wrongful means.”¹³⁸ Just combatants, however, who are acting within the restraints of proportionality do not wrong unjust combatants and therefore are not liable to attack.¹³⁹ Even if innocent civilians are threatened in the process of an act that is “objectively justified”, just combatants are not liable.¹⁴⁰

McMahan further charges traditional just war theory and international law with being pragmatically oriented. While I will not delve into the latter claim, the former claim is certainly an inaccurate rendition of the just war tradition. As previously noted, this misrepresentation occurs because McMahan consistently conflates the just war tradition with Walzer. Walzer's affinity with international law also leads McMahan to conflate the just war tradition with international law.¹⁴¹ The classical just war tradition deals with war as a live reality that is not focused exclusively on "pure" moral theory or pragmatic concerns.

McMahan argues that it is "naïve to doubt" the power Walzer's ethical narrative has had in enabling governments' unjust wars.¹⁴² The debate over the moral principles of war has significant practical significance. McMahan believes that by properly adjusting the moral underpinning of just war theory, a decrease in injustice will occur. By emphasizing an individualistically oriented theory, which stresses the logical and ethical interdependence of moral principles, unjust wars could be significantly reduced in the future by eliminating unjust governments' claims of justifiable defense.¹⁴³ Further, by developing better moral formulations centered on the individual, combatants could be convinced of their personal responsibility and culpability for wrongly participating in an unjust war regardless of political authorization.¹⁴⁴ Therefore, McMahan remains optimistic that a revised moral theory can have a "significant practical difference to the practice of war" because people attempt to live out their moral beliefs.¹⁴⁵ Since a focus on the moral principles of war has been "neglected", a more "careful" moral foundation revolving around the individual is required to properly orient just war thinking.¹⁴⁶ While this is a noble aim that we should all desire, McMahan's theory is shrouded in a political vision with moral assumptions that require one to go "deeper" than his explicit arguments.¹⁴⁷

The Right to Defense/War:

The right to self-defense is a central individual right. For McMahan, however, the right to self-defense is conditioned upon just cause, necessity, and proportionality.¹⁴⁸ In other words, an individual may only utilize their right to self-defense in certain morally justifiable conditions. Given McMahan's understanding of self-defense and its representation as being morally analogous to war, the right to self-defense is the operative foundation for a right to war. Since the right to self-defense (i.e. justified violence) is an individual right, it is morally problematic that traditional just war theory restricts the right to war to political authorities. When political authorities claim an exclusive right to war, they subsequently override other individuals' "moral rights" and duties.¹⁴⁹ The historical preference for political authorities' exclusive right to war stemmed from pragmatic considerations and historical pedigree. These considerations, however, are not morally sufficient to restrict individuals' rights. McMahan claims that traditional just war theory revolving around political structure (i.e. authorities, government, etc.) has led to "hardened" and "unquestioned orthodoxies" that lead to "complacency about killing in war" creating an "easier" situation for governments to engage in unjust wars.¹⁵⁰ While McMahan acknowledges the legal and pragmatic usefulness of just war theory, he detests the lack of moral considerations, which he believes is a major factor in enabling unjust wars.¹⁵¹ The constant danger of enabling and engaging in unjust wars remains as long as the traditional theory remains unchallenged.¹⁵² McMahan understands the pragmatic nature of regulating armed force to combatants but denies the moral foundation. Since the right to defense belongs to individuals, no community can "grant" this right to an individual or exclusively determine its usage. Therefore, McMahan aims to overturn the historical and legal preference for grounding the right to war in political authorities rather than individuals.

The Moral Justification of Combatants:

As political communities restricted the right to war exclusively to their leaders, a concept of combatant collectivism enforced the idea that “no one does wrong or acts impermissibly” within the context of a politically authorized war.¹⁵³ In war, combatants did not act as individuals, but representatives of their communities acting on behalf of their leaders’ direction. As long as a combatant followed official orders from political authorities via military leaders, combatants were promised a type of “moral immunity.” Further, McMahan blames the international legal permission for such unjust wars on Walzer’s argument for the “moral equality of combatants.” This moral equality leads to “an equal right to kill” on both sides of a conflict regardless of whether the cause is just, necessary, or proportionate.¹⁵⁴ In McMahan’s view, however, the right to justified violence is only permissible if criteria such as just cause, proportionality, and necessity are met. No political community can morally authorize lethal force if these conditions are not met. Therefore, regardless of political authorization, unjust combatants cannot have moral permission to use force. Further, while combatants are a part of their political community, they are still distinct individuals with moral rights and duties which supersede their political affiliation.

Related to this, one of McMahan's major critiques is the way many scholars wrongly “conflate the morality of war with the law of war.”¹⁵⁵ He believes that the conflation of law and morality is a central reason why scholars assume unjust combatants do not commit moral wrongs when they kill without justified cause.¹⁵⁶ McMahan states, “the morality of war and the law of war share a common vocabulary, which exacerbates the difficulty of keeping them distinct.”¹⁵⁷ He argues that traditional just war theory was wedded to international law in the 20th century with the result being a bent toward the legal and pragmatic construction.¹⁵⁸ International laws do

not prosecute combatants who act within the confines of *in bello* principles regardless of *ad bellum* violations.¹⁵⁹ McMahan argues that the current legal structure does not affirm Walzer's "moral equality of soldiers", but rather the "legal equality of soldiers."¹⁶⁰ In other words, the legal norms do not comment on the morality of the issue, but pragmatically provide boundaries to limit war's destructiveness.¹⁶¹ International law's two primary goals are to "prevent" and "contain" violence within a war.¹⁶² Even while these two goals are well-intentioned they are built primarily around the moral theory of consequentialism, which is not the moral lens through which people should construct a just war theory.¹⁶³ Consequences can be an important part of moral calculation, but an individual's rights are a crucial aspect as well.¹⁶⁴ McMahan acknowledges the clear pragmatic benefit in attempting to restrict war to combatants as any legal procedures attempting to decipher between just/unjust combatants would be ignored.¹⁶⁵ The pragmatic nature of not pursuing unjust combatants' punishment post-war is also acknowledged since other efforts would be better spent than focusing on individual judgment.¹⁶⁶ Unjust combatants may also be tempted to perform further atrocities or be less willing to surrender if they felt they were to be prosecuted in the future.¹⁶⁷ Therefore, McMahan tentatively accepts the pragmatic nature of "legal equality," but vehemently denies the "moral equality" since this language unhelpfully gives a false sense of justification to political authorities and combatants.¹⁶⁸

McMahan argues, "the law of war is designed not to protect moral rights but to prevent harm. This is why it diverges so radically from the morality of war, which requires respect for rights and attention to consequences."¹⁶⁹ Therefore, McMahan's efforts aim to bring morality and legality in "closer conformity" in the future.¹⁷⁰ He is hopeful that this is possible given the way there has been moral progress in "criminal law" as displayed in the recent past.¹⁷¹ While the future goal is to have international laws of war coincide with morality, it cannot be done at

present without disastrous moral consequences.¹⁷² He states, “The current law of jus ad bellum is crude and simplistic, and we lack a sophisticated understanding of the morality of the resort to war that could guide us in reforming ad bellum law.”¹⁷³ McMahan’s tentative solution revolves around two proposals. The first proposal regards necessary legal reformation to better fit moral norms rather than pragmatic ones. McMahan argues,

I believe that there could in principle be circumstances in which it would be morally permissible for people with a just cause to act in ways now prohibited by law. It could, for example, be permissible for just combatants intentionally to harm certain civilians or prisoners of war; it could be permissible for them to disguise themselves as civilians to facilitate an attack on unjust combatants; and it could be permissible for civilians themselves to attack combatants participating in an unjust occupation. I concede that such acts could rarely be permissible in practice, if only because they would provoke reprisals against the innocent; but what could make them permissible in principle is that those who would be their intended targets would have made themselves liable to attack by virtue of responsibility for a wrong that could be prevented or corrected only by attacking them in a proportionate manner.¹⁷⁴

The second proposal regards the creation of an unbiased “authoritative judicial body” that could help judge the moral justice of a war and whether military participation would be legal or illegal (i.e. moral or immoral).¹⁷⁵ This third party judicial body could also help individual combatants consult something outside their own community’s biases, which could help to further reduce combatants’ epistemic excuses.¹⁷⁶ McMahan states,

one important step we can take in preventing unjust wars is to seek to mitigate or eliminate the conditions that tend to excuse participation in them. This is particularly true of the epistemic excuses. If international law could find a way to put soldiers on notice that the war in which they have been commanded to fight, or in which they are at present fighting, is an illegal war and that they can be held legally accountable for participating in it, this would significantly facilitate our ability to threaten them with punishment without unfairness.¹⁷⁷

Since an unbiased third-party judicial body does not currently exist, most combatants rely on the judgments of their political leaders with the national and self-interested biases involved.¹⁷⁸ As a result of such biases, most combatants believe that the war in which they are fighting is just and lawful.¹⁷⁹ McMahan argues that without an impartial judicial body in place, efforts to strike

down the current concept of “legal equality” is “pointless” since both sides would claim the “justness” of their cause.¹⁸⁰ Therefore, until such proposals can realistically take place, McMahan argues that we should explicitly reject the moral equality of combatants by nuancing the language to denote “legal equality.”

Ad Bellum and In Bello Criteria:

In connection with his just war theory, Walzer depicts *in bello* criteria as logically and morally distinct from *ad bellum* criteria.¹⁸¹ For Walzer, the *in bello* criteria is more morally important than the *ad bellum* criteria because it impacts the actions within a war whereas *ad bellum* criteria only presents unenforceable ideals, which cannot stop unjust communities from acting. In other words, since we cannot stop “unjust” communities from going to war, we are better off elevating criteria which will help limit destructiveness on all sides. As long as a political community’s combatants operate within *in bello* boundaries, they are given the same legal permission as a nation operating with a just cause. McMahan critiques Walzer’s bifurcation of *ad bellum* and *in bello* criteria by arguing that it is not logically possible to uphold *in bello* criteria since the unjust side “cannot satisfy the constraints of *jus in bello*, even in principle, when those constraints are properly understood.”¹⁸² Since “necessity” and “proportionality” are overlapping criteria found in *ad bellum* and *in bello* criteria, it is logically impossible that these criteria can be operated upon within a war when they were not followed in assessing action before a war. Further, if a just cause is not present, then it nullifies all other just war criteria. War is neither necessary nor proportionate if the cause is unjust. Therefore, the *ad bellum* and *in bello* criteria are logically dependent and cannot be separated. This separation leads to both logical and moral absurdity.

Walzer's bifurcation relates to his concept of the moral equality of combatants. Since the *ad bellum* constraints of just cause, proportionality, and necessity are separated from the *in bello* conduct, this allows those with an unjust cause to have legal permission to kill despite their *ad bellum* failures. Letting Walzer's bifurcation go unchallenged helps his moral equality remain in place. Thus, while unjust combatants may have legal permission under current international laws, there is no sense in which their actions are morally justified. It must be noted, however, that the moral equality of combatants and the bifurcation of just war criteria are not found in classical just war thinkers as is suggested by McMahan. This again highlights the problem of McMahan critiquing the historical just war tradition in an "ahistorical" way. In defense of McMahan, however, I am inclined to agree with his critiques regarding Walzer's concept of moral equality and bifurcation of just war criteria.

Combatants' Personal Moral Responsibility:

McMahan argues that traditional just war theory suffers from being crafted in a time when statism was the dominant political polity without much reflection or care for the individuals who fought on behalf of their community. This statist and collectivist orientation trampled individual's rights and duties. As previously mentioned, if combatants acted within certain moral constraints (i.e. *in bello* criteria) and from authorized orders via political or military authority, combatants were promised a type of moral immunity. Individual moral culpability for fighting within a war was transferred to their authorities. This transfer of moral culpability placed a community's highest rank leader in a position of taking the majority of the responsibility. In this way, combatants could participate in an unjust war without feeling any moral responsibility for their actions. McMahan argues that there is "an impressive historical pedigree" supporting the concept of moral responsibility being placed on political authority when

a command or cause is immoral.¹⁸³ McMahan claims that this concept of moral transfer is derived from Augustine and other classical just war thinkers.¹⁸⁴ McMahan acknowledges that while this may be a mitigating factor of culpability, individual combatants cannot fully transfer their moral responsibility to their commanding officers. Combatants remain personally responsible for their actions.

In conjunction with the transfer of moral responsibility, combatants were further protected through a “collectivist approach,” which created a collective identity for all combatants. In other words, an individual combatant’s personal identity was subsumed under their political status. McMahan argues that the collectivist approach lacks consistency. Legally speaking, when a combatant commits an *in bello* infraction, he is held personally responsible rather than his collective unit (whether it be a political community or military unit). For example, Walzer acknowledges that for the soldier who “violates the rules of war, superior orders are no defence. The atrocities that he commits are his own; the war is not.”¹⁸⁵ McMahan argues, however, that this is morally hypocritical given Walzer’s collectivism. He states, “Although we do not regard unjust combatants as culpable and do not hold them legally liable for participation in an unjust and illegal war, we do hold them morally accountable, as well as individually liable under international criminal law, for the commission of war crimes.”¹⁸⁶

Further, McMahan argues that innocent civilians are not considered morally responsible or a legitimate target by virtue of being a citizen of an unjust country's aggression.¹⁸⁷ Therefore, political leaders inconsistently apply collectivism to assuage combatants’ consciences regarding their personal moral responsibility. McMahan laments that while it is legal to disobey an immoral *in bello* order, the same is not applied for *ad bellum* violations.¹⁸⁸ Therefore, a combatant is morally required to disobey an *in bello* violation but chastised for disobeying an *ad*

bellum violation. McMahan argues that any combatant should be able to abstain from fighting if the cause is not just. Regardless of whether orders occur *ad bellum* or *in bello*, combatants should only act within the boundaries of morality.¹⁸⁹ Following political (and military) authority is always contingent upon its moral justifications.¹⁹⁰ McMahan states,

[W]e must stop reassuring soldiers that they act permissibly when they fight in an unjust war, provided that they conduct themselves honorably on the battlefield by fighting in accordance with the rules of engagement. We must cease to regard them as mere instruments or automata and recognize that they are morally autonomous and therefore morally responsible agents. And we must insist that they too recognize their own moral autonomy and abandon the comforting fiction that all responsibility for acts they do in obedience to commands lies with those who command them, so that it is only when they disobey, or when they breach the norms governing their professional action as warriors, that they become responsible for wrongdoing.¹⁹¹

McMahan argues that collectivism deemphasizes personal moral responsibility by disincentivizing combatants' moral reflection. If a political authority is said to be the exclusive means of authorizing war and subsumes all the moral responsibility for it, then combatants mistakenly believe that their personal moral culpability is absolved. McMahan argues, however, that it is individuals who do the actual killing and are thus morally culpable for such actions. In conjunction with this, McMahan argues for a moral distinction between "doing and allowing" with the claim that the former creates greater moral culpability than the latter.¹⁹² No justifications can overcome the "intentional killing" of morally innocent people.¹⁹³ In this way, an individual is more morally responsible for unjustly killing another person given the active agency involved. Political leaders still maintain a significant moral responsibility for authorizing their combatants, but they cannot absorb the culpability of all the acts committed by individual combatants.

McMahan's individualistic emphasis places more responsibility on each combatant to personally investigate whether their nation meets *ad bellum* criteria with the additional duty to abstain from military action if the cause is unjust. Right intention will not morally cleanse an unjust cause.¹⁹⁴ Since combatants are the "instruments" in war, they should seek out "moral and

political knowledge” to better evaluate the moral justifications for their actions within a war.¹⁹⁵ The job of a combatant is “notoriously risky physically, but it is also morally perilous.”¹⁹⁶ There is a reciprocal moral obligation on a combatant’s political community to provide the requisite information to make an informed judgment. Combatants are to seek out the knowledge to make an informed decision while communities are expected to provide adequate “tools” for them to gain such knowledge.¹⁹⁷ McMahan argues that properly refocusing on the individual will produce a far different moral understanding of war and individual combatants’ responsibility within it. If a proper emphasis on the individual and her personal responsibility for actions within a war is made then this could contribute to the prevention of unjust wars as individual combatants reserve a right to refuse service in unjust endeavors.

Once again, it is important to point out that classical just war thinkers do not provide an *absolute* absolving of moral responsibility for individual combatants as suggested by McMahan. For example, just war thinkers as early as Augustine made it clear that combatants were morally required to disobey a superior if the order was manifestly immoral.¹⁹⁸ Classical just war thinkers did, however, emphasize political leaders being most responsible given their authority to execute a war and their responsibility as a leader of their community. Therefore, McMahan’s inattention to the historical account again suggests why his depiction of the just war tradition and its criticisms are misconstrued. I do, however, affirm McMahan’s emphasis on combatants making personal moral inquiries into their involvement and the need for communities to provide adequate resources and rationale for going to war. Part of the reason why political authorities maintained more moral responsibility in the past is due to individuals’ inability to access whether a political leader was misusing their authority to war. This is less likely in the modern era where individuals have more recourse to sources to evaluate their community’s moral justifications.

Thus, more moral culpability should be placed on individuals in the present than in the past, but this still would not lead to the type of strong individual culpability found in McMahan. The just war tradition has historically affirmed moral culpability for both combatant and political leader albeit emphasizing the higher moral culpability of political leaders. Further, given the religious background of classical just war theory, many of the classical theorists were content to leave the issue of individual accountability to God.

Liability:

The issue of liability within a war is also a major concern for McMahan as it has the potential to unjustly violate individuals. Liability is defined as the “loss of a right.”¹⁹⁹ More specifically, McMahan states, “To say that a person is morally liable to be harmed in a certain way is to say that his action has made it the case that to harm him in that way would not wrong him, or contravene his rights. He would have no justified complaint against being harmed in that way.”²⁰⁰ Liability is not determined by lesser evil justifications or collective identity, but personal moral culpability.²⁰¹ Liability and culpability are not all or nothing matters but appear on a spectrum of varying degrees.²⁰² Liability is also determined by the purpose it seeks to accomplish.²⁰³ If there were no “just” purpose then the attack would fail to fulfill the principles of proportionality and necessity.²⁰⁴

McMahan argues that traditional conceptions of liability in war have been wrongly based on whether a person poses a threat or harm.²⁰⁵ Liability based on a threat or harm is why Walzer endorses an exclusive targeting of combatants while disallowing the targeting of civilians.²⁰⁶ Walzer’s assumption, however, is that “discrimination” is coterminous with “non-combatant immunity.”²⁰⁷ McMahan believes that one problem with viewing liability as synonymous with threat is that not all “threats” come from “combatants”.²⁰⁸ McMahan states, “the idea that one

makes oneself liable to defensive attack merely by posing a threat to another has no intuitive plausibility at all outside the context of war.”²⁰⁹ Analogously, a murderer does not have a right to self-defense when a law enforcement officer seeks to stop him.²¹⁰ If the murderer succeeds in killing the officer, it is considered an additional murder rather than self-defense.²¹¹ McMahan argues,

By engaging in morally justified self- and other-defense, [just agents] do nothing to forfeit their right not to be attacked or killed. This means that even though just combatants are ‘doing harm’ and ‘pose a danger to other people’ when they oppose the military action of unjust combatants, they do not thereby become legitimate targets of attack but retain their innocence in the generic sense.²¹²

McMahan argues that to reject moral culpability as determining liability would imply that there is a different form of liability in non-war contexts.²¹³ Further, he draws on criminal law as an analogy for liability. He states, “In criminal law, for example, when a perpetrator is liable for a crime, accessories, including instigators and aiders and abettors, are derivatively liable.”²¹⁴ If a hitman is hired, he is culpable, but the hirer is even more morally liable. He states,

both instigating unjust action and aiding and abetting such action are sources of liability to punishment in criminal law, and there is no reason why they cannot also be a source of liability to harm from action that defends an innocent victim from an unjust threat posed by the perpetrator. If accessories can be liable to harm from defensive action in the context of individual self-defense, there is no reason why this cannot also be true in war.²¹⁵

So how do just combatants determine which individuals are morally culpable? Just combatants can at least safely assume that all the combatants who are fighting on an unjust side are liable given their attempt to unjustly use force for an unjust cause. Even under extreme conditions (i.e. conscription), unjust combatants’ culpability is likely to remain and therefore lethal targeting is permissible.

Similar to McMahan’s other claims, he argues that his understanding of liability is not controversial in cases of self-defense and therefore should not be viewed differently in the

context of war.²¹⁶ McMahan argues, “the criterion of liability to attack in war is moral responsibility for an objectively unjustified threat of harm.”²¹⁷ If one is morally innocent then one is not liable to violence.²¹⁸ If one is morally culpable then one is liable to attack regardless of their collective status (i.e. citizen, politician, combatant, etc.). McMahan vehemently argues against liability based on collective identity. He argues, “The idea that people can be liable to attack, or immune from attack, merely by virtue of their membership in a group, particularly when membership is involuntary, or largely involuntary, is both false and morally repugnant.”²¹⁹ Consenting to participate in a group's action can bring liability, but mere membership cannot.²²⁰ He argues that the language of collective identity is “at the heart of alleged justifications for terrorism” and genocide.²²¹

McMahan's rejection of collective identity cuts both ways. No one is innocent or guilty by virtue of group membership.²²² In other words and most controversially, this allows for the targeting of morally responsible non-combatants.²²³ McMahan argues, “It is false that all soldiers pose a threat, and false that no civilians do. It is false that all combatants are morally responsible for an objectively unjustified threat, and false that no civilians are.”²²⁴ Therefore, “the broad, general principle of civilian immunity is false as a matter of basic morality.”²²⁵ Morally responsible non-combatants “can be Culpable Causes of unjust wars and of unjust acts of war. They can be instigators of unjust wars or aiders and abettors who share responsibility for unjust acts of war perpetrated by unjust combatants.”²²⁶ Examples of potential non-combatant liability include “seek[ing] to arouse support for the war, either through persuasion or demagoguery, by writing books, articles, or editorials, by giving speeches or sermons, or by promoting the war on television or radio...lobby[ing] their political representatives, or vot[ing] for the candidate or party that promises war.”²²⁷ Civilians may unintentionally contribute through “working in sectors

of the economy that are directly or indirectly involved in the production of weapons or other materials or technologies that are necessary or useful for waging war, by providing money through taxes without which the war could not be fought, and so on.”²²⁸ McMahan qualifies his position, however, to suggest that the majority of civilians are most likely not culpable to the extent of making them liable for an attack. He states, “Although I have conceded that it is possible for a person to be liable to be killed on the basis of only a low level of responsibility, in general it is necessary that a person bear a high degree of responsibility for a wrong in order to be liable to be killed as a means of preventing or correcting that wrong.”²²⁹ He adds, “While absolute civilian immunity is false as a moral doctrine, it remains a legal necessity.”²³⁰ In practice, McMahan argues that it is very rare and unlikely to find a sufficient need or justification to target a non-combatant.²³¹ While targeting morally responsible civilians is moral in principle, civilians are usually disproportionately situated among innocent ones making the attack unjust.²³² Even if morally culpable civilians could be isolated, the attack must stand some reason that would contribute to the success of the just war.²³³ When civilians are responsible it is usually with “little or no continuing contribution” in which an intentional attack would make sense.²³⁴ To clarify, McMahan states,

Most civilians have, on their own, no capacity at all to affect the action of their government. They may pay their taxes, vote or even campaign for particular political candidates (sometimes on the basis of general sympathy with their overall positions on matters of policy but seldom because of their advocacy of war), participate in the culture from which the country’s political leaders have emerged, fail to protest their country’s unjust war, perhaps because they correctly believe that to do so would be ineffective, or perhaps because they approve of the war, and so on; but none of these things, nor even all of them together, is ordinarily sufficient for the forfeiture of a person’s right not to be attacked and killed. Military attack exceeds what a person may ordinarily be liable to on the basis of these comparatively trivial sources of responsibility.²³⁵

Therefore, McMahan’s argument on non-combatant targeting is centrally concerned with what is moral in principle than what is pragmatic, legal, or likely.

Similar to his previous claim that individual combatants bear moral responsibility for investigating the justifications of their community's involvement in a war before participating in it, McMahan argues that individual civilians are morally responsible if they have passively allowed their community to unjustly engage in war. This means that democracies are more morally responsible given its ability to influence its political context.²³⁶ Since the criterion of discrimination is fundamentally about honoring people's rights, just combatants are not morally required to elevate (innocent and non-innocent) civilian lives at the expense of their own lives or their just cause. McMahan adds, "The main suggestion advanced here is egalitarian: when suffering and death are inevitable, it is better if they are distributed equally throughout all segments of the population rather than being concentrated among the members of one group."²³⁷ Thus, even when civilians may not be liable to lethal targeting, they may still be liable to lesser losses. McMahan states, "I have suggested that there are ways in which civilians can be accessories to the fighting of an unjust war, and in that way share responsibility for the war. Responsible civilians are therefore potentially liable to certain forms of action that might be necessary to prevent or correct the wrongs involved in the war."²³⁸ They may be responsible for economic sanctions, destruction of property, and reparations in the aftermath.²³⁹ Therefore, a civilian may be harmed "accidentally" without being "wronged."²⁴⁰

Traditionalists' Justifications:

Consent:

McMahan spends a portion of his argument responding to three of the most frequently used justifications. Traditionalists' attempt to justify unjust combatants' use of lethal force by appeal to consent, epistemic limitations, and the linguistic qualification of permission. Regarding consent, Walzer argues that war is analogous to a "boxing match" or "duel."²⁴¹ Other

traditionalists invoke gladiators as an analogy of moral combatant equality, but McMahan disregards this analogy since gladiators are focused on preserving their life with little effect outside their personal actions (i.e. the community).²⁴² Further, McMahan counters these ideas by arguing that while just combatants may consent to risk, they do not consent to their rights being violated.²⁴³ An individual may consent to walk in a “dangerous neighborhood,” but does not consent to be mugged.²⁴⁴ An individual may also consent to be a hostage, but not consent to die.²⁴⁵ Law enforcement officers accept the risks of their job, but they do not consent to be killed.²⁴⁶ McMahan argues that the justification of consent or the waiving of rights seems far from evident in the actual practice of war.²⁴⁷ Regardless, “Consent to be killed is not sufficient on its own to make killing permissible.”²⁴⁸ Unjust combatants still fail to have “equal” moral status because their actions stem from an unjust cause and are not proportionate or necessary to the threat their innocent civilians will face.²⁴⁹ Therefore, Walzer's (and other traditionalists’) presuppositions about consent in war are critiqued as “unrealistic.”²⁵⁰ McMahan argues, “In no actual war do all consent; in no actual war are all mere slaves.”²⁵¹

Epistemic Limitations:

The most common traditional justification concerns “epistemic limitation.”²⁵² Combatants are said to have morally excusable ignorance due to the inability to “deliberate about [war] with sufficient care.”²⁵³ McMahan argues, however, that some combatants do not have any plausible justification for war given what they know about their country.²⁵⁴ Even though combatants are trained to submit their autonomy to their leaders, this is still insufficient to fully excuse participation in an unjust war.²⁵⁵ Analogously, if an executioner knew a person was innocent then proper moral responsibility would dictate that she refrain from performing the execution. Therefore, regardless of context, the duty to avoid killing innocent people is morally

superior to performing other duties.²⁵⁶ This connects with McMahan's previous emphasis on "doing" creating more moral culpability than "allowing." The ethical stakes for fighting in an unjust war are high. For McMahan, killing innocents is one of the worst possible acts a person can commit. An unjust combatant is unjustifiably and intentionally killing innocent people who are only attempting to justifiably defend themselves.²⁵⁷ "Epistemic error" is not sufficient to provide a moral excuse for unjust killing.²⁵⁸ For McMahan, each combatant stands on his personal moral culpability regardless of communal affiliation or official authorization.²⁵⁹ Rather than attempting to individually interpret an enemy combatant's culpability, combatants should seek to evaluate their personal involvement and their community's justifications.²⁶⁰ If a combatant is morally uncertain regarding his community's cause, he should refrain rather than risk unjust activity.²⁶¹ Combatants whose lives are threatened by their governments if they fail to participate can expect that the government's motive is likely unjust.²⁶² McMahan claims that generally speaking, combatants do not give proper ethical reflection to whether their community's war is just and what moral implications there are for their personal involvement.²⁶³ Combatants who find themselves on the just side is usually a matter of "morally luck" rather than having engaged in rigorous ethical reflection and choice.²⁶⁴ Statistically, combatants should know that they are more likely than not engaging in an unjust war.²⁶⁵ Since most combatants have not done diligent ethical reflection, it is unlikely that they could gain a "full epistemically-based excuse" since it is partially due to their culpable negligence.²⁶⁶

Permission:

Other traditionalists attempt to justify an unjust side's use of force through a linguistic rendering of "permission" rather than an endorsement.²⁶⁷ McMahan argues that this conflates "permission with excuse."²⁶⁸ Scholars generally use "three broad categories of excuse: duress,

epistemic limitation, and diminished responsibility” in an attempt to justify the moral equality of combatants.²⁶⁹ McMahan claims that duress and permission (objective or subjective) are not moral justifications, but “an excusing condition.”²⁷⁰ Proponents typically depict duress as a “lesser evil justification,” but McMahan argues that this fails.²⁷¹ A person cannot unjustly kill an innocent simply to save one's life.²⁷² He envisions a possibility where both just and unjust combatants are “blameless,” but even in this unlikely scenario, the moral equality concept would not be validated.²⁷³ McMahan argues, “An excuse may be partial; it may only mitigate a person's culpability rather than exclude culpability altogether.”²⁷⁴ An individual's epistemic limitations and the capacity for responsible action are matters of degree.²⁷⁵ Minimally, combatants remain culpable even in a diminished fashion.²⁷⁶ If all combatants were morally excused then this would make pacifism the moral standard.²⁷⁷ McMahan, however, doubts that the “excusing conditions” have sufficient “mitigating force.”²⁷⁸ McMahan argues, “If unjust combatants are even minimally culpable, as I have argued that virtually all are, then they are liable to attack and the great value of achieving the just cause may simply overwhelm any claim they might have to be treated with restraint.”²⁷⁹ Maximally, an unjust combatant could hope for a high-level excuse.²⁸⁰ Governmental pressure for conscription is likely to provide a “partial excuse,” but not one that would make unjust killings acceptable.²⁸¹ Rather than killing in defense or allowing oneself to be killed, unjust soldiers should surrender.²⁸²

Conclusion:

In conclusion, McMahan's ire towards Walzer concerns endorsing different moral standards for war motivated by a pragmatic orientation, a right to war restricted to political authorities, the moral equality of combatants, the bifurcation of *ad bellum* and *in bello* criteria, a deemphasis on combatants' personal moral responsibility, and liability determined by threat. For

McMahan, the common problem in all of these views is the collectivist foundation which attempts to cloak individuals' personal moral responsibility within a war. In response to these concerns, McMahan offers a "deeper" individualistic moral orientation to just war theory based on war's moral symmetry to self-defense, an individual's right of defense, the exclusive moral permissibility of violence for justified combatants, a logically dependent *ad bellum* and *in bello* criteria, an emphasis on combatants' personal moral responsibility, and liability determined by individual moral culpability.

The Key Arguments of Cécile Fabre's *Cosmopolitan War*:

The Systematization and Extension of McMahan's Thinking:

While McMahan's political theory lurks in the background of his arguments, Cécile Fabre brings her just war thinking explicitly to bear on her understanding of political life. In many respects, Cécile Fabre's *Cosmopolitan War* is the logical outcome of McMahan's arguments. It is impossible to separate McMahan's influence from Fabre's articulation. Whereas McMahan laid the foundation for key aspects of revisionist theory, it is Fabre who puts it into a more holistic, systematic, and coherent fashion to craft a "cosmopolitan just war theory." Fabre argues for a cosmopolitan morality, justice, and sufficientism to highlight the importance of individuals and their rights alongside universalist and egalitarian values. Fabre argues that a political community's worth is found in its material provisions and protection of individual's rights. If a political community cannot provide these elements then they do not have any moral worth. Thus, Fabre deemphasizes the communal nature of political life in favor of elevating a universalist vision based on the individual. Alongside a broadening of just cause and a rejection of legitimate authority, Fabre argues that individuals are the holders of the right to war. Political communities are said to safeguard this right and utilize it in justified circumstances but forfeit

such rights in contexts of political tyranny or gross negligence. After discussing some of Fabre's key elements, I provide five examples of the controversial conclusions found within Fabre's cosmopolitan just war theory: subsistence wars for a minimally decent life, territorial and political self-determination as a component of a minimally decent life, humanitarian war as a right and duty, revising non-combatant immunity based on individual culpability, and the use of asymmetrical tactics by just insurgents.

Cosmopolitan Political Foundation:

Fabre defines cosmopolitanism as "the view that human beings are the fundamental and primary loci for moral concern and respect and have equal moral worth. It is individualist, egalitarian, and universal, and insists that political borders are arbitrary from a moral point of view, and more precisely ought not to have a bearing on individuals' prospects for a flourishing life."²⁸³ Similar to classical just war thinkers, Fabre's political theory is a main driving force for her just war thinking. Similar to McMahan, Fabre claims to focus on the moral principles that govern war, but it is quite evident that her political perspective dictates much of her approach to armed force.

Fabre grounds her political vision in a "political morality" that is based on the "individual rather than the nation-state" as she seeks to "revise" classical just war theory and statist oriented accounts of war.²⁸⁴ She argues for a "cosmopolitan theory of justice" which stipulates a "cosmopolitan sufficientism" in which all individuals have a right to resources and liberties, which will provide a "minimally decent life."²⁸⁵ A minimally decent life is defined as

one in which individuals enjoy a set of basic capabilities [such as] life, body, and health; bodily integrity; basic health and average longevity; emotional and intellectual flourishing (creativity and imagination, ability to engage in meaningful relationships with others); control over material resources as well control over one's social and political environment.²⁸⁶

Justice entails “equal concern and respect” for others and “equal opportunities for a minimally decent life.”²⁸⁷ Her account is “sufficientist” in that those who have more than a minimally decent life are ethically obligated to provide for those who are in less than minimally decent conditions.²⁸⁸ Before accumulating more, there is a moral obligation to help the underprivileged until everyone acquires minimally decent conditions.²⁸⁹ The “well-off” have a moral duty in providing these conditions for all people to the extent that it does not sacrifice their own minimally sufficient conditions.²⁹⁰ The current conditions in the world are “unjust” because these minimally decent conditions do not universally exist. Even though one may not be solely responsible for unequal conditions, it does not free one of the responsibility to alleviate the situation.²⁹¹

Fabre’s cosmopolitanism emphasizes the importance of human rights. A “right” is defined as “a claim, correlating with duties not to interfere (when rights protect interests in freedoms), or to help (when they protect interests in material resources).”²⁹² Individuals (via citizens, political leaders, etc.) have positive and negative duties of seeking justice to help bring forth a just world.²⁹³ Individuals, on their own, will not be able to solve all of society’s problems, but they are minimally expected to respect everyone’s rights.²⁹⁴ Therefore, a “universalism of rights” exists in which “the scope of duties of justice extends across borders.”²⁹⁵ Political affiliation or geographical residence in no way contributes or detracts from an individual’s human rights.²⁹⁶ Despite her cosmopolitan approach, Fabre still acknowledges that political association can serve some value. It is only valuable, however, to the extent that it provides material provisions for humans to attain a decent life.²⁹⁷ “Special relationships” (i.e. political association) do not have any moral priority. There is some allowance for this only because this is likely the best mechanism for justice to be distributed for all.²⁹⁸ While seemingly opposed to

cosmopolitanism, “political self-determination” and “territorial rights” are seen to be valuable to the extent that these mechanisms provide justice for people both within and outside of political borders.²⁹⁹ Political communities may need to use armed force, not for the sake of the community itself, but to protect the structure in which individuals can receive “collective goods.”³⁰⁰ In other words, political association is supported as a mechanism of minimally decent provisions (i.e. food, shelter, protection of rights, liberties, property, etc.) rather than an intrinsic good. Therefore, governments are ethically required to honor the “principle of fundamental equality” by “non-interference” for liberties.³⁰¹ The legitimacy of political communities is defined by protecting “the fundamental human rights of their members as well as of outsiders.”³⁰² She states, “the right to govern is a fiduciary right which the state's agents hold as trustees acting on behalf of citizens, who are under an obligation to obey those agents’ directives only if their fundamental rights are thereby better protected by those directives than if they disobeyed.”³⁰³ Therefore, political leaders “forfeit” and are deemed “illegitimate” if they violate the people’s rights.³⁰⁴ In this way, Fabre argues for a conditional view of political sovereignty based on the observance of human rights.³⁰⁵

Grounding Just War Thinking:

Similar to McMahan, Fabre stresses the individual as the priority of just war thinking. To display this, Fabre incorporates the “reductive” method emphasizing individual self-defense as being morally analogous to war.³⁰⁶ The “right to wage war” is defined as “the right to use lethal force against those whose deadly threat is one which they pose (as combatants), or contribute to posing (as those combatants' leaders) in furtherance of, or as a prelude to, the violation of our fundamental rights.”³⁰⁷ While war appears to be a political or communal phenomenon, war is

comprised of individual combatants who perform the acts of war.³⁰⁸ All acts are “carried out by individuals against other individuals.”³⁰⁹

Two central principles ground Fabre’s understanding of just war. The *first principle* broadly construes individuals as the locus of rights. Groups do not have an “independent moral status” since all rights and duties derive from human individuals.³¹⁰ The *second principle* more narrowly construes political membership as morally irrelevant to an individual’s rights. The implications of this claim for war are twofold. First, since individuals are the actual holders of the right to wage war, political communities only hold this power in a “fiduciary” sense.³¹¹ Individuals may avail themselves of the right to war when certain moral conditions are met including abuse from their political communities. Further, the right of war can be extended to individuals in defense of others regardless of political authorization.³¹² Second, given that individuals and their rights stand apart from their political communities, it is not morally permissible to target individuals based on political affiliation (i.e. combatants) without sufficient causal moral responsibility.³¹³ Alongside McMahan and in contrast to Walzer’s depiction of liability as “lethal threat,” Fabre argues, “the right to—kill enemy combatants (in large part) depends on the moral status of their war ad bellum in general and whether it has a just cause in particular.”³¹⁴ Only just combatants have a right to use lethal force.³¹⁵ Her central definition of the “right to kill” is depicted in the following way:

An agent X has the right to kill Y only if the latter unjustifiably poses, or significantly contributes to the posing of, a wrongful threat of lethal harm either to X himself or to some other party Z. To say that X has the right to kill Y is to say that Y has made himself liable to being killed deliberately, and is under a duty not to retaliate in his own defence against X. If Y’s contribution to a wrongful threat is not of a kind as to warrant the loss of his right not to be killed, he might nevertheless be liable to the deliberate infliction of a harm lesser than death; it might also be permissible to kill him unintentionally (though foreseeably).³¹⁶

Therefore, lethal self-defense is unjustified if the perpetrator does not have “an objective justification for acting.”³¹⁷ If the perpetrator is “causally responsible” then they are liable.³¹⁸ She argues, “causal responsibility for a wrongful threat posed by unjustifiable action is the basis for liability.”³¹⁹ In connection with these ideas and alongside McMahan, she advocates for the incorporation of “narrow” proportionality in the context of war.³²⁰ Thus, “contributory responsibility” becomes the moral litmus test for liability³²¹ She states, “not all combatants are legitimate targets, whereas some non-combatants are.”³²² This argument allows for non-combatants to be deliberately targeted if they make a significant contribution in supporting the unjust side or preventing just combatants' actions from succeeding.³²³ She clarifies, however, that "more often than not" non-combatants' actions “are very marginal and not significant enough on their own to warrant the judgment that they have lost their right not to be killed.”³²⁴ A “significant contribution,” however, is not “a necessary condition for liability.”³²⁵ Individuals with minimal responsibility may remain liable albeit to a lesser degree than lethal force.³²⁶ Due to epistemic limitations, we should cautiously assume civilian innocence.³²⁷ Therefore, classical just war thinkers are charged with ignoring the individual through their collectivist and statist conceptions of restricting war to political authorities and authorized combatants.

Broadening Just Cause and Rejecting Legitimate Authority:

Given the growing focus on the individual and her rights, Fabre argues that certain aspects of traditional just war theory need to be rethought, broadened, or abandoned. To protect one’s rights, individuals may be required to resort to armed force in a way that past thinkers were not attuned to.³²⁸ Therefore, Fabre advocates for “revisions to some fundamental principles of the morality of war” to better fit an individualistic priority.³²⁹ In particular, her theory revises just cause, legitimate authority, proportionality, and non-combatant immunity. Criteria such as last

resort, necessity, and a reasonable chance of success remain similar to traditional notions.³³⁰ Her approach focuses on how a cosmopolitan just war lens allows for defensive, subsistence, civil, humanitarian, commodified, and asymmetrical wars primarily through the expansion of just cause and the jettisoning of legitimate authority.³³¹

Fabre argues for a broadening of *just cause* to include violations of individual, collective, economic, and political rights.³³² Thus, certain rights violations are a just cause for intra and inner state wars.³³³ While Fabre does elevate just cause as the premiere just war criterion, she is careful to note that additional criteria such as last resort, chance of success, and proportionality also need to be met before proceeding with a sufficient just cause.³³⁴ Fabre laments, however, that just cause has been displaced by a statist orientation, which restricts war to political authorities. According to traditional just war thinking, even if individuals (singly or collectively) meet all the other *ad bellum* criteria, their efforts would be classified as unjust by nature of lacking political authority.³³⁵ In contrast to this, she affirms the “deep morality of war” in which a right exists for any individual who has the power to stop ensuing evils.³³⁶ State and non-state actors could potentially fulfill this role.³³⁷ Therefore, legitimate authority as traditionally understood is not a *necessary* condition for a just war.³³⁸ Particularly in certain conditions (i.e. civil war), the criterion of legitimate authority should be abandoned. I will return in more detail to Fabre’s understanding of legitimate authority in armed rebellion in chapter 4 as it is compared to Aquinas’ understanding. Suffice it to say, Fabre’s broadening of just cause and abandoning legitimate authority leads to very controversial conclusions. Presently, I will provide five examples of such controversial conclusions as it relates to her advocacy of the moral permissibility of offensive wars.

Fabre's Controversial Conclusions:

Subsistence Wars for a Minimally Decent Life:

Contemporary just war theory has tended to elevate defensive wars as the morally superior or exclusively permissible option. As further displayed in chapter 4, classical just war theory is more akin to revisionist theory in its moral allowance of offensive wars. Yet, given the contemporary emphasis on defensive wars as morally superior, Fabre aims to overturn this assumed superiority by arguing for a variety of morally permissible offensive wars.³³⁹

Controversially, Fabre argues that the goal of a “minimally decent life” grants an individual with the right to engage in subsistence wars. She argues that “wrongful action” or “wrongful omission” may lead to the circumstances in which war is necessary.³⁴⁰ The dereliction of the affluent may be actively attempting to block or passively not putting forth any effort in aiding those in sub-decent conditions.³⁴¹ Therefore, the “individually affluent” who are “derelict in their duty to the very poor are legitimate targets in war.”³⁴² While she advocates for targeting the affluent who have been negligent, she also qualifies this by arguing that other just war criteria (necessity, last resort, etc) must be met.³⁴³ Justice through non-violent means should be the primary mode of confrontation, but violence may be needed in extreme poverty.³⁴⁴ Fabre argues, however, that caution should be advised and the presumption of innocence given.³⁴⁵ In relation to this, Fabre appeals to some classical just war thinkers to show that seeking stolen property was considered a just cause.³⁴⁶ Therefore, readers should not fear her advocacy of subsistence wars as this concept is not as novel as it first appears.

Territorial and Political Self-Determination:

Fabre's right to subsistence is tied to the right to protect territory and political self-determination. She states, “To the extent that violations of that duty consist in seizing or

damaging natural resources to which the target community has a (independently defended) valid claim, they are tantamount to attacking the territorial integrity of that community, and, thereby, its capacity for political self-determination.”³⁴⁷ Political self-determination is also of utmost importance as the denial of such a right creates circumstances in which citizens lack necessary resources and thus they are unlikely to be able to exercise their rights. If individuals are forced to exclusively focus on meeting basic needs, this also leads to a stunting of other cultural developments. In this environment, the security of the nation is difficult to maintain.³⁴⁸ Therefore, Fabre rejects a narrow definition of violence that is based on “an armed, kinetic, attack.”³⁴⁹ Defensive wars are not defined by physical aggression but include “threat[s] to vital individual and collective interest” including “the form of seriously harmful economic (or, for that matter, environmental) policies.”³⁵⁰

Humanitarian War as a Right and Duty:

The “right to intervene” (i.e. allowance of armed humanitarian intervention) and a “duty to kill in defence of others” is also defended.³⁵¹ This dual concept of right and duty attached to humanitarian wars is the logical outcome of her cosmopolitan concepts of an individual right to war (i.e. those who are capable) and a universal duty to help others reach minimally decent conditions. As regards moral permissibility, the “deep morality of war” is based on norms without concern for legal or pragmatic implications.³⁵² Fabre argues against pragmatically and legally oriented critiques such as the unlikelihood of success, concerns of global anarchy, or violating foundational “communal integrity.”³⁵³ Her understanding of conditional sovereignty puts “considerable limits to the rightful exercise of sovereignty rights.”³⁵⁴ In line with her views on legitimacy, only a government that honors human rights remains protected from outside intervention.³⁵⁵ If political tyranny and rights violations have occurred then the political

community's right against outside intervention is forfeited. If the presiding authorities or structures are "derelict" or "incapable" then it "reverts" to individuals who are "in a position to protect the victims."³⁵⁶

While a duty of intervention is advocated for, she acknowledges that various other factors such as material costs, lethal harm, and the impact on combatants must be considered.³⁵⁷ There are times in which a duty may include the "risk of death, for the sake of others," but there is also "a limit to the sacrifices" such as when it costs one the ability to live a "minimally decent life."³⁵⁸ She believes "a multi-institutional and multilateral approach is the morally best," but not the morally exclusive method.³⁵⁹ Despite her strong individualism, she argues that there is a moral duty to serve in an army if certain conditions are met³⁶⁰ No "free-riding" is morally allowable.³⁶¹ The "costs of intervention" must be shared among the interventionists.³⁶² This creates an interesting paradox for those who are morally responsible for the unjust conditions. While the perpetrators are ethically responsible to carry the larger burden, they are also the least situated to help given their culpability for creating the conditions in the first place.³⁶³ Fabre states, "Although materially innocent non-combatants on the unjust side are not liable to being killed, just combatants sometimes have a justification for killing them unintentionally—in other words, for justifiably infringing their right not to be killed."³⁶⁴ Further, she accepts that the deliberate killing of bystanders may occur in a situation where a greater evil is averted.³⁶⁵ This justification, however, could not be used in defense of saving oneself.

Revising Non-Combatant Immunity:

Related to this final point and in line with McMahan, Fabre argues for "a heavily qualified argument in favour of relaxing the principle of non-combatant immunity."³⁶⁶ Her revised understanding of proportionality is based on the "cause," the "moral status of the war,"

and the individuals who make morally relevant contributions to unjust conditions.³⁶⁷ Individuals are legitimate targets for lethal force if they have individually “contribute[d] in relevant ways to states of affairs in which the fundamental human rights of others are under serious and unjustified threat.”³⁶⁸ This liability includes responsibility for broader human rights abuse.³⁶⁹ The targeting of civilians, however, is only morally permissible if significant moral responsibility is clear.³⁷⁰ To clarify this point, she provides two contrasting examples. In the first example, if one is a planner for rights violations, but has no active role in its execution then that individual would still be liable. In the second example, if one has voted in favor of a rights-violating régime, this is not considered significant enough to warrant direct lethal targeting, but it would authorize some type of lesser action (indirect collateral damage).³⁷¹ In one sense, “all civilian citizens are complicitous either by deed or omission in their state's initial wrongdoing, and thus are legitimate targets,” but she quickly qualifies that only those whose “contribution” is *significant* qualifies for lethal liability.³⁷² She claims that even Walzer allows for such a “relaxing” of non-combatant immunity with his “supreme emergency” principle. She acknowledges, however, that Walzer depicts it as a “dirty hands” scenario in which an actual moral wrong is committed, but justified because of necessity.³⁷³

Militarily and Morally Asymmetrical Wars:

Given that many just combatants find themselves in militarily and morally asymmetrical wars, Fabre argues that the use of human shields can be morally permissible in certain circumstances.³⁷⁴ In reference to human shields, she argues that just combatants may sometimes use them (even without consent) for protection or deterrence.³⁷⁵ She connects this with her “principle of fairness” which prohibits “free-riding.”³⁷⁶ Fabre attempts to balance her view by stating, “the collective venture must be just, and the benefits it provides must be important

enough that whether or not one consents to receiving them is irrelevant to the determination of one's obligations."³⁷⁷ She connects the moral obligation of military conscription with a duty to contribute as a shield in certain circumstances.³⁷⁸ The moral responsibility to contribute is tied to whether they would be recipients of a "minimally decent life" in the post-war context.³⁷⁹

Fabre also allows for the use of deceitful tactics (i.e. combatants pretending to be civilians). She argues that violating a "genocidal" regime is not morally problematic given the moral wrongs that are being committed against the people.³⁸⁰ There is a high likelihood of failure and continued abuse of rights if unauthorized combatants fight conventionally or passively abstain. Fighting asymmetrically, however, may give just rebels the chance to stop such abuses. Given the gravity of these options, Fabre argues for the morality of just rebels fighting asymmetrically while still maintaining some ethical boundaries.³⁸¹ Her allowance for asymmetrical tactics is permissible only if the actions are "necessary" for a chance of overcoming significant abuse.³⁸² She argues, "the weak, when their cause is just, may sometimes use asymmetrical tactics against the powerful in prosecution of a just war."³⁸³ In certain cases of necessity, innocent non-combatants may be unintentionally killed to preserve the rights of the citizens on the just side.³⁸⁴ Regardless of what others may think she explicitly disavows endorsing the "ends justify the mean" ethic.³⁸⁵ Except in extreme circumstances, the tactic of directly targeting innocents is repudiated.³⁸⁶ The deliberate targeting of non-combatants can occur only as a lesser evil justification preventing grave violations such as mass killing or slavery.³⁸⁷ She argues that it would be morally impermissible to target non-combatants if a community was simply attempting to prevent a foreign takeover.³⁸⁸ Fabre acknowledges a "troublesome implication" in "that deliberate targeting is permitted if a sizeable share of the population would otherwise be under threat of a genocide or mass enslavement, but not if minority groups are."³⁸⁹ In line with the

presupposition that killing innocents is morally worse than passively doing nothing, she acknowledges that it may be better that the minority suffer evils rather than bring about the large-scale killing of innocents.³⁹⁰ While acknowledging the problematic nature of thresholds and the arbitrariness of creating boundaries, she believes the only other consistent alternative is pacifism, which she rejects.³⁹¹

Conclusion:

In conclusion, Fabre follows McMahan's method in a variety of manners including the moral analogy of self-defense, a deeper moral orientation, liability based on moral culpability, and an individual's right to war. Fabre utilizes McMahan's just war thinking conjoined with her more unique cosmopolitan political understanding to highlight an individualist and equalitarian orientation that deemphasizes the political sphere outside its mechanical function to provide minimally decent conditions. While thoroughly individualistic, Fabre also emphasizes that all individuals must contribute to others' minimally decent conditions. If minimally decent conditions are not available, individuals may be morally justified in engaging in offensive endeavors such as subsistence, civil, humanitarian, commodified, and asymmetrical wars. Thus, Fabre argues that a broadening of just cause and the abandonment of legitimate authority is necessary to properly and morally orient just war thinking to accomplish a satisfying theory for individuals in contemporary circumstances. Having articulated McMahan's and Fabre's central ideas, I will now provide a critique of their political vision and several ideas which are motivated by them.

CHAPTER 2

THE POLITICAL VISION OF JEFF MCMAHAN AND CÉCILE FABRE

Introduction:

In this chapter, I discuss McMahan's and Fabre's political framework which I argue significantly motivates their revisionist approach.³⁹² In connection with my historically-oriented methodology, I argue that just war thinking was originally conceived and intertwined with political theory to ground the rationale, usage, and aims of a just war. In other words, war is fundamentally a political and communal reality in which one cannot separate the moral sphere from the political sphere. Similarly, revisionist theory is not based on an ahistorical philosophical analysis of moral principles of violence, but rather maintains commitments to a certain political vision which influences the interpretation and application of just war criteria. Despite the acclaimed "moral principles approach" of revisionist theory, I argue that McMahan and Fabre build their approach to armed force on an individualistic and reductive political vision resulting in their controversial conclusions. Most of the attention and criticisms regarding revisionists have revolved around their controversial conclusions rather than the political foundation on which such claims are built. While most critiques try to dismantle the conclusions themselves, I argue it is more productive to critique the political vision on which they are based. The inadequacies of revisionist just war thinking become far more evident when focusing on the political vision embedded therein. Therefore, I disclose the individualistic and reductive political vision of revisionists to critique the political nature of their approach which has been overlooked in other critiques, but which is of paramount importance in understanding the construction of just war thinking. Whereas McMahan describes his just war thinking as "reductive individualism", I am suggesting that his thinking is based on a prior reductive and individualistic political theory.

Regarding revisionist political theory, I use the term “reductive” in a pejorative sense as it reduces the complexity of community life and identity formation to a concept of atomistic individualism. Further, it reduces political community to mechanical functions of material provision thus ignoring the intrinsic worth and non-material goods of political life.

McMahan’s and Fabre’s Political Vision:

Critics’ have neglected McMahan’s and Fabre’s political claims by focusing on the controversial *ad bellum* and *in bello* conclusions. Yet, I have argued that one’s political theory is foundational to the construction of just war thinking. While McMahan’s political vision is far more obscured, it sets the very foundation on which Fabre presents her explicit “cosmopolitan” perspective. I argue that revisionists’ political foundations play an indispensable role in their philosophical analysis, arguments, and ethical expectations concerning armed force. I do not believe McMahan’s political vision is intentionally obscured, but results from revisionists’ proclaimed moral principles approach, which attempts to isolate and elevate moral principles. In other words, revisionists aim to cast off the husk of history and pragmatic implications to get at the core moral principles that ground armed force. When I first set out to critically interact with revisionists, I unwittingly fell into their trap of isolating moral principles without reference to history, political theory, or background assumptions that were being made. While there is some merit in critics’ directly addressing revisionist conclusions to display their insufficiencies, I eventually realized that I had already conceded too much methodological ground. As displayed in chapter 1, I believe Johnson has persuasively argued that the isolated moral principles approach is neither possible as a method nor ethically responsible. Ultimately, the importance of critiquing revisionists’ method and theory is about the political vision that they advocate for with its resulting implications for political life and armed force. As revisionists’ political vision is

disclosed, we can shift to areas of substantial disagreement (i.e. the purpose of political life, how individual rights work within community, etc.) which are otherwise obscured when we focusing exclusively on controversial ethical conclusions. Given this reality, revisionists' just war thinking is not purely a philosophical approach, but a deeply laden philosophical, political, and historical argument for individuals and their rights. McMahan's and Fabre's political vision can be summarized as an individualistic orientation that emphasizes the moral priority of individuals and their human rights without regard for their political communities and the nonmaterial goods of political life. Therefore, revisionists reduce the primary value of political life to its instrumental function of producing a context of individuality, equality, liberty, and material goods. While I affirm these ends, I argue that their vision is inordinately individualistic and leads to an insufficient and reductive political perspective that is incongruent with communal life thus warping their just war thinking. At the end of this chapter, I discuss some shortcomings that result from such a political vision before offering an alternative Thomistic communitarian political vision in the following chapter.

Historical Heritage:

Given my methodological proclivity for historical inquiry, I trace the foundation of revisionists' political vision through three major Enlightenment thinkers: Thomas Hobbes, John Locke, and Jean-Jacques Rousseau.³⁹³ Each of these social contractarians contributes central concepts that revisionists are utilizing in building their foundational political theory and thus their just war thinking. McMahan and Fabre, however, only utilize these figures' contributions in a piecemeal fashion. In this sense, McMahan and Fabre cannot be identified with any enlightenment figure, but the clear trace of these thinkers are present in their work. I argue that while these Enlightenment figures prioritized individuality and laid the political foundation for

revisionist views, McMahan and Fabre extend their arguments in an individualistic manner that these historical figures would be uncomfortable with. In other words, revisionists provide an extended enlightenment perspective of individuality that goes beyond its historical heritage.³⁹⁴

Thomas Hobbes:

The State of Nature:

While Thomas Hobbes (1588-1679) did not write in the Enlightenment era proper, his work was the foundation for enlightenment responses. Hobbes can be seen as providing a more secularized Augustinian theory for his era. Augustine's political perspective will be further examined in chapters 3 and 4 as it juxtaposed to Aquinas' views. Hobbes' best-known political writing *Leviathan* attempted to describe humanity's "state of nature" prior to the formation of political community. The state of nature was "poor, nasty, brutish, and short" as humanity sought to preserve their lives at all costs.³⁹⁵ Prior to establishing a "commonwealth," each person maintained a "right of nature" in which, he could utilize "his own power as he will himself for the preservation of his own nature" using "aptest means thereunto" according to "his own judgement and reason."³⁹⁶ When one's "right of nature" collided with another's then a "state of war" ensued in which "every man has a right to every thing, even to one another's body" in the attempt to sustain oneself.³⁹⁷ Hobbes lamented that without government, this state of war would be perpetual and there would be no genuine "security" for anyone.³⁹⁸ Thus, the state of nature granted each person unlimited liberty to do whatever was necessary for survival, but it afforded no true security.

The Leviathan:

Since the state of nature was not desirable or sustainable for all individuals, Hobbes argued for the consensual establishment of government through a "mutual transferring of

right.”³⁹⁹ Without a prior agreement, no laws could be enforced in the state of nature.⁴⁰⁰ A government was defined as “one person, of whose acts a great multitude, by mutual covenants one with another, have made themselves every one the author, to the end he may use the strength and means of them all as he shall think expedient for their peace and common defence.”⁴⁰¹ A government (“a common power”) was needed to establish enforceable laws for “justice, equity, modesty, mercy, and, in sum, doing to others as we would be done to, of themselves.”⁴⁰² A large force (i.e. the Leviathan) was needed to frighten “our natural passions, that carry us to partiality, pride, revenge, and the like.”⁴⁰³ In order for a political community work, it required individuals to relinquish their natural right of unaccountable liberty and action. A consensual “contract” would transfer these rights in exchange for security. The transfer of rights was said to be more than just a social contract, but a covenant in which a “real unity” was established.⁴⁰⁴ The stronger language of covenant suggested a deeper bond that could not be undone. While contracts could be made void through negligence or violation, a covenant implied an inviolability. Neither the sovereign nor subjects could break the covenant except through foreign usurpation.⁴⁰⁵ A government would provide security from external attacks and internal turmoil so that individuals could live without the fear that property and person were in constant danger.⁴⁰⁶ In so doing, individuals would “submit their wills” to the authority of the government for “those things which concern the common peace and safety.”⁴⁰⁷

Hobbes believed that the best way to do this was by entrusting one person or “assembly” of persons to consolidate power.⁴⁰⁸ Hobbes states, “For by this authority, given him by every particular man in the Commonwealth, he hath the use of so much power and strength conferred on him that, by terror thereof, he is enabled to form the wills of them all, to peace at home, and mutual aid against their enemies abroad.”⁴⁰⁹ Ideally, a political ruler would not do whatever they

wanted to their subjects. Hobbes, however, depicted the ruler as immune from wronging his subjects by nature of the fact that his power was given to him through a prior agreed-upon arrangement.⁴¹⁰ Since individuals transferred their right to judgment and violence to the ruler, they could in no way accuse him of abuse. Hobbes utilized language that depicted the ruler with exclusive rights:

he is judge of what is necessary for peace, and judge of doctrines: he is sole legislator, and supreme judge of controversies, and of the times and occasions of war and peace: to him it belonged to choose magistrates, counsellors, commanders, and all other officers and ministers; and to determine of rewards and punishments, honour and order.⁴¹¹

Therefore, no appeal process existed for citizens since the ruler held all consolidated power. Similar to other pre-modern understandings, the ruler was not considered subject to domestic laws since they created them.⁴¹² Hobbes does, however, mention that the ruler is accountable to God and the “laws of nature.”⁴¹³

Rejecting Rebellion:

Given Hobbes’ denial of citizens’ right to appeal to their political leaders, he rejected a right to rebellion. The concept of rebellion was antithetical to the very nature of a covenant.⁴¹⁴ He proclaimed that even humanitarian resistance in defense of other innocent people was not allowed.⁴¹⁵ If a subject showed resistance to the government, then they were taking away the means by which the government was held together. Subjects had consensually transferred their right to judgment and violence.⁴¹⁶ If subjects challenged this, they challenged the very foundation of the covenant. The belief that an individual retained this right to judgment was a “poison[ous]” and “seditious doctrine” that plagued a government.⁴¹⁷ The right of private judgment “distracted and weakened” the government.⁴¹⁸ By rejecting the right of judgment, no individual could level an accusation of injustice or declare a rebellion. Hobbes blamed the valorization of rebellion on Greco-Roman literature. Greco-Roman thinkers made rebellion

“lawful and laudable for any man” provided that they declare the ruler to be a “tyrant.”⁴¹⁹

Hobbes was more afraid of subjects liberally labeling rulers as “tyrants” than the existence of tyrannical rulers. Pragmatically, however, Hobbes acknowledged that “negligent” rulers would be met with rebellion, and rebellion would be met with “slaughter.”⁴²⁰ In this way, rebels and rulers received some form of punishment.

Unconditional Right to Self-Defense:

Three ideas in Hobbes suggest a possible form of resistance.⁴²¹ First, the right to self-defense could never be transferred. Thus, any form of attack even that which is sanctioned by the government could be defended. Hobbes even suggested that a guilty criminal maintains this right.⁴²² Second, the “obligation” of obedience is based on the ruler’s ability to provide protection.⁴²³ It seems reasonable that one could see the unjustified oppression of subjects as a clear violation of protection. Unfortunately, Hobbes does not seem to envision this and even explicitly denies the possibility of sovereign “forfeiture.”⁴²⁴ The only permissible resistance that he has in mind is a foreign invader or usurper. In these cases, the subjects were not obligated to obey external oppressors. In these circumstances, each individual returns to the state of nature and thus given a right to war.⁴²⁵ Third, obedience is given “in all things wherein their obedience is not repugnant to the laws of God.”⁴²⁶ This last exception seems to at least allow for some type of “passive” resistance. The presumption is that obedience is not owed to immoral commands. Most likely, however, this understanding places Hobbes in a long line of Christian thinkers stemming back to Acts 5:29 in which an individual was allowed to disobey a command if it was a clear violation of divine law.⁴²⁷ One wonders how Hobbes would respond to rebellion if it were part of the agreement prior to political formation. In other words, what if the governing ruler consented to the legality of rebellion if sustained abuse occurred? Hobbes, however, could not

envision this because of his understanding of what the government is. It seems that an agreed-upon right of resistance would violate the very foundation of transferring one's right to judgment and retribution. Hobbes would also find the legality of rebellion to be a poisonous and pragmatic challenge to its ability to operate. In the end, Hobbes allows for an inviolable sense of self-defense, but in a way that did not extend to anything like a right to rebellion.

Comparison of Concepts:

While much of Hobbes' ideas are quite antithetical to revisionists, several elements of Hobbes' theory that finds its way into revisionists' understanding. First, there is a common elevation of an individual right to self-defense. For Hobbes, this right is unconditional in that even criminals can justifiably protect themselves. For McMahan and Fabre, while the right to defense is an individual right, it can only be used when it is morally justified. McMahan explicitly rejects a criminals' right to defend themselves as this parallels his disdain for "unjust combatants" using lethal force in the name of self-defense. In Hobbes' understanding of self-defense, war is also depicted as derivative of self-defense. I believe revisionists' conceptual conflation of war with self-defense stems from this historical source. Second, Hobbes' depiction of humanity as atomistic individuals born in a "state of nature" outside of a formal political community is reminiscent of revisionists' atomistic individualism. Humans are depicted as individuals without political affiliation until the acquiescence of a social contract has occurred. Third, Hobbes depicts the state of nature in such a way that individuals are permitted to do whatever they need for sustenance. This is reminiscent of Fabre's concept of individuals have a right for "minimally decent flourishing." Related to this, Hobbes and Fabre see the formation of the government as being providing a context of decent conditions for survival. Fourth, Hobbes and Fabre affirm a fiduciary transfer of rights to the government upon consensual agreement.

Hobbes' understanding of the government's fiduciary holding of rights, however, is viewed in starkly different terms from Fabre's. Hobbes endorsed an unconditional transfer of rights to the government when a social contract was constructed. This was because of his covenantal understanding of political community as a "real unity" rather than a transactional agreement. In this way, Hobbes' citizens did not maintain the right to rebellion. The very point of constructing a government was to prevent a return to the state of nature (i.e. a cycle of endless violence). In this sense, a strong patriarchal form of government was advocated for. Further, Hobbes' conception of the divine right of kings opposed an individual's ability to rebel. In contrast, Fabre's understanding of a social contract is conditioned upon the behavior of the government to fulfill its primary duties. Thus, individuals transfer their rights to a government when the government properly utilizes them on behalf of the community. When a government reneges on this fiduciary responsibility, rights are returned to individuals, who may then seek to remove its oppressors. For Hobbes, the government was the answer to strong individualism and the unrestricted use of rights found in the state of nature. Therefore, the construction of government required the transferring of such rights for larger communal cooperation and the restriction of violence. For Fabre, the government is the mechanism by which individuals may receive minimally decent conditions, but which hold no larger meaning beyond its provisional ability. If a government goes sideways, a return to the state of nature emerges. In these ways, some of Hobbes' ideas are carried forward in revisionist thought, while others are firmly rejected.

John Locke:

State of Nature:

John Locke (1632-1704) provided a political response and revision of Hobbes' social contract theory. Locke's *Two Treatises of Government* is the main source for understanding his

concept of a political community. In the first treatise, Locke argued that absolute monarchy was not God's design for political polity. Despite the commonly held view, Locke argued that God did not give Adam unlimited rule over all progeny. Even if Adam had been given such rule, it would be pragmatically impossible to determine who the current heir was and therefore it was irrelevant.⁴²⁸ In the second treatise, Locke laid out his understanding of government. Locke affirmed that humans are born into a "state of nature" in which they maintain "a state of perfect freedom to order their actions, and dispose of their possessions and persons as they think fit, within the bounds of the law of Nature."⁴²⁹ In a similar way to Hobbes, Locke emphasized individuals' freedom and personal judgment. While Hobbes acknowledged "laws of nature," all laws were secondary to self-preservation whereas Locke was more willing to grant that certain actions were immoral regardless of the motivation. For example, Locke states, "no one ought to harm another in his life, health, liberty or possessions."⁴³⁰ Locke also maintained a more optimistic understanding of the state of nature in which nature willed "peace and preservation of all mankind."⁴³¹ Humans were said to be "by nature all free, equal, and independent."⁴³² God had established natural laws as a standard for humans' "mutual security."⁴³³ Everyone was obligated to the law of nature as it was universally accessible through reason.⁴³⁴ He also agreed with Hobbes that every person maintains the right to execute private judgment prior to the establishment of a government.⁴³⁵ Locke's perspective, however, was more focused on the punishment of wrongdoers than Hobbes. Hobbes claimed that no wrongdoing could occur without a government, whereas Locke believed there were clear laws that could be violated.⁴³⁶

Government:

Locke affirmed that an individual's natural rights remained unchallenged until one consented to a governing authority. God is said to have given humans "strong obligations of

necessity, convenience, and inclination, to drive him into society” while equipping them with communicative abilities to form them.⁴³⁷ Since all humans were “free, equal, and independent” then consent was required for political life.⁴³⁸ Locke defined the government as “that power which every man having in the state of Nature has given up into the hands of the society, and therein to the governors whom the society hath set over itself, with this express or tacit trust, that it shall be employed for their good and the preservation of their property.”⁴³⁹ Political consent was given when one “agree[d] with other men, to join and unite into a community for their comfortable, safe, and peaceable living, one amongst another, in a secure enjoyment of their properties, and a greater security against any that are not of it.”⁴⁴⁰ In consenting to a governing authority, people transferred *portions* of their rights and committing themselves to obedience.⁴⁴¹

Locke defines the government’s power in the following way:

a right of making laws, with penalties of death, and consequently all less penalties for the regulating and preserving of property, and of employing the force of the community in the execution of such laws, and in the defence of the common-wealth from foreign injury, and all this only for the public good.⁴⁴²

Locke, however, emphasized that the determining factor for political polity would be the democratic opinion of the majority in contrast to a single undisputed ruler.⁴⁴³

The right to self-defense was also a central component in Locke’s theory and was necessary for the state of nature.⁴⁴⁴ He also argued that it was impossible to transfer the right of self-defense because an individual cannot consent to absolute obedience because that is “transfer[ing]...more power than he has in himself.”⁴⁴⁵ Absolute obedience to human authorities is not given by God, nature, or consent.⁴⁴⁶ Therefore, a perpetual commitment to an absolute monarchy was impossible because only God had a right to absolute obedience. Locke claimed that absolutism violated “civil society” and was one of his motivating factors in articulating how to form a healthy government. The goal of a political community was not to trade one arbitrary

power (individual in the state of nature) for another (an unaccountable ruler).⁴⁴⁷ Thus, a community was required to construct standards of accountability for its leaders. When a political leader attempted to gain “absolute power,” it was a declaration of war and therefore citizens were not obligated to comply.⁴⁴⁸ The formation of the government was seen as a “trust.”⁴⁴⁹ This conception of trust implied mutual obligation beyond that envisioned by Hobbes. Hobbes focused primarily on security whereas Locke’s conception included a certain treatment of citizens. Political leaders only maintained authority to the extent that they used it properly. Therefore, leaders were entrusted with preventing violence internally and externally rather than being the cause of it.⁴⁵⁰

Tyranny and the Right to Rebellion:

Tyranny was defined as “the exercise of power beyond right, which nobody can have a right to.” Political tyranny occurred when leaders abandoned the good of the people for private gain, “ambition, revenge, covetousness, or any other irregular passion.”⁴⁵¹ A tyrannical act was “to impoverish, harass, or subdue [the people] to the arbitrary and irregular commands” of an unjust ruler.⁴⁵² Locke believed that a leader’s power could be forfeited through sustained abuse or negligence. He states,

For all power given with trust for the attaining an end being limited by that end, whenever that end is manifestly neglected or opposed, the trust must necessarily be forfeited, and the power devolve into the hands of those that gave it, who may place it anew where they shall think best for their safety and security.⁴⁵³

Ultimately, the power of the government was seen to be in the individuals who founded it.

Citizens are the “supreme” bearers of power in contrast to Hobbes’ understanding of the ruler being supreme.⁴⁵⁴

Locke declared a right to armed rebellion when a government had violently and unjustly attacked the people.⁴⁵⁵ He states,

[W]hen [the citizens] are hindered by any force from what is so necessary to the society, and wherein the safety and preservation of the people consists, the people have a right to remove it by force. In all states and conditions the true remedy of force without authority is to oppose force to it.⁴⁵⁶

Unjustly attacking citizens was a declaration of war in which the leader's status was changed to a domestic enemy.⁴⁵⁷ Surprisingly, however, Locke affirmed the Hobbesian idea that leaders were not subject to the laws of the community. Leaders were obligated to divine and natural laws.

Therefore, political leaders were obligated to follow moral norms rather than legal norms.⁴⁵⁸

Locke acknowledged that people feared that endorsing a right to rebellion would lead to endless internal and arbitrary turmoil. He argued, however, that there was nothing immoral with the just use of force to combat unjustified enemies.⁴⁵⁹ If an individual argued that rebelling against a tyrant was illegitimate then Locke advised that they be consistent and not seek to stop "robbers or pirates."⁴⁶⁰ Further, one need not fear anarchy because governments "dissolve within" through tyrants, unjust laws, and impeding political accountability.⁴⁶¹ Unchallenged tyranny is far more dangerous than allowing citizens the right to rebellion. Locke also argued that tyranny is far more likely to bring rebellion by provoking citizens to arms than maintaining a legal right to remove an abusive ruler.⁴⁶² The charge of liberally labeling leaders tyrants was also not justified. Individuals could assess a leader's record (i.e. "a long train of abuses, prevarications, and artifices, all tending the same way") in which their intentions would become clear.⁴⁶³ Locke cautioned, however, that sustained abuse must occur before warranting an armed rebellion.⁴⁶⁴ While stopping tyrants was necessary, Locke advised that the people should do their very best to "prevent" it in the first place.⁴⁶⁵ The "best" form of "prevention" is to place the power in the hands of the people (i.e. democracy). The right of rebellion would also help to keep political leaders in check.⁴⁶⁶ Therefore, the right to rebellion served the two-fold pragmatic function of protection and prevention.

Comparison of Concepts:

Several of Locke's concepts appear in revisionist thought. First, there is a common affirmation of a "state of nature," while also acknowledging a moral realism that undergirds that state. This is similar to revisionists' individualism which is also undergirded by a "deeper moral" framework affirming absolute moral norms. While God is the foundation of such moral norms for Locke, it is unclear exactly how revisionists ground their moral norms. Second, there is a mutual understanding that individuals maintain a right to defend life, health, liberty, and possessions. This parallels Fabre's understanding of the right of war in establishing minimally decent conditions for flourishing. Third, Locke and revisionists argue for a strong sense of fiduciary trust in the expectations of a government. The government is primarily designed to protect people's liberties. In this, individuals do a "soft" transfer of rights to the extent that a government properly protects and utilizes their citizens' rights. Fourth, the social contract between citizens and their governments is constructed around a conditional view of sovereignty in which political authority can be forfeited through tyrannical actions. Political leaders are actively held accountable to citizens if they attempt to abuse their authority. Fifth, citizens are the "supreme" holders of power. The right to rebellion is held by individuals regardless of political construction or prior commitments. Therefore, individuals may use armed force to dispose of tyrants if necessary. No absolute power can ever be given to the government as Locke argues that individuals cannot consent to things beyond themselves (i.e. absolute power). Similarly, McMahan argues that a just combatant's consent to risk her life does not extend to allowing an unjust combatant's use of lethal force. Sixth, a political community is dissolved by political tyranny. This seems to be a political implication in Fabre's cosmopolitan interpretation

of conditional sovereignty and the reversion of rights. Therefore, political communities dissolve when political leaders renege on their responsibilities to the people.

Fabre's Use of Locke:

While it is rare for revisionists to make historical references, Fabre does explicitly acknowledge the use of Locke in her armed rebellion approach. Fabre affirms three main Lockean aspects: First, a state's legitimacy is based on protecting citizen's rights. Second, people can use violence to "overthrow an illegitimate state." Third, individuals have an individual right to war against foreign enemies.⁴⁶⁷ She, however, departs from Locke in two ways: First, the legitimacy of a state does not rest solely on consent. Second, the right to rebellion is not restricted to a community of people (i.e. "levée en masse").⁴⁶⁸ In these ways, she provides an extended form of individualism beyond that envisioned by enlightenment thinkers.

Jean-Jacques Rousseau:

State of Nature:

Jean-Jacques Rousseau (1712-1778) supplied his own understanding of political polity in his famous treatise *On the Social Contract*.⁴⁶⁹ Rousseau states, "Man is born free, and everywhere he is in chains."⁴⁷⁰ This was a result of oppressive political communities forcibly subjecting people to become "slaves."⁴⁷¹ Rousseau argued that political community was originally founded on the family, which was the "most ancient of all societies and the only natural one."⁴⁷² Rousseau argued, however, that the natural association with one's family was limited to the timeframe in which an individual relied on one's parents. Children were "bound to their father only so long as they need him to take care of them. As soon as the need ceases, the natural bond is dissolved."⁴⁷³ After children grow capable of caring for themselves, they may voluntarily choose to associate or disassociate with their family. In the case of continued

association, the family was sustained by “convention” in a similar way to the voluntary association with a political community.⁴⁷⁴ When children reached “the age of reason,” they “alone” are the “judge of the proper means of taking care of [themselves]” and become their “own master.”⁴⁷⁵

The Social Contract:

Rousseau declared that all individuals are “born equal and free” and “none give up their liberty except for utility.”⁴⁷⁶ Rousseau stated, “Since no man has a natural authority over his fellow man, and since force does not give rise to any right, conventions, therefore, remain the basis of all legitimate authority among men.”⁴⁷⁷ Thus, a legitimate political community could only be formed through voluntary association and consent.⁴⁷⁸ The “fundamental problem” of political association, however, was how to protect the rights and goods of each member without the loss of personal liberty.⁴⁷⁹ Therefore, Rousseau proposed the construction of a social contract in which “[e]ach [individual] places his person and all his power in common under the supreme direction of the general will; and as one we receive each member as an indivisible part of the whole.”⁴⁸⁰ This created a “moral and collective body” with a “common self” “life,” and “will” working as a “unity.”⁴⁸¹ The freedom of the individual was depicted as the most prized of human attributes. Why would one wish to lessen liberty for such political association? Rousseau argued,

Although in this state he deprives himself of several of the advantages belonging to him in the state of nature, he regains such great ones...What man loses through the social contract is his natural liberty and an unlimited right to everything that tempts him and that he can acquire. What he gains is civil liberty and the proprietary ownership of all he possesses.⁴⁸²

The purpose of political life was “the preservation and prosperity of its members.”⁴⁸³ While the state of nature gave one unfettered liberty, equality and possessions were better protected in a political community.

A properly oriented political association was based on the two key principles of “liberty and equality,” which he argued was “the greatest good.”⁴⁸⁴ Whereas classical thinkers interpreted sovereignty as a specific leader who was entrusted with political authority on behalf of the community, modern thinkers have based sovereignty on political territory. In contrast to either of these models, Rousseau interpreted the concept of “sovereignty” as the people.⁴⁸⁵ The citizens were said to compose the “general will,” which guided the government.⁴⁸⁶ The general will was established by a majority rule polity.⁴⁸⁷ While sovereignty was depicted as the will of the people, the political community was said to unify individuals into a whole so as to override the individual. Rousseau stated,

the social compact gives the body politic an absolute power over all its members... We grant that each person alienates, by the social compact, only that portion of his power, his goods, and liberty whose use is of consequence to the community; but we must also grant that only the sovereign is the judge of what is of consequence.⁴⁸⁸

In this way, Rousseau did not want to eliminate individual liberty but acknowledged that individual liberty had to be subjected to a larger whole for political association to work. Yet, even in his description of establishing laws, the people were said to be the “author” rather than a political leader.⁴⁸⁹

Government:

Rousseau defined government as “[a]n intermediate body established between the subjects and the sovereign for their mutual communication, and charged with the execution of the laws and the preservation of liberty, both civil and political.”⁴⁹⁰ In Rousseau’s construction, the political community (i.e. sovereignty) was distinct from the government. Rousseau stated, “The essential difference between these two bodies is that the state exists by itself, while the government exists only through the sovereign. Thus the dominant will of the prince is not and should not be anything other than the general will or the law.”⁴⁹¹ Therefore, political leaders

were seen as administrators of the people's will.⁴⁹² Rousseau created a tri-part political construction composed of sovereignty (i.e. the people's will), government, and administrators. He stated, "The principle of political life is in the sovereign authority. Legislative power is the heart of the state; the executive power is the brain, which gives movement to all the parts."⁴⁹³

War and Tyranny:

Regarding armed force, Rousseau argued that an established political community was required for war. In other words, he rejected an individual's right to war. He stated:

a private war between one man and another can exist neither in the state of nature, where there is no constant property, nor in the social state, where everything is under the authority of the laws... War is not therefore a relationship between one man and another, but a relationship between one state and another. In war private individuals are enemies only incidentally: not as men or even as citizens, but as soldiers; not as members of the homeland but as its defenders. Finally, each state can have as enemies only other states and not men, since there can be no real relationship between things of disparate natures.⁴⁹⁴

Yet, Rousseau was also very cautious of political tyranny and wrote against such abuse.⁴⁹⁵

Rousseau stated, "it is vain and contradictory convention to stipulate absolute authority on one side and a limitless obedience on the other."⁴⁹⁶ Therefore, citizen's maintained a right to rebellion when tyranny occurred. The state was also said to dissolve "when the prince no longer administers the state in accordance with the laws and usurps the sovereign power... So that the instant the government usurps sovereignty, the social compact is broken, and all ordinary citizens, on recovering by right their natural liberty, are forced but not obliged to obey."⁴⁹⁷ In this construction, Rousseau viewed the right of rebellion as similar to the right to self-defense, but distinct from the right to war.

Comparison of Concepts:

As with Hobbes and Locke, certain similarities and differences arise between Rousseau and revisionists. First, Rousseau stresses the fundamental equality and freedom of all people.

This is also a major emphasis in Fabre's cosmopolitan construction. Second, a strong individualism is evident in Rousseau's depiction of humanity's natural state. Even when children are bound to their families through nature, their cooperation is only mandatory to the extent that their physical survival is dependent on it. Once an individual is able to care for herself, she no longer needs to associate without consent. This seems to parallel revisionists' understanding of political association. Political association is only required and viewed as beneficial in terms of the government's ability to materially provide for its citizens. Beyond its provisional ability, only voluntary association can bind a citizen to such an institution. Thus, a political association's worth is instrumental rather than intrinsic. It is conventional rather than natural. This would seem to connect with Fabre's insistence that political association does not form a morally relevant "special relationship." Although, in Rousseau's perspective the social contract did form a type of special relationship. Third, Rousseau and revisionists elevated the importance of individual liberty as the premiere human right. Although Rousseau has a stronger sense of transferring those liberties for the good of the majority, there is still a parallel emphasis on an individual's liberties as of paramount importance. In both constructions, political association is only desirable for enhancing human liberty. Fourth, Rousseau and revisionists provide a strong rejection of absolute authority. In response to Hobbes' Leviathan, Locke and Rousseau described a "transferring" of rights that entrusted political structures while still reserving the reversion of one's natural rights in a context of tyranny. In other words, Locke and Rousseau reserved a right to rebellion that allowed individuals the opportunity to violently resist political oppression when necessary. While Hobbes feared an endless and liberal cry of "tyranny," Rousseau provided a clear understanding of tyranny as a violation of the will of the people. Fifth, citizens (i.e. individuals) are regarded as the true "sovereign" in contrast to a specific ruler. In this regard,

revisionists affirm this type of political construction in which individuals are sovereign and utilize appointed representatives to protect individuals' equality, liberty, and possessions. What seems to be at odds with revisionists' views, however, is Rousseau's rejection of a "private war" in which only political communities can be said to go to war. Rousseau also affirmed a collectivist understanding of war in which combatants are view as representatives of the state rather than individuals via persons, citizens, or combatants. Thus, I argue that the historical ghosts of Hobbes, Locke, and Rousseau lurk behind a significant portion of revisionists' political vision albeit in a piecemeal fashion. By displaying the similarities of such Enlightenment thinkers, I have shown that the moral principles approach advocated by McMahan and Fabre is deeply situated within past historical thought. Given that revisionists are drawing from historical political theory, I argue that there should be a more explicit acknowledgement of historical thinkers and historical engagement in their method.

A Critique of McMahan and Fabre:

In what follows, I critique McMahan and Fabre for their imprecise conflations, false dilemmas, individualistic human rights, and instrumentalized and contractarian understanding of political life.

Imprecise Conflations:

Walzer, Traditional Just War Theory, and International Laws:

As mentioned in the methodology section, McMahan conflates Walzer's just war thinking with the just war tradition. Further, traditional just war theory is conflated with international laws. This dual conflation has had the unfortunate result of setting the trajectory for other revisionist critiques. Walzer, the just war tradition, and international laws all represent unique spheres of just war thinking, which should remain distinct for proper nuance. If a

correlation must be made, it is far more accurate to view Walzer as paralleling international norms rather than traditional just war theory. Even in their proximity, however, Walzer should not be conflated with international laws. Further, even the claim to challenge the entirety of traditional just war theory needs to be nuanced. While the just war tradition carries certain commonalities, its articulation in history has significant implications for interpretation and application. For example, the just war tradition could be divided into classical, modern, and contemporary periods. Typically, contemporary approaches will base its thinking from classical, modern, or revisionist theories.⁴⁹⁸ Therefore, if revisionists aim to fix the “deficiencies” of the just war tradition, it will require further historical nuance. It is important to note, however, that much of revisionist critique revolves around a Walzerian interpretation and thus much of the “damning” critiques leveled against traditional just war theory do not apply to the historical tradition. For example, McMahan’s and Fabre’s major critiques are centered on Walzer’s moral equality of combatants and collectivism, yet the historical tradition does not affirm either of these concepts. To combat the perceived collectivism laden within Walzer, they overcompensate by stressing a form of individualism hardly recognizable in historical thought. Even the Enlightenment thinkers who stressed the autonomy and liberty of individuals would not affirm revisionists’ understanding of political life. While revisionists perceive traditional just war theory as endorsing an extreme form of collectivism, future just war thinking is hardly morally elevated by offering an opposite extreme in the form of atomistic individualism which fails to acknowledge individuals’ communal situatedness.

Self-Defense and War:

The most significant conflation concerns the right of war with the right of self-defense. McMahan’s central revisionist argument revolves around highlighting the moral symmetry of

war with other contexts justified violence. Specifically, he reduces war to self-defense.⁴⁹⁹

McMahan depicting war in terms of self-defense is a further extension of the contemporary emphasis on defense being the exclusive moral justification for war. Defensive wars, however, are only one type of justified war in the classical just war tradition. Even with defense being one of the moral justifications for force, the idea of depicting war in terms of self-defense is not found within the classical just war tradition. Johnson states, “In that conception, while self-defense was recognized as a fundamental right of all persons, use of armed force by the political community was understood not in terms of this right but by reference to the responsibility of the sovereign ruler to protect justice in human affairs.”⁵⁰⁰ The idea of war and self-defense being coterminous lacks historical pedigree.⁵⁰¹ Johnson further defends this point by noting the linguistic distinction made by classical thinkers between public war (“bellum”) and private war (“duellum”).⁵⁰² Johnson states,

Hence the critical distinction in medieval and early modern just war thought was not that between violence and non-violence, as it has become in much recent moral discourse about war, but between use of armed force on public authority, called *bellum*, war, which might be just or unjust according to circumstances, and *duellum*, which was the word used for any private resort to arms, a resort that never could be just by its very nature... The use of force defined here is thus one of the tools of government, and only of government; individuals have no right of resort to force to settle disagreements, because they can always appeal to their superior, and on up to their sovereign, to adjudicate disputes... *Duellum* was, on the terms of just war tradition, always wrong.⁵⁰³

Thus, McMahan’s conflation of war to violence broadly and self-defense more particularly is historically problematic. Further, this conflation is based on McMahan’s attempt to eradicate the moral significance of a political context.

McMahan’s analogy leads to Fabre’s more explicit claim of an “individual’s right to war.” I argue, however, that Fabre’s proclamation of this right is disingenuous. While she claims that it is an individual right, she also acknowledges that it is highly unlikely that an individual could meet the other criteria of proportionality and necessity to justify a war. She even notes that

there is no historical case of such a lone individual leading a war that she can provide. She appeals, however, to the fact that an individual could conduct a war through the increased developments of technology. An individual could control several drones with discriminatory and proportional capabilities in contrast to weapons used in past wars. Further, without exception, Fabre's examples of an individual's right to war can be classified as cases of self-defense rather than war. While I affirm the right of self-defense, this should be seen as distinct from cases of war. Individuals or groups of individuals whose rights are being grossly violated by other individuals or governments can utilize their right of self-defense to protect themselves. This, however, is distinct from political communities fighting in opposition to one another. While the right to self-defense aims to thwart or stop unjust violence from occurring, self-defense does not aim to adjudicate the wrongs made by the perpetrator. In other words, self-defense is aimed at the cessation of violence rather than the restoration of one's context. This is in stark contrast to a justified war in which political authorities use armed force for a just cause and right intention to restore justice, order, and peace for the community. Therefore, classical just war theory has the dual aim of thwarting unjust aggression while also seeking justice and a properly restored political order. As displayed further in chapter 4, Fabre's conflation of self-defense and war creates serious problems for just war thinking. By simply keeping these concepts separate, one can get all the benefits that revisionists are seeking (i.e. protection of individuals against unjust violence) without the problematic conclusions (i.e. an individual right to war, rejection of legitimate authority, revision of non-combatant immunity, dismissal of political context, etc.) Even though McMahan and Fabre are philosophers who carefully define most of their terms, their imprecise conflations end up creating significant problems for revisionist method and theory.

False Dilemmas:

Individualist or Collectivist Combatants:

Part of the problem with McMahan's and Fabre's structure is how they present false dilemmas. First, McMahan depicts war in terms of individualist or collectivist approaches. The models he presents include his approach (individualist) and that of Walzer's (collectivist). Since Walzer is conflated with traditional just war theory and international law, these are all condemned for being collectivist in nature. Putting aside the historical inaccuracies and imprecise connotations, these two approaches are not the exclusive approaches to armed force. In particular, I am presently offering a third approach that is based on a communitarian perspective that highlights the concept of interdependency. This is not a novel approach, but one situated within Aquinas' work. In such a construction, one cannot easily divvy up moral responsibility in binary terms such as groups or individuals. The very nature of political life shows the intertwined nature of individuals and communities relying on and cooperating with each other. Further, human identity and culpability are largely impacted by political life. This is not to suggest that no moral culpability can be assigned to individuals, but rather it is far more complex than revisionists' claim that each individual is solely responsible for what she does. Ironically, even revisionist theory falls back on some form of "collectivism" in that those who fight on an unjust side always remain in the wrong despite underlying conditions. This categorical dismissal seems collectivist by definition.

Individualistic or Statist Orientation:

Revisionists' binary approach to war stems from understanding political life in terms of an individualistic or statist orientation. These two options are on the opposite end of the spectrum. The extremity of either position is understandable given that trying to balance the

individual and her community is an exceedingly difficult issue. It is seemingly far easier and tempting to create theoretical consistency by endorsing an extreme perspective than it is mediating a more balanced approach. We should be cautious of the temptation of consistency at the risk of sacrificing nuance. While I do think one can get fairly consistent answers from individualistic and statist orientations, I believe either orientation is filled with tremendous flaws that should cause us to be willing to embrace some tensions rather than placating our perspective with consistency. Ultimately, a more balanced approach will endure criticism from both sides. As argued more fully in the following chapter, communitarianism is a third approach that seeks to honor both individuals and communities. The classical just war tradition also has many thinkers who attempt to honor both communities and the individuals involved without either side swallowing the other. Providing a just war approach without serious reflection on individuals or their communities is fundamentally flawed. Issues of war and political life are manifestly communal issues, but revisionists are correct that we must not neglect the individuals who compose those spheres. Communities are composed of individuals, but individuals have a significant connection to the communities of which they are a part. Communities play an indispensable part in the formation of individuals, which should also play a part in our moral reflection.

McMahan and Fabre strongly react against a statist orientation due to its prevalence in history and potential for abuse. This is a quite understandable reaction, but one that overacts to the problem. A form of individualism cooperating with a community interdependently is not theoretically incompatible. McMahan and Fabre are correct in certain aspects of their individualism. They are correct in emphasizing the importance of individuals, their human rights, and the obligations of political authorities to care for their citizens. Yet, their individualism

divorces humans from the communities in which they have developed and find part of their human identity. Danielle Sered argues, “We identify as part of our families, our neighborhoods, our cities, our countries, our faiths, our races, our genders, our political affiliations, our organizations, our communities, our histories, our ancestors. We are who we are because of those to whom we are connected.”⁵⁰⁴ McMahan’s individualism, however, ignores the myriad ways in which humans are connected and shaped by their communities. McMahan’s approach also suggests that individuals are atomistic rather than interdependent. An individualistic construction seems biologically, philosophically, and politically inaccurate.

Moral or Pragmatic Approach to War:

Another false dilemma suggested by McMahan and Fabre is the choice between a moral or pragmatic approach to war. McMahan argues that traditional just war theory and international law have become morally compromised by virtue of emphasizing the pragmatic goals of limiting war and its effects. In contrast, he offers a deeper moral corrective that is built around moral norms of justified violence rather than pragmatic or contextual concerns. Thus, revisionist theory is willing to dispense with an absolute prohibition on non-combatant immunity because a civilian could be morally culpable and thus liable. Readers are left with a sense of having to choose between moral consistency with counterintuitive conclusions or a moral selectiveness that is arbitrary or consequentialist in nature. Fabre, on the other hand, is willing to present her approach as a hybrid of deontological and utilitarian theories. This is a rather odd articulation of her attempt to affirm certain moral absolutes while also being willing to consider circumstances that influence the application of moral norms. While Fabre affirms a rather strict construction of the justified use of violence, she is willing to allow justified rebels fighting in an asymmetrical war (i.e. morality, resources, combatants, etc.) the use of otherwise prohibited tactics. In other

words, while she claims that proportionality and necessity are of equal merit to the criterion of just cause, she seemingly elevates just cause in certain cases where the likelihood of success is in jeopardy. While I see this example as falling to meet her own standards as described elsewhere, she depicts the use of asymmetrical tactics as morally justified under the circumstances and therefore not violating moral norms. Similarly, when revisionists offer their controversial conclusions (i.e. rejection of non-combatant immunity, justified use of human shields, subsidiary wars, use of mercenaries, etc.) which are seemingly at odds with widespread moral assessments, they present such claims as morally justified. Therefore, pragmatic and prudential concerns are not given credence in their theoretical construction. In contrast, Johnson depicts just war theory not as strict absolute moral principles, but as providing intertwined moral norms, prudential wisdom, and pragmatic guidance for political leaders to protect their community.

Related to this false dilemma, McMahan proposes that just war criteria are either constructed on absolute moral standards that were “discovered” or are “just a set of conventions.”⁵⁰⁵ Even in suggesting the term “discovered,” McMahan offers a hint at the historical process of evaluating moral norms as argued by Johnson. This admission suggests that we are better served in returning to the historical formation of just war criteria rather than assuming certain moral norms as found in revisionist approaches. McMahan assumes rather than defends his criteria of justified force and its applicability to war. In contrast, Johnson’s method provides us with the historical background and rationale for such criteria. In returning to the past, we see that just war criteria have merit for present-day usage. In returning to the historical formation of just war theory, we can see that these criteria are not just “conventions” or isolated “moral absolutes,” but that these moral norms can be applied with prudence and practicality aimed at protecting the common good of communities.

Individualistic Human Rights:

Revisionists are correct in vying for the importance of individuals and their rights. I do not contest the motives behind such an approach. We are aware of the tragic abuse of authority in all spheres of life throughout history. The 1948 construction of *The Universal Declaration of Human Rights (UDHR)* occurred as a multilateral response to the horrific abuses of power evident in World War II.⁵⁰⁶ Central to this document is the claim that “the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”⁵⁰⁷ The document was crafted to combat the way that some political communities attempted to create different rights for different members of their society. In other words, rights could be conditioned upon a variety of factors (race, gender, sexuality, religion, political identity, etc.) and therefore denied to those who fell outside such arbitrary standards. This document, however, argued that every human person by virtue of being human has certain inviolable rights regardless of political recognition or the attempt of others to limit them in some manner. I affirm this human rights statement and still believe it is a foundational base on which to understand and articulate human rights.⁵⁰⁸ The document responded to the abuse of political authorities and the attempt to abridge certain rights. It is also important to note, however, that the *UDHR*'s articulation of human rights are understood in terms of an individual's relation to their communities. Sumner Twiss states,

The deep normative basis for these developments and expansions is the recognition that duties and responsibilities of various agents are implicit in human rights and are key to the latter's guarantee and advancement. This mode of implication or derivation was clearly set out in the Universal Declaration of Human Rights (UDHR)'s article 29, which stated in part that “Everyone has duties to the community in which alone the free and full development of his personality is possible.”⁵⁰⁹

Therefore, while human rights are not limited to geographical location or political affiliation, our community life is an important aspect of why such rights exist and need articulation. In other

words, human rights are not dependent upon structural recognition, but the recognition of human rights makes little sense outside of life in a community. Human rights are the attempt to protect and provide for every individual from improper infringement of other individuals or structures. Human rights are not simply about the preservation of individual liberty, but also how humans can flourish together. Thus, an individualistic rendition of human rights misses a central component of the purpose of human rights. I argue that political situatedness is an inevitable and important aspect of humanity and cannot be divorced from human rights as suggested in revisionist theory. Human rights help us to live well within a community. The preamble states:

Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.⁵¹⁰

The individual and communal nature of human rights are clearly evident in this statement. The *UDHR* does not protect us from political community, but rather from the abuse of such. The *UDHR* protects and guarantees all individuals certain rights to which all communities are responsible to honor. I contend that the type of rights depicted in revisionist theory is individualistic and atomistic. In revisionist efforts to highly prize the individual, it loses sight of our communal situatedness. As revisionists have stripped just war theory from its political nature, so too have they stripped human rights of their political-communal nature. Once again, one does not have to choose between an individualistic or communal structure. Therefore, I argue that an understanding of human rights as displayed in the *UDHR* is based on an interdependent understanding of human life rather than an individualistic one.

The individualistic vision offered by revisionists also does not match human reality. Humans are invariably and inevitably situated in some type of community. At times, revisionists describe reality as if humans are only responsible for the individual self. At other times, however, there is a strong sense of duty to others (i.e. establishing universal minimally decent conditions). I argue that revisionists continually oscillate between individualism and some acknowledgment of communal life, which makes their individualistic approach collapse upon itself. Ironically, revisionists' solutions are communal in nature. McMahan argues for the establishment of an impartial court to determine whether a nation's war efforts be considered just or unjust. Fabre, on the other hand, argues that some communal consent is required before a justified individual can go to war. Rather than inconsistently oscillating between the value and pitfalls of political life, I argue that we are better off with a form of communitarian interdependency in which individuals are acknowledged as unique and important while also recognizing individuals' communal nature and common dependency.

Further, I argue that McMahan's understanding of individual rights is reminiscent of a natural rights framework found in the Enlightenment period. The problem is, however, that McMahan assumes rather than explains or defends his understanding of individual rights. Without historical reference or philosophical defense, his undefined and assumed validity of individual rights creates a conceptual difficulty. Why should we prefer his undefended moral vision against any other? His "deep morality" is based on clearly perceived moral principles without any explicit reflection on this process or what principles he has in mind. As a philosopher, McMahan is quite clear and precise in providing definitions throughout his work. The problem, however, is that his exact moral principles outside the priority of the individual are unclear. While he attempts to focus exclusively on moral principles, the exact principles he

utilizes are far from clear. What does seem clear, however, is the principle of individualism from which he frames his revisionist approach.

Reductive and Instrumentalized Political Life:

Given that revisionists' political foundation is built around an individualistic interpretation of human rights and an atomistic appraisal of human life, it should not be surprising that political life is reduced and instrumentalized to the material benefits it can offer individuals. Revisionist theory is reductive in two senses. It is reductive in that it makes the individual the foundation of human life and concern (i.e. Fabre's cosmopolitanism). It is reductive in that political life is reduced to the goods and services that a government can and should provide (i.e. minimally decent conditions). In other words, political communities are only materially valuable. There is no intrinsic worth beyond its provision for individuals. Fabre argues that a government is ethically required to honor the "principle of fundamental equality" by "non-interference" for liberties and providing resources for decent living conditions.⁵¹¹ Therefore, political life is reduced to a context of non-interference for liberties and material provisions for its citizens without a larger conception of community or the intrinsic goods which political life offers. There is no larger vision of a community outside the provisions of the individual. While I agree that governments should provide a context for a wide range of liberties and material resources for its citizens, I argue that this is not the only value of political community. As described in the following chapter, communitarianism offers a vision of human flourishing that acknowledges the necessity of basic goods but also describes flourishing in immaterial terms. Political life creates a context for cultivating intrapersonal and interpersonal goods via emotional, educational, and psychological avenues for the establishment of order, justice, and peace within community life.

The Dissolution of Community:

Given the reductive way in which revisionists describe political life as materialistic and transactional, it should come as no surprise that their discussion of political tyranny leads to a dissolution of a community. When a community's political leaders become tyrannical or grossly negligent, Fabre advocates that the individual right to war reverts to the people. As a tyrannical government has violated its side of the social contract, it results in its citizens being freed from their obligations thus resulting in a context of unbound individuals. I suggest this model of dissolution promotes an understanding of citizenry that is atomistic rather than communal. In contrast, my communitarian perspective displayed in chapter 4 argues that a community's cohesion and solidarity is not based on particular political leaders' actions or maintaining the social contract. When violations occur, citizens can restore the community to proper order without its dissolution. In other words, citizens and their political communities have a deeper relationship than a transactional model. Abusive political leaders violate a community, but they cannot dissolve it as such. There is a deeper sense of community in that citizens' commitment to each other and the established order goes beyond any one person or abusive conditions that may occur. The pursuit and protection of the common good means something deeper than just the organizational functions or materialistic benefits that are offered.

Rejection of Special Relationships:

Revisionists' attempt to reduce the importance of political life is also found in Fabre's rejection of political life as a morally relevant special relationship. One of Fabre's central claims is that all individuals should receive universal aid to establish "minimally decent conditions." What is interesting, however, is her moral disapproval of special relationships. I argue that special relationships via family, local, religious, state, national, and charitable communities can

better aid the establishment of universal flourishing. In concurrence with Fabre, I support the aim of establishing human flourishing for all, but I disagree with her deemphasis of political structure in accomplishing such goals. Pragmatically, we are better off seeking to send relief through our special relationships rather than around it. Political structure offers the largest structure to contain sub-communities who can help to meet such needs. In other words, political structures provide and protect sub-communities by offering order, justice, and peace which would not be possible without it. Further, political communities do have a special obligation to provide for its citizens. Rather than first seeking to establish universal relief as presented by Fabre, I argue for a concentric understanding of human relief in which provisions are focused on local levels before moving outwards. As local communities are aided, surplus aid can be given to wider spheres (local, statewide, national, and international). We cannot adequately care for those far away without caring for those who are most immediate to us. By emphasizing special relationships and our duties to aid them, we can make a better-concerted effort to bring universal aid. This idea of concentric multilateral effort working from the smallest to largest is based on the concepts of community and interdependency. The goal is for all humans to flourish. If larger communities are de-emphasized, this seemingly undercuts the goal of universal aid. Thus, special relationships (particularly political structure) can serve a very useful purpose in aiding local and universal human flourishing.

Universalism:

Fabre's political orientation is founded upon a paradox. She argues for a form of uniformity (i.e. universalism, cosmopolitanism) while also heightening a conception of individualism. She defends an overarching human essentialism while also emphasizing a form of individualism to the exclusion of acknowledging the foundational role that political communities

play in human formation. Fabre oscillates between an apoliticism and an affirmation of the right of political formation and territorial protection. Fabre's universalism could also be critiqued for the way it potentially undercuts particular and diverse understandings of communities. There is nothing wrong with emphasizing ideas such as individualism, equality, universalism. Yet, her cosmopolitanism need not imply a lack of care or concern for particular communities. Her vision could potentially establish an authoritarian vision at an even larger scale than statewide tyranny. In contrast, I argue for certain human unity in flourishing but directed through our interdependent communal life and formation.

Accountability:

One of the central aspects of McMahan's and Fabre's argument concerns the issue of moral accountability. Who is morally accountable for the acts of war? McMahan and Fabre provide a clear answer to this question: Any person (political leader, combatant, civilian, etc.) who substantially and unjustly contributes to an unjust war. But an assumption behind this claim is left unaddressed. To whom are individuals held accountable to? The classical just war tradition left individual accountability to God whereas revisionists make clear-cut judgments about such matters.⁵¹² The grounding of McMahan's and Fabre's own understanding of accountability is far less clear. Presumably, McMahan and Fabre do not affirm the classical view grounded in God. To whom do unjust individuals wrong? Presumably, perpetrators wrong other individuals. I argue, that we must go farther than this. If one individual unjustly kills another individual then there can be no possibility of accountability or recompense outside the individuals' encounter. But if an individual is wronged in more than just an individualistic sense then wrongs occur outside of the victim (i.e. family, friends, local community, international, or the human race). Thus, I argue that the pursuit of accountability, justice, and recompense is fundamentally

communal. I point this out because, despite revisionists' acclaimed individualistic approach, there is a clear communal undergirding to their accountability. This occurs because individuals are indeed interdependent beings indisputably situated within interdependent communities. I further connect this idea to accountability in war. War is defined by political communities fighting other political communities. Thus, to reduce war to individual self-defense is improper in the same way that it would be improper to reduce accountability exclusively to the relationship between perpetrator and victim. Further, since revisionists advocate for a communal form of authorizing wars and holding unjust combatants accountable, I argue that this provides another example of their individualistic theory collapsing upon itself. Having thoroughly covered revisionist method and theory found in McMahan and Fabre, I will now present a case for alternative grounding for just war thinking found in Thomas Aquinas' communitarian political perspective.

CHAPTER 3

A THOMISTIC COMMUNITARIAN POLITICAL VISION

Introduction:

Throughout this dissertation, I disclose the political foundations embedded in historical and revisionist just war thinking as I argue that prior political theory significantly influences just war thinking. As displayed in the previous chapter, revisionists claim to focus exclusively on moral norms of justified violence, but I argue they are simultaneously offering a political theory centered on individuals and their rights, which deemphasizes the communal nature and importance of political life. While I concur that individuals and their rights are of utmost importance, the revisionists' political vision depicts political life in a reductive and instrumentalized fashion emphasizing the material provisions that individuals are owed in connection with their pursuit of liberty. In other words, revisionist political theory depicts individuals in atomistic fashion without any sense of connection or obligation to the communities of which individuals are a part. This results in revisionists individualizing war in terms of just war criteria and its application in war.

In contrast to revisionists' individualistic political orientation, I argue for a Thomistic communitarian political perspective, which is based on communal interdependency in the pursuit of the common good.⁵¹³ Political life has intrinsic worth as it provides a stable context of order, justice, and peace in which individuals can interdependently flourish within their community.⁵¹⁴ Political authorities serve citizens in the vital role of preserving, protecting, and cultivating the common good. With this political orientation in mind, Thomas Aquinas developed his just war thinking with the primary criterion of legitimate authority in conjunction with just cause and right intention. In this regard, legitimate authority served as the preeminent criterion which was

indispensable given the political situatedness of war. Aquinas' classical formulation of just war is foundational in understanding the historical just war tradition.⁵¹⁵ I argue that legitimate authority is an indispensable criterion for just war thinking without which just war theory is wrongly misconstrued as apolitical. Aquinas' just war thinking was based on his prior communitarian political vision, which elevated interdependency and the intrinsic worth of political life founded in the common good for the flourishing of all. Therefore, I argue that this Thomistic communitarian political vision provides a better foundation for just war thinking than the individualistic conception offered by revisionists.⁵¹⁶ As a preliminary note, I do not argue that this is an exclusive or exhaustive political vision, but a political theory that more accurately represents the intertwined nature of individuals and their communities. This approach also provides a more adequate understanding of the purpose and implementation of just war theory as connected to the historical just war tradition's origin and development.

Historical Background of Augustine's and Aquinas' Political Theory:

Thomas Aquinas (1225-1274 CE) is one of the most important and influential Roman Catholic theologians and philosophers.⁵¹⁷ Despite the enduring presence and the modern renditions which have resulted, Aquinas' political theory has been undervalued in comparison to his philosophy and theology. Aquinas' political vision can be understood as a synthesis of Aristotle's (c.384-322 BCE) and Augustine's (354-430 CE) political theory.⁵¹⁸ Before discussing Aquinas' political theory and his subsequent just war thinking, I provide a brief historical account of Aquinas' connection to Augustine. Augustine provided one of the earliest formulations of Christian political theory from which he developed his just war thinking. On most issues, Aquinas heartily concurred with Augustine, which is evident in the abundance of explicit references endorsing his views. Due to the reverence given to Augustine, Aquinas'

divergence from Augustine is difficult to locate. Therefore, a background understanding of Augustine's political theory helps to display where Aquinas' perspective diverged. Further, describing Augustine's political vision helps to provide a foundational understanding of classical just war theory. In contrast to Augustine, Aquinas emphasized the positive role that political life plays in human flourishing. This resulted in Aquinas developing Augustine's just war thinking to allow for the permissibility of armed rebellion (discussed in chapter 4). As Augustine is considered the father of just war theory, this comparison provides the added benefit of displaying Aquinas' unique contribution to just war thinking, which also protects the just war tradition from contemporary accusations of enabling political tyranny.⁵¹⁹ This comparison will be further developed in the following chapter in which Aquinas' response to political tyranny is juxtaposed to Augustine's.

Augustine's Background:

Augustine was a trained rhetorician before converting to Christianity.⁵²⁰ After his conversion, he served as a priest before becoming the Bishop of Hippo during the decline of the Roman Empire (395-430 CE). Augustine's tremendous theological, ethical, and political impact on the Christian tradition is nearly impossible to exaggerate.⁵²¹ He was one of the first Christian thinkers to provide an in-depth theo-political analysis of Christianity intertwining with the political realm as Christianity became the Roman Empire's official state religion. Augustine's theological work was unique in that it did not focus exclusively on theological issues but interacted with practical issues in the political realm. Despite some apolitical Christian trends, Augustine helped to articulate how Christians could faithfully serve in the political realm. In many ways, Augustine is the starting point for discussing substantive Christian political theory as well as the formation of just war thinking.⁵²²

Augustine's Political Theology:

Augustine's political views were significantly influenced by four theological concepts: original sin, predestination, divine providence, and the city of God. These four theological doctrines directly shape his understanding of history, government, rulers, citizens, war, etc. Original sin is the doctrine that all humans inherit a sinful disposition as a result of Adam and Eve's first act of disobedience against God.⁵²³ The sinful condition was universal, inevitable, total, and enslaving.⁵²⁴ Predestination is the doctrine that God has ordained some people to salvation and left others to damnation before the creation of the world.⁵²⁵ Divine providence is the doctrine that God is active in history to ultimately accomplish his purposes. The city of God was the *telos* of God's providence. Redeemed humanity would dwell eternally in the city of God, which is characterized by its perfection and completeness.⁵²⁶ The "city of man" was the antithesis of this vision, which is characterized by imperfection, sin, and selfishness. Due to the inevitability and totality of sin, Augustine believed that the political realm was inherently flawed and thus its worth was limited.

A political community was defined as "an assemblage of reasonable beings bound together by a common agreement as to the objects of their love."⁵²⁷ In Augustine's interpretation, political life (i.e. the structure of government) was not part of God's original design for humanity but created as a result of humanity's sinfulness. The tension of communal life was found in the fact that humans could not live isolated lives, but because of sin, they could not live peacefully together without structures of restraint and punishment.⁵²⁸ Therefore, the structure of government was established to provide the social stability of order, justice, and peace. It was a necessary structure for sinful humanity as it created boundaries to stop the pervasiveness and perversity of sin.⁵²⁹ Therefore, Augustine's theory of government was primarily concerned with restraining

the escalating desires of sin so that humans could live together without the threat of destruction (i.e. internal and external threats).⁵³⁰

Governments primarily served a negative role rather than a positive one. In other words, the government's primary role was to *restrict* sinful vices that threaten the community rather than to *cultivate* virtues among its citizens as found in Aquinas' theory.⁵³¹ Anarchy was the arch fear and the antithesis of political life as it led to communal chaos. Therefore, political authorities were established to institute laws, adjudicate justice, and to protect the community from threats (internal and external) paralleling the community's goals of order, justice, and peace. Citizens were expected to be compliant with their authorities. To preserve the political order, political authorities maintained an exclusive right to armed force.⁵³² Armed force could be used internally (judicially) and externally (warfare) as the means to preserve the divinely instituted order.

Augustine affirmed an unconditional understanding of political sovereignty. Based on his interpretation of Romans 13, Augustine believed that God appointed *every* ruler for divine purposes. Therefore, any political resistance equated to resisting God.⁵³³ Augustine did not argue that all rulers were morally good, but that they were solely responsible to God.⁵³⁴ Therefore, it was better to suffer harm from a tyrannical ruler than resist God's divine purposes, which was an attack on the divinely established means of human order. His anarchical anxiety played a partial role in prompting this restrictive policy. Despite the seemingly chaotic series of events and evil that occurs in history, God is providentially bringing about redemptive purposes. Therefore, all individuals should focus on faithfulness to God rather than attempting to control their own destiny. Focusing too much on the injustice of political rule misplaced proper Christian

orientation. The city of man was inevitably flawed and limited, but the city of God would be eternally and perfectly established by God.

While Augustine aimed to inculcate faithful Christian living in all spheres (including the political realm), he emphasized the ultimate importance of the city of God over the city of man. Christians who served in political roles should faithfully fulfill their role while other Christians should remain submissive to their leaders. Both were called upon to focus their primary attention on the coming city of God rather than the city of man. Thus, Augustine encouraged Christians to be citizens *par excellence*. Any repudiation of Christians should be based on their impeccable Christian faith rather than any hint of political subversion.

Aquinas' Political Theology:

While the medieval context of Aquinas was vastly different from Augustine's Roman one, they both faced a similar issue in deciphering how to live faithfully in the interface of the religious and political spheres. Aquinas affirmed the four main theological aspects of Augustine's political theology but reappropriated them to better fit his own theological and political understanding. Aquinas affirmed original sin but did not emphasize the same level of depravity.⁵³⁵ Augustine's theory left humanity utterly depraved and enslaved to sin whereas Aquinas affirmed the negative effects of sin, but did not believe the human person had been defaced to the same extent.⁵³⁶ For example, human reason was not as adversely affected by sin as our other faculties. Aquinas also affirmed divine predestination and providence but provided a more philosophically sophisticated approach to these issues that avoided the pitfalls of determinism.⁵³⁷ For example, Augustine's theory tended more towards theological determinism whereas Aquinas highlighted human responsibility to a higher degree. This is shown in their

respective views of God's establishment of political authorities and citizens responding to political tyranny (further discussed in chapter 4).

Similar to Augustine, Aquinas also affirmed the importance of the heavenly realm by suggesting that union with God—the Beatific vision—was the ultimate telos of humanity. While Augustine and Aquinas affirmed that proper relational orientation to God was the ultimate end, they interpreted the value of political life in a significantly different way. Augustine depicted individuals as enduring the temporal realm in hopes of true life in the city of God whereas Aquinas depicted the positive role of the temporal realm in cultivating virtues in preparation for communion with God. Aquinas also affirmed the positive obligations that a government had in the cultivation of virtues for its citizens. This stands in stark contrast to Augustine's understanding of government as merely preserving communal life from the destructiveness of sin. Augustine believed God instituted government as a result of human sinfulness whereas Aquinas believed that political life was foundational to God's purposes for human cultivation and flourishing.⁵³⁸

Aquinas affirmed the government's role in restraining sin but further depicted government as actually cultivating a type of community beyond the goal of self-preservation. Aquinas states,

But it seems that the end for which a community is brought together is to live according to virtue; for men come together so that they may live well in a way that would not be possible for each of them living singly. For the good is life according to virtue, and so the end of human association is a virtuous life.⁵³⁹

Therefore, political life was not exclusively about restraint, but also about providing a context for interdependent human flourishing. While Aquinas affirmed Augustine's notion that only God could infuse theological virtues, Aquinas elevated the importance of civic virtues contrasting Augustine's insistence that all non-infused virtues were inauthentic.⁵⁴⁰ Aquinas was by no means

solely interested in cultivating civic virtues but saw this as part of the process of human cultivation towards God. Therefore, Aquinas was able to provide a sense of importance for the temporal realm while never losing sight of the Beatific vision.⁵⁴¹

Components of a Thomistic Communitarian Political Vision:

Having described the general background of Aquinas' political theory, I will now describe the components of a Thomistic communitarian perspective in further detail. A Thomistic understanding of the purpose of political life is the communal pursuit of the common good built around a virtuous conception of reciprocal rights and duties, which leads to interdependent human flourishing. Citizens are given a significant role in determining their political construction while also entrusting their leaders to faithfully fulfill their duties. Political leaders are entrusted to serve the community by providing, preserving, cultivating, and protecting the common good. The pursuit and establishment of justice also provide relational flourishing between individuals. Therefore, laws are established to help protect the community and inculcate virtues that lead to individual and communal flourishing.

The Common Good:

John Finnis states, "Love of neighbor as oneself requires one to live in political community with others. For the wellbeing and right(s) of all or almost all of us are dependent upon there being in place institutions of government and law of the relatively comprehensive kind we call 'political' and 'state.'"⁵⁴² Therefore, the common good of the political community is the order, justice, and peace, which establishes interdependent flourishing of individuals and communities as they holistically live in connection with each other.⁵⁴³ Aquinas states, "For since one man is a part of the community, each man belongs to the community in everything that he has and is, just as each part belongs to the whole in everything that it is."⁵⁴⁴ Therefore,

individuals are indispensably a part of their community and as such part of individuals' personal identity and aims are formed in connection with their community's identity and aims. Finns describes this construction in the following way:

A wills B's wellbeing for B's sake, while B wills A's wellbeing for A's sake, and each therefore has reason to will his or her own wellbeing for the other's sake, with the result that neither envisages his or her own wellbeing as the source (the object) of the friendship's value, and each has in view a truly *common* good, not reducible to the good of either taken separately or merely summed.⁵⁴⁵

Therefore, individuals are not seeking the pursuit of personal liberty but using their liberty to aid the virtuous cultivation of all things (i.e. other individuals, communities, structures, culture, the earth, etc.)

Interdependency:

Interdependency is the leveraging of individuals' skills in a coordinated effort with other individuals for the cultivation of all in the context of a community. In this conception, individuals are recognized as distinct and unique persons who are deeply interconnected and reliant on other individuals who compose their communities. Given this interdependent construction, individuals cultivate and leverage their skills to support other individuals while simultaneously contributing towards a greater whole (i.e. the common good). Aquinas adds, "But it is not possible for one man to apprehend all such things by reason. It is therefore necessary for man to live in a community, so that each man may devote his reason to some particular branch of learning: one to medicine, another to something else, another to something else again."⁵⁴⁶ In other words, a community enables individuals to pursue knowledge and cultivate personal skills for the greater flourishing of all.⁵⁴⁷ Awareness of human interdependency creates gratitude for those who have graciously sacrificed for our well-being while also acknowledging that we have a duty to create future opportunities to help those outside of ourselves. Individual growth is coterminous with relying on and helping others to flourish. An isolated and self-oriented pursuit

of individual liberty stunts the growth of the person and the community of which they are a part. Human flourishing occurs best in the context of the communal pursuit of the common good. This means that individuals' well-being is deeply intertwined with the well-being of their community.

Aquinas highlighted the unique nature of human interdependency in contrast to other animal life forms. Many animals have a lower dependency as certain innate provisions allow them to live independently in a quicker manner. Aquinas states, "One man, however, is not able to equip himself with all these things, for one man cannot live a self-sufficient life. It is therefore natural for man to live in fellowship with many others."⁵⁴⁸ While humans are distinct from other animals in their ability to reason, they still cannot survive without aid from other humans.⁵⁴⁹ Humans are born utterly dependent and remain so for an extended period. If humans live long enough, they return to a state of dependency that requires others to care for them. Therefore, human life could be described in the following cyclical pattern: dependence-independence-dependence. Aquinas states, "But men, because they are mortal, do not endure perpetually; nor, while they are alive, do they always have the same degree of vigour, for human life is subject to many changes, and men are not equally capable of fulfilling the same duties throughout the whole of life."⁵⁵⁰ Further, Aquinas argues that mortality is detrimental to the permanence of the common good.⁵⁵¹ This creates an interesting point of individuals' unique ability to act in complex independent ways while also requiring certain levels of interdependency for multigenerational survival. Concerning this, a communitarian model adjusts the cyclical nature of dependency by adding an additional element: dependence-independence-interdependence-dependence. In this way, humans are trained to positively care for themselves in an independent fashion while also learning how to use that independence to care for others. Therefore, interdependence is a mutual giving and receiving of aid in relation to one's community.

The communitarian model does not exclusively aim for independent sufficiency but develops independence for the common good. This interdependent model naturally lends itself to caring for those who are dependent. As one has been the beneficiary of aid (i.e. infancy, childhood), in time one can help aid other vulnerable members who are in a stage of dependency (elders, infirmed, intellectually disabled, etc.). In a self-oriented and individualistic model, caring for dependents may be viewed as restrictive, draining, or an act of charity. In a communitarian model, part of interdependence recognizes those who have contributed to our dependency in the past and our duty to care for them in their stage of dependency. Therefore, interdependency recognizes individuals and communities as working in tandem to cultivate flourishing for all. Therefore, all individuals have received previous aids as dependents and can presently give back to those in need. Furthermore, even in one's independence, it is unlikely that one is truly independent in an isolated sense. Even if an individual were to mature to independence and spurn community, it would only have been as a result of others caring for him at an earlier stage and equipping him with certain knowledge and abilities for self-preservation.

Virtue:

Political life is intrinsically valuable in that life in a community goes beyond material provisions. Political life provides a context for physical, emotional, psychological, and relational structures, which impact the formation of individuals' identity. Virtue is a vital component of such a structure.⁵⁵² While a government should supply material aid, it should also seek to inculcate virtue among its citizens. The cultivation of virtue properly orients individuals and communities to an interdependent understanding of reciprocal rights and duties that lead to flourishing together.⁵⁵³ Virtues are not defined by individual moral acts, but a habitual state of being (i.e. character) that leads to the cultivation of the self.⁵⁵⁴ As an individual is self-cultivated,

it overflows in acts that are beneficial for those in the community. In other words, virtue contains self and other-regarding components. To focus exclusively on either component would strip virtue of its intertwined nature. Similarly, it is harmful to think of political life exclusively in terms of individuals or as a comprehensive structure.

Aquinas depicted government as having an essential role in virtuous education since the pursuit of virtue was communal in nature.⁵⁵⁵ He states,

If the end of man were some good existing only in himself, therefore, the final end of government would similarly be to acquire and preserve that good for the whole community. Thus if that ultimate end, whether of one man or of a community, were the life and health of the body, the physicians would have the duty of governing. And if the final end were abundant wealth, the steward would be king of the community. And if the good were that the community might achieve knowledge of the truth, the king would have the duty of a teacher. But it seems that the end for which a community is brought together is to live according to virtue; for men come together so that they may live well in a way that would not be possible for each of them living singly. For the good is life according to virtue, and so the end of human association is a virtuous life.⁵⁵⁶

Therefore, a government can beneficially contribute to human flourishing by inculcating virtue among its citizens. Aquinas argues that the inculcation of virtue can be best accomplished through political structures given its wide range of abilities. Independent instructors can seek to cultivate virtue in others, but it is limited to whether those individual students choose to heed it or not. The government, however, has coercive power to enact laws, which can lead to the possibility of individuals learning what is virtuous on a massive scale.⁵⁵⁷

Obedience to the law may be done out of fear, but it can also be performed through reason, which is the “beginning of virtue.”⁵⁵⁸ Some humans learn virtue through “admonition”, whereas others must be “coerced.”⁵⁵⁹ Aquinas states,

Now for those young people who are inclined to acts of virtue by a good natural disposition, or by custom, or rather by Divine gift, paternal discipline, which is administered through admonitions, suffices. But because some are found who are headstrong and prone to vice, and who cannot easily be moved by words, it was necessary for these to be restrained from evil by force or fear, so that they might at any rate desist from evil-doing and leave others in peace, and that they themselves, by having

habits formed in them in this way, might be brought to do willingly what formerly they did from fear, and so be made into virtuous men. And this kind of discipline, which compels through fear of punishment, is the discipline of the laws. Hence it was necessary for the sake of peace and virtue for laws to be established.⁵⁶⁰

Therefore, Aquinas argued that laws not meant to be purely coercive or restrictive, but instructive. Aquinas concurs with Aristotle that laws are intended to help educate and cultivate people toward the good.⁵⁶¹ Aquinas states, “And since law is given for the purpose of directing human acts, then, in so far as human acts conduce to virtue, law to that extent makes men good. Hence the Philosopher says in the Ethics that ‘legislators make men good by habituating them to good works.’”⁵⁶² This is counter to the Augustinian perspective that depicts laws as primarily designed to restrain, protect, and punish. Aquinas affirmed these elements while also acknowledging the instructive role that law plays.⁵⁶³ Therefore, laws instituted by governments can provide a wider range of virtue education to support or supplement the efforts of other communities (i.e. families, religions, schools, etc.)

Virtue guides individuals to develop discipline, moderation, and consideration of others in contrast to uninhibited liberty. These three habits have individual and communal benefits. Aquinas states, “There is present in mankind a kind of natural aptitude for virtue, as is shown by what has been said above: but some kind of discipline is necessary if that virtue is to reach perfection in a man.”⁵⁶⁴ While it may seem restricting, virtue leads to a different kind of freedom.⁵⁶⁵ It is one of quality rather than quantity. In regards to the virtue of moderation, Aquinas states,

But too much in the way of pleasantness leads men to enjoy delights to excess, and this is harmful to cities in many ways. Thus, delights should be enjoyed in moderation, primarily because men devoted to delights become dull in their senses. Pleasure immerses their souls in sensations, so that they cannot exercise free judgment with respect to delightful things... excessive pleasures cause one to fall away from honest virtue; for nothing leads more readily than pleasure to an immoderate increase by which the mean of virtue is corrupted. This is partly because it is the nature of pleasure to induce greed, so that one who has taken moderate pleasure is precipitated into the

blandishments of disgraceful delights in the way that dry wood is kindled by a small flame. Partly also it is because pleasure does not satisfy the appetite; on the contrary, a pleasure once tasted produces a thirst for more. Hence it pertains to the office of virtue to see to it that men abstain from excessive pleasures, for by shunning excess one arrives more easily at the mean of virtue.⁵⁶⁶

Therefore, overindulgence in pleasure leads to a variety of vices: excess, greed, insatiable desires, harm to community interests, dulling of reason, enslavement to sensual desires, distraction from honest virtue, and an inability to face hardship, labor, or danger.⁵⁶⁷ In regard to the communal danger of overindulgence, Aquinas states,

Those who are unrestrained in their enjoyment of delights eventually become slothful and, neglecting necessary studies and their proper business, care only for the pursuit of pleasure, in the course of which they lavishly dissipate what others have previously gathered. Then, reduced to the condition of paupers, and because they cannot bear to be without their accustomed delights, they become thieves and robbers in order to have the means of satisfying their longing. It is, therefore, harmful for a city to abound in excessive delights, whether these arise from the disposition of the place or from some other causes. Moderate pleasure, therefore, is appropriate to human association, as a kind of spice whereby the human spirit may be restored.⁵⁶⁸

Therefore, the virtues of discipline and moderation contribute to an other-regarding orientation that is necessary for communal flourishing.⁵⁶⁹ This is in stark contrast to the pursuit of individual liberties without reference to a communal context. Therefore, individual rights must always be situated within a relational context as rights are strongly associated with our duties towards others. Liberty is an important concept, but one that must always be tempered by virtue and the common good.

Thomism and Human Rights (interlude):

Alasdair MacIntyre:

Concerning Thomism's compatibility with individual human rights, some prominent Thomists such as Alasdair MacIntyre (1929-) have influentially suggested that Thomism is not compatible with human rights.⁵⁷⁰ While McIntyre does not provide a substantial account for denying human rights, four of his emphases influenced the trajectory of his followers in

solidifying and expanding his account: the Enlightenment's creation of human rights, human rights as disguised human desires, the rejection of self-evident claims, and the lack of philosophical grounding in the *UDHR* to make human rights conceptually convincing.⁵⁷¹

MacIntyre argues that the Enlightenment enshrined a secular morality centered on the individual without any moral justification. He worries that human rights are a linguistic disguise for human desires as rights are built around the assumption of "self-evident truths," which our intuitions can access.⁵⁷² Further, MacIntyre denies that there is any such thing as self-evident truths. He argues that human rights should not be assumed, but require "justification."⁵⁷³ The *UDHR* is described as creating a "normal UN practice of not giving good reasons for *any* assertions."⁵⁷⁴ The western world has embraced this emphasis on individual rights without realizing what was lost in such assumptions. As the Enlightenment emphasized the concept of individual rights, the notion of duty and community fell by the wayside. Further, MacIntyre questions the merit of human rights as no ancient expression existed before the Enlightenment.⁵⁷⁵ In response, MacIntyre argues in favor of an Aristotelian model based on reciprocal duties in a communal context. He argues that while legal rights exist, no universal human rights do. Therefore, human rights are declared to be "fictions" based on "utility."⁵⁷⁶

Jacques Maritain:

In contrast to MacIntyre's denial, Jacques Maritain (1882-1973) was a prominent Thomist who helped to influence others to integrate human rights with Thomism. Maritain was also influential in the drafting and promulgation of the *UDHR*. Despite his Catholic background, Maritain argued that the *UDHR* should be crafted without religious appeals for pluralistic agreement. He wanted a document that could affirm a common morality for religious and non-religious people. Even though there were no explicit religious appeals, Maritain argued that the

UDHR was based on a moral realist framework in which moral absolutes informed inviolable human rights. His articulation also helped to support and illuminate an understanding of reciprocal rights and duties. Maritain argued that human rights were compatible with Thomism given the concepts of the common good, personalism, and natural law.

The Common Good:

Aquinas' understanding of the common good was based on humans being fundamentally social creatures who find their highest fulfillment through association with a political community.⁵⁷⁷ Political communities also help to cultivate certain virtues and goods for their citizens.⁵⁷⁸ Maritain describes this political construction in the following way:

the common good of the body politic demands a network of authority and power in political society, and therefore a special agency endowed with uppermost power, for the sake of justice and law. The State is that uppermost political agency. But the State is neither a whole nor a subject of right, or a person. It is a part of the body politic, and, as such, inferior to the body politic as a whole, subordinate to it, and at the service of its common good. The common good of the political society is the final aim of the State, and comes before the immediate aim of the State, which is the maintenance of the public order. The State has a primary duty concerning justice, which should be exercised only in the manner of an ultimate supervision in a body politic basically just in its inner structures. Finally, the body politic must control the State, which however contains the functions of government within its own fabric.⁵⁷⁹

Therefore, the common good is the telos of political life. Political life requires leaders who will establish order, justice, and peace. Political leaders cannot place personal priorities above the community. Therefore, a political system that oscillates between leaders, citizens, and the common good in a holistic fashion is the ideal form of political life. Political life is not focused primarily on individual goods but seeks to bring out the good for the whole. Maritain defines the interdependent common good in the following way:

The common good of society is neither a mere collection of private goods, nor the good proper to a whole, which (as in the case of the species with regard to its individual members, or the hive with regard to the bees) draws the parts to itself alone, and sacrifices these parts to itself. It is the good human life of the multitude, of a multitude of persons... The common good of society is their communion in the good life; it is

therefore common to the whole and to the parts, to the parts, which are in themselves wholes, since the very notion of person means totality; it is common to the whole and to the parts, over which it flows back and which must all benefit from it.⁵⁸⁰

Therefore, the common good aims at a reciprocal relationship between citizens and the community, which enables both to flourish.

The common good is also a political orientation that cultivates citizens, civilization, and culture.⁵⁸¹ Justice, solidarity, and equality are “essential foundations” for the common good. Maritain describes three key functions of the common good: redistribution, authority, and morality.⁵⁸² Redistribution guarantees that substantial goods (material and non-material) are provided for all citizens.⁵⁸³ Resources cannot be hoarded by either political leaders or the elite. The common good is also described as the “foundation of authority.”⁵⁸⁴ The common good rather than political leaders are the final authority. Authorities use it to guide their leadership and as a standard of accountability. The common good also supplies an “intrinsic morality” in which the “integrity of life” of all citizens is preserved and cultivated. There are objective goods (i.e. political community, virtues, laws, etc.), which guide and develop the life of the individual and the community. Justice and law work in tandem to appeal to humanity’s reason, morality, and freedom. In this way, citizens are treated as holistic persons in a way that neither the individual nor the community is subservient to the other.⁵⁸⁵

Personalism:

To keep his perspective from sounding as if individuals are swallowed by the community’s priorities, Maritain emphasized his concept of “personalism.”⁵⁸⁶ Maritain distinguished between “individuality” and “personality.” Individuality was centered on “the primacy of the individual and the private good” whereas personalism was “centered in the dignity of the human person.”⁵⁸⁷ Human dignity ascribed every human with unique individual worth and personhood (i.e. personality). Human dignity was “anterior to society” and innately

gifted humans with capabilities of independence.⁵⁸⁸ While humans have strong independent capabilities, they are also innately communal and deeply desire the formation of relationships. Therefore, personalism aimed to emphasize the importance of individuals while also connecting it to the larger political community.

While an individual's wellbeing was not antithetical to the common good, Maritain wanted to explicitly reject what he considered to be a growing trend towards isolated individualism. Maritain argues,

The end of society, therefore, is neither the individual good nor the collection of the individual goods of each of the persons who constitute it. Such a conception would dissolve society as such to the advantage of its parts, and would amount to either a frankly anarchistic conception, or the old disguised anarchistic conception of individualistic materialism in which the whole function of the city is to safeguard the liberty of each; thus giving to the strong full freedom to oppress the weak.⁵⁸⁹

Therefore, the common good does not prevent cultivating independence but develops and equips it with the aim of helping others. Maritain states,

the political community is to procure common good of the multitude in such a manner that each concrete person, not only in a privileged class, but throughout the whole mass, may truly reach that measure of independence which is proper to civilized life and which is insured alike by the economic guarantees of work and property, political rights, civil virtues, and the cultivation of the mind.⁵⁹⁰

Therefore, Maritain's personalism was aimed at combating the twin errors of totalitarianism and isolated individualism evident in his day.⁵⁹¹

Human Nature and the Natural Law:

Maritain argued that human rights were based on human dignity via human nature. He acknowledged that this position assumed an essentialism regarding human nature.⁵⁹² Maritain states, "the human person has the right to be respected, is the subject of rights, possesses rights. There are things which are owed to man because of the very fact that he is man. The notion of right and the notion of moral obligation are correlative."⁵⁹³ Elsewhere, Maritain states,

natural law and the light of moral conscience within us do not prescribe merely things to be done and not to be done; they also recognize rights, in particular, rights linked to the very nature of man. The human person possesses rights because of the very fact that it is a person, a whole, master of itself and of its acts, and which consequently is not merely a means to an end, but an end, an end which must be treated as such.⁵⁹⁴

Therefore, human rights were innately and inviolably based on this human dignity.⁵⁹⁵

Since humans had a universal nature, all could assess the natural law through reason.

Maritain argued that the natural law was the “philosophical foundation” for human rights.⁵⁹⁶ For Maritain, this natural law could find multilateral and non-partisan agreement without needing an explicit metaphysical notion. In his own understanding, he traced the origin of natural law to Greek philosophy and the Christian tradition.⁵⁹⁷ Natural law was described as an “unwritten law” in the essence of human nature and uncovered through reason, “moral experience,” “social experience,” and “self-reflection.”⁵⁹⁸ Natural law is not created but uncovered.⁵⁹⁹ As history has progressed so has our understanding of natural law. Natural law also has an “ontological aspect” which defines an “ideal order.”⁶⁰⁰ The ontological element is “grounded on the human essence and its unchangeable structure and the intelligible necessities it involves.”⁶⁰¹ It represents an ideal order because it provides a way to understand “the suitable and the unsuitable, the proper and the improper.”⁶⁰² The natural law not only points us toward proper actions but also grounds our “fundamental rights.”⁶⁰³ Therefore, the natural law provides rights and duties for human conduct to which all are accountable.⁶⁰⁴ These rights and duties related to the communities in which individuals are situated. Therefore, political rights were based “indirectly upon natural law,” but guaranteed “three equalities” for all citizens.⁶⁰⁵ Maritain states,

political equality assur[ed] to each citizen his status, security and liberties within the State; equality of all before the law, imply[ed] an independent judiciary power which assure[d] to each one the right to call upon the law and to be restrained by it alone if it has been violated; equal admission of all citizens to public employment according to their capacity, and free access of all to the various professions, without racial or social discrimination.⁶⁰⁶

In conclusion, Maritain's conception of human rights based on a Thomistic understanding of the common good, personalism, and natural law displays the fundamental compatibility of human rights with Thomism. Therefore, I argue that Thomism is not as allergic or antithetical to human rights as suggested by McIntyre and his followers. As such, I follow Maritain's rather than MacIntyre's understanding of Thomism's relationship to human rights.

Components of a Thomistic Communitarian Political Vision (continued):

Political Polity:

A Thomistic political construction affirms a mixed political polity comprised of elements found within monarchy, aristocracy, and democracy provides the safest way to empower leaders and citizens in forming a just and flourishing society.⁶⁰⁷ Aquinas states,

Hence the best ordering of government in any city or kingdom is achieved when one man is chosen to preside over all according to virtue; when he has under him others who govern according to virtue; and when such government nonetheless belongs to all, both because all are eligible for election to it and because it is elected by all. Such a 'polity' is the best form of government inasmuch as it is a benign mixture of kingship, because there is one man who presides; of aristocracy, because it is the rule of several according to virtue; and of democracy, that is, popular power, because the rulers can be elected from the people and it belongs to the people to elect the rulers.⁶⁰⁸

While Aquinas argued that monarchy provided the best polity for political governance, he also acknowledged it opened a community to experience the worst polity (i.e. tyranny). Similar to the tyranny of one (monarchy gone wrong), he believed that democracy was the tyrannical rule of the many.⁶⁰⁹ Therefore, a mixed polity held the most potential to blend the best of monarchy, aristocracy, and democracy while protecting the community from the worst abuses of power. Monarchy provided a centralized leader who could make final decisions and serve as the main representative of the community. Aristocracy offered a plurality of leaders and those gifted with skills used in the service of others. Democracy provided a role for citizens to actively influence leaders and policies. Aquinas states, "all should have some share in the government; for an

arrangement of this kind secures the peace of the people, and all men love and defend it.”⁶¹⁰ In this structure, citizens appoint and entrust political leaders alongside standards of accountability to which the leaders could be held responsible. In an ideal construction, a government was not composed of ruler(s) and subjects, but of leader(s) and citizens. Therefore, citizens were given an active role in the process of deciding on leaders and laws.⁶¹¹ In this way, Aquinas encouraged citizens to have a significant role within their political construction while also entrusting political leaders to faithfully fulfill their duties on behalf of the community’s needs.

Political Authority:

Political leaders are entrusted to serve the community by providing, preserving, cultivating, and protecting the common good to lead citizens to a virtuous and flourishing interdependent life. Leaders accomplish this by seeking peace, restraining violence, preserving justice, and enacting laws to protect the community from internal and external threats.⁶¹²

Political authorities are also described as “dispensers” and “custodians” of the common good who establish patterns for communal survival, development, and perpetuation. Ideally, citizens should select leaders who are exemplary, virtuous, cautious, protective, and prudent. Leaders should have “outstanding virtue” and be “diligent” to protect themselves from the temptation of tyranny.⁶¹³ Political leaders are held to a higher level of accountability due to their role and responsibility as representatives of the community.⁶¹⁴

Political leaders’ central function is to establish the common good.⁶¹⁵ Aquinas states,

If, therefore, a community of free men is ordered by a ruler in such a way as to secure the common good, such rule will be right and just inasmuch as it is suitable to free men. If, however, the government is directed not towards the common good but towards the private good of the ruler, rule of this kind will be unjust and perverted.⁶¹⁶

Therefore, other-regarding leadership defines true political authority whereas self-oriented leadership leads to injustice and is the epitome of political perversion (discussed further in

chapter 4). Those who use their power for personal gain are described as “unwise” and “unfaithful” to their role.⁶¹⁷ Therefore, proper political leaders are described as “dispensers” of the common good and “the custodians of justice.”⁶¹⁸ Authorities seek to “secure greater advantages for their subjects”, which leads to reciprocal love and respect.⁶¹⁹ Leaders seek peace and unity for “the good and wellbeing of a community united in fellowship [leads to] the preservation of its unity.”⁶²⁰ The deficiency of peace brings division and make communal life “burdensome” rather than life-giving.⁶²¹

Political authorities’ tri-fold responsibility included establishing the common good, preserving the community, and developing its citizens.⁶²² Leaders help preserve the common good by establishing proper succession, restraining subjects from attacking the integrity of the common good, and providing defense from external threats (i.e. war).⁶²³ The use of armed force is restricted to cases of justice such as resisting internal and external enemies.⁶²⁴ Political leaders cultivate citizens’ freedom rather than eliminate it.⁶²⁵

Aquinas offered three pragmatic reasons for authorities to establish justice.⁶²⁶ First, just leaders create an environment of friendship in which “virtuous” people “gather together as one, [which] preserves and promotes virtue.”⁶²⁷ Second, leaders are likelier to “acquire greater riches through justice than tyrants do by robbery.”⁶²⁸ Since tyrants oppress the people, they need to use some of their resources to provide more protection than if they were loved.⁶²⁹ Third, leaders gain more fame in the present and in lasting memory. Tyrants are forgotten or remembered in infamy.⁶³⁰ Therefore, just authorities gain the “stability of power, riches, honour and fame.”⁶³¹ Aquinas argued that there was great irony in the fact that just leaders received these benefits since tyrants’ used oppressive means in an attempt to gain these things.⁶³²

Justice:

The establishment of justice provides a state of equality and well-being for the relational health of the community.⁶³³ Justice has individual and communal components as it protects the individual while also creating proper conditions for relational flourishing between citizens.

Aquinas affirms Ambrose's definition that "Justice is that which renders to each what is his, lays no claim to what is another's, and neglects its own advantage in order to preserve the common equity."⁶³⁴ Aquinas adds, "Now each person's 'own' is said to be that which is due to him according to equality of proportion. Therefore, the proper act of justice is nothing else than to render to each his own."⁶³⁵ Justice fundamentally protects an individual's rights while also protecting the rights of others. Therefore, the communal context and relational nature of justice should never be neglected. Aquinas states, "justice is properly concerned with those things which have to do with our relations with others."⁶³⁶ Therefore, justice is not the elevation of an individual's rights above all else. Rights and duties work in tandem to provide justice for all. Without justice, individuals would not be able to maintain relationships with each other. Justice occurs in a reciprocal manner in a community. Political leaders help to ensure that justice occurs among citizens vis-a-vis citizens while also ensuring that the government remains accountable for treating their citizens justly.

In reference to the application of justice, Aquinas argued that justice was primarily focused on external behaviors rather than moral virtue. He states:

But the relation of one man to another is a matter of external actions and involves those external things by means of which men can communicate with one another; whereas the regulation of a man in himself is a matter of inward passions. And so, since justice is directed towards others, it is not concerned with the whole field of moral virtue, but only with external actions and things, and under a certain specific aspect: that is, in so far as one man is related to another through them.⁶³⁷

Further, Aquinas argued that a just judgment requires a just act, a proper authority, and a prudent application.⁶³⁸ Aquinas states, “If any one of these conditions is absent, the judgment will be faulty and unlawful.”⁶³⁹ This tripart account of a just judgement also parallels his just war formulation found later in this chapter.

Law:

Concerning justice, laws are established to protect, preserve, and educate the community. Laws are “directed to the common good” and are a vital component of society.⁶⁴⁰ Laws should be “useful” to the extent that they are “productive of [the] welfare” of the community. Minimally, laws try to encourage one to “avoid evil” through “fear of punishment” with the hope that it creates an opportunity for the development of virtuous habits. While obedience may begin in fear, the hope is that it develops into a love and appreciation for the laws and the good to which they point towards. Fear can develop into “delight” and into patterns of true virtuous behavior.⁶⁴¹ The pedagogical aspect of the law is perhaps the most controversial element. Laws are meant to educate and gradually lead people to virtuous patterns. The government is not concerned exclusively with the restraint of evil but also attempts to make evil continually recede by making its citizens better people for the sake of all concerned. Thus, virtue cultivation is about creating an environment of awareness and growth. The habits of virtue do not occur “suddenly, but step by step.”⁶⁴²

Laws should be just in accordance with their purpose (i.e. the common good) while also stemming from a proper political authority.⁶⁴³ Laws, however, are limited in their scope and ability.⁶⁴⁴ Therefore, it is not possible nor prudential to establish all moral norms as laws or to expect perfect obedience.⁶⁴⁵ Aquinas states,

human laws do not prohibit all the vices from which virtuous men abstain, but only the more grievous ones, from which it is possible for the greater part of the community to

abstain; and especially those which do harm to others, without the prohibition of which human society could not be maintained. Thus human law forbids homicide, theft and things of that kind.⁶⁴⁶

If one attempted to make law coincide perfectly with moral virtue, further evils could occur.⁶⁴⁷

Therefore, it is better to have laws with a moderate expectation of furthering citizens' virtues rather than expecting total conformity.⁶⁴⁸ When laws are unjust, they are described as laws "of violence."⁶⁴⁹ Laws must be "proportional" and not exceed the legislator's authority.⁶⁵⁰ Laws are also said to be contextual and mutable.⁶⁵¹ Change can occur if it "is necessary to provide for the common benefit."⁶⁵² Changing laws, however, should have sufficient justification as it can be "detrimental" to make a habit of changing laws.⁶⁵³

Human Flourishing:

All the previously discussed components of a Thomistic political vision (the common good, interdependency, virtue, rights, duties, a mixed polity, political authorities, justice, and laws) come together to produce human flourishing.⁶⁵⁴ Human flourishing is the quality of holistic well-being attached to individual, communal, relational, physical, emotional, and psychological well-being.⁶⁵⁵ Aquinas depicted humans as inherently social and political in nature.⁶⁵⁶ Therefore, individual flourishing is intertwined with one's communal life. A political community, which establishes order, justice, and peace best accomplishes a context for humans to flourish. The pursuit of the "good life" includes the provision of "bodily goods" and the cultivation of virtue.⁶⁵⁷ Aquinas states,

But the good life for each man requires two things. The first and chief requirement is activity according to virtue, for virtue is that quality by which we live well. The other requirement is secondary and, as it were, instrumental: namely, a sufficiency of bodily goods, the use of which is necessary to virtuous conduct.⁶⁵⁸

Material provisions provide individuals with the necessary requirements to live (i.e. food, shelter, medical service, protection, etc.) Yet, life is not reduced to material provisions. Material

provisions are required for the flourishing of individuals and communities as it helps to create conditions for a quality life, but they are not the sole means or standard of quality living. Virtue helps humans to realize their full potential as it creates opportunities for self-cultivation, which ultimately leads to an other-regarding orientation.⁶⁵⁹ As individuals acquire “particular goods” in self-cultivation (i.e. “wealth,” “profit,” “health,” “skill,” “learning,” etc.), they look for ways to apply these resources for the good of the entire community. These gifts are transmitted intergenerationally among the community so that while individuals are pursuing personal well-being, they are also creating future opportunities for others to experience these benefits. Therefore, virtue is not about restricting liberties but developing habits, which lead to a freedom that best promotes holistic well-being for the self and others. Aquinas summarized the communal “good life” as being comprised of solidarity, peaceful accord, virtuous behavior, and a plentiful supply of necessary material provisions.⁶⁶⁰

The flourishing of individuals is intertwined with communal flourishing. Violence is done to either an individual or the community if one attempts to bifurcate or elevate one over the other. These are not mutually exclusive elements, but rather inseparable elements that enhance the other. Communal flourishing cannot occur without individuals working and sacrificing together. Individual flourishing is also dependent on the community’s reciprocity and cultivation. To receive these benefits as an individual without reciprocally giving back would stunt a flourishing life for all. Therefore, a flourishing life is fundamentally relational.

It should also be acknowledged that the balancing of individual and communal interests is difficult for any system to come to grips with, but focusing exclusively on either element leads to significant dangers. Aquinas states, “the common good is pre-eminent over the individual good of one person.”⁶⁶¹ This concept may sound as if the community swallows the person. Yet,

Aquinas carefully clarifies, “The common good is the end of each individual member of a community, just as the good of the whole is the end of each part.”⁶⁶² Therefore, Aquinas is not arguing that the community is over the individual, but the individual finds her meaning, purpose, and fulfillment through the means of the common good, which is principally done in a community. Many individualists are dissatisfied with this type of approach and have pejoratively depicted this as a form of statism that eradicates the individual. It is important to note, however, that Aquinas’ communitarianism is not of the extreme form that many erroneously depict. Aquinas is trying to balance individual and collective interests. The common good is elevated above individual interests in the sense that interdependency represents the best way for individuals and communities to thrive simultaneously without improperly focusing on either aspect. In order to do so, Aquinas attempted to orient individuals to view their best interests in terms of seeking cooperative interdependency through political community for the flourishing of all. Therefore, individuals and their personal pursuits are affirmed while also encouraging them to leverage their personal aims in such a way that leads to giving back to the community for the sake of other individuals.

Conclusion:

The essential components of a Thomistic communitarian political vision that I have set out are not exhaustive in nature.⁶⁶³ Yet, I argue that Aquinas’ political theory supplies a more adequate political foundation than what is offered in McMahan’s and Fabre’s account. Revisionists offer fewer details of the basic features of political life, but it is evident that the primary function of government is the protection of an individual’s liberties and the material provisions required for physical health. Ultimately, revisionists see political life in transactional terms reducing it to an instrument of service for individuals to independently seek their private

good. While I affirm the government's role in the protection of human rights and the provision of basic necessities, I also believe it preserves, provides, cultivates, and protects a common good that allows individuals and communities to interdependently flourish. The political sphere is not solely an instrument of human life, but a context for community which is intrinsically worthy as it provides a stable order, justice, and peace without which no individual or community could thrive (physically, psychologically, or relationally).⁶⁶⁴ Therefore, political community provides for more than non-intervention and material goods as it plays an essential role in the formation of individual identity.

Historically and presently, what is truly troubling in all this theoretical discussion is the fact that many governments are culpably negligent or grossly violate the common good of their people. I argue, however, that the abuse of political authority does not justify abandoning it or deemphasizing its importance. Rather than spurning the concept of political life because many governments have been negligent or abusive, we are better off forming an account of political life that puts significant responsibility and accountability on political leaders. In a reductive and instrumentalized political vision, there are no such expectations beyond what is materially owed to citizens. Therefore, I argue that a Thomistic political vision puts more expectations and responsibilities on political leaders. Political leaders are fundamentally defined by their other-regarding orientation focused on the common good. Within such a constitution, political leaders help to build a community of virtuous citizens working together so that individuals can go beyond material well-being to experience holistic well-being (i.e. human flourishing). It is with such a political background in mind that Aquinas crafted his just war theory and which I argue provides a better foundation for just war thinking than what is offered by revisionists.

Aquinas' Just War Theory:

One of my central dissertation claims is that one's political theory has a direct bearing on one's subsequent just war thinking. I have displayed the merit of this claim in revisionists' work and will now display how this guides Aquinas' just war thinking. Johnson states, "just war thinking first took shape as a coherent, systematic way of thinking about the use of armed force in relation to politics conceived in terms of the good of human communities."⁶⁶⁵ Therefore, attempting to divorce just war thinking from its political context strips it from its primary purpose (i.e. the protection of the common good, which is a fundamentally political reality). This is why revisionists' acclaimed moral principles approach and individualistic orientation misses a central aspect of just war theory (i.e. the political community). It is also why scholars' contemporary just war thinking needs to be tempered with historical inquiry.

The origin of just war theory displays the deeply political nature of such thinking. While Augustine is often depicted as the first just war thinker this is not quite accurate. Just war thinking can first be traced to Cicero (106-43 BCE) where he describes his political-moral theory in *De Re Publica* and *De Officiis*.⁶⁶⁶ The former book was devoted to his political theory whereas the latter discussed the moral life. Through the influence of Cicero and Ambrose (c.340-397), Augustine famously crafted his just war thinking.⁶⁶⁷ It is most proper to characterize Augustine's just war thinking as "thinking" rather than a theory. Augustine offered his views in piecemeal fashion in a variety of contexts. Even though Augustine's theory is piecemeal, one can still detect central criteria such as legitimate authority, just cause, right intention, comparative justice, the aim of peace, proportionality, and discrimination.⁶⁶⁸ Augustine's ideas of just war were based on his political theory of order, justice, and peace.⁶⁶⁹ Johnson states,

Political communities serve to maximize the good achievable in this life by establishing order, justice, and peace. The development of the just war idea and the historical tradition

it defined responded to the need to protect the order, justice, and peace of such communities by specifying the character of the moral obligation of those having sovereign authority over those communities, enabling them to employ force when needed to protect the common order, make sure that justice is served within it, and thus establish peace both internally within their own communities and externally in relation to other well-governed communities.⁶⁷⁰

Therefore, Augustine's understanding of war flowed out of his political theory rather than serving as an independent moral theory.

Regardless of the lack of a systematic theory, Augustine's just war thinking and the political theory on which it was based remained deeply influential. It is in this sense that he is the "father" of just war thinking. Centuries later, medieval canonists compiled Augustine's thoughts alongside other Christian thinkers to provide a more coherent account of Christian just war thinking. Later in the period, Aquinas used this compilation to articulate the first systematized just war theory.⁶⁷¹ Aquinas' approach was not novel, but he incorporated Augustine's thoughts while also explaining them in more detail.⁶⁷² Aquinas affirmed Augustine's political conception of order, justice, and peace as corresponding with the three primary just war criteria of legitimate authority, just cause, and right intention.⁶⁷³ The aim of peace, necessity, and proportionality are also mentioned, but in connection with these three primary criteria. While Aquinas' construction of just war theory is not unique to himself or extensive, it provided the basis for his more novel approach to armed rebellion as discussed in the following chapter. Before describing the central aspects of Aquinas' just war thinking, I will provide a definition of his understanding: A just war occurred when out of necessity a legitimate political leader authorized the proportional use of collective armed force on behalf of the common good for a just cause with right moral intention to achieve peace.

Legitimate Authority:

Legitimate authority is the first and preeminent criterion which describes the political and moral authority needed to initiate a war.⁶⁷⁴ Johnson argues that the placement of legitimate authority is not without justification. The emphasis of the criterion is not about chronological priority, but a logical priority.⁶⁷⁵ Therefore, this was the preeminent criterion without which just war thinking could not be properly conceived.⁶⁷⁶ Johnson states, “Just war was and is about the justified use of force by *temporal sovereign authorities for temporal causes—the common good*.”⁶⁷⁷ The right to war was reserved for these political leaders since it was their duty to care for their citizens. Aquinas states, “since the care of the commonwealth is entrusted to princes, it pertains to them to protect the commonwealth of the city or kingdom or province subject to them.”⁶⁷⁸ Aquinas also ties the notion of a leader’s punitive responsibility within her community with the concept of armed force.⁶⁷⁹ Political leaders are appointed to protect the community internally (punitive measures) and externally (war). Therefore, it would be odd for either or both of these concepts to be attached to an individual’s right to use such force. Only political authorities can use armed force since they are recognized, entrusted, and empowered to represent and protect their communities.⁶⁸⁰ Johnson articulates it in this manner: “the right to use force is limited to those temporal rulers with no temporal superiors, who are thus the persons having final responsibility, in their political communities, for ensuring that justice is protected and preserved, thereby establishing public peace.”⁶⁸¹ In this construction, not all political authorities have the right to war, but it is reserved for the foremost leader. This does not, however, mean that leaders had an unconditional right to war or that no standards of accountability existed for its use.

A concept of moral authority is tied to legitimate authority as it is derived from a classical understanding of sovereignty.⁶⁸² Johnson describes this classical conception as “the moral

responsibility of the ruler for the common good of the people governed.”⁶⁸³ This is contrasted with the modern conception of sovereignty based on “territorial inviolability” and “defense.”⁶⁸⁴ The former is a political concept emphasizing the moral responsibility of rulers whereas the latter is a political concept emphasizing the defensive responsibility of rulers based on an individual right of self-defense.⁶⁸⁵ The classical conception of sovereignty is placed on authorized persons within a community whereas the modern conception is placed on recognized territories. The underlying morality of legitimate authority concerns the role and the responsibilities of the sovereign to preserve, provide, protect, and cultivate the community. In other words, political leaders are centrally other-regarding and their moral authority derives from fulfilling these central duties. Therefore, political authorities maintain the right of armed force only if they meet the requisite moral criteria of proper political leadership. By shifting away from the classical conception of sovereignty the moral basis of political leadership has been lost. Further, contemporary understandings have settled for a minimalist understanding of war as defense. This shift in emphasis is a contributing factor for revisionist claims of the just war tradition’s moral deficiency. As displayed here, however, the deficiency is not on the part of the historical just war tradition, but on those who modified or rejected its foundational political theory.

The Private Right to War:

Regarding the so-called “private right of war,” Aquinas denied its validity. Individuals did have a right to self-defense, but this was considered distinct from a right to war.⁶⁸⁶ Aquinas states, “For it does not pertain to a private person to declare war, because he can prosecute his rights at the tribunal of his superior; similarly, it does not pertain to a private person to summon the people together, which must be done in time of war.”⁶⁸⁷ In both these respects, individuals lack proper authority because they are not representatives of their communities nor entrusted

with tasks expected of public authorities. Even in situations of internal maleficence, individuals cannot act singly or cooperatively to execute judgment without proper authorization.⁶⁸⁸ Aquinas states,

it is lawful to kill a malefactor insofar as doing so is directed to the health of the whole community; but so to do pertains only to him to whom the task of preserving the community's health has been entrusted, just as it pertains to the physician to cut off a decayed member when he has been entrusted with the care of the health of the whole body. Now the care of the common good is entrusted to princes having public authority; and so they alone, and not private individuals, can lawfully kill malefactors.⁶⁸⁹

Only established leaders appointed to adjudicate penalties could act in such circumstances. This is because a public violation required a public response. Even when a perpetrator acts in a “bestly” manner or commits a gross violation, it still required a public authority to use lethal force.”⁶⁹⁰ Citizens could actively participate in bringing about the good, but needed to defer to political authorities when it came to issues of internal and external maleficence.⁶⁹¹ Therefore, the use of violence, judgment, and lethal force was restricted to those political leaders for whom the sake of protecting the common good had been entrusted. Johnson also highlights the political nature of war in the following way:

We see the importance of this prioritization of the requirement of sovereign authority by looking at what counts as just cause for resort to armed force: recovery of that which has been wrongly taken, punishment of evil, and defense of the common weal. These are all goods which the sovereign alone has the right to pursue, because the responsibility for these goods lies on the sovereign alone.⁶⁹²

Therefore, legitimate authority is the foundational aspect of just war thinking. Deemphasizing or rejecting it, distorts the other criteria.

Just Cause:

Assuming that a community's authority was legitimate in the moral and political sense, leaders are also tasked with *assessing* the justness of the resort to armed force. Political authorities did not maintain an unconditional right to war but were required to determine if there

was a just cause “of some wrongdoing” which required the use of armed force to restore the peace of the community.⁶⁹³ Aquinas cites Augustine’s definition: “A just war is customarily defined as one which avenges injuries, as when a nation or state deserves to be punished because it has neglected either to put right the wrongs done by its people or to restore what it has unjustly seized.”⁶⁹⁴ This understanding of just cause also contains moral and political aspects. It is not simply about moral justice, but justice within the confines of community life. This is why armed force must be restricted to authorized political leaders.

For Aquinas, just cause included punitive, restitutive, remedial, and defensive measures. This understanding of a just cause displays that the historic just war tradition affirmed the moral permissibility of offensive and defensive wars. This is in stark contrast to the predominant depiction in contemporary just war theory, which views defensive warfare as the sole justification of a just cause. In the last fifteen years, however, there has been a growing number of scholars who have returned to the permissibility of offensive war to promote the use of armed humanitarian intervention.⁶⁹⁵ The following justification is offered: if a political community’s leaders are abusing their citizens then other authorized political authorities (ideally multilaterally) can intervene to protect other communities’ citizens. Yet even armed humanitarian intervention as described is often cast in defensive terms. The rationale is posed as follows: one is not attacking the abusive leaders but defending the vulnerable citizens. This, however, seems to be more of a linguistic issue than a difference in the acts which occur.

The reason for the current emphasis on defensive wars is two-fold. First, offensive wars draw one back to a bygone era of oppression where political authorities enacted wars with impunity or for selfish gain. Therefore, by removing offensive wars as a just cause, you limit the potential for abuse. Second, the emphasis on defensive wars relates to those who have recast just

war theory in terms of self-defense. This trend began in the revitalization of just war theory in the 20th century and has been drawn to the more extreme conclusion by revisionists. 20th century just war thinkers wanted to limit the use of war and convince pacifists of the moral permissibility of war. The result was depicting violence in its most minimal fashion (i.e. defensive). The unintended consequence of this was overemphasizing the defensive nature of just war thinking. Defensive war was certainly a central component, but it is far from its only use. Ironically, as revisionists have taken the extreme position in fashioning self-defense as the primary justification of war, they are also at the forefront of promoting the justified potential of offensive wars (i.e. subsistence, humanitarian intervention, civil wars, etc.). Despite being currently out of vogue, I affirm the moral justification of offensive wars as it can be used to counter such abuses as political tyranny. I do not, however, affirm offensive wars in a revisionist manner. Offensive wars must be attached to legitimate political authorities who are seeking the common good (order, justice, peace) and who meet other criteria such as just cause and right intention.

Right Intention:

The criterion of right intention also added an extra standard to limit the temptation to abuse the use of armed force.⁶⁹⁶ This also coincides with the Thomistic idea of moral means and ends being united to form a moral act. If either one's ends or means were immoral, it nullified the moral nature of such an act. Aquinas states, "even those who are waging a just war may sin in taking spoils through greed arising from an evil intention: if, that is, they fight principally not for justice but for spoils."⁶⁹⁷ If one engages in this type of war then it is rightly considered "theft" and the political authorities are morally required to "make restitution."⁶⁹⁸ In response, Aquinas highlights Augustine's depiction: "those wars which are waged not out of greed or cruelty, but with the object of securing peace by coercing the wicked and helping the good, are

regarded as peaceful.”⁶⁹⁹ Wrong intention could also include: “The desire to do harm, the cruelty of vengeance, an unpeaceable and implacable spirit, the fever of rebellion, the lust to dominate, and similar things.”⁷⁰⁰ Therefore, right intent should aim “either to promote a good cause or avert an evil.”⁷⁰¹ This again displays an openness for offensive and defensive wars. Right intention is also connected with the aim of peace. Aquinas states, “Those who wage just wars intend to secure peace”.⁷⁰² Further, he cites Augustine’s often quoted phrase: “We do not seek peace in order to wage war; rather, we wage war in order to achieve peace.”⁷⁰³ Therefore, the aim of a war was not aggrandizement or revenge, but the establishment or restoration of a fundamental aspect of communal life (i.e. peace).

Contemporary theorists tend to deemphasize the criterion of right intention as they misperceive this criterion as too amorphous, subjective, or idealistic. The deemphasis of the classical criteria of legitimate authority and right intention comes down to the fear of potential abuse. While any political leader can offer a carefully worded justification of intention or cause, the potential of abuse does not sufficiently warrant deemphasizing these criteria. A proper understanding of these ideas situated within a Thomistic framework (i.e. the role and responsibilities of a political leader, the combination of moral means and ends, etc.) protects these concepts from abuse.⁷⁰⁴ Further, it provides a standard of accountability to which leaders can be held.

Conclusion:

As displayed in this recounting of Aquinas’ just war theory, legitimate authority is the primary criterion in a moral and political sense. I argue that legitimate authority is not a secondary component of just war thinking, but the primary one which ultimately aims to safeguard the good of individuals and communities. Without this criterion in place, it warps the

fundamental understanding of just cause and right intention. It must be reiterated that the classical understanding does not rest on political authorities' unconditional license for armed force but restricts its use to those who are truly seeking their community's common good with the aim of peace. Aquinas affirmed that the moral responsibility of war lies primarily with recognized political authorities. This was not to deemphasize personal moral responsibility but to protect its use. Therefore, just war theory is not aimed at how individuals use armed force, but rather it provides moral guidance and standards of accountability for political authorities.

The three primary just war criteria all have political aspects, which should not be ignored. Ultimately, divorcing these criteria from their political context will lead to misapprehension, deemphasis, or rejection of central components of just war thinking. I argue that the apolitical interpretation of just war criteria leads to the supposed need for revisions when in reality we need a return to the historical sources. What makes Aquinas' just war thinking potent and relevant for contemporary consideration is the communitarian political base on which it is set. I argue that this political theory which stresses interdependency is a more adequate political conception on which to articulate the purpose of political life and the use of armed force. As displayed in the following chapter, this political theory is prepared and capable of addressing such difficult issues as political tyranny and the need to use armed force to removing such tyranny. Further, armed rebellion can occur without the loss of the criterion of legitimate authority. Therefore, even in its most difficult context of application, it is not a secondary concern or unnecessary element.

CHAPTER 4

LEGITIMATE AUTHORITY IN ARMED REBELLION

Introduction:

Paralleling the renewed interest in just war thinking, scholars have emphasized the neglected topic of political tyranny and the need to craft a just rebellion theory that can morally justify and guide the use of armed force to combat such tyranny. The context of armed rebellion is perhaps where the criterion of legitimate authority feels the most tension and is in the most jeopardy of being abandoned. For example, Fabre argues for the “jettisoning” of legitimate authority in the context of justified armed rebellion as she claims it is not a “necessary” criterion. Revisionists’ train of thought concerning just rebellion is as follows: McMahan conflates all forms of justified violence to the right of self-defense which influences Fabre’s formulation of the “individual right to war.” This individualistic and reductive orientation stems from their understanding of individuals’ relationship with their government. McMahan and Fabre depict humans as isolated rights bearers who are situated within political communities through a social contract, which assures individuals certain provisions and protections. The social contract defines the rights and duties of citizens and their political leaders. The government’s primary responsibility is to protect people’s liberties without unjustified infringement while also providing necessary material resources for physical health. People’s loyalty and affiliation are solely dependent on the performance of the government. If a government is negligent, abusive, or reneges on this fundamental arrangement, then the political commitment and “community” dissolves with the result that individuals return to a state of individuality in which their autonomy is the supreme authority. In this political understanding, armed rebellion is always grounded in individuals’ fundamental right of war (or self-defense) to protect their rights and

liberties. Therefore, the revisionist understanding of armed rebellion is depicted in an individualistic and defensive fashion. Armed rebellion aims to forcibly stop rights violations so that individuals can continue to use their autonomy in pursuit of private goods.

Rather than rejecting the moral, political, and pragmatic criterion of legitimate authority, I argue that the historic just war tradition is built around this criterion and thus it would be irresponsible to jettison. Further, the historical tradition was not complacent or ignorant of political tyranny. There is a way to uphold this criterion even in the face of oppressive political regimes. In the previous chapter, I established an alternative Thomistic understanding of the purpose of government rooted in interdependent activity in the pursuit of the common good for the flourishing of all. Similar to a just war, the Thomistic grounding for an armed rebellion is found in the political community's leader authorizing the use of armed force for the protection of the common good. While this right is reserved exclusively for the central authorized leader, there are some circumstances in which that leader is the perpetrator of abuse. In those cases, there is a line of authoritative succession in place based on a fourfold layer of authority that also serves as a tool of accountability if the central leader were to falter.⁷⁰⁵ This fourfold layer of political authority is as follows: the central authorized leader, other national political leaders, international leaders, and a unitive coalition of citizens. On the second level, if the centralized leader is abusive or grossly negligent, other national leaders gain authority presumably according to a previously established authoritative pattern.⁷⁰⁶ If local leaders are complicit, negligent, or unable to defend the community, then other international leaders could provide aid for the people (i.e. humanitarian intervention). If either of these authoritative avenues are unavailable then the legitimacy reverts to citizens who work as a unitive coalition to restore the political community. This unitive coalition can establish a tentative leader(s) to lead them. In this model, the criterion

of legitimate authority is never abandoned but follows a line of succession until the political order can be properly restored. Even when a political leader or government grossly violates its citizens (i.e. the criterion of just cause), the political community remains a unified community with the restorative aim to reestablish order, justice, peace for the common good (i.e. the criterion of right intention). Therefore, I argue that the criterion of legitimate authority (alongside just cause and right intention) can be maintained even in the context of political illegitimacy, abuse, and armed rebellion. Further, I contend that a Thomistic formulation offers a better and more adequate approach to legitimate authority in armed rebellion than revisionists' understanding. I will display the merit of these claims through a historical analysis of Aquinas' perspective while also contrasting his views with Fabre's.

Augustine and Aquinas on Tyranny:

Before comparing Aquinas' perspective with Fabre's, I argue that it is illuminating to compare Aquinas' views to Augustine's to see the development of the just war tradition that allowed for the use of armed rebellion against political tyranny. As previously displayed, Aquinas consolidated Augustine's just war thinking around the criteria of legitimate authority, just cause, and right intention. Aquinas was not trying to provide a unique approach, but rather systematizing Augustine's and other canonists' conception. Aquinas did, however, provide a unique contribution to just war thinking in his explicit approval and discussion of armed rebellion.⁷⁰⁷ Aquinas was not attempting to depart from Augustinian thinking but developed it further based on his common good oriented political theory. To better understand the development and contribution of Aquinas' position on armed rebellion, I return to juxtaposing Augustine's and Aquinas' views on political leaders to display the difference of Aquinas' understanding of legitimate authority that allowed for armed rebellion. This comparison is also

illuminating because it addresses revisionists' fear that traditional just war thinking is too statist or incapable of dealing with political tyranny. In conjunction with revisionist fears, I argue that Augustine's view of sovereignty was too rigid. Aquinas' theory, however, was able to counteract this without substantially changing just war thinking. This comparison also provides another example of why we need historical attention and nuance when discussing the just war tradition as there are diverse perspectives contained therein. Additionally, I provide an overview of Aquinas' four main sources used to construct his understanding of political tyranny justifying an armed rebellion.

Augustine on Political Authority:

While some may regard Augustine's political vision as too pessimistic or reductive, he was one of the most important and influential theo-political thinkers within the Christian tradition. In many ways, historic and contemporary Catholic and Protestant theology and political thought are constructed through him. Augustine's political vision of order, justice, and peace established the base model for Christian political theory. Augustine affirmed that God had divinely ordained the form of monarchical rule. Augustine and Aquinas believed that a government solidified by one ruler was the best form of government that imitated God's governance of the world.⁷⁰⁸ For Augustine, leaders were primarily in place to restrain and punish sin. This often meant that they were required to use lethal force to stop internal and external threats. In such a view, there was no expectation of moral character for such leaders as both just and unjust rulers could fulfill the role of restraint and punishment. Augustine's priority of political order, justice, and peace made him anxious regarding the threat of anarchy. The abolition of government was viewed as an arch evil, which could destroy humanity. Even the abolition of a tyrannical government was viewed as a worse reality than anarchy. Anarchy

dissolved the key principles of order, justice, and peace. It would lead to ceaseless violence in attempts to gain power, property, and resources. Individuals would “do whatever seemed right in their own eyes.”⁷⁰⁹ Additionally, Augustine believed Christians should be less concerned with temporal political conditions as their hope should be in the “city of God” rather than the “city of man.” The ultimate end for Christians was to faithfully worship and witness to God. While the political realm served a role for human life, it was not the primary sphere of life. In light of these ideas, Augustine counseled Christians to remain obedient to political leaders, even to those who were tyrannical. As previously discussed, Augustine’s theological notion of sovereignty, predestination, and providence influenced his view of God’s ordering of the political sphere.

Augustine on Romans 13:

Historically and for the present context, Romans 13:1-7 was the most influential Christian scriptural reference concerning the political realm.⁷¹⁰ Interpreting this passage, Augustine argued that God had appointed *every* political ruler including the wicked. Resisting an authorized political leader (whether good or evil) was synonymous with rebelling and rejecting God’s rule. God was the true sovereign of the world who appointed political rulers. Augustine reasoned that God had appointed Constantine, who later helped to Christianize Rome, but he had also appointed the infamous anti-Christian emperors Nero and Julian. Augustine believed that God providentially orchestrated all human events in such a way to guide history towards fulfilling His divine purposes. Thus, God providentially selected all rulers for particular reasons; just and unjust rulers were all part of God’s providential working. Divine providence assured that God appointed *every* ruler with a *divine purpose*. Alongside providence, Augustine affirmed a form of theodicy in which all evil was ultimately allowed by God to bring about a greater

good.⁷¹¹ Even when evil appeared incomprehensible and utterly destructive, God mysteriously had a way of directing it towards a redemptive end to fulfill his perfect divine purposes.⁷¹²

Augustine's Theodicy of Tyranny and War:

While Augustine did not seek to justify the wickedness of abusive leaders, he did attempt to justify God's providential purposes in granting them the right to rule. Augustine offered three justifications of God's appointment of wicked rulers: First, God could use an unjust leader as a means of punishing a wicked community. Second, God could use the wickedness of the leader to sanctify the faithful by deepening their faith and furthering their Christian witness to others. Third, God could appoint wicked leaders to incite war with other wicked nations thereby bringing judgment on multiple wicked nations.

Related to this, Augustine argued that God utilized wars to accomplish His greater purposes. Similar to the function of unjust leaders, God could use a war to call sinners to repentance, bring judgment on the unrepentant, sanctify Christians' faith in God, and serve as a means of Christian testimony. War could also be the means to usher Christians to heaven (i.e. via death). For Christians, war was a not divine judgment, but God's means of bringing about a greater good temporally (i.e. faith, eradication of evil, etc.) or eternally (i.e. heaven). War was also the mechanism for the rise and fall of nations. Therefore, God could use evil leaders as his instruments of judgment and sanctification. Even if Christians could not grasp God's providential reasons, they should submit to their political authorities knowing that God had placed the leaders there.

No individual (or community) had a right to rebel against their leader with the use of armed force. Christians were called to remain obedient citizens who did not resist tyrannical rulers because Christians did not know how God was providentially using the leaders. Christians

were, however, allowed to disobey when they were commanded to renounce their faith or perform a sinful act. Christians were encouraged to resist through non-violent noncompliance. In being noncompliant with the immoral command, Christians were still expected to submit to the authority of the government. Christians would submit to whatever judicial punishments that may ensue even if they were just. In this way, Christians were resisting the immoral commands without resisting the order established by God. Therefore, Augustine believed that Christians upheld the integrity of the Christian faith, God's appointment of political leaders, and His divine purposes. In the end, God alone would judge the leaders' (mis)actions.

Aquinas' Response

Similar to Augustine, Aquinas encouraged citizens to remain steadfast when unjustly oppressed.⁷¹³ While Aquinas invoked the Augustinian notion that God could redirect the misdeeds of wicked leaders for His divine purposes, Aquinas' perspective was far more reserved than Augustine's. Aquinas did not affirm Augustine's interpretation of providence. Aquinas believed that God, *at times*, used wicked rulers as a form of punishment even allowing the good to suffer for some "profit."⁷¹⁴ In other words, at certain times, God utilized a wicked leader to serve as a form of punishment while at other times, human wickedness accounted for the reign of a tyrant. Aquinas also affirmed the historic Christian notion of noncompliance when ordered to perform a manifestly immoral act. Aquinas, however, provided further mechanisms that allowed Christians to resist tyrannical authorities. Provided that other just war criteria could be fulfilled, a community could actively resist submitting to an unjust authority. Aquinas argued that citizens did not need to submit to an unjust leader because he was, in reality, no authority at all. This was similar to Augustine's notion that an unjust law is no law at all, but it allowed it to be extended to the lawgiver. Aquinas did invoke the motif of "trusting in God" when tyrannical abuse

occurred. Yet, the rationale to passively trust was used as a last resort argument. In other words, Aquinas encouraged Christians to trust God and pray to Him when circumstances were beyond reasonable human repair.⁷¹⁵ Therefore, Aquinas was able to provide a powerful re-appropriation of Augustine's ideas to help develop just war thinking beyond Augustine's quietistic theological justifications.

Aquinas' Primary Sources on Tyranny:

Scripta Super Libros Sententiarum:

Similar to Augustine's just war thinking, Aquinas' just rebellion thinking is spread across a variety of textual sources. Aquinas articulated his understanding of political authorities in four main sources: *Scripta Super Libros Sententiarum*, *Super Epistola ad Romanos*, *Summa Theologiae*, and *De Regimine Principum*. Aquinas' first discourse on political resistance was found in his commentary on Lombard's sentences (c.1252-1257).⁷¹⁶ Aquinas discredited common objections for why Christians were not obligated to obey political authorities. He cited scriptural texts such as Romans 13:1-7 and 1 Peter 2:13-17 to show the moral obligations that Christians owed to political authorities. Christians were required to obey leaders even though Christians were children of God, freed from servitude (sin), and ultimately bound to God as the supreme authority. A Christian's loyalty to God was not in jeopardy by virtue of submitting to political authorities.

In this source, Aquinas offered a differing interpretation of Romans 13 than Augustine. Aquinas exhorted Christians to obey leaders when they are "of God." Obedience was not required if leaders had illegitimately attained power or misused their power through tyrannical actions.⁷¹⁷ For Augustine, neither of these issues made a difference because God was providentially guiding history (including unjust leaders) in a deterministic fashion. The key

distinction in Aquinas' Romans 13 interpretation was that God ordained the *institution of government* ("the order of authority descends from God") rather than individual leaders.⁷¹⁸ This position did not exclude the belief that God could or did appoint individual leaders, but it shifted the focus of the biblical passage from individuals to the institution of political order. This passage was about God's establishment of a "form" of authority rather than the authorities themselves. In this regard, resisting the proper political structure of order, justice, and peace was equated to resisting God's good means for human community and flourishing. Therefore, obedience was only required when political authorities fulfilled their prior duties of right ordering and ruling. In contrast to Augustine, a leader who illegitimately took over a government was depicted as a foreign enemy rather than appointed by God. In this regard, just war theory's defense against foreign enemies could be invoked. Additionally, Aquinas did not equate all human acts of history to direct providence. God was sovereign and providentially in control, but in such a way that He did not ordain every evil act that occurred. No human act could thwart God's purposes, but this did not imply God's direct involvement. In this way, Aquinas attempted to provide a more balanced perspective concerning divine providence, human freedom, and moral culpability. Due to these emphasizes, it allowed Aquinas to argue that citizens could actively and responsibly resist tyranny in order to hold their leaders accountable. This was in sharp contrast to Augustine's claim that only God held political leaders accountable.

Super Epistola ad Romanos:

In Aquinas' commentary on Romans 13 (c.1265-1273), he again affirmed the need for Christians to obey political authorities.⁷¹⁹ As long as Christians were on earth, this obligation would remain. In this commentary, Aquinas created the important distinction between "wicked" and "tyrannical" political leaders (further described in this chapter). Citizens were obligated to

obey leaders even when these leaders were wicked in their personal character. A wicked leader who manifested habits of vice could still maintain central political responsibilities. Citizens were not, however, obligated to obey a tyrant because they were an illegitimate authority who issued immoral commands. A tyrant was by definition illegitimate by virtue of their gross negligence and/or abuse of political authority, whereas a wicked leader could still perform central political duties. This very important distinction allowed citizens some opportunity to resist abuse without giving them the freedom to reject anyone who failed a moral litmus test.

Aquinas' Romans commentary also provided an important distinction from Augustine's interpretation of divine providence. Aquinas provided a more nuanced sense of God's ordination of human acts in which not *all* leaders were "appointed" by God. Aquinas states, "power is from God sometimes, namely, when a person obtains it rightfully," whereas some rulers' "perverse desire...obtains power through ambition or some other unlawful manner."⁷²⁰ Political leaders who were self-oriented and acted against order, justice, and peace were not "from God". This nuance made humans culpable for political tyranny while also protecting God from a charge of moral impropriety.⁷²¹ Related to this, Aquinas provided an analogy of moral culpability interacting with divine providence. While God had redemptive purposes for allowing Jesus to suffer, it was the leaders who willingly conspired to put Jesus to death. In other words, God providentially allowed evil to occur without being the cause of it. Similarly, while God may allow certain political leaders to gain or abuse political power, those political leaders are morally responsible and politically accountable for their actions. Therefore, divine providence did not preclude citizens from actively resisting tyrants. Similar to Augustine, however, Aquinas does envision *some* scenarios in which God used some tyrannical rulers as a means of punishment. It is in this source that Christians are encouraged to remain steadfast when unjust suffering occurs.

Yet, Aquinas' call to perseverance is a concession when conditions are tolerable, action is imprudent, or beyond human repair.

Summa Theologiae:

In Aquinas' best-known work, *Summa Theologiae* (c. 1265-1273), he established another key definitional difference to separate legitimate and illegitimate armed rebellions. Aquinas distinguished between "sedition" and "rebellion."⁷²² Given how past commentators handled the term, sedition was seen to be immoral in its very essence. Therefore, Aquinas had to supply a way to legitimize his theory of armed rebellion in a way that was not seditious. By incorporating his definition of a tyrant, he was able to show that "there is no sedition in disturbing a government of this kind."⁷²³ Furthermore, Aquinas flipped the idea of sedition onto the tyrant. The tyrant was depicted as the seditious one who sowed "discord," harmed the people, and focused exclusively on his "private good."⁷²⁴ In such a case, Aquinas allowed for the moral permissibility of armed rebellion against this type of tyrant. He states, "[i]t is lawful to fight, provided it be for the common good."⁷²⁵ This is his first explicit reference to the use of armed force in response to political oppression. Even with this allowance, Aquinas argued that other just war criteria must be upheld. A community must consider whether the armed rebellion will harm the common good more than the tyrant's abuse (i.e. necessity, proportionality, and the likelihood of success). Prudentially, one may be required to allow the abuse to remain if armed rebellion would further disturb the community or worsen conditions.

De Regimine Principum:

De Regimine Principum (c.1267) described Aquinas' understanding of the purpose of government in the most detail.⁷²⁶ In this source, Aquinas provided definitional terms for a proper government, political leader, and tyrant. A proper government sought the common good of free

people. A rightly ordered leader provided and protected the citizens by focusing on their good. Tyrants were the antithesis of proper authority as they brought forth evil in the community by being self-focused, abusive in their use of authority, and treating people inhumanly. Aquinas identified three ways in which tyrants sought to solidify their power to prevent civilian resistance: the limiting of solidarity, resources, and virtues. To prevent tyranny from arising, Aquinas provided two preventative measures: First, the community should appoint a virtuous ruler. Second, legal measures should be put in place to remove the tyrant if abuse should occur. If intolerable and sustained abuse occurred then the people have a right to replace the abusive leader. In this way, a system of accountability helped anarchy be avoided without resorting to a quietism that enabled tyranny.

The community maintained the right of removal even if the authority had a perpetual agreement in place. Aquinas, however, always encouraged the community to consider the criterion of proportionality. Action should only be taken if the tyranny severely outweighed the risk. Armed resistance may lead to a worse environment for the community (increased hostility or anarchy) and therefore citizens must be cautious when considering such action. Political order should be maintained at all times even during an armed rebellion. The goal was not to overthrow the political order but to restore it. Aquinas acknowledged that there may be situations when the tyranny is so “excessive” and “intolerable” that action is necessitated. In these conditions, other legitimate political officials should be appealed to, but if this fails virtuous citizens can resist. If a rebellion fails the criterion of necessity, proportionality, or chance of success, Christians are encouraged to trust God. In irreparable situations, Aquinas appeals to God’s ability to change the tyrant’s heart or bring judgment.⁷²⁷ In this context, Aquinas does envision situations similar to Augustine in which God “permits” an unjust ruler for a period of time as a judgment to wicked

people. What makes Aquinas' approach distinct, however, is that we cannot know when this is the case and thus we could potentially rebel against such abuse if other just war conditions are met.

Aquinas' Departure from Augustine:

Therefore, I argue that Aquinas re-appropriated Augustine's theo-political theory by avoiding political passivity and the enabling of political tyranny in five ways: First, Aquinas depicted the institution of government as God's means to restrain sin, provide order, protect the common good, and to help citizens cultivate virtue. Political leaders were held accountable to standards of preserving, protecting, and cultivating the common good in an other-regarding orientation. Christians need not fear political leaders or feel as if their loyalty to God was in question. God had created the temporal political realm as the means for humanity's communal life, benefit, growth, and preparation for the Beatific vision. Thus, the temporal and spiritual spheres were intertwined. Second, Christians (and citizens) were allowed to rebel against a tyrannical leader if the leader consistently abused their power and oppressed the people. Tyrannical leaders had forfeited their right to rule and were no longer considered legitimate authorities. Therefore, Christians were not obligated to obey or submit to them. A justified rebellion was not seditious or disloyal. Third, Christians (and citizens) have a *duty* to resist and remove the tyrannical leader. A tyrannical leader threatened the entire community's common good if there was sustained and intolerable abuse. Therefore, there was an active obligation on the part of citizens to put tyranny to an end for the sake of the community. Some tyrannical abuse, however, should be tolerated if the risk to thwart it threatened the community more than if it were to refrain. Fourth, leaders were morally and politically accountable to their citizens. At times, God may allow a tyrant as a form of punishment, but this did not mean that Christians

were to accept it as the indefinite will of God. Citizens were encouraged to remove a tyrant through public authority when it occurred. If citizens were incapable of armed force, they were encouraged to put their faith in God and to remember that God was able to dispose of tyrants as is evidenced in multiple biblical narratives. Fifth, Aquinas upheld the Christian tradition's emphasis on submission to political authorities found in Romans 13, but in a way that focused on God's establishment of the institution of government rather than specific political leaders. Therefore, Aquinas' interpretation of Romans 13 allowed for Christian submissiveness while also protecting it from quietism.

Conclusion:

In conclusion, Aquinas' five distinctions allowed for a more active form of Christian (and civilian) political engagement than Augustine's thinking allowed. Therefore, Aquinas' unique contribution to just war thinking has been shown in his allowance for armed rebellion against political tyranny. In light of this comparison, I am sympathetic to concerns of traditional just war thinking being too statist or incapable of addressing authoritative abuse. Yet, I have established that the fear of authoritative abuse is not a modern concern, but one that is deeply entrenched in Aquinas' political theory. Therefore, a return to historical sources for developing just rebellion theory is warranted. This should also display that the historic just war tradition is not monolithic or static. Discussing or critiquing the just war tradition requires careful historical precision without which one may offer unwarranted revisions. Thus, while Aquinas' just war theory is thoroughly Augustinian, his just rebellion theory is unique. It is based on just war thinking to be sure, but in a way that allowed a wider application of legitimate authority than Augustine envisioned. In what follows, I provide a more systematic account of Aquinas' views on tyranny and armed rebellion before contrasting him to Fabre.

Aquinas on Political Tyranny:

R.W. Dyson rightly argues that we need to understand Aquinas' view of tyranny as intricately tied to his conception of armed force.⁷²⁸ Johnson argues, "What Aquinas said about sovereign authority for war, then, has to be understood from what he said about the responsibilities of sovereignty in his treatise *On Princely Government* and on tyranny, which is not sovereign rule at all."⁷²⁹ As I have previously displayed in the last three chapters, one's just war thinking is based on a prior political vision, which grounds rights, means, and ends for the use of armed force. Similarly, one's just rebellion thinking is intertwined with one's political theory as the political nature of armed rebellion is blatantly evident given that one is dealing with political tyranny. Aquinas' understanding of political tyranny was based on the proper role of political authority. By way of reminder, political leaders' central responsibilities are serving the community by providing, preserving, cultivating, and protecting the common good. Leaders uphold a significant participatory role for citizens and the establishment of laws to promote justice (relational health) for the community. Therefore, a properly oriented political life aims at interdependent flourishing for all. Given this political framework, tyranny is the antithesis of political life and proper leadership.

Tyranny was one of the most prominent political issues discussed by Aquinas and is addressed in a variety of his writings.⁷³⁰ Dyson notes that in his early writings, Aquinas seemed to favor tyrannicide in extreme cases, in which no other viable option existed. Julius Caesar is invoked as a historical example where tyrannicide was approved.⁷³¹ Aquinas later modified his open endorsement of tyrannicide to be restricted to the authorization of other political leaders.⁷³² Thus, even in extreme situations, there was a line of authoritative succession rather than a reversion of power to any capable or willing individual. Dyson argues that Aquinas' may be

described as arguing for an “intelligible position of cautious conservatism which recognizes that extreme measures may be justified sometimes but should be avoided if at all possible.”⁷³³

Aquinas defines tyranny as the political abuse of authority to gain and maintain self-regarding ends (power, wealth, status, etc.) at the expense of the community’s common good. Tyranny stunts communities through limiting material resources, stifling the cultivation of virtues, and thwarting solidarity by sowing chaos, distrust, and vulnerability to impair the community’s sense of unity, peace, and stability. Intolerable conditions for the community are created when tyranny occurs in a sustained and significantly pervasive way. If the proper purpose of a political leader is to provide, protect, and cultivate a community for interdependent flourishing then a tyrant attempts to hoard, limit, stall, and leave a community vulnerable to maintain personal power. Aquinas believed that tyrants sought to protect their power by three means.⁷³⁴ First, tyrants sought to thwart solidarity and friendship among citizens to prevent unified efforts to challenge a tyrant’s power.⁷³⁵ Second, tyrants hoarded power and wealth from citizens to keep them from having adequate resources to oppose them.⁷³⁶ Lastly, tyrants stunted the growth of virtues as a way to maintain power and control.⁷³⁷ Aquinas believed that virtuous people would eventually challenge a tyrant and so a tyrant found it necessary to stunt the cultivation of virtue. By suggesting that virtuous citizens would challenge tyranny, he was also implicitly endorsing the resistance of tyranny as a virtuous act. Therefore, Aquinas viewed the government’s investment in the cultivation of virtue as a check and balance for political polity. Without this, people were more susceptible to political tyranny.

Aquinas described tyranny as the worst political polity for a community.⁷³⁸ Aquinas states, “what renders government unjust is the fact that the private good of the ruler is sought at the expense of the good of the community. The further it departs from the common good,

therefore, the more unjust will the government be.”⁷³⁹ Tied to the Greek word, a tyrant is one who unjustly rules by force and “oppresses with power.”⁷⁴⁰ A tyrant “oppresses his subjects in a variety of ways, according to the different passions to which he is subject as he tries to secure whatever goods he desires.”⁷⁴¹ A tyrant is one who governs “unjustly” by pursuing personal gain and neglecting the “good of the community.”⁷⁴² Tyranny is a violation of the leader’s role because it neglects and injures the common good through prioritizing the leader’s private good.⁷⁴³ Aquinas provided several analogies to describe the horrible nature of tyranny. Tyrannical rule was analogous to being “mauled by a ferocious animal.”⁷⁴⁴ Tyrants are also compared to thieves when they use their power for private gain.⁷⁴⁵ In reference to tyranny as a type of theft, Aquinas states, “But to use public authority to take other people’s property violently and against justice, is to act unlawfully and to commit robbery; and anyone who does this is bound to make restitution.”⁷⁴⁶ Therefore, Aquinas argues that political leaders are to be held accountable for their actions. Political leaders do not have unconditional or unaccountable authority. With all this in mind, Aquinas defines a tyrant as an illegitimate political leader who inhumanely oppresses the community through a self-regarding orientation, which leads to the illegitimate use of authority (i.e. force, theft, unjust policies, etc.)

Two Types of Political Leaders:

Unworthy Political Leaders:

To differentiate between legitimate and illegitimate political leaders, Aquinas used the terminological distinction of “unworthy” and “unjust” leaders.⁷⁴⁷ “Unworthy” leaders are those who have a character of vice. Unworthy political leaders may even be guilty of infrequent abuses of authority. Despite their wicked character, however, an unworthy leader could still serve the common good. Aquinas states, “The first defect is not an impediment to the acquisition of

rightful authority; and because authority is always of God according to its form, which is the cause of our duty to obey it, their subjects are always bound to obey such rulers, however unworthy.”⁷⁴⁸ Therefore, the political legitimacy of authority was not based on personal moral or political perfection but based on leaders’ care of the common good. If, on the whole, unworthy leaders still upheld their central duties to the common good then their legitimacy was maintained despite their character flaws. Citizens were obligated to be submissive to those who properly ruled even if minor infractions occurred along the way. A leader’s personal and professional failures were worthy of lament, but not worthy of using armed force for a rebellion. Citizens’ moral obligation to be submissive to an unworthy leader was about supporting the establishment of order, justice, and peace. Aquinas states,

Man is bound to obey secular princes in so far as this is required by order of justice. Wherefore if the prince's authority is not just but usurped, or if he commands what is unjust, his subjects are not bound to obey him, except perhaps accidentally, in order to avoid scandal or danger.⁷⁴⁹

Therefore, the moral obligation of civilian obedience was always considered to be a conditional criterion. If civilian submission upheld a manifestly immoral command or led to endangering the common good, then submission was not permissible. Yet, even in dire circumstances, Aquinas endorsed the use of prudence to guide one’s resistance.

Unjust Political Leaders:

The second type of political leader was described as “unjust” (i.e. tyrannical) and illegitimate due to serving personal rather than communal ends. Aquinas defined the legitimacy of a leader by their ability to fulfill their role in protecting, providing, and cultivating the people in the common good.⁷⁵⁰ Leaders were directly accountable to the people and risked invalidation if they abused their authority. Since obedience was only required when the leader fulfilled the proper role of right order, justice, and peace, Aquinas allowed for active political resistance.

Aquinas argued that disobedience was not only allowed but required if a citizen was commanded to obey a sinful act. Aquinas states, “not only is one not bound to obey the ruler, but one is bound not to obey him.”⁷⁵¹ This moral obligation at least minimally implied a form of noncompliance.

Citizens, however, could also use armed force when conditions became intolerable. Yet, Aquinas also provided boundaries to restrict the permissibility of armed rebellion. Before reverting to citizens, the legitimacy of authority passed through a line of authoritative succession (i.e. other national, local, or international leaders). Justified armed rebellion also required prior *sustained or substantial abuse* by the political leader (i.e. just cause). Aquinas further qualified that not all instances of tyranny required armed resistance, but only that which could be enacted without unraveling the social order. In other words, armed rebellion had to be conducted necessarily in a proportional manner with the aim of peace. Aquinas only envisioned a type of abuse that subverted the purpose and role of the government (i.e. the common good of order, justice, and peace). In today’s terms, mass atrocities, crimes against humanities, and certain human rights violations would certainly qualify for subverting the common good.

Two Levels of Abuse:

Infrequent Abuse:

Aquinas envisioned two levels of political leaders abusing their authority. The first level was classified as an *infrequent abuse of authority*. This type of abuse may occur periodically or in isolated situations. This abuse was still immoral and a violation of the leader’s responsibilities, but may or may not require resistance depending on the nature of the violation. If citizens were merely put off by the leader’s personal wickedness or responding to minor infractions then armed resistance was not allowed. If the violation was tolerable in the sense that the political

order (i.e. the common good) remains stable with the ability to return to proper functioning then a full-scale armed rebellion was not warranted.⁷⁵² In cases of tolerable abuse, citizens should seek accountability, reparations, or reconciliatory measures through other authorized political authorities. If citizens cannot successfully appeal to political leaders then they should seek some means of non-violent resistance. In justified circumstances, Aquinas did allow for the cautious use of armed force. Aquinas' caution was not suggesting that a leader could get away with abuse if they simply timed their infractions apart. The caution was against creating an implausible expectation of political conduct in which mounting an armed rebellion became too widely permissible for too many causes. Yet, even when armed rebellion was not permissible, it did not preclude holding the leader accountable for the abuse of power.

Substantial and Sustained Abuse:

The second level was *substantial and/or sustained abuse of authority*. Aquinas described tyrants as community dissidents who led to the unraveling of the communal order. This type was described as intolerable when “the tyranny is so excessive that it ravages the whole community.”⁷⁵³ The three primary aims of order, justice, and peace are thwarted in a way in which the community is not able to reasonably move forward without the removal of the abusive leader. In such circumstances, citizens should first seek other authorized political authorities and peaceful means but can be allowed to resort to arms if these mechanisms are unsuccessful. The goal of an armed rebellion, however, is restorative rather than retributive (i.e. the criterion of right intention with the aim of peace) The removal of a tyrant (or tyrannical structure) brings about the restoration of the common good for the community. Yet, Aquinas also qualified that armed rebellion must be guided by the criteria of necessity and proportionality before such force is used.⁷⁵⁴

Two Cases of Authoritative Abuse and Unjust Laws:

Immoral Commands:

There were two main ways that a political leader attempted to abuse their authority. The first abuse occurred when an authority made an immoral command, which fundamentally violated his role as a leader. Aquinas states,

for example, if some sinful act is commanded contrary to the virtue which the ruler is ordained to foster and preserve. In this case, not only is one not bound to obey the ruler, but one is bound not to obey him, as in the case of the holy martyrs who suffered death rather than obey the ungodly commands of tyrants.⁷⁵⁵

Therefore, political leaders did not maintain a principle of unconditional civilian obedience, but obedience was conditioned upon its moral merit. Further, citizens were given a right of non-compliance in responding to such abuse.

Superseding Jurisdiction:

The second authoritative abuse occurred when a leader superseded their jurisdiction. Anything which was an improper use of authority counted as this type of offense. Aquinas states, “if, for example, a master were to exact a payment which a servant is not bound to give, or something of the kind. In this case the subject is not bound to obey; nor, however, is he bound not to obey.”⁷⁵⁶ Thus, the superseding of authority was considered a lesser offense than that of issuing an immoral command.

Unjust Laws:

Corresponding to these two types of authoritative abuse, there were two types of unjust laws. The first type of unjust law contained some partial aspect of truth as it paralleled a law in the sense of form. It may contain a good (i.e. the form of law) in that laws are meant to lead us to virtue, but in this perverted fashion, the good is only accidental.⁷⁵⁷ The second type of law may have legal status, but be in clear violation of morality. Aquinas argues that a “tyrannical law...is

not strictly speaking a law, but rather a kind of perversion of law.”⁷⁵⁸ Therefore, this type of law is unjust and can be rejected as such.

Counterproductive Tyranny:

Typically, tyrants employed oppressive means to hoard and maintain power. Aquinas argued, however, that this was counterproductive to their aims. It is oppressive means, which most pragmatically threatened authority.⁷⁵⁹ There is no love for abusive leaders because “they do not exhibit towards [the community] the kind of behaviour for which anyone deserves to be loved.”⁷⁶⁰ Loyalty is also likely to be absent in an oppressive environment. Yet, it is the “virtue of loyalty” which would dissuade people from attempting to “throw off the yoke of undeserved servitude.”⁷⁶¹ Tyrants also attempted to bind the community through “fear,” yet this was also a counterproductive tactic. Aquinas states,

But fear is a weak foundation. For those who are subdued by fear will, if an occasion arises when they may do so with hope of impunity, rise up against their rulers in a manner which will be all the more ardent the more they have been constrained against their will and through fear alone, just as water, when forcibly compressed, will burst forth all the more vigorously when it finds an outlet.⁷⁶²

Therefore, proper political service rather than tyranny led to a sustaining of political power. This showed that even leaders who wanted to ensure their authority for selfish reasons were better off doing so through other-regarding service than oppression.

Unaccountable Tyranny:

Aquinas did not offer an optimistic perspective of tyrants yielding to accountability. Some tyrants even justified their abusive actions by claiming that citizens failed to oppose them. Typically, tyrants were impenitent, incorrigible, and unresponsive to anyone seeking to hold them accountable for their actions. Aquinas states,

Such men, moreover, seldom repent. Puffed up with pride, forsaken by God as the due reward of their sins, and spoiled by the adulation of men, it is rare that they are able to make proper satisfaction. For when could they restore all those things which they have

taken beyond their just due? There is no doubt that they ought to make restitution; but when could they recompense those whom they have oppressed and unjustly injured in every way?⁷⁶³

Aquinas anticipated the double-edged sword of perpetrators making reparations. Even if accountability were a possibility, the nature of tyrants' crimes often made it difficult for them to do so. While tyrants are the ones responsible and who own restitution to their victims it may be inappropriate for them to have further involvement due to victims' trauma.

Unaccountable tyranny also had the future danger of creating a political precedent. The danger of tyranny was not just in present conditions, but the possibility of it leading to a perpetual cycle. Aquinas states,

Not only do [tyrants] make no attempt to repair the evil that they have done, but by the authority of their actions they make shameless sinning into a custom which they then transmit to their posterity, and so they are held guilty in the sight of God not only of their own misdeeds, but also of those of the others to whom they have left behind the example of sinning before God.⁷⁶⁴

Therefore, there was an urgency upon the community to stop present tyranny for the sake of future generations. Future political oppression or political flourishing was a multigenerational concern, which required leaders to be held accountable.

Preventing and Removing Tyranny:

Aquinas advised political communities to create systems of accountability for their leaders before they held office. Aquinas recommended three preventative measures for protecting a community from tyrannical rule.⁷⁶⁵ First, political communities should seek a leader with a virtuous character who was not likely to abuse authority. Second, legal measures should be put in place to remove a leader if abuses of power occurred. Third, Aquinas recommended that a leader's power be limited. In other words, political authorities were not given unconditional authority. There should be a structure of checks and balances to limit a leader's authority. This type of legal accountability which allowed for the removal of a tyrannical leader

was preferable because it kept order, justice, and peace without the need for armed force. Additionally, Aquinas noted that the community could remove a tyrant without feeling as if they betrayed their leader, breached an agreement, or committed an act of injustice.⁷⁶⁶ Aquinas argued that an abusive leader even forfeited a perpetual leadership agreement. Therefore, Aquinas interpreted political authority as continually contingent upon the actions of the political leader.

If a leader abused their power, a community was free to “depose or restrain a king.”⁷⁶⁷

The political abuse of authority deserved significant punishment due to the gravity and the far-reaching effects of the crime. Aquinas states,

For if someone who robs one man, or delivers him into slavery, or slays him, deserves the greatest punishment, whether, indeed, it be death by the judgment of men or eternal damnation by the judgment of God, how much more is the tyrant to be deemed worthy to suffer worse penalties, who has robbed all men everywhere, worked against the liberty of all, and slain all and sundry to please his own will?⁷⁶⁸

Therefore, when a political leader substantially and/or in a sustained manner abused their authority and refused to be held accountable, the use of armed force became permissible.

Resorting to armed force, however, was viewed as a last resort.

Aquinas’ Just Rebellion Theory:

Aquinas’ just rebellion theory is based on his communitarian political theory and his subsequent just war thinking. Therefore, it is best to view Aquinas’ just rebellion theory as a derivative of his just war thinking rather than seeing them as distinct theories. In this respect, he foreshadowed contemporary efforts to utilize just war criteria to craft a just rebellion theory. Aquinas utilized all of his just war criteria in his approach to armed rebellion. Aquinas’ view of armed rebellion can be defined in the following manner: A justified armed rebellion required a legitimate authority (i.e. via the fourfold line of succession) who had a just cause (i.e. tyranny, the negation of the common good, culpable negligence, refusal of accountability, etc.) and a right intention (i.e. the restoration of the common good) to use armed force when it was necessary (i.e.

intolerable conditions), proportionate, and stood a reasonable chance of success (i.e. not cause worse harm than the current political tyranny) to restore political order, justice, and peace. Having thoroughly described Aquinas' perspective, I will now turn to Fabre's cosmopolitan approach.⁷⁶⁹

Fabre on Armed Rebellion:

In what follows, I describe and interact with Fabre's view of rebellion as displayed in two main sources: *Cosmopolitan War* (her main work describing armed rebellion broadly) and "Cosmopolitanism, Just War Theory and Legitimate Authority" (an article focusing on the issue of legitimate authority). Fabre's view of armed rebellion is based on her political cosmopolitanism and her subsequent just war thinking, which elevates the individual right to war.

Fabre's Cosmopolitan Base:

By way of reminder, Fabre incorporates her cosmopolitan political theory centered on individualism, equalitarianism, and universalism to counter political authorities' "exclusive" right to war.⁷⁷⁰ Cosmopolitanism is built around three main claims.⁷⁷¹ First, individuals are equal to all other individuals and are the moral focus of ethical inquiry. Second, states' rights are derivative of individuals' rights. Any right utilized by a state must provide and protect individuals. Third, citizens and states do not have a special relationship with each other. In other words, states should not prefer their citizens' rights to the rights of other individuals and vice versa. Therefore, all individuals have innate human rights irrespective of race, religion, gender, geography, or political affiliation, etc.

Rejecting Legitimate Authority:

As a result of this cosmopolitanism, supranational institutions have a right to “enforce cosmopolitan norms” rather than relying on nation-states.⁷⁷² While some cosmopolitans have attempted to “widen” the parameters of legitimate authority to include supranational institutions, Fabre argues that “there are very good reasons for dropping the requirement altogether.”⁷⁷³ In other words, Fabre argues that “a war need not be waged by a legitimate authority in order to count as a just war.”⁷⁷⁴ Further, Fabre claims, “non-political groups, as well as individuals themselves, can have the right to go to war.”⁷⁷⁵ Therefore, cosmopolitans “must renounce” the legitimate authority requirement.⁷⁷⁶

Fabre’s Definitional Distinctions:

Defining War:

Fabre claims that legitimate authority is based on a common definition of war as “the exercise of lethal force in defence of communal, political ends” (i.e nation-state sovereignty and territory).⁷⁷⁷ The Oxford English dictionary also supports defining war in a communal and political fashion.⁷⁷⁸ Fabre claims that these definitions preclude an individual’s right to war for the obvious reason that individuals do not have political authorization or group identity. She questions, however, why these definitions should be viewed as the assumed preference.⁷⁷⁹ She attempts to counter this definition by offering an analogy:

Suppose that one individual detonates a very powerful bomb in the underground, thereby releasing lethal chemicals and killing thousands of commuters, on the grounds that the government is guilty of violating the basic rights of some minority, and with a view to overthrowing that government. It would seem odd to maintain that he is not committing an act of war.⁷⁸⁰

Therefore, Fabre argues that war cannot by definition preclude individuals simply because they are unaffiliated.⁷⁸¹ I argue, however, that this analogy does not support her claim as this is an act

of terrorism rather than an act of war. Definitional distinctions currently exists, which explains Fabre's analogy as an act of terrorism without resorting to seeing this as an act of war.

Defining Armed Rebellion:

Fabre devotes the entirety of chapter four in *Cosmopolitan War* to civil wars as she argues that these wars are “consistently overlooked in the philosophical literature.”⁷⁸² A civil war is defined as “a conflict between a group of individuals and the state which has de facto authority over them.”⁷⁸³ Fabre specifically focuses on wars within a political community with explicitly political ends.⁷⁸⁴ Civil wars must meet five essential criteria:

(a) the war is fought either between insurgents and the regime in place, or amongst factions within the community; (b) the war is fought for political ends; (c) the number of victims must exceed 500; (d) those casualties are inflicted over several months; (e) each side is genuinely in a position to inflict casualties on the other side.⁷⁸⁵

Fabre approaches civil wars with two distinctive claims: rebellions can be “wars of self-determination” and rebellions are not “subject to different normative principles.”⁷⁸⁶ In connection with the first claim, Fabre argues that “the geographical location of a conflict (as within, or across, borders) and the political status of its actors are irrelevant to the determination of the latter's rights, duties, and liabilities.”⁷⁸⁷ In connection with the second claim, Fabre endorses “rights violation[s]” as a just cause for armed rebellion given its justificatory validity in war.⁷⁸⁸ Combing these two ideas with her cosmopolitan emphasis on individuals' rights, Fabre argues, “individuals in their private capacity may hold the right to wage war.... it is not a necessary condition for all wars to be just that they be waged by state-actors.”⁷⁸⁹ Therefore, a justified rebellion can be led by an individual in contrast to the historic tradition's emphasis on an authorized political leader.

Distinguishing Rebellion from Law Enforcement, Terrorism, and Genocide:

Fabre argues that her perspective is distinct from law enforcement, terrorism, or genocide. In contrast to some scholars, Fabre rejects depicting civil war as similar to “law enforcement” as “[civil wars are] about killing as well as inflicting huge losses of property to one's enemy, in defence of some fundamental rights of one's own qua individual or qua group member.”⁷⁹⁰ Fabre also mentions a few historic analogies to distinguish her understanding of rebellion and an individual's right to war from terrorism and genocide. In the first example, Timothy McVeigh is described as a “one-off terrorist” given “the relatively low number of victims, together with the fact that his act did not prompt fellow sympathisers or members of the militia movement to emulate him.”⁷⁹¹ Second, individual German Jews who resisted the Nazis were not in a rebellion against the German government given that they did not oppose them on the whole.⁷⁹² The Rwandan civil war and the war in Darfur, however, are historical examples of rebellion.⁷⁹³ As an example of an individualistic war, Fabre also mentions John Brown.⁷⁹⁴ But further historical inspection of John Brown's case will exclude this example as an individualistic war.⁷⁹⁵ Further, Brown also used multiple appeals of authority (i.e. moral, divine, political, and charismatic) to justify his actions in terms of “legitimate authority.”⁷⁹⁶ Therefore, Fabre admits, “No war (to my knowledge) has ever been fought by one individual single-handedly”.⁷⁹⁷ She argues, however, that an individual war is possible given technological advances (i.e. drones, technological warfare, etc.)⁷⁹⁸

Self-Defense and Rebellion:

Fabre does attempt to distinguish between a rebellion and self-defense with the following example:

For a group of German Jews to kill the SS soldiers who are sending them at gunpoint to Auschwitz is not to go to war against the regime. For them to kill not merely those

soldiers but members of the SS in general as well as Wehrmacht soldiers, as part of a broader campaign aimed at stopping the genocide in the long term, is an act of war.⁷⁹⁹

Therefore, Fabre acknowledges that civil wars are distinct from “mere self-defensive killing,” yet she is not consistent or careful in distinguishing self-defense and war elsewhere in her work.⁸⁰⁰

Fabre’s own distinctions (discussed below) also seems to preclude individuals from unilaterally utilizing a right to war given the communal context of political life. Therefore, my argument that wars and rebellions are fundamentally communal phenomena in which individuals cannot act out of an individual right is strengthened. Therefore, an individual’s right to self-defense is better left as a distinct concept from the right to war.

While Fabre provides several analogies to engender her perspective, it is clear that each of her analogies could be described in terms of the right to self-defense rather than a right to war. Fabre’s analogies attempt to lead readers into seeing the injustice in denying an individual the right of defense in the face of political oppression and the dangerous implications if we restrict the use of armed force to political leaders. This danger, however, is fictitious as political communities never deny an individual the right to defense against unjustified violence. Therefore, the conflation of self-defense and war is unjustified when framing the problem of political tyranny. Alongside the historic just war tradition and throughout this dissertation, I have contended that the right to self-defense is an individual right, which can be used against unjust violence stemming from other individuals or state agencies.

Fabre’s Use of History:

Historical Foundation:

Fabre provides a brief historical reconstruction of how legitimate authority developed. Fabre inaccurately claims that legitimacy and the right to war were based on any leader who could raise an army.⁸⁰¹ This is another example of why historical inquiry is important.

Legitimacy later became defined by internal and external recognition within territorial boundaries during the fourteenth to eighteenth centuries.⁸⁰² Therefore, the present international understanding of authority is based on the Westphalian interpretation of sovereignty (i.e. nation-states within a given territory).⁸⁰³

The Traditional Role and Rationale of Legitimate Authority:

Fabre argues that the traditional role of a legitimate authority was two-fold. Authorities must determine when war was permissible and who would act within such a war.⁸⁰⁴ Fabre claims that it is only the latter right that is controversial as any individual could intellectually determine whether a war was just or unjust. Rather, it is this latter claim that only political leaders have a right to authorize a war, which is highly contested. Fabre claims that the typical justification for legitimate authority was based on three main aspects: First, war was seen to be the defense of the community and its interests. Second, the authorized leader acted on behalf of its citizens as a representative. Third, restricting the authorization of war to a leader helped to limit killing.⁸⁰⁵ In regards to these three aspects, Fabre interprets them as collectivist justifications. I argue, however, that these are all justifications that are community-minded. In other words, it is not just about pragmatic appeals (i.e. limiting deaths), but about who can rightly declare war on behalf of an entire community.

While Fabre acknowledges the pragmatic rationale for restricting war to political authorities, she denies the moral basis for such a restriction. One common traditionalist justification reserves the right of war for political authorities because they are their community's representatives and are best positioned to assess the impact of war on their community.⁸⁰⁶ Interestingly, this parallels one of her standards for an individual going to war (i.e. the requirement of community representativeness discussed below). Regardless of this, Fabre

disagrees with the restriction of war to political authorities. The major disagreement is over where the foundational right to war lies. In a traditional understanding, the right to war is restricted to whoever serves as a main political authority.⁸⁰⁷ In other words, it is a right, which does not exist outside this role. In Fabre's cosmopolitanism, the right to war is an individual right conditionally entrusted to political authorities She states,

For a cosmopolitan, the rights of state officials are derived from and constrained by the fundamental rights of the state's individual members. In so far as a tyrannical state, via its agents, fails to respect those fundamental rights, it has lost its claim that its victims not overthrow it by military force. More precisely, agents of that state not only no longer have the de jure power to govern: they no longer have a claim, qua such officials, not to be violently interfered with in the exercise of their de facto but illegitimate power.⁸⁰⁸

What is evident in this statement is Fabre's fear of tyrannical abuse makes her reluctant to accept restricting armed force to political authorities. Countering this fear, I have offered a historical perspective throughout this dissertation that allows for tyrants to be removed within a political community without communal dissolution or individuals gaining some right to war. As displayed below, when Fabre describes individuals going to war, she undercuts its force by claiming that this individual should have some larger connection to the political community (i.e. representation, consent, etc.) and follow other just war criteria (necessity, proportionality, chance of success, etc.). Ironically, in these admissions, Fabre affirms the political nature of war that prevents individuals from justly enacting a war. Therefore, even in Fabre's own construction, an individual cannot unilaterally utilize a right to war without political recognition.

Fabre also fears that this past emphasis on political authority leads to a "standard interpretation" of legitimate authority in which *in bello* abiding combatants can kill without fear of judicial repercussion because of political authorization. What is unclear in Fabre's article is what "standard" her interpretation is based on. Presumably given the content of her claim, this standard is that which is found in Walzer and international law. Thus, we again see McMahan's

explicit critique of Walzer disappear in subsequent followers (i.e. Fabre). Further, Fabre claims this standard is based on the “modern European era” in which legitimate authority was based on nation-states within territorial boundaries.⁸⁰⁹ Even though Fabre lumps traditional just war theory together with international law, it is important to note that Fabre’s main consternation stems from international law rather than the historical just war tradition.

Therefore, Fabre worries that “some important strands within the tradition” reject the possibility of rebels being just in principle.⁸¹⁰ To counter this claim, I contrasted Aquinas’ view with Augustine’s. There are indeed historic just war thinkers whose view of legitimate authority precludes the possibility of a just rebellion (i.e. Augustine). Yet, there are also early historic just war thinkers (i.e. Aquinas) who argue for its permissibility without throwing the criterion of legitimate authority out. Despite Fabre’s desire to revise just war theory, she admits that it is an indispensable tool for evaluating civil wars.⁸¹¹ In her mind, however, she uses just war criteria as a moral tool rather than in its historical sense.

The Misuse of Historical Just War Thinkers:

Fabre does attempt to discuss the historical significance of legitimate authority with past just war thinkers such as Augustine, Aquinas, and Pufendorf.⁸¹² Sadly, this “re-telling” covers a paragraph’s length. She also briefly invokes Vitoria and Grotius as supporters of the private right to war.⁸¹³ Fabre argues that Vitoria defended war in “response to an imminent threat to his life or property” without needing political authority.⁸¹⁴ Fabre quotes Vitoria, “any person, even a private citizen, may declare and wage a defensive war.”⁸¹⁵ Grotius further argued that any person can “wage war” against any state or sovereign if no judicial mediation exists.⁸¹⁶ Therefore, Fabre concludes, “the fact remains that, on principle, individuals may sometimes go to war, without permission from the sovereign, in defence of their fundamental interests in life

and property.”⁸¹⁷ Unfortunately, this selective historical recounting is misleading. First, she barely covers the concept of legitimate authority as understood by classical just war thinkers. Second, she inaccurately highlights Vitoria and Grotius as historical just war thinkers who supported the private right to war. Vitoria and Grotius do not endorse a private right to war as Fabre herself understand this (i.e. an individual right to war). Upon closer inspection, Vitoria and Grotius are defending an individual’s right to self-defense. As I have previously shown, the right of self-defense is not disputed in the historic just war tradition. Therefore, Fabre’s wrongly conflates self-defense with war leading to an inaccurate historical reconstruction. Third, Fabre’s use of historical just war thinkers is based on an odd methodological contradiction. Revisionists want to deemphasize the credibility and moral relevance of historical just war thinkers, but they are willing to invoke these historical thinkers’ perspectives when it makes revisionists’ novel claims more palatable. In other words, revisionist want to take selective parts of history when it fits their larger agenda. Therefore, revisionists’ historical invocation is agenda laden and historically inaccurate. Whether this is intentionally deceptive or blinded by bias, one should use great caution when such historical thinkers are invoked by revisionists.

Fabre’s Right and Restraints of Armed Rebellion:

Fiduciary Management and Forfeiture:

Fabre defines the legitimacy of political sovereignty as the protection of “the fundamental human rights of their members as well as of outsiders.”⁸¹⁸ Governments fiduciarily hold rights on behalf of their citizens which are derivative of the rights of individuals. For example, the state’s right to war is merely a derivative of an individual’s right to war. Fabre states,

the state’s right to wage war is one which it has precisely in so far as it is better than individuals at protecting their fundamental human rights through the use of lethal force. If the state is unable or unwilling to wage war on behalf of its individual members, the right to do so reverts to the latter.⁸¹⁹

Therefore, the preference for the state's use of war is based on pragmatic considerations rather than some exclusive right by virtue of political authority.

In connection with this, Fabre advocates for a conditional understanding of political sovereignty in which the government's fiduciary right to govern can be forfeited through gross negligence or abuse of authority. Fabre states,

the right to govern is a fiduciary right which the state's agents hold as trustees acting on behalf of citizens, who are under an obligation to obey those agents' directives only if their fundamental rights are thereby better protected by those directives than if they disobeyed.⁸²⁰

Therefore, if political leaders violate people's rights (citizens or non-citizens), then leaders have forfeited their right to fiduciarily manage their citizens' rights and are deemed illegitimate authorities.⁸²¹ In such a construction, no one is obligated to obey their directives. Particularly, those citizens who had entrusted their government with the fiduciary management of their rights are freed from their social contract resulting in the reversion of rights.⁸²² Therefore, Fabre endorses an individual right to wage war, the fiduciary management of this right by the government, the forfeiture of such right if political authorities are grossly negligent or abusive, and the reversion of the right of armed force to individuals in oppressive circumstances.

An Individual's Right to War:

Fabre argues that the important point is not whether an individual can go to war, but whether they are justified in doing so (i.e. if other *ad bellum* criteria are fulfilled).⁸²³ Whether war is conducted by an individual or a group is morally irrelevant. Fabre states,

According to the deep morality of war, I argue, it is not necessary for a war to be just that it should be waged by the kinds of entity on which the right to go to war has traditionally been conferred: namely, state or quasi-state actors. Rather, an entity can hold the right to wage war if it is the best placed to put a stop to the wrongdoings which provide agents with a just cause for war...the right to wage a war in defence of one's human rights should also be conceived of as a human right. If that is so, the right cannot be denied to some groups of individuals on the grounds that they lack some characteristic or other,

when lacking or possessing those characteristics is irrelevant to their fundamental interest in being able to protect their rights.⁸²⁴

Elsewhere, Fabre adds, “conferring the right to wage war on groups only, and not on individuals, is to penalize the latter for something for which they are not responsible.”⁸²⁵ Therefore, Fabre’s main cosmopolitan contention is that individuals have a right to war in contrast to the traditionalists’ claim that political leaders hold the exclusive right to war. Fabre laments the fact that just war theory does not accept the moral permissibility of armed rebellion by virtue of lacking one criterion, which she argues is unnecessary.⁸²⁶ Therefore, any capable individual can utilize her right to war in self-defense or broader rights violations.

In connection with rights violations, Fabre advocates for a “broadening” of just cause in which individual and political rights constitute just grounds. Violations of individual and political rights are just causes because they attempt to “protect central aspects of individuals’ prospects for a minimally flourishing life.”⁸²⁷ Fabre claims that broadening the just cause criterion does lessen the need and requirement of legitimate authority. Fabre offers the following example:

State A is guilty of gross human rights violations against religious group B. It has closed all of B’s churches, maintains surveillance operations on suspected religious leaders, and routinely sends henchmen to kill and torture individual members of B. B’s members are denied any kind of protection—either from their own state A, if they are a minority within A, or from their own government, if they belong to a different political community from A. As we have just seen, B does have a just cause for using lethal force against A. A cosmopolitan who insists that war, in order to be just, must also be waged by a legitimate authority such as a state or supranational institution is thus committed to the following view: that B cannot wage a just war against A, but that it would have been able to do so had it been a state. And yet, so to deny B the status of a lawful belligerent is misguided, on cosmopolitan grounds.⁸²⁸

Therefore, an individual right to war must be defended. Every individual maintains a right to protect their “fundamental interest(s)” regardless of political recognition.⁸²⁹

She states,

the right to protect oneself from violations of one's human rights by others is a human right, in the sense that it is a right to a freedom (to wit, the freedom to defend oneself, without interference, against others) which we need in order to lead a minimally flourishing life.⁸³⁰

Therefore, any attempt to limit this right to political authorities is misguided.⁸³¹

Consent and Institutional Accountability:

Fabre attempts to create two standards for individuals who wish to initiate a war on behalf of their community. Individuals must “have good reasons to believe that their fellow community members would consent if they could, and they put in place institutional mechanisms whereby those for whose sake they fight can hold them into account once the war is over”.⁸³² What is immediately striking about her standards of consent and institutional accountability is the way that this undercuts the very condition of individuality. In other words, the language of an individual's right to war is unhelpful, misleading, and disingenuous. Later, she acknowledges, “Overthrowing and replacing a regime, by contrast, is a clearly political act which cannot be committed by just anyone.”⁸³³ I see significant inconsistencies in Fabre's perspective. Fabre argues that individuals have a right to war and can utilize this right in defense of the self or on behalf of others. Yet, despite having a right to war, Fabre argues that a single individual cannot in practice lead a war without some representative element (i.e. a following, communal consent, etc.). Fabre also acknowledges this when she wants to distinguish terrorism from rebellion (i.e. Timothy McVeigh). I argue, however, that by virtue of having some type of following/communal consent, we are moving beyond a unilateral individual's right to war. The very issue of representativeness and consent detracts from Fabre's individualistic construction. Further, the call for an institutional (dare I say communal) form of accountability post-rebellion again displays that war/rebellion is intricately tied with political communities rather than atomistic individual right bearers. Fabre's rhetoric is far more about shock value than anything substantive

as she constantly vacillates between a strong individualism and an acknowledgment that an individual cannot act without communal representation/consent.⁸³⁴ Therefore, I argue that Fabre's construction does not provide an individual right to war in theory or practice.

Just Cause and Other Just War Criteria:

In addition to the two standards of consent and institutional accountability, Fabre attempts to restrict an individual's right to war by introducing other just war criteria. She states,

if a single individual were to wage a war against a state on the grounds that the latter has violated his fundamental human rights, he would in all likelihood fall foul of the requirement that war should have a reasonable chance of success. Or he would probably inflict far more harm, for the sake of redressing the injustice which gave rise to his just cause, than would be allowed by the principle of proportionality. In either case this would lead us to deny him the right to wage that particular war. But it would not, in and of itself, rebut the radical claim that he can hold the right to wage war in general. Nor, more generally, would it rebut the claim that individuals can hold that right in their private capacity.⁸³⁵

Therefore, the justness of rebellion (i.e. the illegitimacy of the state) must also be met by other just war criteria. For individuals to have a justified right to war, it must meet just cause, last resort, reasonable chance of success, and proportionality.⁸³⁶ I am thankful for Fabre's concession on leveling just cause with the other just war criteria as revisionist rhetoric can often sound as if meeting the criterion of just cause is sufficient. Despite this concession, however, I argue that she still elevates just cause as the primary just war criterion in her acceptance of just rebels' use of asymmetrical tactics (discussed in chapter 1). Further, Fabre's acceptance of an individualistic war automatically implies that other necessary just war criteria have not been met due to an individual lacking the political and communal representation necessary to defend the common good. No single citizen can make personal judgments on behalf of their entire community (see above).⁸³⁷ Additionally, Fabre argues for a pragmatic principle of allowing whoever is best positioned to "stop the wrongdoings". I argue, however, that sole individuals would never be "best positioned" to stop injustice as rebellions require communal effort. Even she acknowledges

that one's prospect of success must be realistic to justify a rebellion. Therefore, I argue that there are no cases in which a sole individual can fulfill the other required just war criteria even in Fabre's revised criteria. In a way, my logic mimics McMahan's claim that *in bello* criteria cannot be fulfilled without *ad bellum* criteria being fulfilled. In other words, when Fabre attempts to restrict individuals' use of war by utilizing the other just war criteria, she is making it impossible for an individual to act unilaterally. Thus, the concept of an individual's right to war implodes upon itself.

Political Life and the Right to War:

Special Relationships and Political Identity:

Fabre also addresses whether citizens are obligated to obey their regime's directives due to some special relationship.⁸³⁸ For Fabre, "special relationships" do not entail any special obligation of obedience, but it can allow for special rights for individuals that pertain to one's community.⁸³⁹ Particularly, the individual retains a right to rebel against political tyranny. Historically, Augustine affirmed that a special relationship existed between political leaders and citizens in that God's providence brought them together. Therefore, citizens owed obedience to their leaders. Aquinas also affirmed that a special relationship existed between citizens and their leaders, but this was based on political life creating a real community through order, justice, and peace. If a political order was properly oriented, then there were no conflicting interests in citizens obeying leaders as leaders sought what was best for their community. For Aquinas, a citizen's obedience was conditioned upon the leader fulfilling her central duties. Thus, Aquinas and Fabre both endorse a conditional form of legitimacy, which can be forfeited through the improper use of authority. In Fabre's construction, since there is no special relationship to a political community outside the social contract, a community dissolves when tyranny occurs.

One's resistance to tyranny is then depicted as individuals defending themselves or seeking justice for their rights being violated. What makes Aquinas' understanding distinct from Fabre's is the fact that one's special relationship to her community motivates the need to remove a tyrant. The goal is not just to seek personal justice or defense, but to restore the common good for the sake of the community. Therefore, the concept of special relationships can have a positive function in combating political oppression contra Fabre's understanding.

I argue that part of Fabre's misconception of an individual's right to war stems from her understanding of political identity. Fabre states, "Throughout my inquiry I have argued that the individuals' political status is far less relevant to the conferral on them of the right to resort to war than is standardly thought."⁸⁴⁰ According to Fabre, cosmopolitan individuals have no real political identity and therefore there is no sense of larger community outside the mechanisms of government. Thus, if political leaders are abusive and the mechanisms faulty then no political community exists outside these structures. The political community dissolves into a state of nature in which individuals can use their right to war.⁸⁴¹ I have countered this apolitical notion, however, in my Thomistic communitarian perspective. In a Thomistic construction, all citizens are politically bound together through a real sense of community formed through the intrinsic worth of order, justice, and peace that exists in the common good. Thus, when political leaders go awry, there is still political community and common identity among its citizens. In other words, political identity occurs within a community in a way that is distinct from its leaders and structures. This communal unity motivates citizens to rebel against tyranny and to seek the proper restoration of the common good. Therefore, I argue that political identity has a significant bearing on the use of armed force as citizens are part of a community that is not reduced to their political leaders or governmental structures. Given her strong individualistic cosmopolitanism,

however, Fabre does not envision this possibility as tyranny automatically dissolves a community's ties.

Fabre's Response to Common Objections:

Fabre concludes by addressing common objections to her perspective. Critics claim individuals should seek legal measures. Fabre responds that legal measures are not always available or may be the very means of abuse. She does agree that if citizens could appeal to legal measures then they would fail to meet the last resort criterion.⁸⁴² Critics also claim that political communities are needed to help determine when and how war is waged. She claims that this objection fails to address cases when citizens' political community is the cause of the violation. Another common objection claims that placing the right to war in individuals will lead to individuals acting without proper consent resulting in widespread "damage," "death," and "suffering."⁸⁴³ She responds that states who officially declare war do so without citizens' consent resulting in widespread damage, death, and suffering.⁸⁴⁴ Another common objection claims that individuals are likely to violate *in bello* criteria more than state-led endeavors.⁸⁴⁵ Two reasons are used to support this rationale. First, individuals are often "weaker" and thus need to use unjust tactics to secure victory to offset the asymmetry.⁸⁴⁶ Second, individuals may see anyone who supports the oppressive regime as morally culpable and thus liable to target.⁸⁴⁷ Fabre responds that millions of lives have been lost in "authorized wars" and that there is no evidence to support that more civilians are killed in private wars. Ultimately, none of these objections take away from an individual right to war in theory or practice. Fabre concludes, "the right to wage a war can be vested in groups of individuals and in individuals acting alone, and not only in political organizations with the authority to make and enforce laws on a given territory. In a nutshell, we should dispense with the requirement of legitimate authority."⁸⁴⁸

Comparison of Aquinas and Fabre:

In one sense, Aquinas maintains some theoretical congruency with Fabre's endorsement of conditional political sovereignty based on the moral legitimacy of its leader(s). Despite significant differences regarding their political vision, rights, means, and ends of armed force, there is a common revulsion for political tyranny and a common affirmation that political authority can be forfeited through such abuse. There is also a common affirmation that armed force can be justified in removing such tyranny when other just war criteria are met. It has been my contention, however, that a Thomistic formulation offers a better and more adequate approach to armed rebellion by preserving the criterion of legitimate authority rather than revisionists' rejection of it.

Fabre's Overdrawn, Misleading, and Inadequate Approach:

I argue that Fabre's argument of abandoning authority is overdrawn, misleading, and inadequate for dealing with political oppression. Fabre's claims are overdrawn in the following manner: First, the understanding of her approach is built around a monolithic understanding of the just war tradition, which is largely rooted in Walzer rather than historical thinkers. This leads her to overdraw the problem of the tradition's rejection of armed rebellion. I have displayed throughout that even in the tradition's early formulations (i.e. Aquinas), it allowed for the possibility of armed rebellion. Further, the permissibility of such an allowance came through the criterion of legitimate authority rather than around it. Thus, legitimate authority is not the cause of disallowing armed rebellion as she claims. Further, even Fabre acknowledges that a rebellion must meet several just war criteria to be morally permissible. Fabre also overdraws her conception of individuals' relation to their political communities. Throughout, individuals are depicted within communities, but with no acknowledgment of how that shapes their identity. She

also overdraws her concept of special relationships. She sees them as morally detrimental to individuality and cosmopolitanism. I argue, however, that special relationships are fundamental to our identity, situatedness, and can serve a positive role in cultivating virtues including the need to resist tyranny.

Fabre's claims are also very misleading. I have already shown how she misappropriates Vitoria's and Grotius' position on the right to private war. Her inaccurate historical accounts will also mislead other scholars in their perception of the just war tradition. The conflating of the concepts of self-defense and war is also misleading. By depicting the just war tradition as disallowing individuals the right to defend themselves, she creates a non-existent problem (i.e. the just war tradition is unable to deal with political tyranny). Fabre's central claim of an individual's right to war is also misleading and disingenuous. While she uses significant individualistic rhetoric, she always walks back on an individual's actual ability to use this right. Individuals must have some form of representativeness or consent to act on behalf of the community. In this sense, no individual can unilaterally act without some communal recognition. In traditional sources, the right to war is restricted to political authorities for this very reason. Only representative political leaders can use force given the fact that they work on behalf of their communities. Further, individuals are expected to follow other just war criteria such as last resort, necessity, and proportionality. Fabre herself admits that a sole individual would likely never be able to fulfill these other criteria. If this is the case, what is gained in the rhetoric of an individual's right to war? Further, Fabre acknowledges that she can provide no actual historical examples of an individualistic war. Yet, she claims that this does not count against her theory because of the advances of technology. I argue, however, even with technological advances, no sole individual would be able to fulfill her criteria without some representation and thus

invalidate the “individual” nature of her claims. All these concerns lead me to argue that an individual’s right to war is not viable even in Fabre’s own account.

Fabre uses a variety of terminology to reject legitimate authority (i.e. jettisoning, dropping, dispensing, unnecessary, etc.). She is misleading in the rejection of this criterion, however, as she unwittingly affirms a type of legitimate authority in her approach. Even accepting Fabre’s individual right to war at face value, the legitimate authority would be redefined as the justified individual. Further, her theory does not actually give sole individuals the ability to initiate war as she reverts to requiring some type of representation and consent, which functions as a form of legitimate authority. Therefore, Fabre’s grandiose statements and apologetic of an individual’s right to war and the abuse of the criterion of legitimate authority comes to naught. Ironically, Fabre ends up defending the criterion of legitimate authority albeit in a non-traditional manner.

Fabre’s approach is also misleading when she argues that war and rebellion fall under the same moral constraints as any context of justified violence. In contrast to others who wish to throw just war criteria away in the context of rebellion, she claims that rebellion can and should be guided by other just war criteria. Later in *Cosmopolitan War*, however, she argues for just rebels’ use of asymmetrical tactics to even the odds against oppressive regimes. In other words, rebels can jettison other aspects of just war criteria if the circumstances are dire enough. I am not sure she would affirm this principle in other cases of justified violence, leading me to believe that she does treat rebellion as a specific context operating under different moral constraints. In all these criticisms, I find Fabre’s just war method and theory to be overdrawn, misleading, and inadequate to handle the issue of political oppression. Additionally, there is always the danger that followers will lose the nuance of their predecessors. In other words, while Fabre attempts to

restrict the use of her individual right to war by utilizing other just war criteria, her followers may take the individual right to war rhetoric forward without such restraints.

In Defense of a Thomistic Construction:

In contrast, Aquinas' perspective on armed rebellion (and just war thinking) is to be preferred for the following reasons. First, Aquinas' view of armed rebellion against political tyranny is tied to a communitarian political framework that better describes the reality of human interdependence and a communal context for rights/duties. Second, Aquinas argues for a special relationship between citizens and their political community that can enhance rather than hinder human flourishing. Special relationships can also provide avenues for the cultivation of virtue, interdependent aid, and a unified response to tyranny. Third, political life is not solely worthy for its instrumental value (i.e. provision and protection), but intrinsically worthy. Human flourishing comes through the political context of order, justice, peace in which true community can occur. In other words, political life provides a stable context for humans to flourish together in a holistic sense. Fourth, Aquinas' communitarian political theory also builds substantial responsibility and accountability for political leaders. This theory can endorse contemporary ideas like universal human rights and conditional sovereignty, but in a way that does not lose sight of either individuals or community life. Further, Aquinas' political theory concerning the common good provides a strong rationale for why armed force is restricted to political leaders.

As I have argued throughout, political theory is fundamental to understanding just war thinking. This is evident in Aquinas' work and would undercut a significant part of his just war logic to ignore this political background. Aquinas' just war theory centered on legitimate authority, just cause, and right intention is about guiding political leaders in protecting their community when the need for armed force arises. In contrast to Fabre's fears, I argue that

returning to a classical understanding of just war provides us insights and guidance in preventing and overcoming political oppression. In Aquinas' construction, a community can rebel against their leaders if the leaders have become immovably tyrannical. The motivation for such rebellion is the community's desire to restore the common good so that its interdependent citizens may flourish together.⁸⁴⁹ To challenge such a tyrannical regime, legitimate authority must be maintained. Authority is never jettisoned but falls to other political leaders. If these political leaders are also negligent or complicit in the abuse, then it reverts to the citizens.⁸⁵⁰ Citizens (via a unified coalition) can then use armed force to restore the common good. In social contract theories, tyranny dissolves the community, but in a Thomistic construction, the interdependent commitment of the community motivates the community to work together to combat such evil. Therefore, I conclude that a more adequate understanding of political life and just war thinking is found in a Thomistic construction that works towards interdependent human flourishing situated in the common good. Thus, even in the most difficult of contexts (i.e. political tyranny), legitimate authority is a necessary criterion that must be maintained.

CONCLUSION

Six Aspirational Aims:

This dissertation has critiqued the revisionist method and theory as primarily embodied in Jeff McMahan and Cécile Fabre. Despite my harsh criticisms, I do believe revisionists are genuinely motivated by their perception of inconsistencies, failure of moral attentiveness, and the potential of political tyranny. One's intention and motivation, however, must always be met by reality. I would like to point out several aspirational aims within revisionists' approach while also suggesting why their aims miss the mark. First, revisionists affirm the need for moral norms to guide war. I rejoice in the attempt to morally guide armed force beyond conventions or pragmatic aims. Historical-oriented thinkers, however, also aim to morally guide the use of armed force but provide a historical approach to assessing and implementing such norms. Therefore, ethics should be treated in a historically conscious manner.

Second, revisionists aim to reduce unjust wars. This is also an exemplary goal to which we should all support. Although, I am concerned that their attempt to situate the right to war in individuals is ripe with the potential for abuse even with the qualifications of other just war criteria. As I argued in chapter 4, it is not evident that individuals could utilize this right to war even in a revisionist account. To lessen unjust wars, we are better off restricting war to political authorities rather than emphasizing an individual's right to war. I affirm Johnson's following sentiment:

The contemporary implication of both the moral traditions and this empirical evidence is the need to bolster good government, strengthen states in their ability to provide it, and to deal effectively with challenges based in the private interests of self-constituted groups, who have been the actors responsible for the new face of war and not only its violation of existing standards for conduct in war but its challenge to the very idea of restraint in the use of armed force.⁸⁵¹

Third, revisionists want to hold abusive political leaders accountable. This is an encouraging sentiment, but one that must be moderated by the methods that can best achieve this. I argue that an individualistic, social contractarian and materialistic understanding of political life does not offer the conceptual resources to be able to hold political leaders adequately accountable. Rather, by emphasizing our communal nature, interdependency, and the positive non-material aspects of political life, we can have a more unified understanding of rights and duties for leaders and citizens resulting in higher expectations and accountability. Political life is not just a structure of material provision, but a larger cohesive body of individuals seeking to leverage one's giftings for the flourishing of all.

Fourth, revisionists do acknowledge that historic just war thinking has provided an important contribution towards contemporary thought (i.e. just war criteria). Unfortunately, I find that this statement is more of a platitude than actualized within their approach. I have argued that revisionists have not paid due attention to the historical tradition. The minimal references which are utilized are either misconstrued to favor a revisionist perspective or lambasted for moral negligence requiring their revisions. I have attempted to show that in revisionists' moral zeal, they have ignored and wrongly assessed the historic just war tradition. In response, I have offered an analysis of Thomas Aquinas to display the contemporary relevance of such historic perspectives. Additionally, revisionists invocation of just war terminology ends up creating a false sense of continuity with the historic tradition. I have shown, however, that revisionists offer a replacement theory rather than revisions consistent with historical conceptions. In this regard, I have shown that a return to historical sources is important for contemporary interpretation and application.

Fifth, revisionists rightly highlight the importance of individuals and their rights. Humans should resist governments who seek to limit or violate individuals' rights. Sadly, the majority of history is rife with individuals being grossly trampled on. As depicted in the *UDHR*, I argue that our political and communal context is an important part of understanding human rights. In such a perspective, individual human rights are protected from unjust infringement by political authorities. Yet, the *UDHR* also aims to protect individuals from other individuals unjustly infringing upon them. Therefore, we must always remember that our individual rights are always applied in the context of human community. In other words, individual rights mean very little in a context of isolation. Rights are meant to bolster human community and interdependent flourishing. I worry that in revisionists' effort to combat rights infringement, they have lost sight of human's communal context. In response, I have provided a Thomistic communitarian model that can elevate individuals and their rights while also remembering our communal context and duties to others. At times, human community may require the limitation of liberties for the good of others. Therefore, a conception of rights and duties aimed at producing interdependent flourishing better protects individuals than an isolated rights approach.

Sixth, revisionists uphold an individual's right to defense. I also affirm this right and find it entirely consistent with the historic just war tradition. A major problem, however, occurs in conflating war with self-defense. The political and communal nature of war is distinct from contexts of self-defense in a significant way. I argue that even Fabre acknowledges this by her own attempt to limit an individual's right to war through concepts of representativeness and consent. One can have all the necessary components of protecting an individual from unjust infringement in the concept of self-defense without leading to the problematic conclusion that this extends to a right to war. War is a political affair that should never be divorced from the

communal context. An atomistic construction of individuals is neither realistic nor desirable. Therefore, we should seek a theory that can protect individuals from political tyranny without resorting to a dissolution of community life. I have argued that Aquinas gives us both elements in his political theory and related just war thinking.

It is my deep affinity with revisionists' aspirational aims that motivate my criticisms. In other words, I affirm the significant stakes of individual human rights, the potential of political tyranny, and the possibility of justified armed rebellion against such abuse. I contend, however, that the criterion of legitimate authority augments the moral, political, and pragmatic use of just war thinking in the context of armed rebellion. It does so by acknowledging our communal situatedness, interdependency, and the intrinsic goodness of political life. It also provides political accountability for leaders with positive and negative duties. Ultimately, I fear that the individualistic nature of revisionist thought will lead to increased use of armed force. Further, the moral principles approach will lead to an increased disregard for historic just war thinking. Therefore, I have argued that we should reject revisionists' replacement of historical just war thinking.

Additionally, I have displayed the varying degrees of similarities and differences within revisionist and Thomistic thought concerning the criterion of legitimate authority. Rather than isolating and analyzing this criterion, I have argued that all just war thinking is connected to legitimate authority and wider considerations of political theory. Just war thinking is not exclusively political theory, but neither is it exclusively moral theory as suggested by revisionists. I have argued that just war thinking is deeply intertwined with a theorist's prior political vision. While other scholars have focused on critiquing revisionists' controversial ethical conclusions, I have argued that what makes revisionists' proposal most untenable is their

individualistic political vision. While there is merit in dissecting and critiquing the specific aspects of revisionist claims, I am more interested in contesting the individualistic political orientation that threatens to warp just war thinking from its historical, political, and communal contexts. To clarify, I do think political theory bears directly on morality, but even on a moral evaluation, I argue that revisionists have failed to provide a more adequate moral perspective. Revisionists' moral inadequacies are partially related to their failure to address the political context of war. Therefore, I have argued that revisionists' approach is methodologically problematic, ethically dubious, and politically reductive. By way of summary, I wish to provide seven central points that I have sought to establish throughout this dissertation.

Seven Central Points:

First, developing, defending, critiquing, revising, or rejecting just war criteria requires serious historical inquiry of the just war tradition. Revisionist scholar Christopher Finlay argues that historically-oriented and revisionist scholars maintain significant commonalities in their commitment to the just war tradition.⁸⁵² He claims that this makes them more akin than is often acknowledged. Finlay argues that while there are real ethical and methodical differences, both groups are ultimately engaging within the same tradition with the common goal of making just war theory applicable to today. Therefore, revisionists describe themselves as just war thinkers.

I, however, take issue with the revisionist branding.⁸⁵³ While not entirely absent, I have displayed that revisionists use minimal references to historical just war thinkers. They also use terminology and concepts that are found within the just war tradition but then seek significant expansion, revision, or abandonment of central criteria. Revisionism implies a connection with the past while allowing for new adaptations. In contrast, I affirm Johnson's understanding of traditional development. He states,

[W]hile, in principle, there is room for new development in thinking about what justified use of armed force requires, this is not open-ended. The historical tradition itself serves as a kind of directional compass which must be honored. This is why, in my own work, I have emphasized the importance of understanding the just war tradition in its classic form: what the concepts contained are about, where they came from, what they sought to address, how (and by whom) they are to be used.⁸⁵⁴

Therefore, the historic just war tradition contains countless examples of development and adaptation. It is a diverse tradition albeit containing a broad and substantial consensus regarding key aspects of just war. McMahan and Fabre like criteria such as just cause, necessity, and proportionality, but dislike the other elements surrounding it. They do not understand the traditional criteria as historically articulated by past just war thinkers. Despite shared terminology and concepts, I have argued that revisionism amounts to a replacement theory rather than anything consistent with the historic just war tradition. Therefore, it is difficult to accept Finlay's assessment that revisionists are in dialogue with the historical tradition.

Second, just war thinking is based on political and moral theory. Focusing exclusively on either element warps what the just war theory was crafted to do. Just war theory is not about pragmatic political norms or political utility. Just war theory is also not a pure moral theory of isolated norms, which all individuals can utilize. I affirm the classical conception of just war theory as discussed in Johnson's work. The classical conception of just war thinking is based on providing moral guidance to political leaders. In other words, just war theory is not a metric for individuals to evaluate the morality of war before, during, and after. Rather, it is meant to guide, restrain, or hold political leaders accountable. It is directed at authorized political leaders because the right to war is reserved to those whom communities have entrusted to safeguard their community. This right does not entail that political leaders have an unconditional right to war. The additional criteria of just cause and right intention restricts the use of armed force by

political leaders with moral considerations. Therefore, just cause and right intention precluded political leaders from abusing the use of armed force.

Third, legitimate authority is a political and moral concept. Misplacing the political theory from just war thinking leads to misapprehending criteria such as legitimate authority. While revisionists acknowledge its political nature, they treat it as conventional, antiquated, and morally unnecessary. Revisionists also highlight the way that this concept is rife with abuse and used to abuse citizens in the past. In contrast, I have argued alongside Johnson and Aquinas that the concept of political authority has high moral significance as it outlines leaders' role and responsibility to protect, provide, and cultivate their community. Additionally, the criterion of legitimate authority allows for the use of armed force in justified situations to (re)establish order, justice, and peace. Even Fabre acknowledges that sole individuals cannot declare a war on behalf of their community without some representativeness. Her concession displays the moral and political relevance of representativeness. Political leaders are appointed to represent their communities' interests. If political leaders fulfill their proper duties to their community then there is no fear of abusing the use of armed force. Therefore, the problem is not the concept of legitimate authority, but the way in which we have failed to implement it in the past.

Fourth, legitimate authority is the primary criterion of just war thinking that cannot be rejected without warping the other just war criteria. Contemporary just war thinkers across the spectrum have deemphasized the criterion of legitimate authority. In many renditions, legitimate authority has been relegated to the margins of just war thinking while others have sought its removal. Part of the reason for this is the way this concept has been abused in the past and wrongly conflated with other false ideas. Some see legitimate authority as synonymous with unconditional sovereignty or an unaccountable license to armed force. Tragically, most political

history evidences the elevation of political leaders above the citizens on whom they were appointed to serve. As civilization has developed, however, there has been growing political polity that highlights the importance and role of citizens. Political leaders are not appointed to lord it over their communities, but to cultivate them for the good of all. Given the historical abuse of authority and an overemphasis of political leaders at the expense of their citizens, contemporary theories have deemphasized the legitimate authority as a token of a bygone era. Others (i.e. revisionists) believe that this token of the past must be removed given its potential for abuse. I, however, have argued that this is an overreaction to the abuse that occurred in the past. In fact, abuse has been perpetrated through the loss of expectations for political leaders to serve in an other-regarding manner.

As an analogy, children may develop an aversion to authority or parental roles if they have experienced parental abuse or negligence in the past. While it is certainly reasonable for this aversion to be in place, it would not be healthy to reject authority or parental roles in principle. Related to this, we are woefully aware of political leaders' abuse and failures in the past. This does not, however, negate the role of political leaders in principle. Rather, cases of abuse can be used to highlight and heighten our standards and accountability for such roles. Therefore, overemphasizing or rejecting legitimate authority lead to significant errors in different directions. Either of these extremes, however, does not accurately represent the purpose of this criterion and how it creates standards of accountability for political leaders.

Fifth, the concept of legitimate authority grounded in a Thomistic approach provides a way to maintain this important criterion even in the context of political tyranny. I have argued that a Thomistic understanding of political life creates a substantial standard for political leaders (i.e. positive and negative duties) in cultivating an interdependent common good. Within this

approach, Aquinas allows for the removal of a political tyrant who has abdicated his political responsibilities to the community. Yet, even in the context of political tyranny, Aquinas offers a way to uphold legitimate authority through a line of authoritative succession. In the last line of authority, a unified political community can work together to restore proper order, justice, and peace through the use of armed force against a tyrant. In contrast, Fabre commends a reversion of the right to war to individuals when political tyranny has occurred leading to political dissolution. Even in Fabre's strong rhetoric, she concedes that some larger acceptance outside a sole individual's right is needed to perform a justified rebellion. In this way, she affirms a type of legitimate authority criterion albeit in a relocated fashion.⁸⁵⁵ This suggests that it is not possible, moral, or pragmatic to jettison the criterion of legitimate authority despite such individualistic rhetoric.

Sixth, a Thomistic communitarian political perspective provides a richer account of political life and a more adequate ground for just war thinking than revisionists' individualistic and reductive orientation. I have argued that revisionists reduce political life to material provisions and overemphasized individuals' human rights at the cost of communal life. This leads to an individualistic just war orientation that proclaims an individual's right to war. Further, revisionists' moral principles approach attempts to divorce just war thinking from its political context with the result that the distinct category of just war theory has evaporated. In contrast, I have argued that a Thomistic communitarian political vision gives us a more adequate and optimistic approach to political life, which additionally safeguards the appropriate use of armed force. This political vision protects individuals from political tyranny while also encouraging a concept of interdependent activity aimed at the flourishing of all.

Seventh, these conclusions display that historically-oriented just war thinking holds the best hope for further developed work in the use of armed force even in such complex contexts of armed rebellion. Rather than abandoning, replacing, or revising just war criteria, I argue that we should seek further engagement with the historical just war tradition. This tradition represents a substantial, wide-spread, and time-tested approach that can equip us with a sufficient base for dealing with contemporary issues. I have shown in the case of Thomas Aquinas that there is significant wisdom in the past that bears relevance for today. There are a variety of other historical perspectives that are worth turning to in times of moral and political complexity. Therefore, this dissertation has engendered a historically-oriented methodology with the hopes of convincing others of the need to return rather than revise just war thinking.

Summation:

In this dissertation, I have provided a Thomistic response to three key issues found in revisionist just war thinking. First, revisionists have endorsed an ahistorical method to just war thinking neglecting the origins, formulations, and developments in the historic just war tradition. Second, revisionists have provided an individualistic oriented just war theory highlighting an individual's right to war without regard to political situatedness. Third, this individualist orientation is based on a reductive and instrumentalized political theory, which focuses on the material provisions a government owes its citizens resulting in an atomistic and contractarian understanding of citizens' relationship with their political community.

In response, I have argued for a historical-oriented approach to just war thinking that returns to the origins, formulations, and development of the just war tradition as depicted in Thomas Aquinas' classical just war formulation (i.e. legitimate authority, just cause, and right intention). In this Thomistic approach, I have shown that the historical tradition provides

substantial and widespread wisdom and guidance for constructing and upholding a just war in theory and practice. I have also displayed that the criterion of legitimate authority is the primary criterion on which all other just war criteria is based. By neglecting or abandoning this criterion, the rest of just war thinking will be warped. Further, I have also displayed that this historic tradition is aware and capable of dealing with such difficult issues as political tyranny. Second, I have provided an interdependent oriented approach to just war thinking, which understands individuals as intricately a part of their political communities. I argue that this approach is based on the fundamental reality of human interdependence and our communal situatedness. This point also acknowledges that just war thinking is not exclusively about moral considerations, but also the political vision on which it is based. Third, I argued that Aquinas' just war thinking was based on a Thomistic communitarian political vision, which highlighted the interdependence of political life and the intrinsic worth of the common good, which leads to human flourishing. Therefore, I argued that a historically-oriented method and interdependent theory of just war provides a more adequate base for just war thinking than revisionists' ahistorical method and individualistic theory. In conclusion, I argue that future just war thinking is better off returning to the historical just war tradition than implementing McMahan's and Fabre's "revisions".

ENDNOTES

¹ *Jus ad bellum* criteria contains: legitimate authority, just cause, right intention, last resort, probability of success, and proportionality. *Jus in bello* criteria contains: necessity, discrimination, and proportionality.

² Historically-oriented scholars are also referred to as orthodox, traditionalists, or classicalists. To parallel revisionists' use of these categories, I will use these terms interchangeably and synonymously.

The historical approach is substantial both in terms of its content, but also the diverse audience that has been involved in its development. Johnson states, "Just war tradition, in other words, arose from plural sources and has evolved along plural, though more or less parallel, lines. Its unity reflects a broad consensus of long standing within western culture about when the use of force is justified in relations among nations and what restraints ought to be observed in employing such force", James Turner Johnson, *Ethics and the Use of Force: Just War in Historical Perspective* (England: Ashgate Publishing, Ltd., 2013), 113.

For an example of historically-oriented scholars, see *Just War Thinkers: From Cicero to the 21st Century*, War, Conflict and Ethics. Daniel R. Brunstetter and Cian O'Driscoll, eds. (London: Routledge Taylor & Francis Group, 2018).

³ Seth Lazar provides an excellent summary of this division: Seth Lazar, "Just War Theory: Revisionist vs. Traditionalists". *Annual Review of Political Science* 20:37-54, 2017. For the sake of this analysis and the scope of my project, I compare "historically-oriented" and "revisionist" approaches to just war thinking. As to be expected within any broad categorization, there are many distinct variations. I follow McMahan and Fabre's strain, which is categorized as "reductionist".

⁴ Within my dissertation, I generally use the term revisionists as a short-hand term for McMahan and Fabre. Other prominent revisionists such as David Rodin and Christopher Finally offer their own revisionist variations that would not match McMahan and Fabre. Despite the various revisionist approaches, there are still significant similarities between them. Thus, while my focus is primarily on McMahan and Fabre, many of my critiques would apply to the wider revisionist movement. For a variety of articles from a diversity of revisionists, see Cécile Fabre and Seth Lazar, eds., *The Morality of Defensive War*, Mind Association Occasional Series (Oxford: Oxford University Press, 2014).

⁵ "Deep morality" is a term coined by McMahan, but also used by Fabre.

⁶ McMahan describes the Revisionist approach in this way: "Revisionist just war theory is a school of thought, not a body of doctrine. There are many disagreements among revisionists, but they have the benefit of a long tradition of thought about the morality of war on which to build as well as a more recent tradition of rigorous, meticulous analytical thinking about moral issues that has, among other things, given them a richer range of distinctions and other analytical tools than

their predecessors had access to. The result of their efforts promises to be an understanding of the just war that is not only quite different from the traditional Theory but substantially more plausible”, Jeff McMahan, “Rethinking the ‘Just War,’ Part 1,” *New York Times*, November 11, 2012, <https://opinionator.blogs.nytimes.com/2012/11/11/rethinking-the-just-war-part-1/>.

⁷ See Jeff McMahan, *Killing in War* (Oxford: Clarendon Press, 2009).

⁸ McMahan’s perspective is also labeled “reductive individualism”. See Helen Frowe, “Collectivism and Reductivism in the Ethics of War” in *A Companion to Applied Philosophy* (Chichester, UK: Wiley Blackwell, 2017), 346-ff.

⁹ See Cécile Fabre, *Cosmopolitan War* (Oxford: Oxford University Press, 2012).

¹⁰ Fabre, *Cosmopolitan War*, 16.

¹¹ I am not suggesting that just war theory is exclusively political in nature. Morality also plays a central role. Revisionists claim to focus exclusively on the latter, but in reality they are also making significant political claims.

¹² Johnson, *Ethics and the Use of Force*, 37.

¹³ Given revisionist views, it could also be termed an “individual right to self-defense” or an “individual right to justified force”.

¹⁴ See Valeria Morkevicius, “Why We Need a Just Rebellion Theory.” *Ethics and International Affairs* 27, no. 4 (2013): 401-11; Christopher J. Finlay, *Terrorism and the Right to Resist: A Theory of Just Revolutionary War*. Cambridge: Cambridge University Press, 2015; Allen Buchanan, “The Ethics of Revolution and Its Implications for the Ethics of Intervention.” *Philosophy and Public Affairs* 41, no. 4 (2013): 291-323; Anna Floerke Scheid, *Just Revolution: a Christian Ethic of Political Resistance and Social Transformation*. Lanham: Lexington Books, 2015; Fernando Teson, “The Ethics of Insurgency.” *The Independent Review* 21, no. 2 (Fall 2016): 181-97; Allen Buchanan, “Revolution”, *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/fall2017/entries/revolution/>.

Armed Humanitarian Intervention has also been a parallel field of inquiry receiving significant interest: Don E. Scheid, ed. *The Ethics of Armed Humanitarian Intervention*. New York: Cambridge University Press, 2014; *Humanitarian Intervention: A History*. Brendan Simms and D.J.B. Trim, eds., Cambridge: Cambridge University Press, 2011; Didier Fassin and Mariella Pandolfi, eds. *Contemporary States of Emergency: The Politics of Military and Humanitarian Interventions*. New York: Zone Books, 2013.

¹⁵ For pragmatic purposes, however, revisionists would encourage people to defer to political authorities’ use of armed force in the context of war.

¹⁶ Not all revisionists reject legitimate authority. For example, Christopher Finlay is a revisionist who wishes to revise legitimate authority, but who does not endorse the language used by Fabre. See Christopher J. Finlay, “The Perspective of the Rebel: A Gap in the Global Normative Architecture.” *Ethics and International Affairs* 31, no. 2 (2017): 213-34

For background on political legitimacy see, Fabienne Peter, “Political Legitimacy, *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <<https://plato.stanford.edu/archives/sum2017/entries/legitimacy/>; See also, Jonathan Perry, “Legitimate Authority and the Ethics of War: A Map of the Terrain.” *Ethics and International Affairs* 31, no. 2 (2017): 169-89.

¹⁷ In this scenario, the unitive coalition of citizens may appoint leaders to guide their efforts.

¹⁸ It is ahistorical in the sense that it does not interact with the historical just war tradition. Fabre uses historical examples of warfare in her methodology, but this does not actually deal the just war tradition’s approach. Her historical cases also lack historical context. In this regard, she uses history as a means for her moral ends.

¹⁹ Johnson notes three benefits from interacting with morality in relation to history: “a better understanding of tradition-based approaches to moral judgments in themselves, so that they may provide critical purchase on contemporary thinking; a better understanding of how particular historical experiences matter for conceptualizing and enacting ideas of what is right and wrong in war; and a deeper conceptual frame for engaging the thinking of other cultures on morality and war”, *Ethics and the Use of Force*, 7.

²⁰See Jeff McMahan, “Rethinking the ‘Just War,’ Part 2,” *New York Times*, November 12, 2012, <https://opinionator.blogs.nytimes.com/2012/11/12/rethinking-the-just-war-part-2/>. Johnson states, “While at the beginning of the modern period just war tradition was still a single body of thought incorporating elements from theology, philosophy, law, and both political and military theory and practice, it soon split into these component parts, and so for most of the modern era that tradition has been carried and developed distinctly within these several spheres”, *Ethics and the Use of Force*, 20.

²¹ McMahan, “Rethinking the ‘Just War,’ Part 2”.

²² Johnson states, “the concept of just war is not one limited to theory alone; the tradition also includes practical experience of the exercise of government and the use of force proper to that task, and in particular it also includes experience in the actual use of armed force. This gives it a pertinence that theory alone may not command. But it also means that the theoreticians need to seek actively to engage contemporary practitioners in dialogue, keep up to date on the nature of conflict and what improves the possibilities of moral conduct in war, and develop awareness of the historical context which has helped to forge existing ideas of limitation”, *Ethics and the Use of Force*, 34.

²³ Fabre, *Cosmopolitan War*, 12.

²⁴ Fabre, *Cosmopolitan War*, 12.

²⁵ Fabre, *Cosmopolitan War*, 12, 15.

²⁶ Fabre, *Cosmopolitan War*, 12.

²⁷ Fabre, *Cosmopolitan War*, 13.

²⁸ Fabre, *Cosmopolitan War*, 13.

²⁹ Fabre, *Cosmopolitan War*, 13-14.

³⁰ It would also be incorrect to depict just war theory as exclusively political theory. I do not advocate for this perspective. Rather, I argue that just war theory is a moral guide and standard of accountability for political leaders.

³¹ Practical reasoning is a term used to describe Johnson's approach, John Kelsay, "James Turner Johnson, Just War Tradition, and Forms of Practical Reasoning," *Journal of Military Ethics* 8, no. 3 (2009), 180.

³² Even in making these claims, however, they are taking part in a historical dialogue.

³³ Johnson, *Ethics and the Use of Force*, 76.

³⁴ Johnson also argues that some scholars have an ulterior motive in appealing to the historic just war tradition such as the promotion of pacifism, the United Nations over nation-states, or to masquerade an author's own views, *Ethics and the Use of Force*, 3.

³⁵ Johnson, "Contemporary Just War Thinking: Which is Worse, to Have Friends or Critics?", 40. Also quoted in Zehr, 234.

³⁶ Nahed Artul Zehr, "James Turner Johnson" in *Just War Thinkers: From Cicero to the 21st Century*, War, Conflict and Ethics. Daniel R. Brunstetter and Cian O'Driscoll, eds. (London: Routledge Taylor & Francis Group, 2018), 232.

³⁷ Johnson states, "Contemporary appeals to the idea of just war should be tested by reference to the historical just war tradition, and especially by reference to how well they are in accord with the classic statement of what is necessary for a just resort to armed force.", *Ethics and the Use of Force*, 3.

³⁸ Johnson, *Ethics and the Use of Force*, 34.

³⁹ McMahan, “Rethinking the ‘Just War,’ Part 1”.

⁴⁰ McMahan, “Rethinking the ‘Just War,’ Part 1”.

⁴¹ McMahan, “Rethinking the ‘Just War,’ Part 1”.

⁴² McMahan, “Rethinking the ‘Just War,’ Part 1”.

⁴³ McMahan makes both of these claims.

⁴⁴ McMahan, “Rethinking the ‘Just War,’ Part 1”.

⁴⁵ McMahan, “Rethinking the ‘Just War,’ Part 2”.

⁴⁶ Johnson notes, “Walzer’s contribution to the recovery of just war thinking has had a major and continuing influence on non-religious lines of just war reasoning. One particularly useful element in Walzer’s approach is the idea that a moral understanding of when war is justified and how it should be conducted is universal, grounded in basic moral intuitions of people in different cultural and historical contexts. Thinking of just war in this way opens the door to efforts at identifying common ground across cultures—that is, not as a specifically Christian concept, as in Ramsey, but as a concept that takes different specific forms in diverse cultural and religious contexts, while maintaining the same fundamental features”, *Ethics and the Use of Force*, 21.

⁴⁷ Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, fifth ed. (New York: Basic Books, a member of the Perseus Books Group, 2015).

⁴⁸ Chris Brown, “Michael Walzer” in *Just War Thinkers: From Cicero to the 21st Century*, War, Conflict and Ethics. Daniel R. Brunstetter and Cian O’Driscoll, eds. (London: Routledge Taylor & Francis Group, 2018), 205.

⁴⁹ Brown, 205.

⁵⁰ Brown, 205.

⁵¹ Brown, 205, 211.

⁵² Brown, 208. On Walzer’s use of history, Johnson states, “Walzer, for his part, made extensive use of historical cases in his own effort to recover the just war idea for moral and political discourse. But the purpose of these carefully chosen cases was not to engage the just war tradition but to illustrate the moral argument Walzer was making, providing examples of how human moral intuition, in a variety of historical periods and contexts, has shown the ability to recognize moral wrong and to postulate a response to it”, *Ethics and the Use of Force*, 5.

⁵³ Brown, 211.

⁵⁴ Brown, 205.

⁵⁵ Brown, 214.

⁵⁶ Brown, 210.

⁵⁷ Brown, 210.

⁵⁸ Brown, 207. A classical just war thinker denotes someone from 300-1500 CE. A modern just war thinker denotes someone from 1500-present.

⁵⁹ Brown, 208.

⁶⁰ Brown, 210.

⁶¹ Brown, 205-206.

⁶² Brown, 210. Brown notes that one significant difference between Walzer and international law is the way the former supports a supreme emergency principle in which moral norms may be temporarily suspended in cases in which the survival of a community is at stake, Brown, 209.

⁶³ Brown, 211.

⁶⁴ Brown, 212.

⁶⁵ Brown, 211.

⁶⁶ Brown, 212.

⁶⁷ Nancy Rosenblum. A Conversation with Michael Walzer. YouTube. 2012.
<https://www.youtube.com/watch?v=TvpnmLoO38>. Also mentioned in Brown, 20

⁶⁸ Brown, 212.

⁶⁹ Brown, 209.

⁷⁰ Brown, 209.

⁷¹ Brown, 213.

⁷² Brown, 214.

⁷³ A succinct summary of Johnson's approach is found in John Kelsay, "James Turner Johnson, Just War Tradition, and Forms of Practical Reasoning". *Journal of Military Ethics*. Vol. 8. No. 3, 2009: 179-189. See also Nahed Artoul Zehr, "James Turner Johnson" in *Just War Thinkers: From Cicero to the 21st Century*. Routledge: 227-237. For a more expanded understanding of Johnson's historical approach to the Just War tradition, see "The Just War Idea in Historical Tradition and Current Debate", *Ethics and the Use of Force*, 15-35.

⁷⁴ Johnson, *Ethics and the Use of Force*, 6. Johnson states, "This conception of history has two broad components: the state of affairs as they are and the presence of the past in human consciousness.", *Ethics and the Use of Force*, 6.

⁷⁵ Zehr, 227.

⁷⁶ Zehr, 227.

⁷⁷ Zehr, 227.

⁷⁸ Zehr, 227.

⁷⁹ James Turner Johnson, "Contemporary Just War Thinking: Which is Worse, to Have Friends or Critics?". *Ethics and International Affairs* 17 (1), 2013, 45. Also quoted in Zehr, 235.

⁸⁰ Zehr, 229-230.

⁸¹ Zehr, 229.

⁸² Zehr, 229.

⁸³ Zehr, 230.

⁸⁴ Johnson, *Ethics and the Use of Force*, 20-24. Additionally, Johnson critiques the U.S. Catholic Bishops' "The Challenge of Peace" for departing from historical just war thinking by emphasizing the "presumption against war", *Ethics and the Use of Force*, 21-24.

⁸⁵ James Turner Johnson, *Can Modern War Be Just?* New Haven: Yale University Press, 1984, 13. Also quoted in Zehr, 230. Additionally, Johnson states, "conceiving just war in terms of a tradition adds richness to the possibilities of dialogue with the moral traditions on armed force found in other cultures", *Ethics and the Use of Force*, 35.

⁸⁶ Zehr, 230.

⁸⁷ Zehr, 231.

⁸⁸ Johnson states, “[the] just war tradition historically came into being as a broad consensus shaped by law, social custom, and political and military theory and practice as well as by theological and philosophical reasoning”, *Ethics and the Use of Force*, 35.

⁸⁹ Zehr, 231.

⁹⁰ Zehr, 231.

⁹¹ Zehr, 228.

⁹² Zehr, 228.

⁹³ Zehr, 228.

⁹⁴ Zehr, 229.

⁹⁵ Zehr, 229.

⁹⁶ James Turner Johnson, *Just War Tradition and the Restraint of War: A Moral and Historical Inquiry* (Princeton, NJ: Princeton University Press, 2014), x. Also quoted in Zehr, 229.

⁹⁷ Kelsay states, “For Johnson, however, principles and rules were not the heart, or the foundation, or whatever other metaphor one might wish to use to indicate the central feature of a style of practical reasoning. Instead, just war tradition illustrated the fundamentally historical character of thinking about ethics. When asked for reasons why a particular instance of war should be characterized as just or unjust, human beings do not cite rules and principles, so much as they tell a story. And that story typically indicates their sense that life, including thinking about war, did not begin with the present generation; rather, that generation inherits a vocabulary and a set of exemplary applications precedents, if you will by which it tries to work through the facts of a present case. As well, life will not end with the current instance of war—one must think about the future, and what one is leaving by way of a developing tradition to generations yet to come. Human beings are historical creatures. And this colors the form by which they engage in reasoning about the right and the good”, “James Turner Johnson, Just War Tradition, and Forms of Practical Reasoning”, 180.

⁹⁸ In reference to Johnson, Kelsay states, “Contemporary moralists ought to think in terms of an attempt to uncover ‘commonality as to what is natural’, that is, they ought to follow the example of prior generations in the attempt to ascertain a consilience of various military, political, legal, and religious understandings of the practices that distinguish just from unjust war”, “James Turner Johnson, Just War Tradition, and Forms of Practical Reasoning”, 183.

⁹⁹ Zehr, 230, 232.

¹⁰⁰ Zehr, 232.

¹⁰¹ Johnson, “Contemporary Just War Thinking: Which is Worse, to Have Friends or Critics?”, 41. Also quoted by Zehr, 232.

¹⁰² Zehr, 232.

¹⁰³ Zehr, 234.

¹⁰⁴ Zehr, 234.

¹⁰⁵ Johnson, *Ethics and the Use of Force*, 2. Johnson further describes armed force in the following way: “force may be good or bad depending on who uses it (the sovereign public authority, not any private individual or group without responsibility for the good of the political community or the interrelations among such communities), on the objective justifying cause (a serious threat to the common good, described in terms of the Augustinian political theory underlying the just war consensus as the interlinked triad of goods: order, justice, and peace; Americans and others from Western nations today might reasonably add provision for freedom, protection of human rights, and democracy), the motivation (ruling out such motives as ethnic or religious hatred, one-sided self-interest, and the desire to dominate another group), and the overall purpose (protection, establishment, or reestablishment of a justly ordered peace)”, *Ethics and the Use of Force*, 2.

¹⁰⁶ Johnson, *Ethics and the Use of Force*, 2.

¹⁰⁷ Johnson, *Ethics and the Use of Force*, 2.

¹⁰⁸ Johnson, *Ethics and the Use of Force*, 2-3.

¹⁰⁹ Johnson, *Ethics and the Use of Force*, 3.

¹¹⁰ While Walzer is a popular figure within a contemporary approach to just war theory, I do not attempt to defend his particular brand of just war thinking. While other theorists are invoked, McMahan almost exclusively focuses on Walzer. This is not wrong in itself, but needs clarification. Revisionist should argue that they are responding specifically to Walzerian just war theory rather than traditional just war theory.

¹¹¹ I credit Prof. John Kelsay as I incorporated his articulation of the previous five sentences. His editorial efforts helped to clarify and organize my thoughts.

¹¹² McMahan, *Killing in War*, 80-81.

¹¹³ McMahan, *Killing in War*, 82-83.

¹¹⁴ McMahan, *Killing in War*, vii.

¹¹⁵ I am indebted to Prof. John Kelsay for this articulation of the classical tradition.

¹¹⁶ McMahan, *Killing in War*, 79.

¹¹⁷ This is a claim made by Walzer. McMahan, *Killing in War*, 79.

¹¹⁸ McMahan, *Killing in War*, 156..

¹¹⁹ McMahan, *Killing in War*, 158.

¹²⁰ McMahan, *Killing in War*, 156. McMahan argues, “The view about the moral status of unjust combatants that I am defending parallels the common view about individual self-defense. It holds that unjust combatants are liable to attack because they are responsible for an objectively wrongful threat, yet concedes that because they generally have excuses, their liability is diminished so that the narrow proportionality restriction on defense against them is stricter than it would be in the absence of excuses. The prevailing view, by contrast, holds that even though unjust combatants act objectively permissibly, it is nevertheless permissible to kill them intentionally at any time no matter what they are doing. The suggestion that just combatants might be morally required to exercise restraint in fighting against unjust combatants, or at least against some of them, is thus quite a radical departure from the prevailing view”, McMahan, *Killing in War*, 193.

¹²¹ McMahan, *Killing in War*, 156.

¹²² McMahan, *Killing in War*, vii.

¹²³ McMahan, *Killing in War*, 15.

¹²⁴ McMahan, *Killing in War*, 83-84.

¹²⁵ McMahan, *Killing in War*, 16.

¹²⁶ McMahan, *Killing in War*, 46.

¹²⁷ McMahan, *Killing in War*, 16.

¹²⁸ McMahan, *Killing in War*, 16.

¹²⁹ McMahan, *Killing in War*, 17.

¹³⁰ McMahan, *Killing in War*, 45.

¹³¹ McMahan, *Killing in War*, 50.

¹³² McMahan, *Killing in War*, 17.

¹³³ McMahan, *Killing in War*, 17.

¹³⁴ McMahan, *Killing in War*, 20-21. On the definition of narrow and wide proportionality: “[I]ssues of narrow proportionality usually concern harms inflicted intentionally, while issues of wide proportionality usually concern harms inflicted foreseeably but unintentionally”, McMahan, *Killing in War*, 21.

¹³⁵ McMahan, *Killing in War*, 24.

¹³⁶ McMahan, *Killing in War*, 24-25.

¹³⁷ McMahan, *Killing in War*, 25.

¹³⁸ McMahan, *Killing in War*, 25.

¹³⁹ McMahan, *Killing in War*, 38.

¹⁴⁰ McMahan, *Killing in War*, 41.

¹⁴¹ It is true that Grotius helped to connect just war theory with international law, but it must also be said that Grotius was not of the classical variety of just war theorists.

¹⁴² McMahan, *Killing in War*, 6.

¹⁴³ McMahan, *Killing in War*, 6.

¹⁴⁴ McMahan, *Killing in War*, 6.

¹⁴⁵ McMahan, *Killing in War*, 7.

¹⁴⁶ McMahan, *Killing in War*, 7.

¹⁴⁷ This is meant as a sarcastic wordplay on his “deeper” morality.

¹⁴⁸ This is in contrast to Thomas Hobbes, who held an unconditional right to self-defense.

¹⁴⁹ McMahan, *Killing in War*, vii-viii.

¹⁵⁰ McMahan, *Killing in War*, vii-viii.

- ¹⁵¹ McMahan, *Killing in War*, 4.
- ¹⁵² McMahan, *Killing in War*, 3.
- ¹⁵³ McMahan, *Killing in War*, 3.
- ¹⁵⁴ McMahan, *Killing in War*, 4.
- ¹⁵⁵ McMahan, *Killing in War*, 105.
- ¹⁵⁶ McMahan, *Killing in War*, 115.
- ¹⁵⁷ McMahan, *Killing in War*, 106.
- ¹⁵⁸ McMahan, *Killing in War*, 106-107.
- ¹⁵⁹ McMahan, *Killing in War*, 105.
- ¹⁶⁰ McMahan, *Killing in War*, 105.
- ¹⁶¹ McMahan, *Killing in War*, 105.
- ¹⁶² McMahan, *Killing in War*, 107.
- ¹⁶³ McMahan, *Killing in War*, 107.
- ¹⁶⁴ McMahan, *Killing in War*, 107.
- ¹⁶⁵ McMahan, *Killing in War*, 105, 109.
- ¹⁶⁶ McMahan, *Killing in War*, 189-191.
- ¹⁶⁷ McMahan, *Killing in War*, 190-191.
- ¹⁶⁸ McMahan, *Killing in War*, 109-110.
- ¹⁶⁹ McMahan, *Killing in War*, 107.
- ¹⁷⁰ McMahan, *Killing in War*, 107.
- ¹⁷¹ McMahan, *Killing in War*, 107-108.
- ¹⁷² McMahan, *Killing in War*, 107-108.

- ¹⁷³ McMahan, *Killing in War*, 108.
- ¹⁷⁴ McMahan, *Killing in War*, 108-109.
- ¹⁷⁵ McMahan, *Killing in War*, 108.
- ¹⁷⁶ McMahan, *Killing in War*, 154.
- ¹⁷⁷ McMahan, *Killing in War*, 192.
- ¹⁷⁸ McMahan, *Killing in War*, 108.
- ¹⁷⁹ McMahan, *Killing in War*, 108.
- ¹⁸⁰ McMahan, *Killing in War*, 108.
- ¹⁸¹ McMahan, *Killing in War*, 4.
- ¹⁸² McMahan, *Killing in War*, 6.
- ¹⁸³ McMahan, *Killing in War*, 86.
- ¹⁸⁴ McMahan, *Killing in War*, 84.
- ¹⁸⁵ McMahan, *Killing in War*, 126.
- ¹⁸⁶ McMahan, *Killing in War*, 126.
- ¹⁸⁷ McMahan, *Killing in War*, 80.
- ¹⁸⁸ McMahan, *Killing in War*, 98.
- ¹⁸⁹ McMahan, *Killing in War*, 92.
- ¹⁹⁰ McMahan, *Killing in War*, 93.
- ¹⁹¹ McMahan, *Killing in War*, 95.
- ¹⁹² McMahan, *Killing in War*, 94.
- ¹⁹³ McMahan, *Killing in War*, 95.
- ¹⁹⁴ McMahan, *Killing in War*, 96.

¹⁹⁵ McMahan, *Killing in War*, 96.

¹⁹⁶ McMahan, *Killing in War*, 96.

¹⁹⁷ McMahan, *Killing in War*, 97.

¹⁹⁸ Aquinas states, “It is written (Acts 5:29): ‘We ought to obey God rather than men.’ Now sometimes the things commanded by a superior are against God. Therefore superiors are not to be obeyed in all things” on the contrary. Aquinas quotes Augustine, “For as a gloss says on Rom. 13:2, ‘They that resist [Vulg.: ‘He that resisteth’] the power, resist the ordinance of God’ (cf. St. Augustine, *De Verb. Dom.* viii). ‘If a commissioner issue an order, are you to comply, if it is contrary to the bidding of the proconsul? Again if the proconsul command one thing, and the emperor another, will you hesitate, to disregard the former and serve the latter? Therefore if the emperor commands one thing and God another, you must disregard the former and obey God’”, Aquinas, *Summa Theologiae II-IIae*, Q.104. Co.

¹⁹⁹ McMahan, *Killing in War*, 9.

²⁰⁰ McMahan, *Killing in War*, 11.

²⁰¹ McMahan, *Killing in War*, 157.

²⁰² McMahan, *Killing in War*, 158.

²⁰³ McMahan, *Killing in War*, 8.

²⁰⁴ McMahan, *Killing in War*, 10.

²⁰⁵ McMahan, *Killing in War*, 11.

²⁰⁶ McMahan, *Killing in War*, 11-12.

²⁰⁷ McMahan, *Killing in War*, 12.

²⁰⁸ McMahan, *Killing in War*, 12.

²⁰⁹ McMahan, *Killing in War*, 13-14.

²¹⁰ McMahan, *Killing in War*, 13-14.

²¹¹ McMahan, *Killing in War*, 13-14.

²¹² McMahan, *Killing in War*, 14.

- ²¹³ McMahan, *Killing in War*, 208.
- ²¹⁴ McMahan, *Killing in War*, 208.
- ²¹⁵ McMahan, *Killing in War*, 209.
- ²¹⁶ McMahan, *Killing in War*, 35.
- ²¹⁷ McMahan, *Killing in War*, 35.
- ²¹⁸ McMahan, *Killing in War*, 8.
- ²¹⁹ McMahan, *Killing in War*, 209.
- ²²⁰ McMahan, *Killing in War*, 209.
- ²²¹ McMahan, *Killing in War*, 209-210.
- ²²² McMahan, *Killing in War*, 210.
- ²²³ McMahan, *Killing in War*, 205. Given his view, McMahan concludes his book attempting to distinguish his view from Osama Bin Laden, *Killing in War*, 231-235.
- ²²⁴ McMahan, *Killing in War*, 208.
- ²²⁵ McMahan, *Killing in War*, 212.
- ²²⁶ McMahan, *Killing in War*, 208.
- ²²⁷ McMahan, *Killing in War*, 214-215.
- ²²⁸ McMahan, *Killing in War*, 214-215.
- ²²⁹ McMahan, *Killing in War*, 234.
- ²³⁰ McMahan, *Killing in War*, 235.
- ²³¹ McMahan, *Killing in War*, 222.
- ²³² McMahan, *Killing in War*, 225.
- ²³³ McMahan, *Killing in War*, 225-226.

²³⁴ McMahan, *Killing in War*, 226. McMahan explains, “That most unjust civilians are at most responsible to only a low degree for their country’s unjust war, that attacks against civilians generally involve the opportunistic use of people as mere means, that they are virtually always of highly uncertain effectiveness because their relevant effects are not immediate but must come indirectly through the wills of others, that responsible civilians are virtually always intermingled with wholly innocent civilians — it is these factors together that explain why civilians are almost never liable to intentional military attack, and why even when some are liable it is still generally impermissible to attack them. These factors together constitute the real basis of the moral immunity of civilians, which has nothing to do with mere civilian status”, *Killing in War*, 231.

²³⁵ McMahan, *Killing in War*, 225.

²³⁶ McMahan, *Killing in War*, 215.

²³⁷ McMahan, *Killing in War*, 211.

²³⁸ McMahan, *Killing in War*, 218.

²³⁹ McMahan, *Killing in War*, 219.

²⁴⁰ McMahan, *Killing in War*, 219.

²⁴¹ McMahan, *Killing in War*, 51-52.

²⁴² McMahan, *Killing in War*, 58-59.

²⁴³ McMahan, *Killing in War*, 52.

²⁴⁴ McMahan, *Killing in War*, 52.

²⁴⁵ McMahan, *Killing in War*, 56.

²⁴⁶ McMahan, *Killing in War*, 52.

²⁴⁷ McMahan, *Killing in War*, 53.

²⁴⁸ McMahan, *Killing in War*, 56.

²⁴⁹ McMahan, *Killing in War*, 57.

²⁵⁰ McMahan, *Killing in War*, 59.

²⁵¹ McMahan, *Killing in War*, 59.

²⁵² McMahan, *Killing in War*, 60-61.

²⁵³ McMahan, *Killing in War*, 61.

²⁵⁴ McMahan, *Killing in War*, 64-65.

²⁵⁵ McMahan, *Killing in War*, 72.

²⁵⁶ McMahan, *Killing in War*, 73, 78.

²⁵⁷ McMahan, *Killing in War*, 132.

²⁵⁸ McMahan, *Killing in War*, 149.

²⁵⁹ McMahan, *Killing in War*, 188.

²⁶⁰ Just combatants can use various factors to help decipher the justness of their efforts. McMahan mentions using "(1) the magnitude of the wrongful harm to be prevented, (2) the effectiveness of the defensive act in averting the harm, (3) the magnitude of the harm inflicted on the wrongdoer, and (4) the degree of his responsibility for the threat he poses", *Killing in War*, 196-197.

²⁶¹ McMahan, *Killing in War*, 145.

²⁶² McMahan, *Killing in War*, 134.

²⁶³ McMahan, *Killing in War*, 151.

²⁶⁴ McMahan, *Killing in War*, 152-153.

²⁶⁵ McMahan, *Killing in War*, 150.

²⁶⁶ McMahan, *Killing in War*, 152-153.

²⁶⁷ McMahan, *Killing in War*, 110-111.

²⁶⁸ McMahan, *Killing in War*, 110-111. Walzer suffers from this conflation, McMahan, *Killing in War*, 112.

²⁶⁹ McMahan, *Killing in War*, 116.

²⁷⁰ McMahan, *Killing in War*, 113.

²⁷¹ McMahan, *Killing in War*, 114.

²⁷² McMahan, *Killing in War*, 113.

²⁷³ McMahan, *Killing in War*, 115.

²⁷⁴ McMahan, *Killing in War*, 116.

²⁷⁵ McMahan, *Killing in War*, 116.

²⁷⁶ McMahan, *Killing in War*, 122.

²⁷⁷ McMahan, *Killing in War*, 124.

²⁷⁸ McMahan, *Killing in War*, 124. McMahan argues that there are three ways to respond to culpability. He states, “We can argue that there are differences between the *ad bellum* and *in bello* contexts that in general give duress and uncertainty a greater excusing effect in the former than in the latter. Or we can deny that these excuses have much force in either context and thus accept that unjust combatants are generally blamable, even when they scrupulously adhere to the laws of warfare. Or we can accept that duress and uncertainty have considerable mitigating force in both cases, thereby abandoning the idea that combatants are generally culpable for the commission of war crimes”, *Killing in War*, 128.

²⁷⁹ McMahan, *Killing in War*, 196.

²⁸⁰ McMahan, *Killing in War*, 132.

²⁸¹ McMahan, *Killing in War*, 137.

²⁸² McMahan, *Killing in War*, 135.

²⁸³ Fabre, *Cosmopolitan War*, 16. Elsewhere, the key points of cosmopolitanism are described in the following way: “(1) all individuals, irrespective of political borders, have the aforementioned civil, political, and welfare rights, that (2) all individuals are under the relevant correlative duties to rights-bearers, irrespective of political borders, and (3) that there is no principled reason (other than flowing from the imperative to bring about global justice or from a general permission to privilege one's interest in leading a minimally decent life) for duty-bearers to confer priority on compatriots or fellow residents when faced with conflicts between rights”, *Cosmopolitan War*, 31.

²⁸⁴ Fabre, *Cosmopolitan War*, 2.

²⁸⁵ Fabre, *Cosmopolitan War*, 7.

²⁸⁶ Fabre, *Cosmopolitan War*, 19. Prof. Sumner Twiss helpfully pointed out that this statement includes intrinsic goods. While I believe that Fabre acknowledges some non-material aspects of political life, her other rhetoric and emphases seem to undercut the intrinsic value of political community.

²⁸⁷ Fabre, *Cosmopolitan War*, 17.

²⁸⁸ Fabre, *Cosmopolitan War*, 20.

²⁸⁹ Fabre, *Cosmopolitan War*, 283.

²⁹⁰ Fabre, *Cosmopolitan War*, 7, 21.

²⁹¹ Fabre, *Cosmopolitan War*, 22.

²⁹² Fabre, *Cosmopolitan War*, 25.

²⁹³ Fabre, *Cosmopolitan War*, 30.

²⁹⁴ Fabre, *Cosmopolitan War*, 28-29.

²⁹⁵ Fabre, *Cosmopolitan War*, 33-34.

²⁹⁶ Fabre, *Cosmopolitan War*, 7.

²⁹⁷ Fabre, *Cosmopolitan War*, 7. Fabre argues “justice requires the establishment of political institutions which enable citizens to exercise some degree of control over their social and political environment (typically, broadly democratic institutions), as well as laws which enable them to have the resources needed for a minimally decent life (typically, coercively directed resource transfers”, *Cosmopolitan War*, 27.

²⁹⁸ Fabre, *Cosmopolitan War*, 3.

²⁹⁹ Fabre, *Cosmopolitan War*, 40-43.

³⁰⁰ Fabre, *Cosmopolitan War*, 8.

³⁰¹ Fabre, *Cosmopolitan War*, 21. Fabre argues that the “principle of fundamental equality requires that “individuals to treat one another with respect, it holds that individuals must be granted the freedoms which they need in order to lead a minimally decent life—such as freedom of movement, freedom of association, freedom of expression, freedom to control what happens to their body, and so on”, *Cosmopolitan War*, 20.

³⁰² Fabre, *Cosmopolitan War*, 7.

³⁰³ Fabre, *Cosmopolitan War*, 70-71.

³⁰⁴ Fabre, *Cosmopolitan War*, 45-47. While Fabre does not expect moral perfection, she states, “some kinds of wrongdoings are so egregious that state officials lack the morally justified power to commit them. More strongly still, state officials who commit such wrongdoings in a systematic way and over a significant period of time, or who negligently or wilfully fail to stop the commission of those wrongdoings by private actors, forfeit their protected (and not only their naked) power to govern”, *Cosmopolitan War*, 47.

³⁰⁵ There has been some movement towards conditional sovereignty in the international realm. See, Jared Genser, and Irwin Cotler, eds. *The Responsibility to Protect: The Promise of Stopping Mass Atrocities in Our Time*. New York: Oxford University Press, 2012; International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*. Gareth J. Evans and Mohamed Sahnoun. Ottawa: International Development Research Centre, 2001.

³⁰⁶ Revisionists have typically taken two routes: analogical or reductionistic, Fabre, *Cosmopolitan War*, 54. She rejects the analogical because it still contains the idea that states have an independent right to kill.

³⁰⁷ Fabre, *Cosmopolitan War*, 67.

³⁰⁸ Fabre, *Cosmopolitan War*, 54. Fabre states, “War, typically, is waged by groups against other groups in the name of communal and often national values; however, those who do the actual fighting and die from it are not groups as such but individuals acting together”, *Cosmopolitan War*, 54.

³⁰⁹ Fabre, *Cosmopolitan War*, 79.

³¹⁰ Fabre, *Cosmopolitan War*, 8, 48. Fabre states, “the rights, powers, immunities, and liberties of state officials flow from and supervene on the rights, powers, immunities, and liberties of citizens. It follows that a state, qua state, does not have the right to defend itself, in the sense that it does not, qua state, have rights in the first instance”, *Cosmopolitan War*, 51.

³¹¹ Fabre, *Cosmopolitan War*, 71.

³¹² Fabre, *Cosmopolitan War*, 66.

³¹³ Fabre, *Cosmopolitan War*, 68.

³¹⁴Fabre, *Cosmopolitan War*, 71. Fabre states, “attackers are liable to being killed only if they are morally responsible for the wrongful threat which they pose to their victims, whether or not soldiers have the right to kill enemy soldiers largely depends on the moral status of their war”, *Cosmopolitan War*, 75.

³¹⁵ Fabre, *Cosmopolitan War*, 8.

³¹⁶ Fabre, *Cosmopolitan War*, 192.

³¹⁷ Fabre, *Cosmopolitan War*, 60.

³¹⁸Fabre, *Cosmopolitan War*, 62. “Causal responsibility” is “that the agent acts in such a way that another party is subject to a lethal harm, no less, and no more. And it is that fact about him which turns him into a legitimate target, whilst it is another fact, about his victim, which provides her with a special justification for killing him”, *Cosmopolitan War*, 61.

³¹⁹ Fabre, *Cosmopolitan War*, 76.

³²⁰ Fabre, *Cosmopolitan War*, 70. A narrow just cause is a justification for killing wrongdoers, whilst a wide just cause is a justification for using non-lethal force even though one plausibly foresees that wrongdoers will counter this defensive move by lethal means—the use of which is not warranted and provides victims with a narrow just cause for killing”, *Cosmopolitan War*, 70.

³²¹ Fabre, *Cosmopolitan War*, 61. Fabre states, “If he **contributes significantly** to it, for example by instigating it, authorizing it, ordering someone else to carry it out, or supplying the means by which it is carried out, and if V can save her life by killing him, then she may, and sometimes has the right, to do so”, *Cosmopolitan War*, 61.

³²² Fabre, *Cosmopolitan War*, 78.

³²³ Fabre, *Cosmopolitan War*, 65.

³²⁴ Fabre, *Cosmopolitan War*, 76.

³²⁵ Fabre, *Cosmopolitan War*, 76.

³²⁶ Fabre, *Cosmopolitan War*, 76. A key distinction is that the "agent's contribution is such that he has lost his right not to have force used against him, then he is liable to be killed for his participation (subject to other conditions such as necessity.) On the other hand, if his contribution is such that one would violate his right by resorting to force as a means to block the harm to which the individual contributes, then that agent is not liable to being killed for his participation in a collective (wrongful) lethal harm", *Cosmopolitan War*, 77.

³²⁷ Fabre, *Cosmopolitan War*, 77.

³²⁸ Fabre, *Cosmopolitan War*, 3.

³²⁹ Fabre, *Cosmopolitan War*, 4.

³³⁰ Fabre, *Cosmopolitan War*, 5-6.

³³¹ Fabre, *Cosmopolitan War*, 5.

³³² Fabre, *Cosmopolitan War*, 144.

³³³ Fabre, *Cosmopolitan War*, 9.

³³⁴ Fabre, *Cosmopolitan War*, 141. Fabre cites Nazi and Soviet regimes as clearly “illegitimate” with a clear just cause for rebelling. Yet it also needed to meet other criteria to justify the risk of “inflicting widespread damage to the life and limbs of considerable numbers of people to political ends”, *Cosmopolitan War*, 136.

³³⁵ Fabre, *Cosmopolitan War*, 141-142.

³³⁶ Fabre, *Cosmopolitan War*, 142.

³³⁷ Fabre, *Cosmopolitan War*, 142. Outside the focus of my summary, Fabre does defend the moral legitimacy and “right” of using mercenaries, *Cosmopolitan War*, 208. She argues that if “food producers”, doctors, IT technicians, and weapons manufactures can receive pay for their services than so could a professional soldier, *Cosmopolitan War*, 214-215. The key to the allowance of mercenarism is whether the hiring group has the “just cause” for utilization, *Cosmopolitan War*, 218.

³³⁸ Fabre, *Cosmopolitan War*, 116.

³³⁹ I believe that Fabre wrongly assumes that the contemporary emphasis on defensive wars is the definitive perspective in traditional just war thinking. Chapter 3 overturns this assumption by displaying Aquinas’ allowance for armed rebellion against political tyranny. Fabre, *Cosmopolitan War*, 284.

³⁴⁰ Fabre, *Cosmopolitan War*, 9.

³⁴¹ Fabre, *Cosmopolitan War*, 111.

³⁴² Fabre, *Cosmopolitan War*, 9.

³⁴³ Fabre, *Cosmopolitan War*, 129.

³⁴⁴ Fabre, *Cosmopolitan War*, 129.

³⁴⁵ Fabre, *Cosmopolitan War*, 123.

³⁴⁶ Fabre, *Cosmopolitan War*, 103. Fabre states, “This is because in the tradition, other than punishment for wrongdoing, the recovery of wrongfully taken property, and the defence of others, a community may go to war only if (a) its jointly held rights to political self-determination and territorial integrity (b) are subject to an armed attack”, *Cosmopolitan War*, 105.

³⁴⁷ Fabre, *Cosmopolitan War*, 106.

³⁴⁸ Fabre, *Cosmopolitan War*, 107.

³⁴⁹ Fabre, *Cosmopolitan War*, 109.

³⁵⁰ Fabre, *Cosmopolitan War*, 110.

³⁵¹ Fabre, *Cosmopolitan War*, 9-10.

³⁵² Fabre, *Cosmopolitan War*, 168.

³⁵³ Fabre, *Cosmopolitan War*, 169.

³⁵⁴ Fabre, *Cosmopolitan War*, 178-179.

³⁵⁵ Fabre, *Cosmopolitan War*, 169.

³⁵⁶ Fabre, *Cosmopolitan War*, 188-189.

³⁵⁷ Fabre, *Cosmopolitan War*, 182.

³⁵⁸ Fabre, *Cosmopolitan War*, 184.

³⁵⁹ Fabre, *Cosmopolitan War*, 168.

³⁶⁰ Fabre, *Cosmopolitan War*, 186. The following conditions are: “(a) military conscription is legitimate, in principle, as a means to fight a collective war of self-defence; (b) the collective self-interests which in part motivate the decision to go to war are part of a just cause for the war; (c) in the course of their tour of duty, conscripts learn the skills required to wage a just humanitarian war at acceptable costs to their lives”, *Cosmopolitan War*, 186.

- ³⁶¹ Fabre, *Cosmopolitan War*, 187.
- ³⁶² Fabre, *Cosmopolitan War*, 189.
- ³⁶³ Fabre, *Cosmopolitan War*, 190-191.
- ³⁶⁴ Fabre, *Cosmopolitan War*, 192.
- ³⁶⁵ Fabre, *Cosmopolitan War*, 198.
- ³⁶⁶ Fabre, *Cosmopolitan War*, 244.
- ³⁶⁷ Fabre, *Cosmopolitan War*, 286.
- ³⁶⁸ Fabre, *Cosmopolitan War*, 283.
- ³⁶⁹ Fabre, *Cosmopolitan War*, 283.
- ³⁷⁰ Fabre, *Cosmopolitan War*, 242.
- ³⁷¹ Fabre, *Cosmopolitan War*, 158.
- ³⁷² Fabre, *Cosmopolitan War*, 242.
- ³⁷³ Fabre, *Cosmopolitan War*, 244-245.
- ³⁷⁴ Fabre, *Cosmopolitan War*, 11.
- ³⁷⁵ Fabre, *Cosmopolitan War*, 258.
- ³⁷⁶ Fabre, *Cosmopolitan War*, 260.
- ³⁷⁷ Fabre, *Cosmopolitan War*, 261.
- ³⁷⁸ Fabre, *Cosmopolitan War*, 261.
- ³⁷⁹ Fabre, *Cosmopolitan War*, 262.
- ³⁸⁰ Fabre, *Cosmopolitan War*, 271.
- ³⁸¹ Fabre, *Cosmopolitan War*, 275. Fabre argues “in those cases where W does not stand to gain by observing the principle of non-combatant immunity, it is not under an obligation to P not to use those tactics”, *Cosmopolitan War*, 275.

³⁸² Fabre, *Cosmopolitan War*, 241.

³⁸³ Fabre, *Cosmopolitan War*, 241.

³⁸⁴ Fabre, *Cosmopolitan War*, 246.

³⁸⁵ Fabre, *Cosmopolitan War*, 240.

³⁸⁶ Fabre, *Cosmopolitan War*, 11.

³⁸⁷ Fabre, *Cosmopolitan War*, 253.

³⁸⁸ Fabre, *Cosmopolitan War*, 253.

³⁸⁹ Fabre, *Cosmopolitan War*, 254.

³⁹⁰ Fabre, *Cosmopolitan War*, 255.

³⁹¹ Fabre, *Cosmopolitan War*, 255.

³⁹² In the summaries, I select one central work of McMahan's and Fabre's, which represents the consolidated articulation of their perspectives. In particular, McMahan has written on the ethical use of force in numerous articles, but his *Killing in War* brings his various arguments into a coherent narrative.

McMahan is a prolific scholar. This is only a selection of other relevant McMahan sources: "Collectivist Defenses of the Moral Equality of Combatants," *Journal of Military Ethics* 6, no. 1 (2007): 50-59; "Individual Liability in War: A Response to Fabre, Leveringhaus, and Tadros," *Utilitas* 24 (2012): 278-299; "Innocence, Self-Defense, and Killing in War," *The Journal of Political Philosophy* 2, no. 3 (September 1994): 193-221; "Morality, Law, and the Relation Between Jus ad Bellum and Jus in Bello," *Proceedings of the American Society of International Law* (2006): 46-48; "Proportionality and Necessity in *Jus in Bello*," in Helen Frowe and Seth Lazar, eds., *The Oxford Handbook of the Ethics of War* (New York: Oxford University Press, 2017); "On the Moral Equality of Combatants," *Journal of Political Philosophy* 14, no. 4 (2006): 377-93; "The Sources and Status of Just War Principles," *Journal of Military Ethics* 6, no. 2, special issue: "Just and Unjust Wars: Thirty Years On" (2007): 91-106; "The Morality of War and the Law of War," in David Rodin and Henry Shue, eds., *Just and Unjust Warriors: The Legal and Moral Status of Soldiers* (Oxford: Clarendon Press, 2008): 19-43; "War as Self-Defense," *Ethics and International Affairs* 18, no. 1 (Winter 2004): 13-18; "What Rights May Be Defended by Means of War?," in Cécile Fabre and Seth Lazar, eds., *The Morality of Defensive War* (Oxford: Oxford University Press, 2014).

Other relevant sources from Fabre include: "Cosmopolitanism, Just War Theory and Legitimate Authority", *International Affairs*, 84(5): 2008: 963-76; "Cosmopolitanism and Wars of Self-

Defence”, in Cécile Fabre and Seth Lazar (eds), *The Morality of Defensive War*. Oxford: Oxford University Press, 2014; *Cosmopolitan Peace* (Oxford: Oxford University Press, 2016); “Global Egalitarianism”, in D. Bell and A. de-Shalit (eds) *Forms of Justice* (Rowans and Littlefield, 2002)”; “Justice, Fairness, and World Ownership”, *Law and Philosophy* 21 (2002): 249-73; “Mandatory Rescue Killings”, *Journal of Political Philosophy* 15 (2007): 363-84; “Permissible Rescue Killings”, *Proceedings of the Aristotelian Society* 109 (2009):149-64; “Privatizing War”, in J. Knight and M. A. Schwartzberg (eds) *NOMOS LVIII - Privatization* (NY University Press, 2018); “Rights, Justice and War”, *Law and Philosophy* 33 (2014): 391-425.

³⁹³ For an excellent tracing of the history of resistance see Quentin Skinner, *The Foundations of Modern Political Thought* Vol 1-2: The Renaissance and the Age of the Reformation. (Cambridge: Cambridge University Press, 1978).

As far as contemporary political theorists, revisionists usually have some vestige of John Rawls. See John Rawls, *The Law of Peoples; with The Idea of Public Reason Revisited*, Cambridge: Harvard University Press: 1999; *Political Liberalism*, New York: Columbia University Press: 1993; *A Theory of Justice*, Cambridge, Mass: Harvard University Press: 1971; Leif Wenar, “John Rawls”, *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2017/entries/rawls/>

³⁹⁴ For a background on Enlightenment political theory see, William Bristow, “Enlightenment”, *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/fall2017/entries/enlightenment/>.

³⁹⁵ Thomas Hobbes, *Leviathan*, Penguin Classics (Harmondsworth, Meddlesex: Penguin Books, 1985), 186. For background information, see Stewart Duncan, “Thomas Hobbes”, *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2019/entries/hobbes/>; Sharon A. Lloyd and Susanne Sreedhar, “Hobbes’s Moral and Political Philosophy”, *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2019/entries/hobbes-moral/>

³⁹⁶ Hobbes, *Leviathan*, 189. Hobbes also called this a “law of nature [which] is a precept, or general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life, or taketh away the means of preserving the same, and to omit that by which he thinketh it may be best preserved.”, *Leviathan*, 189.

³⁹⁷ Hobbes, *Leviathan*, 190.

³⁹⁸ Hobbes, *Leviathan*, 190.

³⁹⁹ Hobbes, *Leviathan*, 192. For an excellent tracing of the history of resistance see Quentin Skinner, *The Foundations of Modern Political Thought* Vol 1-2: The Renaissance and the Age of the Reformation. (Cambridge: Cambridge University Press, 1978).

- ⁴⁰⁰ Hobbes, *Leviathan*, 188.
- ⁴⁰¹ Hobbes, *Leviathan*, 227-228. Hobbes uses the term “commonwealth” for government.
- ⁴⁰² Hobbes, *Leviathan*, 223.
- ⁴⁰³ Hobbes, *Leviathan*, 223.
- ⁴⁰⁴ Hobbes, *Leviathan*, 227.
- ⁴⁰⁵ Hobbes, *Leviathan*, 230.
- ⁴⁰⁶ Hobbes, *Leviathan*, 227.
- ⁴⁰⁷ Hobbes, *Leviathan*, 227.
- ⁴⁰⁸ Hobbes, *Leviathan*, 227.
- ⁴⁰⁹ Hobbes, *Leviathan*, 227-228.
- ⁴¹⁰ Hobbes, *Leviathan*, 232, 252-253, 265.
- ⁴¹¹ Hobbes, *Leviathan*, 252-253.
- ⁴¹² Hobbes, *Leviathan*, 313.
- ⁴¹³ Hobbes, *Leviathan*, 265. The foundation for the law of nature was golden rule as taught by Jesus, 318.
- ⁴¹⁴ Hobbes, *Leviathan*, 377.
- ⁴¹⁵ Hobbes, *Leviathan*, 270.
- ⁴¹⁶ Hobbes, *Leviathan*, 334-335.
- ⁴¹⁷ Hobbes, *Leviathan*, 365.
- ⁴¹⁸ Hobbes, *Leviathan*, 365.
- ⁴¹⁹ Hobbes, *Leviathan*, 369.
- ⁴²⁰ Hobbes, *Leviathan*, 407.

⁴²¹ Susanne Sreedhar offers her own version of a Hobbesian theory on resistance. Similar to my own interpretation, she believes that there are dormant elements within his political understanding that could be reinterpreted as allowing resistance. She seems to go further than I do to suggest that there is an actual theory that extends beyond self-defense. In my own view, Hobbes does not have an actual theory of resistance, but is simply inconsistent. See Susanne Sreedhar, *Hobbes On Resistance: Defying the Leviathan* (Cambridge: Cambridge University Press, 2010).

⁴²² Hobbes, *Leviathan*, 268-269.

⁴²³ Hobbes, *Leviathan*, 272

⁴²⁴ Hobbes, *Leviathan*, 230.

⁴²⁵ Hobbes, *Leviathan*, 375-376.

⁴²⁶ Hobbes, *Leviathan*, 395.

⁴²⁷ Acts 5:27-29: “When they had brought them, they had them stand before the council. The high priest questioned them, saying, “We gave you strict orders not to teach in this name, yet here you have filled Jerusalem with your teaching and you are determined to bring this man’s blood on us.” But Peter and the apostles answered, “We must obey God rather than any human authority”. Augustine influenced many later Christian interpreters that this form of passive obedience was allowed.

⁴²⁸ John Locke. *Two Treatises of Government and A Letter Concerning Toleration*. S.l.: (DigiReads, 2015),100. For background information on Locke see, William Uzgalis, "John Locke", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2020/entries/locke/>; Alex Tuckness,, “Locke’s Political Philosophy”, *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2020/entries/locke-political/>;

⁴²⁹ Locke, *Two Treatises*, 101.

⁴³⁰ Locke, *Two Treatises*, 102. Other examples that Locke mentions are suicide and the killing of a companion, *Two Treatises*, 102.

⁴³¹ Locke, *Two Treatises*, 102-103.

⁴³² Locke, *Two Treatises*,139. This contrasts Hobbes’ “poor, nasty, brutish, and short”, Hobbes, *Leviathan*, 186.

⁴³³ Locke, *Two Treatises*, 103.

⁴³⁴ Locke, *Two Treatises*, 102.

⁴³⁵ Locke, *Two Treatises*, 102-103, 105.

⁴³⁶ Hobbes, *Leviathan*, 202 and Locke. *Two Treatises*, 102-103.

⁴³⁷ Locke, *Two Treatises*, 131.

⁴³⁸ Locke, *Two Treatises*, 139. See also 149-150.

⁴³⁹ Locke, *Two Treatises*, 162.

⁴⁴⁰ Locke, *Two Treatises*, 139. See also 152.

⁴⁴¹ Locke. *Two Treatises*, 140.

⁴⁴² Locke, *Two Treatises*, 101. Elsewhere Locke defines the government as “that power which every man having in the state of Nature has given up into the hands of the society, and therein to the governors whom the society hath set over itself, with this express or tacit trust, that it shall be employed for their good and the preservation of their property”, *Two Treatises*, 165.

⁴⁴³ Locke, *Two Treatises*, 140.

⁴⁴⁴ Locke, *Two Treatises*, 106-107. See also 196-197 where he explicitly ties self-defense to the right to resist.

⁴⁴⁵ Locke, *Two Treatises*, 156.

⁴⁴⁶ Locke, *Two Treatises*, 172.

⁴⁴⁷ Locke, *Two Treatises*, 131.

⁴⁴⁸ Locke. *Two Treatises*, 107.

⁴⁴⁹ Locke, *Two Treatises*, 160.

⁴⁵⁰ Locke, *Two Treatises*, 172.

⁴⁵¹ Locke, *Two Treatises*, 183.

⁴⁵² Locke, *Two Treatises*, 184.

⁴⁵³ Locke, *Two Treatises*, 162. In a similar fashion Locke states, “Whensoever, therefore, the legislative shall transgress this fundamental rule of society, and either by ambition, fear, folly, or

corruption, endeavour to grasp themselves, or put into the hands of any other, an absolute power over the lives, liberties, and estates of the people, by this breach of trust they forfeit the power the people had put into their hands for quite contrary ends, and it devolves to the people, who have a right to resume their original liberty, and by the establishment of a new legislative (such as they shall think fit), provide for their own safety and security, which is the end for which they are in society”, *Two Treatises*, 191-192.

⁴⁵⁴ Locke. *Two Treatises*, 162.

⁴⁵⁵ Elsewhere, Locke describes the right to resist: “Wherever law ends, tyranny begins, if the law be transgressed to another’s harm; and whosoever in authority exceeds the power given him by the law, and makes use of the force he has under his command to compass that upon the subject which the law allows not, ceases in that to be a magistrate, and acting without authority may be opposed, as any other man who by force invades the right of another”, *Two Treatises*, 184. He explicitly uses the term “right to resist” on 197. The same right to armed resistance was available to stop a foreign power since no consent was given to them, 180.

⁴⁵⁶ Locke, *Two Treatises*, 165.

⁴⁵⁷ Locke, *Two Treatises*, 165.

⁴⁵⁸ Locke, *Two Treatises*, 181.

⁴⁵⁹ Locke, *Two Treatises*, 185.

⁴⁶⁰ Locke, *Two Treatises*, 195.

⁴⁶¹ Locke, *Two Treatises*, 185-190.

⁴⁶² Locke. *Two Treatises*, 193.

⁴⁶³ Locke, *Two Treatises*, 193. See also 187.

⁴⁶⁴ Locke, *Two Treatises*, 193.

⁴⁶⁵ Locke, *Two Treatises*, 191.

⁴⁶⁶ Locke, *Two Treatises*, 193.

⁴⁶⁷ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 965.

⁴⁶⁸ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 965.

⁴⁶⁹ Jean-Jacques Rousseau, “On the Social Contract” in *Basic Political Writings*, ed. and trans. Donald A. Cress (Indianapolis: Hackett Pub. Co., 1987). For background information see, Christopher Bertram, “Jean Jacques Rousseau”, *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/sum2020/entries/rousseau/>.

⁴⁷⁰ Rousseau, “On the Social Contract”, I.I.

⁴⁷¹ Rousseau, “On the Social Contract”, I.I.

⁴⁷² Rousseau, “On the Social Contract”, I.II.

⁴⁷³ Rousseau, “On the Social Contract”, I.II.

⁴⁷⁴ Rousseau, “On the Social Contract”, I.II.

⁴⁷⁵ Rousseau, “On the Social Contract”, I.II.

⁴⁷⁶ Rousseau, “On the Social Contract”, I.II.

⁴⁷⁷ Rousseau, “On the Social Contract”, I.IV.

⁴⁷⁸ Rousseau, states, “But the social order is a sacred right which serves as a foundation for all other rights. Nevertheless, this right does not come from nature. It is therefore founded upon convention”, “On the Social Contract”, I.I.

⁴⁷⁹ Rousseau, “On the Social Contract”, I.VI.

⁴⁸⁰ Rousseau, “On the Social Contract”, I.VI.

⁴⁸¹ Rousseau, “On the Social Contract”, I.VI.

⁴⁸² Rousseau, “On the Social Contract”, I.VII, VIII.

⁴⁸³ Rousseau, “On the Social Contract”, III.IX.

⁴⁸⁴ Rousseau, “On the Social Contract”, II.XI.

⁴⁸⁵ Rousseau stated, “For since the sovereign is formed entirely from the private individuals who make it up, it neither has nor could have an interest contrary to theirs”, “On the Social Contract”, I.VII.

⁴⁸⁶ Rousseau, “On the Social Contract”, II.I.

⁴⁸⁷ Rousseau, “On the Social Contract”, IV.II.

⁴⁸⁸ Rousseau, “On the Social Contract”, II.IV.

⁴⁸⁹ Rousseau, “On the Social Contract”, II.VI.

⁴⁹⁰ Rousseau, “On the Social Contract”, III.I.

⁴⁹¹ Rousseau, “On the Social Contract”, III.I.

⁴⁹² Rousseau, “On the Social Contract”, III.I.

⁴⁹³ Rousseau, “On the Social Contract”, III.XI.

⁴⁹⁴ Rousseau, “On the Social Contract”, I.IV.

⁴⁹⁵ Rousseau defined tyranny in the following way: “In the ordinary sense a tyrant is a king who governs with violence and without regard for justice and the laws. In the strict sense, a tyrant is a private individual who arrogates to himself royal authority without having any right to it”, “On the Social Contract”, III.X.

⁴⁹⁶ Rousseau, “On the Social Contract”, I.IV.

⁴⁹⁷ Rousseau, “On the Social Contract”, III.X.

⁴⁹⁸ Within this dissertation, my own understanding is primarily based on the classical formation.

⁴⁹⁹ Not all revisionists affirm this moral analogy. Another prominent revisionist, David Rodin, writes against this model, *War and Self-Defense*. Oxford: Oxford University Press, 2002.

⁵⁰⁰ Johnson, *Ethics and the Use of Force*, 137. Johnson states, “while [the classical just war tradition] recogniz[ed] defense as justification for use of force by private persons, [it] did not reason from self-defense to the justification of the use of force on behalf of the political community, but instead rendered the idea of just cause for resort to force in terms of the sovereign’s responsibility to maintain justice, vindicating those who had suffered from injustice and punishing evildoers”, *Ethics and the Use of Force*, 129.

⁵⁰¹ Johnson states, “On this Innocent is quite clear: “We answer: It is permissible for anyone to wage war in self-defense or to protect property. Nor is this properly called ‘war’ (*bellum*), but rather ‘defense’ (*defensio*)” (Reichberg, Syse, and Begby 2006: 150). That is, the right of war and that of defense are two different categories“, *Ethics and the Use of Force*, 131.

⁵⁰² Johnson, *Ethics and the Use of Force*, 18, 51.

⁵⁰³ Johnson, *Ethics and the Use of Force*, 51, 18.

⁵⁰⁴ Danielle Sered, *Until We Reckon: Violence, Mass Incarceration, and a Road to Repair*. New York: The New Press. 2019, 104-105.

⁵⁰⁵ McMahan, “Rethinking the ‘Just War,’ Part 2”.

⁵⁰⁶ United Nations, *Universal Declaration of Human Rights*. 1948. (Accessed at <http://www.un.org/en/universal-declaration-human-rights/>). For a helpful history see, Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*, Pennsylvania Studies in Human Rights (Philadelphia: University of Pennsylvania Press, 1999).

⁵⁰⁷ *UDHR*, preamble.

⁵⁰⁸ I affirm Twiss’ understanding of human rights articulated in the following way: “My benchmark conception of human rights is the current international understanding of human rights—their content, regulative role, presuppositions, and historical dynamics. These rights identify conditions and goods that are minimally necessary for persons and communities to survive and flourish. They can be divided into types: civil-political, subsuming norms of physical, civil, and legal security as well as norms of political empowerment; socio-economic and cultural, subsuming goods and services meeting basic personal, economic, and social needs; and collective-developmental, subsuming norms regarding the political, economic, and cultural self-determination of peoples as well as special protections for ethnic and religious minorities. Human rights are intended to advance and regulate the humane governance of all people in their respective states and to establish norms for respectful interactions among people and communal agencies and organizations—public and private, national, regional, and international. These rights presuppose a social understanding of persons as embedded in and shaped by communities at all levels with entitlements and responsibilities on all sides to abide by standards that protect and advance human well-being in all contexts. At the same time, these rights are conceived in such a way as to accommodate various thick and more comprehensive visions of the good life advanced by diverse moral, philosophical, and religious systems so long as the latter respect the human rights identified. Put another way, human rights permit, within limits, the development and flourishing of otherwise autonomous personal and communal life-projects. Together these standards, which are conceived as mutually supportive and interdependent, constitute a bulwark against, for example, tyranny, starvation, torture, neglect of the poor and marginalized, and all forms of nefarious discrimination and abuse of individuals, communities, and peoples”, Sumner Twiss, “Reflections on the Relationship Between Human Rights and Global Ethics”, in the *Global Ethic of the Parliament of the World’s Religions*. Ed. Myriam Renaud (Rowman & Littlefield), forthcoming.

⁵⁰⁹ Twiss, “Reflections on the Relationship Between Human Rights and Global Ethics”, forthcoming.

⁵¹⁰ UDHR, preamble.

⁵¹¹ Fabre, *Cosmopolitan War*, 20-21. Fabre argues that the “principle of fundamental equality requires that “individuals to treat one another with respect, it holds that individuals must be granted the freedoms which they need in order to lead a minimally decent life—such as freedom of movement, freedom of association, freedom of expression, freedom to control what happens to their body, and so on”, *Cosmopolitan War*, 20.

⁵¹² Brown, 210.

⁵¹³ See also Mary M. Keys, *Aquinas, Aristotle, and the Promise of the Common Good* (Cambridge: Cambridge University Press, 2006). See also, James V. Schall, “The Uniqueness of the Political Philosophy of Thomas Aquinas”, *Perspectives on Political Science*, 26:2, 1997, 85-91.

⁵¹⁴ I would also note that local communities’ interdependent flourishing leads outwardly to its interaction with other communities. In this sense, a local community’s flourishing leads to interdependently working with other communities.

⁵¹⁵ For the purposes of this dissertation I am focusing specifically on Aquinas. To see how other just war thinkers developed Aquinas’ ideas see, James Turner Johnson, “Sovereign Authority and the Justified Use of Force in Thomas Aquinas and His Early Modern Successors” in *Sovereignty: Moral and Historical Perspectives*. Washington, DC: Georgetown University Press, 2014, 28-58. Primarily, Johnson focuses on Vitoria and Suarez. For primary sources see, Francisco Suárez. *Opera Omnia*. Andre, A.D.M. et al., eds. 28 vols. Paris: Vives 1856-1878 (online at sydneyenner.ca); Vitoria, Francisco de Vitoria, *Vitoria: Political Writings*. Pagden, Anthony and Lawrence, Jeremy. Eds. Cambridge: Cambridge University Press. 1991.

⁵¹⁶ For communitarianism: Daniel Bell, “Communitarianism”, *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/sum2016/entries/communitarianism/>; Avner De-Shalit and Shlomo Avineri. *Communitarianism and Individualism*. Oxford Readings in Politics and Government. Oxford University Press, 1992; Daniel Bell, *Communitarianism and Its Critics* (Oxford: Clarendon Press, 1993); Michael Sandel, *Liberalism and the Limits of Justice*, Cambridge: Cambridge University Press, 2nd edition, 1998; Charles Taylor, *Sources of the Self: The Making of the Modern Identity*, Cambridge: Cambridge University Press, 1989.

For applied communitarianism: Paul van Seters, *Communitarianism in Law and Society*. Rights and Responsibilities. Rowman & Littlefield Publishers, 2006; Henry Benedict Tam, *Communitarianism : A New Agenda for Politics and Citizenship*. New York University Press, 1998.

⁵¹⁷ For biographies on Aquinas: Pasquale Porro, *Thomas Aquinas: A Historical and Philosophical Profile* (S.I.: Catholic University Press, 2017); Jean-Pierre Torrell, *Saint Thomas Aquinas*, rev. ed., trans. Robert Royal (Washington, D.C.: Catholic University of America Press,

2005); Roger Bede Vaughan, *The Life & Labours of S. Thomas of Aquin*. London: Longmans, 1871; G. K. Chesterton, *St. Thomas Aquinas: "The Dumb Ox."* 1933. Reprint, New York: Doubleday, 1956; Josef Pieper, *Guide to Thomas Aquinas* (San Francisco: Ignatius Press, 1991).

⁵¹⁸ For the purposes of this dissertation, I focus on comparing Aquinas and Augustine as this is more pertinent for just war thinking. For an understanding of Aristotle's political perspective: Aristotle, *The Nicomachean Ethics*. W. D. Ross and Lesley Brown, eds. Oxford: Oxford University Press, 2009; Aristotle. *Aristotle's Politics*. Oxford: Clarendon Press, 1905; Thomas Aquinas. *Commentary On Aristotle's Politics*. Translated by Richard J. Regan. Indianapolis: Hackett Pub. Co., 2007; Richard Kraut, "Aristotle's Ethics", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/sum2018/entries/aristotle-ethics>; Fred Miller, "Aristotle's Political Theory", *The Stanford Encyclopedia of Philosophy* Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/win2017/entries/aristotle-politics>; Christopher Shields. *The Oxford Handbook on Aristotle*. Oxford: Oxford University Press, 2008.

⁵¹⁹ These accusations take many forms: 1.) The just war tradition is statist in prizing political order above all else. 2.) It unduly restricts armed force to political authorities. 3.) The just war tradition is static and unable to deal with rebellion given its antiquated views of political order. 4.) The just war tradition's criterion of legitimate authority falls in upon itself in the context of political tyranny. If only authorized leaders can use armed force and these authorized leaders are tyrants then citizens have no recourse to armed force.

⁵²⁰ For Augustine's biography: Augustine, *Confessions*, trans. Henry Chadwick (Oxford: Oxford University Press, 2008); Peter Brown. *Augustine of Hippo: A Biography*. Berkeley: University of California Press, 2000; Christian Tornau, "Saint Augustine", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2020/entries/augustine/>.

⁵²¹ See David Vincent Meconi and Eleonore Stump, eds. *The Cambridge Companion to Augustine*. 2nd ed. Cambridge Companions to Philosophy. Cambridge: Cambridge University Press, 2014; Allan Fitzgerald and John C. Cavadini. *Augustine through the Ages: An Encyclopedia*. Grand Rapids, MI: William B. Eerdmans Publishing Company, 2009; Stephen J. Pope, ed. *The Ethics of Aquinas* (Washington, D.C.: Georgetown University Press, 2002).

⁵²² For a historical account of Augustine's just war thinking, see John Mark Mattox. *Saint Augustine and the Theory of Just War* (London: Continuum, 2006).

⁵²³ For primary sources see: Augustine. *The City of God*. Translated by Marcus Dods. New York: Modern Library, 1993; Augustine. "On the Grace of Christ and on Original Sin." *Fathers of the Church*. (1999. <http://www.newadvent.org/fathers/1506.htm>); Augustine. "On Nature and Grace." *Fathers of the Church*. (1999. <http://www.newadvent.org/fathers/1503.htm>); Augustine. "On the Merits and Forgiveness of Sins, and on the Baptism of Infants." *Fathers of the Church*. (1999. <http://www.newadvent.org/fathers/1501.htm>). For secondary sources on Augustine's

original sin: William E. Mann, “Augustine on Evil and Original Sin” in *The Cambridge Companion to Augustine*. Edt by Eleonore Stump and Norman Kretzmann. (Cambridge, UK: Cambridge University Press, 2001); Paul Weithman, “Augustine and Aquinas On Original Sin and the Function of Political Authority,” *Journal of the History of Philosophy* 30, no. 3 (July 1992), and Jesse Couenhoven, “St. Augustine’s Doctrine of Original Sin”, *Augustinian Studies* 36:2 (2005).

⁵²⁴ The term “total” denotes that all things have been touched by sin in some way. It does not mean that something is completely corrupt.

⁵²⁵ For more on this see, James Wetzel, “Predestination, Pelagianism, and Forknowledge” in *The Cambridge Companion to Augustine*. Edt by Eleonore Stump and Norman Kretzmann. (Cambridge, UK: Cambridge University Press, 2001).

⁵²⁶ See Augustine, *The City of God*.

⁵²⁷ Augustine, *The City of God*, XXIV.

⁵²⁸ Selfishness and pride were depicted as the epitome of sin. The benefits of justice, order, and peace motivated individuals to seek political life, authorities, and restraints.

⁵²⁹ Deane states, “It is both a punishment for sin and a remedy for man’s sinful condition; without it anarchy would reign, and self-centered, avaricious, power-hungry, lustful men would destroy one another in a fierce struggle for self-aggrandizement” *The Political and Social Ideas of St. Augustine*. (New York: Columbia University Press, 1963), 117.

⁵³⁰ Deane, 138.

⁵³¹ Deane, 117.

⁵³² Augustine did not believe in private forms of self-defense. See Louis J. Swift, *Message of the Fathers of the Church*. Vol. 19, *The Early Fathers On War and Military Service*. Wilmington, DE: M. Glazier, 1983, 130-131.

⁵³³ Augustine states, “Nevertheless power and domination are not given even to such men save by the providence of the most high God, when He judges that the state of human affairs is worthy of such lords”, *The City of God*, XIX. Augustine notes that God placed the Christian Constantine, but also the infamous Nero and Julian the Apostate in Augustine, *The City of God*, XXI.

⁵³⁴ Mattox, 58.

⁵³⁵ See Aquinas, *Summa Theologica*, II-I. Q82. See also Paul Weithman, “Augustine and Aquinas On Original Sin and the Function of Political Authority,” *Journal of the History of Philosophy* 30, no. 3 (July 1992): 353-76.

⁵³⁶ This is one of the reasons that Aquinas is usually labeled an optimistic theologian in contrast to Augustine’s pessimism. When comparing the two, Aquinas does have a more optimistic outlook on the temporal realm than Augustine.

⁵³⁷ See Aquinas, *Summa Theologiae IaIIae* Q22 for divine providence and Q23 for predestination.

⁵³⁸ Aquinas states, “But man is by nature a social and political animal, who lives in a community...If, therefore, it is natural for man to live in fellowship with many others, it is necessary for there to be some means whereby such a community of men may be ruled”, “*De Regimine Principum*” in *Aquinas Political Writings*, trans. R W. Dyson Cambridge Texts in the History of Political Thought (Cambridge, UK: Cambridge University Press, 2002), 5-6, 7.

⁵³⁹ Aquinas, *De Regimine Principum*, 40.

⁵⁴⁰ Augustine states, “For although some suppose that virtues which have a reference only to themselves, and are desired only on their own account, are yet true and genuine virtues, the fact is that even then they are inflated with pride, and are therefore to be reckoned vices rather than virtues”, *The City of God*, XXV.

⁵⁴¹ Aquinas states, “The final end of a multitude united in society, therefore, will not be to live according to virtue, but through virtuous living to attain to the enjoyment of the Divine”, Aquinas, *De Regimine Principum*, 40-41.

⁵⁴² John Finnis, “Aquinas' Moral, Political, and Legal Philosophy”, *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/sum2018/entries/aquinas-moral-political/>.

⁵⁴³ See Richard A. Crofts, “The Common Good in the Political Theory of Thomas Aquinas”. *The Thomist: A Speculative Quarterly Review*, Volume 37, Number 1, January 1973, pp. 155-173.

For Aquinas, God is the ultimate common good to which political community points. Aquinas states, “the common good of the whole is God himself, in whom consists the happiness of all”, Thomas Aquinas, *De Perfectione Vitae Spiritualis*, Ch.13.
<https://www.pathsoflove.com/aquinas/perfection-of-the-spiritual-life.html>.

For Finnis’ account of the common good, see John Finnis, “Public Good: The Specifically Political Common Good in Aquinas.” In *Natural Law and Moral Inquiry: Ethics, Metaphysics*,

and Politics in the Thought of Germain Grisez. Robert George, ed. Washington, D.C.: Georgetown University Press. 1998: 174–209.

For another modern Thomistic account of the common good see David Hollenbach's work in a variety of sources: David Hollenbach, *The Common Good and Christian Ethics*. Cambridge, UK: Cambridge University Press, 2002; David Hollenbach, "The Common Good and Issues in U.S. Politics: A Critical Catholic Approach" *Journal of Religion & Society*, vol. 4, pp. 33-46, 2008; David Hollenbach, "The Common Good in a Divided Society" (1999). Santa Clara Lectures.; David Hollenbach, "The Common Good Revisited". *Theological Studies* 50 (1989): 70-94.

See also Alejo José Sison, and Joan Fontrodona, "The Common Good of the Firm in the Aristotelian-Thomistic Tradition". *Business Ethics Quarterly* 22.2 2012.

⁵⁴⁴ Aquinas, *Summa Theologiae IaIIae 96.4 resp.*

⁵⁴⁵ Finnis, "Aquinas' Moral, Political, and Legal Philosophy".

⁵⁴⁶ Aquinas, *De Regimine Principum*, 6.

⁵⁴⁷ Aristotle states, "For though the good of an individual by himself is something worth working for, to ensure the good of a nation or a state is nobler and more divine", *The Nicomachean Ethics*. W. D. Ross and Lesley Brown, eds. Oxford: Oxford University Press, 2009, I.2.

⁵⁴⁸ Aquinas, *De Regimine Principum*, 6.

⁵⁴⁹ Aquinas states, "In the same way, we see that although man is helped to secure his needs – food and clothing, for example – a degree of effort is necessary also. He has the beginnings of what he needs from nature: that is, reason and hands; but his needs are not fully met by nature, as they are in other animals, to whom nature has given enough in the way of covering and food. Now it is not easy to see how a man might be self-sufficient with respect to this discipline, since the perfection of virtue consists precisely in withdrawing a man from undue pleasures, to which men are especially prone, and especially the young, in whom discipline is more effective. And so men need to receive from another the discipline by which they arrive at virtue", *Summa Theologiae IaIIae 95.1 resp.*

⁵⁵⁰ Aquinas, *De Regimine Principum*, 44.

⁵⁵¹ Aquinas, *De Regimine Principum*, 44. Aquinas states, "Aquinas states, "For the good of the community should not be established for a particular length of time only, but should be as it were perpetual", *De Regimine Principum*, 44.

⁵⁵² Aquinas states, "Since therefore every man is a part of the State, it is impossible for any man to be good unless he is well adjusted to the common good; nor can the whole of anything be properly composed unless its parts are well adjusted to it. Hence it is impossible for the common

good of the State to be secured unless the citizens are virtuous”, Aquinas, *Summa Theologiae IaIIae 92.1 ad.3*.

⁵⁵³ Aristotle defined the virtuous mean in the following way: “to feel these emotions as the right times, for the right objects, towards the right persons, for the right motives, and in the right manner, is the mean or the best good”, *The Nicomachean Ethics*, II.6.

⁵⁵⁴ Aquinas states, “A human virtue is one which renders a human act good and makes the man himself good”, *Summa Theologiae IaIIae 58.3 resp*. Elsewhere, Aquinas defines virtues as what “disposes an agent to perform its proper operation or movement”, *Summa theologiae, IaIIae 49.1*. The cardinal virtues include: prudence, justice, temperance, and courage, *Summa theologiae, IaIIae 61.2*. Shawn Floyd states, “Aquinas thinks the cardinal virtues provide general templates for the most salient forms of moral activity: commanding action (prudence); giving to those what is due (justice); curbing the passions (temperance); and strengthening the passions against fear (courage) (IaIIae 61.3)”, Shawn Floyd, “Thomas Aquinas: Moral Philosophy” in Internet Encyclopedia of Philosophy. <https://www.iep.utm.edu/aq-moral/#SH6a>.

See also Thomas Aquinas, *Questiones de veritate*. Trans. Robert W. Mulligan, S.J. Henry Regnery Company, 1954.

⁵⁵⁵ Aquinas, *Summa Theologiae Ia 96*.

⁵⁵⁶ Aquinas, *De Regimine Principum*, 40.

⁵⁵⁷ Aquinas, *Summa Theologiae IaIIae 90*.

⁵⁵⁸ Aquinas, *Summa Theologiae IaIIae 92.1 ad.2*. In reference to the double edged sword of being endowed with reason, Aquinas states, “for, as the Philosopher says at Politics I, ‘just as man is the best of animals when perfected in virtue, so is he the worst when separated from law and justice’. For man has the weapons of reason, which other animals do not have, for gratifying lusts and brutalities” *Summa Theologiae IaIIae 95.1 resp*.

⁵⁵⁹ Aquinas, *Summa Theologiae IaIIae 96.5 resp*.

⁵⁶⁰ Aquinas, *Summa Theologiae IaIIae 95.1 resp*.

⁵⁶¹ Aquinas, *Summa Theologiae IaIIae 92*. Aristotle describes the good as “that for the sake of which all else is done”, *The Nicomachean Ethics*, I.2. In terms of teleology, it is what is “absolutely final”, *The Nicomachean Ethics*, I.7. For Aquinas, God is the ultimate end. Virtue cultivation ultimately leads to “enjoyment of the Divine”, which is the essential purpose of humanity, *De Regimine Principum*, 40-41.

⁵⁶² Aquinas, *Summa Theologiae IaIIae 92.1 ad.1*.

⁵⁶³ This divide of Augustine and Aquinas is paralleled later in Christian history. In regard to the Torah's role, Luther followed a more restrictive stance while Calvin took a more positive role.

⁵⁶⁴ Aquinas, *Summa Theologiae IIaIIae*, 95.1 resp.

⁵⁶⁵ Rousseau articulates a similar sentiment: "For to be driven by appetite alone is slavery, and obedience to the law one has prescribed for oneself is liberty", "On the Social Contract", I.VIII.

⁵⁶⁶ Aquinas, *De Regimine Principum*, 51. In a similar manner, Aristotle states, "It is pleasure which makes us do what is base, and pain which makes us abstain from doing what is noble", *The Nicomachean Ethics*, II.3. In regard to the mean of virtue, Aristotle states, "Deficiency and excess are both fatal", *The Nicomachean Ethics*, II.6.

⁵⁶⁷ Aquinas states, "men excessively devoted to pleasure grow weak in spirit and become irresolute in confronting any hardship, in tolerating labour and in facing danger. Hence also delights greatly harm the conduct of war", *De Regimine Principum*, 51.

⁵⁶⁸ Aquinas, *De Regimine Principum*, 52.

⁵⁶⁹ See Darrell Cole, "Thomas Aquinas On Virtuous Warfare." *The Journal of Religious Ethics* 27, no. 1 (1999): 57-80; Nico Vorster, "Just War and Virtue: Revisiting Augustine and Thomas Aquinas." *South African Journal of Philosophy* 31, no. 1 (2015): 55-68.

⁵⁷⁰ For Christian human rights critics: Oliver O'Donovan, "The Language of Rights and Conceptual History," *Journal of Religious Ethics* 37, no. 2 (2009): 193-207; Stanley Hauerwas, "How to Think Theologically about Rights." *Journal of Law and Religion* 30, no. 3 (2015): 402-13; John Milbank, "Against Human Rights: Liberty in the Western Tradition", *Oxford Journal of Law and Religion*, Vol 1.1 April 2012, Pages 203-234;

⁵⁷¹ The theme of the Enlightenment creating human rights is historically inaccurate as famously and powerfully expounded in Brian Tierney's seminal work, *The Idea of Natural Rights: Studies On Natural Rights, Natural Law, and Church Law, 1150-1625*. Grand Rapids, Mich.: William B. Eerdmans, 1997. See also, John Finnis, *Natural Law and Natural Rights*, Oxford: Clarendon Press; 2011.

⁵⁷² Alasdair C. MacIntyre, *After Virtue: A Study in Moral Theory*, 3rd ed. (Notre Dame, Ind.: University of Notre Dame Press, 2007), 67, 69.

⁵⁷³ MacIntyre, *After Virtue* 67.

⁵⁷⁴ MacIntyre, *After Virtue*, 69.

⁵⁷⁵ MacIntyre states, “the concept lacks any means of expression in Hebrew, Greek, Latin or Arabic, classical or medieval, before about 1400, let alone in Old English, or in Japanese even as late as the mid-nineteenth century”, *After Virtue*, 69.

⁵⁷⁶ MacIntyre, *After Virtue*, 70.

⁵⁷⁷ Jacques Maritain. *The Rights of Man and Natural Law* (London Geoffrey Bles: The Centenary Press, 1944), 8.

⁵⁷⁸ Maritain, *The Rights of Man and Natural Law*, 8.

⁵⁷⁹ Jacques Maritain, *Man and the State* (Washington, D.C.: Catholic University of America Press, 1998), 23-24.

⁵⁸⁰ Maritain, *The Rights of Man and Natural Law*, 9.

⁵⁸¹ Maritain, *The Rights of Man and Natural Law*, 27.

⁵⁸² Maritain, *The Rights of Man and Natural Law*, 9.

⁵⁸³ Political community aims at “the good human life of the multitude, the betterment of the conditions of human life itself, the internal improvement and the progress—material, of course, but also and principally moral and spiritual...” Maritain, *The Rights of Man and Natural Law*, 26.

⁵⁸⁴ Maritain, *The Rights of Man and Natural Law*, 9.

⁵⁸⁵ Maritain, *The Rights of Man and Natural Law*, 22.

⁵⁸⁶ Maritain, *The Rights of Man and Natural Law*, 14.

⁵⁸⁷ Jacques Maritain. “The Person and the Common Good”. *The Review of Politics*, 419.

⁵⁸⁸ Maritain, *The Rights of Man and Natural Law*, 14.

⁵⁸⁹ Maritain. “The Person and the Common Good”, 436-437.

⁵⁹⁰ Maritain, *The Rights of Man and Natural Law*, 24.

⁵⁹¹ Maritain. “The Person and the Common Good”, 419.

⁵⁹² Maritain, *The Rights of Man and Natural Law*, 34.

⁵⁹³ Maritain, *The Rights of Man and Natural Law*, 37. Maritain provides a list of “fundamental rights”: “the right to existence and life; the right to personal freedom or to conduct one’s own life as master of oneself and of one’s acts, responsible for them before God and the law of the community; the right to the pursuit of the perfection of moral and rational human life; the right to the pursuit of eternal good (without this pursuit there is no true pursuit of happiness); the right to keep one’s body whole; the right to private ownership of material goods, which is a safeguard of the liberties of the individual; the right to marry according to one’s choice and to raise a family which will be assured of the liberties due it; the right of association, the respect for human dignity in each individual, whether or not he represents an economic value for society...” *The Rights of Man and Natural Law*, 44-45. He provides a further summary of foundational, civic, and social rights in *The Rights of Man and Natural Law*, 60-62.

⁵⁹⁴ Maritain, *The Rights of Man and Natural Law*, 37.

⁵⁹⁵ Maritain, *Man and the State*, 101.

⁵⁹⁶ Maritain, *Man and the State*, 80. Maritain adds, “How could we understand human rights if we had not a sufficiently adequate notion of natural law? The same natural law which lays down our most fundamental duties, and by virtue of which every law is binding, is the very law which has signs to us our fundamental rights. It is because we are enmeshed in the universal order, in the laws and regulations of the cosmos and of the immense family of created natures (and finally in the order of creative wisdom), and it is because we have at the same time the privilege of sharing in spiritual nature, that we possess rights vis-à-vis other men and all the assemblage of creatures”, Maritain, *Man and the State*, 95-96.

⁵⁹⁷ Maritain, *Man and the State*, 84.

⁵⁹⁸ Maritain, *Man and the State*, 94. Utilizing Aquinas on reason’s ability to perceive the natural law: “When [Aquinas] says that human reason discovers the regulations of natural law through the guidance of the inclinations of human nature, he means that the very mode or manner in which human reason knows natural law is not rational knowledge, but knowledge through inclination”, Maritain, *Man and the State*, 91.

⁵⁹⁹ Maritain, *Man and the State*, 94.

⁶⁰⁰ Maritain, *Man and the State*, 88-89.

⁶⁰¹ Maritain, *Man and the State*, 89.

⁶⁰² Maritain, *Man and the State*, 88.

⁶⁰³ Maritain, *Man and the State*, 95-96.

⁶⁰⁴ Maritain, *Man and the State*, 35, 37.

⁶⁰⁵ Maritain, *The Rights of Man and Natural Law*, 46, 49.

⁶⁰⁶ Maritain, *The Rights of Man and Natural Law*, 49.

⁶⁰⁷ Aquinas states, “If, therefore, it is natural for man to live in fellowship with many others, it is necessary for there to be some means whereby such a community of men may be ruled. For if many men were to live together with each providing only what is convenient for himself, the community would break up into its various parts unless one of them had responsibility for the good of the community as a whole, just as the body of a man and of any other animal would fall apart if there were not some general ruling force to sustain the body and secure the common good of all its parts”, Aquinas, *De Regimine Principum*, 7.

⁶⁰⁸ Aquinas, *Summa Theologiae IaIIae 105.1 resp.*

⁶⁰⁹ I do not agree with Aquinas’ assessment of democracy, but I can charitably assume that he feared uneducated citizens seeking to instill their passions above what was virtuous.

⁶¹⁰ Aquinas, *Summa Theologiae IaIIae 105.1 resp.*

⁶¹¹ Aquinas, *Summa Theologiae IaIIae 105.1 resp.* Aquinas states, “Law properly so called looks first and foremost to the ordering of things to the common good. But to order something to the common good is the business of the whole community, or of someone acting on behalf of the whole community. Therefore to make law is either the business of the whole community, or it belongs to the public person who has care of the whole community; for, as in all things, the ordering of something to an end is the concern of him to whom the end belongs”, *Summa Theologiae IaIIae 90.3 resp.*

⁶¹² Aquinas states that a political authority “gladdens a whole province with peace, restrains the violent, preserves justice, and disposes the actions of men by means of his laws and precepts”, *De Regimine Principum*, 29.

⁶¹³ Aquinas, *De Regimine Principum*, 28, 30.

⁶¹⁴ Aquinas, *De Regimine Principum*, 35.

⁶¹⁵ Aquinas, *De Regimine Principum*, 21.

⁶¹⁶ Aquinas, *De Regimine Principum*, 8.

⁶¹⁷ Aquinas, *Summa Theologiae IaIIae 97.4 resp.*

⁶¹⁸ Aquinas, *Summa Theologiae IaIIae* 97.4 resp. and Aquinas, *Summa Theologiae IIaIIae* 66.8 resp.

⁶¹⁹ Aquinas, *De Regimine Principum*, 31-32.

⁶²⁰ Aquinas, *De Regimine Principum*, 10.

⁶²¹ Aquinas, *De Regimine Principum*, 10.

⁶²² Aquinas, *De Regimine Principum*, 43.

⁶²³ Aquinas, *De Regimine Principum*, 44.

⁶²⁴ Aquinas, *Summa Theologiae IIaIIae* 66.

⁶²⁵ Aquinas states, “Authority which is directed to the advantage of those subject to it does not take away the liberty of its subjects, *Scripta super libros sententiarum* II: 44:2:2.

⁶²⁶ Aquinas, *De Regimine Principum*, 31.

⁶²⁷ Aquinas, *De Regimine Principum*, 34.

⁶²⁸ Aquinas, *De Regimine Principum*, 34.

⁶²⁹ Aquinas, *De Regimine Principum*, 34.

⁶³⁰ Aquinas, *De Regimine Principum*, 34.

⁶³¹ Aquinas, *De Regimine Principum*, 35.

⁶³² Aquinas, *De Regimine Principum*, 35.

⁶³³ In reference to equality, Aquinas states, “For justice denotes a kind of equality – as the name itself shows, for it is commonly said that things are ‘adjusted’ to one another when they are made equal – and equality has to do with the relation of one man to another, whereas the other virtues perfect man in those things which pertain only to himself. Accordingly, that which is right in the works of the other virtues, and to which the intention of the virtue tends as to its proper object, depends only upon its relation to the agent. But that which is right in a work of justice is constituted, over and above its relation to the agent, by its relation to others; for what we do is said to be ‘just’ when it is related to someone else by way of some kind of equality”, *Summa Theologiae IIaIIae* 57.1 resp.

⁶³⁴ Aquinas, *Summa Theologiae IIaIIae* 58.11 sed. cont.

⁶³⁵ Aquinas, *Summa Theologiae IIaIIae* 58.11 resp.

⁶³⁶ Aquinas, *Summa Theologiae IIaIIae* 58.1 resp. Aquinas also states, “The proper function of justice, as compared with the other virtues, is to direct man in his relations with others”, *Summa Theologiae IIaIIae* 57.1 resp.

⁶³⁷ Aquinas, *Summa Theologiae IIaIIae* 58.8 resp.

⁶³⁸ Aquinas, *Summa Theologiae IIaIIae* 60.

⁶³⁹ Aquinas, *Summa Theologiae IIaIIae* 60.2 resp.

⁶⁴⁰ Aquinas, *Summa Theologiae IaIIae* 90.

⁶⁴¹ Aquinas, *Summa Theologiae IaIIae* 92.2 ad.4.

⁶⁴² Aquinas, *Summa Theologiae IaIIae* 96.2 ad.2.

⁶⁴³ Aquinas, *Summa Theologiae IaIIae* 96. This is another example of Aquinas’ tripart just war thinking.

⁶⁴⁴ Aquinas, *Summa Theologiae IaIIae* 96.2 ad.2.

⁶⁴⁵ Aquinas, *Summa Theologiae IaIIae* 96.

⁶⁴⁶ Aquinas, *Summa Theologiae IaIIae* 96.2 resp.

⁶⁴⁷ Aquinas states, “in human government also, those who rule rightly tolerate certain evils, lest certain goods be impeded or certain worse evils incurred”, *Summa Theologiae IIaIIae* 10.11 resp.

⁶⁴⁸ Aquinas, *Summa Theologiae IaIIae* 96.

⁶⁴⁹ Aquinas, *Summa Theologiae IaIIae* 96.4 resp.

⁶⁵⁰ Aquinas, *Summa Theologiae IaIIae* 96.

⁶⁵¹ Aquinas, *Summa Theologiae IaIIae* 97.3 resp.

⁶⁵² Aquinas, *Summa Theologiae IaIIae* 97.2 resp.

⁶⁵³ Aquinas, *Summa Theologiae I-IIae* 97.2 resp. Aquinas states, “laws ought to be changed not simply to secure any improvement whatsoever, but for the sake of a great advantage or where there is great necessity”, *Summa Theologiae I-IIae* 97.2 ad.2.

⁶⁵⁴ See John Finnis, *Aquinas : Moral, Political, and Legal Theory*. Founders of Modern Political and Social Thought. Oxford University Press, 1998; John Finnis. “Public Good: The Specifically Political Common Good in Aquinas.” In *Natural Law and Moral Inquiry: Ethics, Metaphysics, and Politics in the Thought of Germain Grisez*. Robert George, ed. Washington, D.C.: Georgetown University Press. 1998: 174–209. Matthew D. Wright, *A Vindication of Politics: On the Common Good and Human Flourishing*. Lawrence, Kansas: University Press of Kansas, 2019.

⁶⁵⁵ For Aquinas, flourishing is also deeply tied to living according to God’ natural law and becoming more the type of person that God has designed humans to be. Flourishing leads to right orientation and relationship with God, self, others, and the world. For the purposes of this dissertation, I focus simply on the natural ends.

⁶⁵⁶ Aristotle argued that humans are social in nature, but Aquinas argues further that this includes a political implication. Ullmann, 116.

⁶⁵⁷ Aquinas, *De Regimine Principum*, 43. Mark Murphy provides a list of basic from Aquinas and other modern Thomistic thinkers. Murphy states, “The goods that Aquinas mentions in his account include life, procreation, social life, knowledge, and rational conduct. Grisez 1983 includes self-integration, practical reasonableness, authenticity, justice and friendship, religion, life and health, knowledge of truth, appreciation of beauty, and playful activities (pp. 121–122). Finnis 1980 includes life, knowledge, aesthetic appreciation, play, friendship, practical reasonableness, and religion (pp. 86–90). Chappell 1995 includes friendship, aesthetic value, pleasure and the avoidance of pain, physical and mental health and harmony, reason, rationality, and reasonableness, truth and the knowledge of it, the natural world, people, fairness, and achievements (p. 43). Finnis 1996 affirms a list much like Grisez 1983, but includes in it ‘the marital good’ (p. 5). Murphy 2001 includes life, knowledge, aesthetic experience, excellence in work and play, excellence in agency, inner peace, friendship and community, religion, and happiness (p. 96). Gomez-Lobo 2002 includes life, the family, friendship, work and play, experience of beauty, theoretical knowledge, and integrity (pp. 10–23). Crowe (2019) includes life, health, pleasure, friendship, play, appreciation, understanding, meaning, and reasonableness (p. 35)”, Mark Murphy, “The Natural Law Tradition in Ethics”, *The Stanford Encyclopedia of Philosophy* (Summer 2019 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/sum2019/entries/natural-law-ethics/>

⁶⁵⁸ Aquinas, *De Regimine Principum*, 43.

⁶⁵⁹ Aquinas states, “for individual interests and the common good are not the same. Individuals differ as to their private interests, but are united with respect to the common good, and such differences have various causes. It is fitting, therefore, that, beyond that which moves the

individual to pursue a good peculiar to himself, there should be something which promotes the common good of the many. It is for this reason that wherever things are organised into a unity, something is found that rules all the rest”, Aquinas, *De Regimine Principum*, 7.

⁶⁶⁰ Aquinas states, “to establish the good life for a community requires three things: first, that the community be established in the unity of peace; second, that the community united by the bond of peace be guided to act well – for just as a man cannot act well unless we presuppose the unity of his parts, so a multitude of men who are at odds with one another because they lack peace will be prevented from living well; and, third, it requires that, through the industry of the ruler, there be a plentiful supply of those things necessary to living well”, *De Regimine Principum*, 43-44.

⁶⁶¹ Aquinas, *Summa Theologiae IIaIIae 58.12 resp.*

⁶⁶² Aquinas, *Summa Theologiae IaIIae 58.9 ad.3*

⁶⁶³ Other contemporary scholars have taken this basic Thomistic foundation and expounded upon them. Perhaps none more famous than John Finnis, *Aquinas: Moral, Political, and Legal Theory*. Founders of Modern Political and Social Thought. Oxford University Press, 1998;

⁶⁶⁴ See Matthew Wright’s “Political Culture as an Intrinsic Good” in *A Vindication of Politics: On the Common Good and Human Flourishing*. Lawrence, Kansas: University Press of Kansas, 2019.

⁶⁶⁵ Johnson, *Ethics and the Use of Force*, 134.

⁶⁶⁶ See Mattox “The Historical and Philosophical Landscape” in *Saint Augustine and the Theory of Just War*: 14-43.

⁶⁶⁷ Ambrose was the Archbishop of Milan and a major influence in Augustine’s conversion and subsequent Christian life.

⁶⁶⁸ See “Augustine’s Just-War Theory” in Mattox, 44-91.

⁶⁶⁹ Johnson, *Ethics and the Use of Force*, 37.

⁶⁷⁰ Johnson, *Ethics and the Use of Force*, 42.

⁶⁷¹ Johnson, *Ethics and the Use of Force*, 49.

⁶⁷² Johnson states, “When one reads Aquinas’s magisterial summary of the three requirements for a just war, it is necessary to recognize, then, that he is not simply systematizing what Augustine had said, though he leans heavily on key Augustinian formulations, providing citations from Augustine on each of the three requirements he identifies; rather, he is adding content to those requirements in accord with the developments in thinking about *ius naturale* and

ius gentium in the century before him”, *Sovereignty: Moral and Historical Perspectives*. Washington, DC: Georgetown University Press, 2014, 17-18.

⁶⁷³ Johnson, *Sovereignty*, 16-17.

⁶⁷⁴ Johnson states, “The just war idea, as it came together in the late twelfth and thirteenth centuries, centered on a conception of sovereignty as responsibility for the common good of society that is to be exercised to vindicate justice after some injustice has occurred and gone unrectified or unpunished. This responsibility is fundamentally to and for the moral order itself, understood as an order in accord with the natural law, which itself was conceived as a manifestation of the divine will as embedded in the natural order”, *Sovereignty*, 19-20, Johnson also states, “Sovereignty thus defined was thus both a political and a moral concept”, *Sovereignty*, 21.

⁶⁷⁵ Johnson, *Sovereignty*, 28.

⁶⁷⁶ James Turner Johnson, “Aquinas and Luther on War and Peace: Sovereign Authority and the Use of Armed Force.” *The Journal of Religious Ethics* 31, no. 1 (2003): 3-20.

⁶⁷⁷ Johnson, *Ethics and the Use of Force*, 51.

⁶⁷⁸ Aquinas, *Summa Theologiae IIaIIae* 40.1 resp.

⁶⁷⁹ Aquinas states, “And just as it is lawful for them to use the material sword in defence of the commonwealth against those who trouble it from within, when they punish evildoers, according to the Apostle (Romans 13:4), ‘He beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil’: so too, it pertains to them to use the sword of war to protect the commonwealth against enemies from without”, *Summa Theologiae IIaIIae* 40.1 resp.

⁶⁸⁰ Johnson states, “The person or persons in sovereign authority have the responsibility of securing a just and peaceful order within society”, *Ethics and the Use of Force*, 51.

⁶⁸¹ Johnson, *Sovereignty*, 2.

⁶⁸² Johnson states, “Sovereignty is government of a political community by a person or persons with final responsibility for the well-ordered justice and peace of that community, which Aquinas often rendered as its *bonum commune*, or ‘common good’”, *Sovereignty*, 29. Johnson also states, “it remained unchallenged, as to both substance and priority, until Grotius’s recasting of the terms of the tradition”, *Ethics and the Use of Force*, 8.

⁶⁸³ Johnson, *Sovereignty*, 1-2.

⁶⁸⁴ Johnson, *Sovereignty*, 1.

⁶⁸⁵ Johnson, *Sovereignty*, 1.

⁶⁸⁶ For Aquinas on self-defense: Aquinas, *Summa Theologiae IIaIIae* 64. Johnson states, “force may be used by people who have no right to do so, for purposes having to do with private gain rather than the common good”, *Ethics and the Use of Force*, 37. Martin Rhonheimer argues, “Nevertheless, the formulation that intending death for the sake of self-defense is allowed for public authority as distinct from the private person remains somewhat open to misunderstanding, insofar it “relates [this] to the public welfare”. That is, such killing is only permissible in the context of punishment (the preservation of justice) or of a just war. It is not dealing with mere actions in self-defense, as Thomas’s formulation somewhat misleadingly suggests”, “Sins against Justice” in *The Ethics of Aquinas*. Stephen J. Pope, ed. Washington, D.C.: Georgetown University Press, 2002, 296.

⁶⁸⁷ Aquinas, *Summa Theologiae IIaIIae* 40.1 resp.

⁶⁸⁸ Aquinas states, “it is not lawful to slay a malefactor except by the judgment of a public authority”, *Summa Theologiae IIaIIae* 64.3 ad.3.

⁶⁸⁹ Aquinas, *Summa Theologiae IIaIIae* 64.3 resp.

⁶⁹⁰ Aquinas, *Summa Theologiae IIaIIae* 64.3 resp.

⁶⁹¹ Aquinas states, “It is lawful for any private person to do something for the common benefit provided that no harm is thereby done to anyone; but if anyone is harmed, this cannot be done except by the judgment of him to whom it pertains to decide what is to be taken away from the parts in order to secure the welfare of the whole”, Aquinas, *Summa Theologiae IIaIIae* 64.3 ad.3.

⁶⁹² Johnson, *Ethics and the Use of Force*, 51.

⁶⁹³ Aquinas, *Summa Theologiae IIaIIae* 40.1 resp. Johnson states, “But the sovereign may use armed force only for a just cause and only with right intention—not to bully or dominate, but to serve the common good by achieving a just and peaceful order”, *Ethics and the Use of Force*, 51.

⁶⁹⁴ Aquinas, *Summa Theologiae IIaIIae* 40.1 resp.

⁶⁹⁵ See Don E. Scheid, ed. *The Ethics of Armed Humanitarian Intervention*. New York: Cambridge University Press, 2014.

⁶⁹⁶ Johnson states, “Johnson states, “As he develops each it becomes clear that his three would be four in many present-day listings, because his right intention has two aspects: avoidance of wrong intentions (“motives of aggrandizement or cruelty”) and pursuit of right intentions, which

may be grouped together as the goal of achieving peace”, Johnson, *Ethics and the Use of Force*, 50.

⁶⁹⁷ Aquinas, *Summa Theologiae IIaIIae* 66.8 ad.1.

⁶⁹⁸ Aquinas, *Summa Theologiae IIaIIae* 66.8 resp.

⁶⁹⁹ Aquinas, *Summa Theologiae IIaIIae* 40.1 resp.

⁷⁰⁰ Qtd in Aquinas, *Summa Theologiae IIaIIae* 40.1 resp.

⁷⁰¹ Aquinas, *Summa Theologiae IIaIIae* 40.1 resp.

⁷⁰² Aquinas, *Summa Theologiae IIaIIae* 40.1 ad.3.

⁷⁰³ Qtd in Aquinas, *Summa Theologiae IIaIIae* 40.1 ad.3.

⁷⁰⁴ In regards to military strategy, Aquinas justified the use of ambushes if the war was just. Concealment was considered different from lying. Lying is “being told something false or by not having a promise kept; and this is always unlawful. No one ought to deceive an enemy in this way, for there are certain rights of war and covenants which should be observed even among enemies”, Aquinas, *Summa Theologiae IIaIIae* 40.3 resp. Concealment differs in that “someone may be deceived by what we say or do because we do not reveal our thoughts or intentions to him”, *Summa Theologiae IIaIIae* 40.3 resp. Aquinas believe this sort of concealment should be used by leaders during war since there is not moral obligation to reveal plans. Aquinas states, “And the planning of ambushes, which may lawfully be used in a just war, belongs to this art of concealment; nor can such ambushes properly be called deceptions; nor are they repugnant to justice or to a rightly-ordered will, for a man would have a disordered will if he were unwilling that anything should be hidden from him by others”, *Summa Theologiae IIaIIae* 40.3 resp.

⁷⁰⁵ This exact phraseology is unique to my work, but I believe it is implicitly found in Aquinas’ work and developed with other Thomistic thinkers such as Vitoria. While not explicit in his writings, this fourfold authority is based on a Thomistic view of legitimate authority found in Aquinas’ wider political theory. See D.J.B. Trim, ““If a prince use tyrannie towards his people’: interventions on behalf of foreign populations in early modern Europe” in *Humanitarian Intervention: A History*. Brendan Simms and D.J.B. Trim, eds., Cambridge: Cambridge University Press, 2011: 29-66. See also James Turner Johnson, “Sovereign Authority and the Justified Use of Force in Thomas Aquinas and His Early Modern Successors”: 28-60.

⁷⁰⁶ For example, the United States has an established line of succession: President, Vice-President, Speaker of the House, etc.

⁷⁰⁷ See also N.P. Swartz, “Thomas Aquinas: On Law, Tyranny and Resistance,” *Acta Theologica* 30, no. 1 (2010), Sally Schols.. "Civil Disobedience in the Social Theory of Thomas

Aquinas," *Thomist* 60 1996: 449-462, and Edgar Scully,. "The Place of the State in Society according to Aquinas," *Thomist* 451981.: 407-429.

⁷⁰⁸ A king is said to resemble God by virtue of his role of leading a kingdom, Aquinas, *De Regimine Principum*, 29.

⁷⁰⁹ This is a reference to the book of Judges. In the narrative, this was a time before a political hierarchy existed.

⁷¹⁰ Romans 13:1-7: "Let every person be subject to the governing authorities; for there is no authority except from God, and those authorities that exist have been instituted by God. ² Therefore whoever resists authority resists what God has appointed, and those who resist will incur judgment. ³ For rulers are not a terror to good conduct, but to bad. Do you wish to have no fear of the authority? Then do what is good, and you will receive its approval; ⁴ for it is God's servant for your good. But if you do what is wrong, you should be afraid, for the authority does not bear the sword in vain! It is the servant of God to execute wrath on the wrongdoer. ⁵ Therefore one must be subject, not only because of wrath but also because of conscience. ⁶ For the same reason you also pay taxes, for the authorities are God's servants, busy with this very thing. ⁷ Pay to all what is due them—taxes to whom taxes are due, revenue to whom revenue is due, respect to whom respect is due, honor to whom honor is due."

⁷¹¹ Deane, 67.

⁷¹² Augustine qtd in Philip Schaff,. *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church*. Vol. III. St. Augustine. (New York: Charles Scribner's Sons, 1905), 269.

⁷¹³ Aquinas states, "This can also refer to evil rulers, who are not a terror to good conduct, but to bad. For even though they sometimes unjustly persecute those who do good, the latter have no reason to fear; because if they endure it patiently, it turns out for their good: 'Even if you do suffer for righteousness' sake, you will be blessed. Have no fear of them, nor be troubled' (I Pt 3:14)", *Thomas Aquinas on Romans*, 1030.

⁷¹⁴ Aquinas states, "Furthermore, even wicked rulers are God's ministers for inflicting punishments according to God's plan; although this is not their intention: 'Ah, Assyria, the rod of my anger, the staff of my fury' (Is 10:5) 'But he does not so intend' (v. 7). And also because such wicked rulers sometimes afflict good men, God permitting who profit thereby; for 'we know that in everything God works for the good with those who love him' (Rom 8:28)", *Thomas Aquinas on Romans*, 1034.

⁷¹⁵ I do not mean that Christians were not expected to trust and pray to God at all times, but rather that Aquinas' "trust God" motif was used after human effort was not possible or prudent.

⁷¹⁶ This section is based on Thomas Aquinas, "*Scripta super libros sententiarum*" in *Aquinas Political Writings*, trans. R W. Dyson Cambridge Texts in the History of Political Thought

(Cambridge, UK: Cambridge University Press, 2002). See also, Michael P. Malloy, *Civil Authority in Medieval Philosophy: Lombard, Aquinas, and Bonaventure*. Lanham: University Press of America, 1985.

⁷¹⁷ Aquinas, “*Scripta super libros sententiarum*” II:44:2:2 sol.

⁷¹⁸ Aquinas, “*Scripta super libros sententiarum*” II:44:2:2 sol.

⁷¹⁹ The following section is based on Thomas Aquinas, *Thomas Aquinas on Romans*. <https://sites.google.com/site/aquinasstudybible/home/romans/st-thomas-aquinas-on-romans>. This is also known as *Super Epistola ad Romanos*.

⁷²⁰ Aquinas, *Thomas Aquinas on Romans*., 1022.

⁷²¹ For example, God could be seen a morally culpable for being the “author of evil”. A debate that is evident in Christian theology.

⁷²² Sedition is being used by Aquinas as another term for rebellion. The following section is based on Aquinas, *Summa theologiae IIaIIae*. Q42, Q104.

⁷²³ Aquinas, *Summa theologiae IIaIIae* Q42. Ad 3.

⁷²⁴ Aquinas, *Summa theologiae IIaIIae*, Q42. Ad 3.

⁷²⁵ Aquinas, *Summa theologiae IIaIIae*, Q.42 ad.1.

⁷²⁶ The following section is based on Thomas Aquinas, “*De Regimine Principum*” in *Aquinas Political Writings*, trans. R W. Dyson Cambridge Texts in the History of Political Thought (Cambridge, UK: Cambridge University Press, 2002).

⁷²⁷ As exemplified in the biblical book of Daniel. Nebuchadnezzar changes his heart after being subjected to God’s discipline. Babylonian king, Belshazzar, however, is not repentant and it leads to the overthrow of his rule.

⁷²⁸ Dyson states, “tyranny of a relatively mild kind ought to be tolerated and that action should be taken only where the harm involved in doing so is not greater than the advantages which taking action may be expected to secure. We may read these statements in conjunction with what he says about war and violence (Chapter 6): that wars waged to repel aggression or escape oppression, and reasonable force used in self-defence and without malice, are morally justified, but that one must always be careful not to do more damage than one averts. His position on the question of tyranny is not really inconsistent with itself or with his general view of how people who are threatened or aggrieved ought to behave; nor, strictly, does he fudge the issue.”, “Introduction” in *Aquinas Political Writings*, xxx.

⁷²⁹ Johnson, *Ethics and the Use of Force*, 50. Johnson indicates the following Aquinas passages: (*De Regimine Principum*) (Aquinas 1959: 3–83) and (*Summa Theologica* II/II, Q. 42, A. 2; Aquinas 1947: 1365–66).

⁷³⁰ See the discussion of *Scripta super libros sententiarum, Super Epistola ad Romanos, Summa Theologiae, and De Regimine Principum* below.

⁷³¹ Dyson, XXIX.

⁷³² Dyson, XXIX-XXX.

⁷³³ Dyson, XXX.

⁷³⁴ Aquinas states, “Tyrants therefore endeavour to prevent their subjects from becoming virtuous and increasing in nobility of spirit, lest they refuse to bear their unjust dominion. They prevent the bond of friendship from becoming established among their subjects, and hinder them from enjoying the rewards of mutual peace, so that, for as long as they do not trust one another, they will not be able to unite against a tyrant’s rule. For this reason, tyrants sow discord among their subjects, nourish strife, and prohibit those things which create fellowship among men, such as wedding-feasts and banquets and other such things by which familiarity and trust are usually produced among men. They also endeavour to prevent anyone from becoming powerful or rich, because, suspecting their subjects according to their own evil conscience, they fear that, just as they themselves use power and riches to do harm, so the power and wealth of their subjects will be used to do harm to them in return”, *De Regimine Principum*, 13-14.

⁷³⁵ Aquinas states, “They prevent the bond of friendship from becoming established among their subjects, and hinder them from enjoying the rewards of mutual peace, so that, for as long as they do not trust one another, they will not be able to unite against a tyrant’s rule. For this reason, tyrants sow discord among their subjects, nourish strife, and prohibit those things which create fellowship among men, such as wedding-feasts and banquets and other such things by which familiarity and trust are usually produced among men”, *De Regimine Principum*, 14. Aquinas states, “Indeed it is the tyrant who is guilty of sedition, since he nourishes discord and sedition among his subjects in order to be able to dominate them more securely”, Aquinas, *Summa theologiae IIaIIae* 42.2 ad.3.”

⁷³⁶ Aquinas states, “They also endeavour to prevent anyone from becoming powerful or rich, because, suspecting their subjects according to their own evil conscience, they fear that, just as they themselves use power and riches to do harm, so the power and wealth of their subjects will be used to do harm to them in return”, *De Regimine Principum*, 14.

⁷³⁷ Aquinas states, “For this reason, then, when rulers who ought to cultivate the virtues in their subjects look upon their subjects’ virtues with wretched envy and do everything in their power to impede them, few virtuous men will be found under a tyrant”, *De Regimine Principum*, 14.

⁷³⁸ Aquinas, *De Regimine Principum*, 11. Aquinas notes, “tyrannical government more often arises from the rule of many than from that of one”, *De Regimine Principum*, 16.

⁷³⁹ Aquinas, *De Regimine Principum*, 12.

⁷⁴⁰ Aquinas notes, “tyrannical government more often arises from the rule of many than from that of one”, *De Regimine Principum*, 8.

⁷⁴¹ Aquinas, *De Regimine Principum*, 13.

⁷⁴² Aquinas, *De Regimine Principum*, 8.

⁷⁴³ Aquinas, *Summa Theologica*, 42.2.Reply to Obj.3.

⁷⁴⁴ Aquinas, *De Regimine Principum*, 15.

⁷⁴⁵ Concerning Theft: Aquinas states, “if princes extort by violence something which is not due to them, they commit robbery just as much as the bandit does”, *Summa theologiae IIaIIae* 66 ad.3. This means that rulers “are bound to make restitution, just as robbers are; and by so much do they sin more grievously than robbers, as their actions bring into a greater and more general peril the public justice whose custodians they are appointed to be”, *Summa theologiae IIaIIae* 66.8 ad.3.

⁷⁴⁶ Aquinas, *Summa theologiae IIaIIae* 66.8 ad.3.

⁷⁴⁷ He also classifies unworthy as “wicked”.

⁷⁴⁸ Aquinas, “*Scripta super libros sententiarum*” II:44:2:2.

⁷⁴⁹ Aquinas, *Summa theologiae IIaIIae* 104.6, ad. 3.

⁷⁵⁰ Aquinas, *De Regimine Principum*, 43-44.

⁷⁵¹ Aquinas, *De Regimine Principum*, 73-74.

⁷⁵² Aquinas gives an example as when “some of the goods of individual men” are taken, *De Regimine Principum*, 16.

⁷⁵³ Aquinas, *De Regimine Principum*, 16.

⁷⁵⁴ Aquinas states, “Disruption of such a government therefore does not have the character of sedition, unless perhaps the tyrant’s rule is disrupted so inordinately that the community subject

to it suffers greater detriment from the ensuing disorder than it did from the tyrannical government itself”, *Summa theologiae IIaIIae* 64.2 ad.3.

⁷⁵⁵ Aquinas, “*Scripta super libros sententiarum*” II:44:2:2 sol.

⁷⁵⁶ Aquinas, “*Scripta super libros sententiarum*” II:44:2:2 sol.

⁷⁵⁷ Aquinas, *Summa theologiae IaIIae* 92.1 ad.4.

⁷⁵⁸ Aquinas, *Summa theologiae IaIIae* 92.1 ad.4. Aquinas also states, “There is also tyranny, which is entirely corrupt, and which therefore has no kind of law corresponding to it”, *Summa theologiae IaIIae* 95.4 resp.

⁷⁵⁹ Aquinas, *De Regimine Principum*, 30.

⁷⁶⁰ Aquinas, *De Regimine Principum*, 31.

⁷⁶¹ Aquinas, *De Regimine Principum*, 32-33.

⁷⁶² Aquinas, *De Regimine Principum*, 32-33.

⁷⁶³ Aquinas, *De Regimine Principum*, 35.

⁷⁶⁴ Aquinas, *De Regimine Principum*, 35.

⁷⁶⁵ All three elements can be found in Aquinas, *De Regimine Principum*, 18.

⁷⁶⁶ Aquinas states, “[F]or the tyrant who has failed to govern the community faithfully, as the office of king requires, has deserved to be treated in this way”, *De Regimine Principum*, 20.

⁷⁶⁷ Aquinas, *De Regimine Principum*, 20.

⁷⁶⁸ Aquinas, *De Regimine Principum*, 35.

⁷⁶⁹ In what follows, I describe and interact with Fabre’s view of rebellion in two main sources: *Cosmopolitan War* (her main work describing armed rebellion broadly) and “Cosmopolitanism, Just War Theory and Legitimate Authority” (an article focusing on the issue of authority). For the most part, this latter source is reiterated in *Cosmopolitan War*.

⁷⁷⁰ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 965.

⁷⁷¹ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 964.

⁷⁷² Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 964.

⁷⁷³ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 964-965.

⁷⁷⁴ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 964-965.

⁷⁷⁵ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 968.

⁷⁷⁶ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 968. To clarify, the rejection of legitimate authority is conditioned on its pragmatic merit to protect individuals.

⁷⁷⁷ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 968.

⁷⁷⁸ Oxford English dictionary defines war as “[the] hostile contention by means of armed forces, carried on between nations, states, or rulers, or between parties in the same nation or state; the employment of armed forces against a foreign power, or against an opposing party in the state”, Qtd in Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 969-970.

⁷⁷⁹ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 970.

⁷⁸⁰ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 970.

⁷⁸¹ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 970.

⁷⁸² Fabre, *Cosmopolitan War*, 130-165.130, 131.

⁷⁸³ Fabre, *Cosmopolitan War*, 131.

⁷⁸⁴ Fabre, *Cosmopolitan War*, 132-133. Fabre describes five types of civil war: “(a) civil wars fought for the sake of deciding which sub-community or group within the larger community will control the state's apparatus; (b) civil wars fought for the sake of founding or preventing the creation of a new state on part of the territory of that larger community; (c) civil wars between insurgents and their regime where the latter's authority over the territory is undermined by the presence of, and its collaboration with, unjust foreign occupiers; (d) civil wars between communal factions with the regime in power attempting to act as a mediator; (e) civil wars between communal factions in the face of the collapse of state institutions, *Cosmopolitan War*, 133-134. She focuses on the first three types since they deal more specifically with fighting one's own state, *Cosmopolitan War*, 134.

⁷⁸⁵ Fabre, *Cosmopolitan War*, 135.

⁷⁸⁶ Fabre, *Cosmopolitan War*, 130-131.

- ⁷⁸⁷ Fabre, *Cosmopolitan War*, 131.
- ⁷⁸⁸ Fabre, *Cosmopolitan War*, 130.
- ⁷⁸⁹ Fabre, *Cosmopolitan War*, 130.
- ⁷⁹⁰ Fabre, *Cosmopolitan War*, 131. Fabre has in mind fellow revisionist David Rodin, *War and Self-Defense*. Oxford: Oxford University Press, 2002. Oxford Scholarship Online, 2005.
- ⁷⁹¹ Fabre, *Cosmopolitan War*, 133.
- ⁷⁹² Fabre, *Cosmopolitan War*, 133.
- ⁷⁹³ Fabre, *Cosmopolitan War*, 133.
- ⁷⁹⁴ Fabre, *Cosmopolitan War*, 146.
- ⁷⁹⁵ See John Kelsay, “Religion and Revolutionary Violence: The Case of John Brown” and “Naming Conflicts: The Example of John Brown and the Struggle against Slavery”, forthcoming.
- ⁷⁹⁶ I am indebted to Professor Sumner B. Twiss, who articulated this in a colloquium discussion on Prof. Kelsay’s “Naming Conflicts: The Example of John Brown and the Struggle against Slavery”.
- ⁷⁹⁷ Fabre, *Cosmopolitan War*, 146.
- ⁷⁹⁸ Fabre, *Cosmopolitan War*, 147.
- ⁷⁹⁹ Fabre, *Cosmopolitan War*, 136.
- ⁸⁰⁰ Fabre, *Cosmopolitan War*, 136-137..
- ⁸⁰¹ Fabre, *Cosmopolitan War*, 142.
- ⁸⁰² Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 967.
- ⁸⁰³ Fabre, *Cosmopolitan War*, 142.
- ⁸⁰⁴ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 963.
- ⁸⁰⁵ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 968.
- ⁸⁰⁶ Fabre states, “Wars are normally fought in defence of communal, state interests, such as sovereignty and territorial integrity. Whether or not the community's resources—both material

and human—should be deployed, at considerable and inevitable costs, for the defence of those interests is to be decided by the community's rulers, for they and they alone have the authority to decide what those common interests are and what their defence requires”, *Cosmopolitan War*, 143-144.

⁸⁰⁷ In other words, not all political leaders maintain a right to war by virtue of political service.

⁸⁰⁸ Fabre, *Cosmopolitan War*, 144.

⁸⁰⁹ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 964.

⁸¹⁰ Fabre, *Cosmopolitan War*, 130.

⁸¹¹ Fabre, *Cosmopolitan War*, 131. Fabre states, “To the extent that just war theory seeks to provide an account of the permissibility of such actions, it is entirely appropriate that it should scrutinise the ethics of civil wars”, Fabre, *Cosmopolitan War*, 131.

⁸¹² Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 967-968.

⁸¹³ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 970.

⁸¹⁴ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 970.

⁸¹⁵ Qtd in Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 970.

⁸¹⁶ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 970.

⁸¹⁷ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 970.

⁸¹⁸ Fabre, *Cosmopolitan War*, 7.

⁸¹⁹ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 972.

⁸²⁰ Fabre, *Cosmopolitan War*, 70-71.

⁸²¹ Fabre, *Cosmopolitan War*, 45-47. While Fabre does not expect moral perfection, she states, “some kinds of wrongdoings are so egregious that state officials lack the morally justified power to commit them. More strongly still, state officials who commit such wrongdoings in a systematic way and over a significant period of time, or who negligently or wilfully fail to stop the commission of those wrongdoings by private actors, forfeit their protected (and not only their naked) power to govern”, *Cosmopolitan War*, 47.

⁸²² Fabre argues, “my claim is not that an individual has the authority to wage war against a foreign aggressor whenever her country is attacked, irrespective of what her own state might do.

In fact, to the extent that she would be better off by transferring the meta-right to protect her human rights to an organization like the state, it is in her interest that she should do so. Should the state fail to protect those rights, however, I submit that the meta-right to protect fundamental human rights reverts to individuals”, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 972.

⁸²³ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 970. Fabre states, “To reject it is, in effect, to deny that individuals are one another’s moral equals irrespective of political borders, and that they have the right to defend, by force if necessary, their fundamental human rights”, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 976.

⁸²⁴ Fabre, *Cosmopolitan War*, 142, 145.

⁸²⁵ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 970-971

⁸²⁶ Fabre, *Cosmopolitan War*, 141-142. Fabre states, “it is not necessary, for an entity to have the right to wage a war, that it be a legitimate authority”, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 969.

⁸²⁷ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 968-969.

⁸²⁸ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 969.

⁸²⁹ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 969.

⁸³⁰ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 969.

⁸³¹ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 969.

⁸³² Fabre, *Cosmopolitan War*, 155. Concerning acting without explicit consent, she states, “But they do at least lend support to the view that it is not absolutely necessary that an individual acting alone, or a group, be able to secure a mandate from those on whose behalf they go to war, in order for their war to be just”, *Cosmopolitan War*, 156.

⁸³³ Fabre, *Cosmopolitan War*, 156.

⁸³⁴ Another example of Fabre’s vacillating rhetoric: She states, “more precisely, it is not a necessary condition for a war to be just that it be waged by such an authority. In fact, in some cases individuals alone can have the right to go to war, even though in other cases the latter should be prosecuted by actors with some degree of representativeness of, and authority over, the people and territory which they claim to govern”, *Cosmopolitan War*, 165.

⁸³⁵ Fabre, *Cosmopolitan War*, 147-148.

⁸³⁶ Fabre, *Cosmopolitan War*, 141. She states, “For a war is just not merely if it has a just cause: it must also be the option of last resort, the harms it causes must be outweighed by the goods it brings about, and it must stand a reasonable chance of success”, *Cosmopolitan War*, 141.

⁸³⁷ Fabre even makes this point. She states, “However, that point alone—that such a regime is not legitimate—does not entail that its victims have a just cause for going to war—in other words, for subjecting its civilian and military officials to widespread and ongoing lethal threats. War consists, inter alia, in inflicting widespread damage to the life and limbs of considerable numbers of people to political ends—whether those ends are ends in themselves (as when the war is fought in defence of communal values) or means towards the protection of some further ends (as when the war is fought in defence of individual rights the protection of which requires political changes); and it is the infliction of such harms which stands in need of justification—on pains of being deemed unjust”, *Cosmopolitan War*, 136.

⁸³⁸ Fabre, *Cosmopolitan War*, 137.

⁸³⁹ Fabre states, “individuals do have (limited) rights against their regime and compatriots which they do not have against foreign states...qua human beings they have a general right against the world at large (in rem) to the respect and promotion of their interests in communal goods such as political self-determination; qua members of a political community they have special rights against fellow citizens (in personam) that the latter not harm those interests in so far as the latter are furthered through that community's institutions”, *Cosmopolitan War*, 137. For the context of civil wars, Fabre states, “if a regime or a group within the state violates a fundamental and general right in rem of individuals (in that instance, the right to political self-determination) by infringing the special rights in personam which instantiate it, then its actions do provide victims with a just cause for waging a civil war, in just the same way as the violation of that very same fundamental right at the hands of a foreign actor would also provide those very same rights-bearers with a just cause for going to war against the latter, *Cosmopolitan War*, 138-139.

⁸⁴⁰ Fabre, *Cosmopolitan War*, 165.

⁸⁴¹ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 972.

⁸⁴² Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 971-972.

⁸⁴³ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 973.

⁸⁴⁴ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 973.

⁸⁴⁵ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 974.

⁸⁴⁶ Ironically, Fabre argues for the use of unjust tactics to help just insurgents, *Cosmopolitan War*, 271.

⁸⁴⁷ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 974.

⁸⁴⁸ Fabre, “Cosmopolitanism, Just War Theory and Legitimate Authority”, 975.

⁸⁴⁹ Johnson notes the restorative aim of just war thinking. He states, “where there has been an injustice, the use of force may be justified, according to the conditions which Aquinas summarizes in settled form, to reestablish justice”, *Ethics and the Use of Force*, 131.

⁸⁵⁰ This include national and international leaders.

⁸⁵¹ Johnson, *Ethics and the Use of Force*, 144.

⁸⁵² Christopher Finlay, *Is Just War Possible?*. Political Theory Today. Polity, 2019: 19-32. In my view, Finlay is actually the best revisionist scholar. This is probably due to the fact that he is far more moderate in his revisionism than others.

⁸⁵³ McMahan describes it as “an alternative” to traditional just war theory, “Rethinking the ‘Just War,’ Part 2”.

⁸⁵⁴ Johnson, *Ethics and the Use of Force*, 34.

⁸⁵⁵ I credit my advisor, Prof. John Kelsay, for articulating Fabre’s emphasis as a relocation of legitimate authority.

BIBLIOGRAPHY

- Aristotle. *Aristotle's Politics*. Oxford: Clarendon Press, 1905.
- _____. *The Nicomachean Ethics*. W. D. Ross and Lesley Brown, eds. Oxford: Oxford University Press, 2009
- Augustine. *The City of God*. Translated by Marcus Dods. New York: Modern Library, 1993.
- _____. *Confessions*. Translated by Henry Chadwick. Oxford: Oxford University Press, 2008.
- _____. "On Nature and Grace." *Fathers of the Church*. 1999.
<http://www.newadvent.org/fathers/1503.htm>
- _____. "On the Grace of Christ and on Original Sin." *Fathers of the Church*. 1999.
<http://www.newadvent.org/fathers/1506.htm>
- _____. "On the Merits and Forgiveness of Sins, and on the Baptism of Infants." *Fathers of the Church*. 1999. <http://www.newadvent.org/fathers/1501.htm>
- _____. *The Political Writings of St. Augustine*. Edt by: Henry Paolucci. Washington, D.C.: Regnery Pub., 1996.
- Aquinas, Thomas. *Aquinas Political Writings*. Translated by R W. Dyson. Cambridge Texts in the History of Political Thought. Cambridge, UK: Cambridge University Press, 2002.
- _____. *Commentary On Aristotle's Politics*. Translated by Richard J. Regan. Indianapolis: Hackett Pub. Co., 2007.
- _____. *De Perfectione Vitae Spiritualis*,
<http://www.pathsoflove.com/aquinas/perfection-of-the-spiritual-life.html>
- _____. "De Regimine Principum" in *Aquinas Political Writings*. Translated by R W. Dyson. Cambridge Texts in the History of Political Thought. Cambridge, UK: Cambridge University Press, 2002.
- _____. "Scripta super libros sententiarum" selections in *Aquinas Political Writings*. Translated by R W. Dyson. Cambridge Texts in the History of Political Thought. Cambridge, UK: Cambridge University Press, 2002.
- _____. "Summa Theologica" selections in *Aquinas Political Writings*. Translated by R W. Dyson. Cambridge Texts in the History of Political Thought. Cambridge, UK: Cambridge University Press, 2002. Most of the quotes for this dissertation are from this translation.
- _____. *Summa Theologica*. Benziger Bros. Edition. Trans. by Fathers of the English Dominican Province, 1947.
- _____. *Thomas Aquinas on Romans*.
<https://sites.google.com/site/aquinasstudybible/home/romans/st-thomas-aquinas-on-romans>.

- _____. *Questiones de veritate*. Trans. Robert W. Mulligan, S.J. Henry Regnery Company, 1954.
- Bell, Daniel. "Communitarianism", *The Stanford Encyclopedia of Philosophy* (Summer 2016 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/sum2016/entries/communitarianism/>
- _____. *Communitarianism and Its Critics*. Oxford: Clarendon Press, 1993.
- Bertram, Christopher. "Jean Jacques Rousseau", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/sum2020/entries/rousseau/>
- Bristow, William. "Enlightenment", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/fall2017/entries/enlightenment/>.
- Brown, Chris. "Michael Walzer" in *Just War Thinkers: From Cicero to the 21st Century*, War, Conflict and Ethics. Daniel R. Brunstetter and Cian O'Driscoll, eds. (London: Routledge Taylor & Francis Group, 2018): 205-215.
- Brown, Peter. *Augustine of Hippo: A Biography*. Berkeley: University of California Press, 2000.
- Brunstetter, Daniel R. and Cian O'Driscoll, eds. *Just War Thinkers: From Cicero to the 21st Century*, War, Conflict and Ethics. (London: Routledge Taylor & Francis Group, 2018).
- Buchanan, Allen. "The Ethics of Revolution and Its Implications for the Ethics of Intervention." *Philosophy and Public Affairs* 41, no. 4 (2013): 291-323
- _____. "Revolution", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/fall2017/entries/revolution/>.
- Chesterton, G. K. St. *Thomas Aquinas: "The Dumb Ox"* 1933. Reprint, New York: Doubleday, 1956.
- Cole, Darrell. "Thomas Aquinas On Virtuous Warfare." *The Journal of Religious Ethics* 27, no. 1 (1999): 57-80.
- Couenhoven, Jesse. "St. Augustine's Doctrine of Original Sin", *Augustinian Studies* 36:2 2005: 359-396.
- Crofts, Richard A. "The Common Good in the Political Theory of Thomas Aquinas". *The Thomist: A Speculative Quarterly Review*, Volume 37, Number 1, January 1973, pp. 155-173.
- De-Shalit, Avner, and Shlomo Avineri. 1992. *Communitarianism and Individualism*. Oxford Readings in Politics and Government. Oxford University Press.
- Davies, Brian, and Eleonore Stump, eds. *The Oxford Handbook of Aquinas*. Oxford Handbooks. Oxford: Oxford University Press, 2011.
- Deane, Herbert A. *The Political and Social Ideas of St. Augustine*. New York: Columbia University Press, 1963.

- Duncan, Stewart. "Thomas Hobbes", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2019/entries/hobbes/>
- Fitzgerald, Allan, and John C. Cavadini. *Augustine through the Ages: An Encyclopedia*. Grand Rapids, MI: William B. Eerdmans Publishing Company, 2009.
- Fabre, Cécile. "Cosmopolitanism, Just War Theory and Legitimate Authority", *International Affairs*, 84(5): 2008: 963–76.
- _____. "Cosmopolitanism and Wars of Self-Defence", in Cécile Fabre and Seth Lazar (eds), *The Morality of Defensive War*. Oxford: Oxford University Press, 2014.
- _____. *Cosmopolitan War* (Oxford: Oxford University Press, 2012).
- _____. *Cosmopolitan Peace* (Oxford: Oxford University Press, 2016).
- _____. "Global Egalitarianism", in D. Bell and A. de-Shalit (eds) *Forms of Justice* (Rowans and Littlefield, 2002).
- _____. "Justice, Fairness, and World Ownership", *Law and Philosophy* 21 (2002): 249-73.
- _____. "Mandatory Rescue Killings", *Journal of Political Philosophy* 15 (2007): 363-84.
- _____ and Seth Lazar, eds. *The Morality of Defensive War*. Mind Association Occasional Series. Oxford: Oxford University Press, 2014.
- _____. "Permissible Rescue Killings", *Proceedings of the Aristotelian Society* 109 (2009):149-64.
- _____. "Privatizing War", in J. Knight and M. A. Schwartzberg (eds) *NOMOS LVIII - Privatization* (NY University Press, 2018).
- _____. "Rights, Justice and War", *Law and Philosophy* 33 (2014): 391-425
- Fassin, Didier and Mariella Pandolfi, eds. *Contemporary States of Emergency: The Politics of Military and Humanitarian Interventions*. New York: Zone Books, 2013.
- Finlay, Christopher J., *Is Just War Possible?*. Political Theory Today. Polity, 2019: 19-32
- _____. "The Perspective of the Rebel: A Gap in the Global Normative Architecture." *Ethics and International Affairs* 31, no. 2 (2017): 213-34.
- _____. *Terrorism and the Right to Resist: A Theory of Just Revolutionary War*. Cambridge: Cambridge University Press, 2015.
- Finnis, John. "Aquinas' Moral, Political, and Legal Philosophy", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/sum2018/entries/aquinas-moral-political/>.
- _____. *Aquinas: Moral, Political, and Legal Theory*. Founders of Modern Political and Social Thought. Oxford University Press, 1998.

- _____. "Public Good: The Specifically Political Common Good in Aquinas." In *Natural Law and Moral Inquiry: Ethics, Metaphysics, and Politics in the Thought of Germain Grisez*. Robert George, ed. Washington, D.C.: Georgetown University Press. 1998: 174–209.
- _____. *Natural Law and Natural Rights*, Oxford: Clarendon Press; 2011.
- Floyd, Shawn. "Thomas Aquinas: Moral Philosophy" in Internet Encyclopedia of Philosophy. <https://www.iep.utm.edu/aq-moral/#SH6a>.
- Frowe, Helen "Collectivism and Reductivism in the Ethics of War" in *A Companion to Applied Philosophy* (Chichester, UK: Wiley Blackwell, 2017): 342-355.
- Genser, Jared and Irwin Cotler, eds. *The Responsibility to Protect: The Promise of Stopping Mass Atrocities in Our Time*. New York: Oxford University Press, 2012.
- Hauerwas, Stanley. "How to Think Theologically about Rights." *Journal of Law and Religion* 30, no. 3 (2015): 402-13.
- Hobbes, Thomas. *Leviathan*. Penguin Classics. Harmondsworth, Meddlesex: Penguin Books, 1985.
- Hollenbach, David. *The Common Good and Christian Ethics*. Cambridge, UK: Cambridge University Press, 2002.
- _____. "The Common Good and Issues in U.S. Politics: A Critical Catholic Approach"…*Journal of Religion & Society*, vol. 4, pp. 33-46, 2008
- _____. "The Common Good in a Divided Society" (1999). Santa Clara Lectures. 20.
- _____. "The Common Good Revisited". *Theological Studies* 50 (1989): 70-94.
- International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*. Gareth J. Evans and Mohamed Sahnoun. Ottawa: International Development Research Centre, 2001.
- Johnson, James Turner. "Ad Fontes: The Question of Rebellion and Moral Tradition on the Use of Force." *Ethics and International Affairs* 27, no. 4 (2013): 371-78.
- _____. "Aquinas and Luther on War and Peace: Sovereign Authority and the Use of Armed Force." *The Journal of Religious Ethics* 31, no. 1 (2003): 3-20.
- _____. *Can Modern War Be Just?* New Haven: Yale University Press, 1984/
- _____. "Contemporary Just War Thinking: Which is Worse, to Have Friends or Critics?". *Ethics and International Affairs* 17 (1), 2013: 25-45
- _____. *Ethics and the Use of Force: Just War in Historical Perspective*. England: Ashgate Publishing, Ltd., 2013.

- _____. *Ideology, Reason, and the Limitation of War: Religious and Secular Concepts, 1200-1740*. Princeton University Press, 1975.
- _____. *Just War Tradition and the Restraint of War: A Moral and Historical Inquiry*. Princeton, NJ: Princeton University Press, 2014.
- _____. "Religion, Violence, and Human Rights." *Journal of Religious Ethics* 41, no. 1 (January): 1-14.
- _____. *Sovereignty: Moral and Historical Perspectives*. Washington, DC: Georgetown University Press, 2014.
- _____. "The Ethics of Insurgency." *Ethics and International Affairs* 31, no. 3 (2017): 367-82.
- _____. "The Idea of Defense in Historical and Contemporary Thinking about Just War". *Journal of Religious Ethics* 36, no. 4: 543-56.
- _____. "The Right to Use Armed Force: Sovereignty, Responsibility, and the Common Good," in Anthony F. Lang Jr., Cian O'Driscoll, and John Williams, eds., *Just War: Authority, Tradition, and Practice* (Washington, D.C.: Georgetown University Press, 2013, pp. 19-34.
- Kelsay, John. "James Turner Johnson, Just War Tradition, and Forms of Practical Reasoning." *Journal of Military Ethics* 8, no. 3 (2009): 179-89.
- _____. "Naming Conflicts: The Example of John Brown and the Struggle against Slavery". Forthcoming.
- _____. "Religion and Revolutionary Violence: The Case of John Brown". Forthcoming.
- Keys, Mary M. *Aquinas, Aristotle, and the Promise of the Common Good*. Cambridge: Cambridge University Press, 2006
- Kraut, Richard, "Aristotle's Ethics", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/sum2018/entries/aristotle-ethics>.
- Lazar, Seth. "Just War Theory: Revisionist vs. Traditionalists". *Annual Review of Political Science* 20:37-54, 2017.
- Locke, John. *Two Treatises of Government and A Letter Concerning Toleration*. S.l.: DigiReads, 2015.
- Lloyd, Sharon A. and Susanne Sreedhar, "Hobbes's Moral and Political Philosophy", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2019/entries/hobbes-moral/>
- Malloy, Michael P. *Civil Authority in Medieval Philosophy: Lombard, Aquinas, and Bonaventure*. Lanham: University Press of America, 1985.

Mann, William E. "Augustine on Evil and Original Sin" in *The Cambridge Companion to Augustine*. Edt by Eleonore Stump and Norman Kretzmann. Cambridge, UK: Cambridge University Press, 2001. 40-48.

MacIntyre, Alasdair C. *After Virtue: A Study in Moral Theory*. 3rd ed. Notre Dame, Ind.: University of Notre Dame Press, 2007.

Maritain, Jacques. *Man and the State*. Washington, D.C.: Catholic University of America Press, 1998.

_____. "The Person and the Common Good". *The Review of Politics*,

_____. *The Rights of Man and Natural Law*. London Geoffrey Bles: The Centenary Press, 1944.

_____. *Whose Justice? Which Rationality?*. Notre Dame, Ind.: University of Notre Dame Press, 1988.

Mattox, John Mark. *Saint Augustine and the Theory of Just War*. London: Continuum, 2006.

McMahan, Jeff. "Collectivist Defenses of the Moral Equality of Combatants," *Journal of Military Ethics* 6, no. 1 (2007): 50-59.

_____. "Individual Liability in War: A Response to Fabre, Leveringhaus, and Tadros," *Utilitas* 24 (2012): 278-299

_____. "Innocence, Self-Defense, and Killing in War," *The Journal of Political Philosophy* 2, no. 3 (September 1994): 193-221.

_____. *Killing in War* (Oxford: Clarendon Press, 2009).

_____. "Morality, Law, and the Relation Between Jus ad Bellum and Jus in Bello," *Proceedings of the American Society of International Law* (2006): 46-48.

_____. "On the Moral Equality of Combatants," *Journal of Political Philosophy* 14, no. 4 (2006): 377-93.

_____. "Proportionality and Necessity in *Jus in Bello*," in Helen Frowe and Seth Lazar, eds., *The Oxford Handbook of the Ethics of War* (New York: Oxford University Press, 2017).

_____. "Rethinking the 'Just War,' Part 1," *New York Times*, November 11, 2012, <https://opinionator.blogs.nytimes.com/2012/11/11/rethinking-the-just-war-part-1/>.

_____. "Rethinking the 'Just War,' Part 2," *New York Times*, November 12, 2012, <https://opinionator.blogs.nytimes.com/2012/11/12/rethinking-the-just-war-part-2/>.

_____. "The Sources and Status of Just War Principles," *Journal of Military Ethics* 6, no. 2, special issue: "Just and Unjust Wars: Thirty Years On" (2007): 91-106.

- _____. "The Morality of War and the Law of War," in David Rodin and Henry Shue, eds., *Just and Unjust Warriors: The Legal and Moral Status of Soldiers* (Oxford: Clarendon Press, 2008): 19-43.
- _____. "War as Self-Defense," *Ethics and International Affairs* 18, no. 1 (Winter 2004): 13-18.
- _____. "What Rights May Be Defended by Means of War?," in Cécile Fabre and Seth Lazar, eds., *The Morality of Defensive War* (Oxford: Oxford University Press, 2014).
- Meconi, David Vincent, and Eleonore Stump, eds. *The Cambridge Companion to Augustine*. 2nd ed. Cambridge Companions to Philosophy. Cambridge: Cambridge University Press, 2014.
- Milbank, John. "Against Human Rights: Liberty in the Western Tradition", *Oxford Journal of Law and Religion*, Vol 1.1 April 2012, Pages 203–234;
- Miller, Fred, "Aristotle's Political Theory", *The Stanford Encyclopedia of Philosophy* Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/win2017/entries/aristotle-politics>.
- Morkevicius, Valeria. "Why We Need a Just Rebellion Theory." *Ethics and International Affairs* 27, no. 4 (2013): 401-11.
- Morsink, Johannes. *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*. Pennsylvania Studies in Human Rights. Philadelphia: University of Pennsylvania Press, 1999.
- Murphy, Mark. "The Natural Law Tradition in Ethics", *The Stanford Encyclopedia of Philosophy* (Summer 2019 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/sum2019/entries/natural-law-ethics/>
- O'Donovan, Oliver. "The Language of Rights and Conceptual History." *Journal of Religious Ethics* 37, no. 2 (2009): 193-207.
- Perry, Jonathan. "Legitimate Authority and the Ethics of War: A Map of the Terrain." *Ethics and International Affairs* 31, no. 2 (2017): 169-89.
- Peter, Fabienne. "Political Legitimacy, *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <<https://plato.stanford.edu/archives/sum2017/entries/legitimacy/>
- Pieper, Josef. *Guide to Thomas Aquinas*. San Francisco: Ignatius Press, 1991.
- Pope, Stephen J., ed. *The Ethics of Aquinas*. Washington, D.C.: Georgetown University Press, 2002.
- Porro, Pasquale. *Thomas Aquinas: A Historical and Philosophical Profile*. S.I.: Catholic University Press, 2017.
- Rawls, John. *The Law of Peoples; with The Idea of Public Reason Revisited*, Cambridge: Harvard University Press: 1999.
- _____. *Political Liberalism*, New York: Columbia University Press: 1993.

- _____. *A Theory of Justice*, Cambridge, Mass: Harvard University Press: 1971.
- Rhonheimer, Martin. "Sins against Justice" in *The Ethics of Aquinas*. Stephen J. Pope, ed. Washington, D.C.: Georgetown University Press, 2002: 288-303.
- Rodin, David. *War and Self-Defense*. Oxford: Oxford University Press, 2002. Oxford Scholarship Online, 2005.
- Rousseau, Jean-Jacques. "On the Social Contract" in *Basic Political Writings*, ed. and trans. Donald A. Cress (Indianapolis: Hackett Pub. Co., 1987).
- Sandel, Michael. *Liberalism and the Limits of Justice*, Cambridge: Cambridge University Press, 2nd edition, 1998.
- Schall, James V. "The Uniqueness of the Political Philosophy of Thomas Aquinas", *Perspectives on Political Science*, 26:2, 1997, 85-91.
- Scheid, Anna Floerke. *Just Revolution: a Christian Ethic of Political Resistance and Social Transformation*. Lanham: Lexington Books, 2015.
- Scheid, Don E., ed. *The Ethics of Armed Humanitarian Intervention*. New York: Cambridge University Press, 2014.
- Schols, Sally. 1996. "Civil Disobedience in the Social Theory of Thomas Aquinas," *Thomist* 60: 449-462.
- Scully, Edgar. 1981. "The Place of the State in Society according to Aquinas," *Thomist* 45: 407-429.
- Sered, Danielle. *Until We Reckon: Violence, Mass Incarceration, and a Road to Repair*. New York: The New Press 2019.
- Seters, Paul van. *Communitarianism in Law and Society*. Rights and Responsibilities. Rowman & Littlefield Publishers, 2006.
- Shields, Christopher. *The Oxford Handbook on Aristotle*. Oxford: Oxford University Press, 2008.
- Sigmund, Paul E. ed *St. Thomas Aquinas on Politics and Ethics*. W.W. Norton & Company: New York: 1988.
- Simms, Brendan and D.J.B. Trim, eds. *Humanitarian Intervention: A History*. Cambridge: Cambridge University Press, 2011
- Sison, Alejo José and Joan Fontrodona., "The Common Good of the Firm in the Aristotelian-Thomistic Tradition". *Business Ethics Quarterly* 22.2 2012.
- Skinner, Quentin. *The Foundations of Modern Political Thought*. Vol 1-2: The Renaissance and the Age of the Reformation. Cambridge: Cambridge University Press, 1978.
- Sreedhar, Susanne. *Hobbes On Resistance: Defying the Leviathan*. Cambridge: Cambridge University Press, 2010.

- Stump, Eleonore, and Norman Kretzmann. *The Cambridge Companion to Augustine*. Cambridge, UK: Cambridge University Press, 2001.
- Suárez, Francisco. *Opera Omnia*. Andre, A.D.M. et al., eds. 28 vols. Paris: Vives 1856-1878 (online at sydneypenner.ca)
- Swartz, N.P. "Thomas Aquinas: On Law, Tyranny and Resistance." *Acta Theologica* 30, no. 1 (2010): 145-57.
- Swift, Louis J. *Message of the Fathers of the Church*. Vol. 19, *The Early Fathers On War and Military Service*. Wilmington, DE: M. Glazier, 1983.
- Tam, Henry Benedict. *Communitarianism : A New Agenda for Politics and Citizenship*. New York University Press, 1998.
- Taylor, Charles. *Sources of the Self: The Making of the Modern Identity*, Cambridge: Cambridge University Press, 1989.
- Teson, Fernando. "The Ethics of Insurgency." *The Independent Review* 21, no. 2 (Fall 2016): 181-97.
- Tierney, Brian. *The Idea of Natural Rights: Studies On Natural Rights, Natural Law, and Church Law, 1150-1625*. Grand Rapids, Mich.: William B. Eerdmans, 1997.
- Trim, D.J.B. "'If a prince use tyrannie towards his people': interventions on behalf of foreign populations in early modern Europe" in *Humanitarian Intervention: A History*. Brendan Simms and D.J.B. Trim, eds., Cambridge: Cambridge University Press, 2011: 29-66.
- Tornau, Christian. "Saint Augustine", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2020/entries/augustine/>.
- Torrell, Jean-Pierre. *Saint Thomas Aquinas*. Rev. ed. Translated by Robert Royal. Washington, D.C.: Catholic University of America Press, 2005.
- Tooke, Joan D. *The Just War in Aquinas and Grotius*. London: S.P.C.K., 1965.
- Twiss, Sumner B. "Reflections on the Relationship Between Human Rights and Global Ethics", in the *Global Ethic of the Parliament of the World's Religions*. Ed. Myriam Renaud (Rowman & Littlefield), forthcoming.
- Tuckness, Alex. "Locke's Political Philosophy", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2020/entries/locke-political/>
- United Nations, *Universal Declaration of Human Rights*. 1948. (Accessed at <http://www.un.org/en/universal-declaration-human-rights/>).
- Uzgalis, William. "John Locke", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2020/entries/locke/>
- Vatter, Michael. "Politico-Theological Foundations of Universal Human Rights: The Case of Maritain." *Social Research* 80, no. 1 (Spring 2013): 233-60.
- Vaughan, Roger Bede. *The Life & Labours of S. Thomas of Aquin*. London: Longmans, 1871.

- Vitoria, Francisco de. *Vitoria: Political Writings*. Pagden, Anthony and Lawrence, Jeremy. Eds. Cambridge: Cambridge University Press. 1991.
- Vorster, Nico. "Just War and Virtue: Revisiting Augustine and Thomas Aquinas." *South African Journal of Philosophy* 31, no. 1 (2015): 55-68.
- Walzer, Michael. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. fifth ed. New York: Basic Books, a member of the Perseus Books Group, 2015.
- Weithman, Paul. "Augustine and Aquinas On Original Sin and the Function of Political Authority." *Journal of the History of Philosophy* 30, no. 3 (July 1992): 353-76.
- _____. "Augustine's Political Philosophy" in *The Cambridge Companion to Augustine*, edited by Eleonore Stump and Norman Kretzmann, 234–252. Cambridge Companions to Philosophy. Cambridge: Cambridge University Press, 2001.
- Wetzel, James, "Predestination, Pelagianism, and Forknowledge" in *The Cambridge Companion to Augustine*. Edt by Eleonore Stump and Norman Kretzmann. Cambridge, UK: Cambridge University Press, 2001. 49-58.
- Wenar, Leif, "John Rawls", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2017/entries/rawls/>
- Wrange, Pal. "Does Who Matter? Legal Authority and the Use of Military Violence." *Ethics and International Affairs* 31, no. 2 (2017): 191-212.
- Wright, Matthew D. *A Vindication of Politics: On the Common Good and Human Flourishing*. Lawrence, Kansas: University Press of Kansas, 2019.
- Wawrykow, Joseph Peter. *The Westminster Handbook to Thomas Aquinas*. Louisville, Ky.: Westminster John Knox Press, 2005.
- Zehr, Nahed Artul. "James Turner Johnson" in *Just War Thinkers: From Cicero to the 21st Century*, War, Conflict and Ethics. Daniel R. Brunstetter and Cian O'Driscoll, eds. (London: Routledge Taylor & Francis Group, 2018: 227-237.

BIOGRAPHICAL SKETCH

Nathan Moats received his PhD in Religion, Ethics, and Philosophy from Florida State University, where he specialized in Christian and Jewish traditions. Prior to this, Nathan received a Master of Divinity degree from Southeastern Baptist Theological Seminary and a Bachelor of Arts in Religious Studies with a minor in Judaic Studies from the University of Central Florida. Nathan and his wife Katie have three children: Labri, Desmond, and Savannah Jane. He and his family enjoy bike-rides, family day, running, theatre, films, detective fiction, and all things Disney. Nathan also serves in his church as a volunteer theological instructor utilizing the rich education he has been blessed with to help others.