

Recovering Aquinas's Common-Good-Oriented Right of Rebellion

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Introduction

As recent events have woefully displayed, armed rebellion is not a topic of merely theoretical interest.¹ While theory seemingly has very little impact on the citizens participating in armed rebellions, theory still remains of paramount importance, providing crucial criteria to evaluate, restrain, apply, and respond to such force. Criteria such as legitimate authority, just cause, right intention, necessity, proportionality, and likelihood of success have been offered by thinkers advocating “just war” theory from across diverse political, philosophical, and religious backgrounds, garnering widespread agreement over the centuries. Contemporary scholars who identify as “historically oriented” just war thinkers have continued to defend that historical tradition as a sufficient and substantial guide for contemporary practice.² Yet some have questioned whether the it can provide useful aid for dealing with contexts of political tyranny. In a 2013 article, Valeria Morkevičius describes

¹ This essay was written shortly after the insurrection at the U.S. Capitol on January 6, 2021, and the 2021 “Spring Revolution” in Myanmar. I understand the term “insurrection” to be synonymous with Aquinas’s term “sedition.” In Thomistic understanding, sedition is inherently immoral and an unjustified attack on a legitimate government. For more on this, see my article which analyzes the unjust nature of the insurrection on January 6, 2021: “A Thomistic Just Rebellion Analysis of the U.S. Capitol Insurrection,” *New Blackfriars* 102, no. 1102 (2021): 873–92.

² Historically oriented scholars are also referred to as “orthodox,” “traditionalists,” or “classicalists.”

Western culture as divided over the moral permissibility of armed rebellion, with advocates basing their views on the Enlightenment ideas found in John Locke and Jean-Jacques Rousseau, whereas traditional just war theorists have generally denied a right to armed rebellion.³ In Morkevičius's perspective, she argues that there can be justified use of armed force against tyranny and calls upon other scholars to help create a "just rebellion theory" that would "radically reimagine" traditional just war thinking.⁴ She claims that there is a "lack of a systematic and rigorous ethical framework for evaluating the justness of rebellions"⁵ and that "a new theory of just rebellion—a systematic way of evaluating the justness of real world rebellions, of determining appropriate state responses to domestic rebellions, and of weighing the pros and cons of intervention" is needed.⁶

In line with Morkevičius' sentiments, the last ten years has seen the increasing rise of self-proclaimed just war revisionists.⁷ Jeff McMahan, the figurehead for this movement, claims that the classical just war criteria "can no longer stand."⁸ McMahan argues that traditional just war theory has

³ Valeria Morkevičius, "Why We Need a Just Rebellion Theory," *Ethics and International Affairs* 27, no. 4 (2013): 401–11, at 401.

⁴ Morkevičius, "Why We Need a Just Rebellion Theory," 408.

⁵ Morkevičius, "Why We Need a Just Rebellion Theory," 402.

⁶ Morkevičius, "Why We Need a Just Rebellion Theory," 402. For example, Anna Floerke Scheid has created a just rebellion theory using classical sources such as Aquinas, but argues that some revisions are needed. See Anna Floerke Scheid, *Just Revolution: A Christian Ethic of Political Resistance and Social Transformation* (Lanham, MD: Lexington, 2015).

⁷ Prominent revisionists include: Jeff McMahan, David Rodin, Cécile Fabre, Christopher Finlay, Helen Frowe, and C. A. J. Coady. Within this essay, I generally use the term "revisionists" as a shorthand term for McMahan's and Fabre's particular strain, which is categorized as a "reductionist" approach by others. Other prominent revisionists such as Rodin and Finlay 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's and Fabre's version, many of my critiques would apply to the wider revisionist movement. For a variety of articles from a diversity of revisionists, see *The Morality of Defensive War*, ed. Cécile Fabre and Seth Lazar (Oxford: Oxford University Press, 2014).

⁸ 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"

depicted war as a morally *sui generis* category of violence in which unique moral principles apply.⁹ The moral asymmetry of war is also reinforced by a “statist” and “collectivist” orientation that overrides the importance of individuals and their rights of life, liberty, property, and other fundamental goods. Instead of seeing war as a distinct category of violence, McMahan argues that war and self-defense are morally symmetrical. Further, he argues that combatants should be depicted as individuals distinct from their political or collective identity.¹⁰ In other words, McMahan offers a theory of war oriented around individuals and their rights based in the concept of justified self-defense.¹¹ Extending McMahan’s theory, Cécile Fabre has particularly targeted the criterion of legitimate authority as morally problematic.¹² Rejecting the exclusive authorization of armed force by political authorities, she argues in favor of an individual’s right to war, and by extension the right to rebellion.¹³ Therefore, given the historical just war tradition’s emphasis on the criterion of legitimate authority (i.e., the restriction of armed force

(“Rethinking the ‘Just War,’ Part 1,” *New York Times*, November 11, 2012, opinionator.blogs.nytimes.com/2012/11/11/rethinking-the-just-war-part-1/; see also part 2, opinionator.blogs.nytimes.com/2012/11/12/rethinking-the-just-war-part-2/).

⁹ Jeff McMahan, *Killing in War* (Oxford: Clarendon Press, 2009), vii.

¹⁰ McMahan is primarily responding to Michael Walzer’s “moral equality of combatants,” in which all combatants regardless of cause have the same rights to use lethal force in wars. McMahan sees Walzer as the main modern representative of traditional just war thinking. While Walzer has played a significant role in the twentieth century’s renewed interest in just war thinking, his place within traditional just war thinking is contested, as he departs from the tradition in significant ways. For Walzer’s impact on the just war tradition and the ways that he departs from traditional just war theory, see Chris Brown, “Michael Walzer,” in *Just War Thinkers: From Cicero to the 21st Century*, ed. Daniel R. Brundtetter and Cian O’Driscoll (London: Routledge, 2018), 205–15.

¹¹ McMahan’s main ideas can be summarized as war being morally analogous to self-defense, lethal liability determined by individual culpability, the right of lethal force restricted to just combatants, and a rejection of the absolute prohibition against targeting non-combatants. 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). 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*, ed. Kasper Lippert-Rasmussen, Kimberley Brownlee, and David Coady (New York: Wiley Blackwell, 2017), 342–56, at 346.

¹² See Cécile Fabre, *Cosmopolitan War* (Oxford: Oxford University Press, 2012), and “Cosmopolitanism, Just War Theory and Legitimate Authority,” *International Affairs* 84, no. 5 (2008): 963–76.

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

to established authorities) and resistance to support armed rebellions due to the lack of recognized political leaders, revisionists conclude that traditional just war thinking is inadequate for providing contemporary guidance in the context of rebellion.¹⁴

To challenge revisionist claims, I analyze Thomas Aquinas's ingenuity and relevance for future "just rebellion" thinking. First, I argue that classical just war thinking is not as antithetical to armed rebellion as suggested.¹⁵ One just rebellion theory has coexisted alongside the classical formation of just war theory, albeit often neglected or ignored by contemporary thinkers.¹⁶ It is well known that Aquinas formalized the Augustinian classical just war theory revolving around the criteria of legitimate authority, just cause, and right intention. Much less known, however, is the fact that Aquinas also crafted criteria for justified armed rebellions. While Aquinas's just war thinking rearticulates Augustine's perspective, Aquinas appropriated his mentor's views to allow for justified armed rebellions. Aquinas's originality was displayed not only in allowing justified armed rebellions, but also by incorporating the criterion of legitimate authority, which he grounded in the concept of the common good, thus displaying that the criterion was still possible to maintain even in extreme circumstances.

Despite the ingenuity of Aquinas's approach and influence on later just war developments, his thinking on just rebellion has largely been underemphasized and undervalued in contemporary discussion.¹⁷ For example, in Gregory Reichberg's 2017 book *Aquinas on War and Peace*, there are only five pages devoted to the issue.¹⁸ Elsewhere, Reichberg acknowledges the "inno-

¹⁴ For pragmatic purposes, however, revisionists encourage people to defer to political authorities' use of armed force in the context of war.

¹⁵ Seth Lazar provides an excellent summary of the division between revisionists and historically oriented scholars in "Just War Theory: Revisionist vs. Traditionalists," *Annual Review of Political Science* 20 (2017): 37–54.

¹⁶ Aquinas is the pioneer of justifying armed rebellions, but he is not the only just war thinker to do so. Subsequent just war thinkers such as Francisco de Vitoria, Francisco Suárez, Alberico Gentili, Hugo Grotius, and John Calvin are other figures whose views should be reinvestigated for future just rebellion theory.

¹⁷ Here are some of the most recent treatments of Aquinas on rebellion: Thomas A. Fay, "Thomas Aquinas on the Justification of Revolution," *History of European Ideas* 16, no. 4–6 (1993): 501–6; N. P. Swartz, "Thomas Aquinas: On Law, Tyranny and Resistance," *Acta Theologica* 30, no. 1 (2010): 145–57; James Turner Johnson, "Ad Fontes: The Question of Rebellion and Moral Tradition on the Use of Force," *Ethics and International Affairs* 27, no. 4 (2013): 371–78; Gregory Reichberg, *Thomas Aquinas on War and Peace* (Cambridge: Cambridge University Press, 2017), 122–27. A look at these sources displays the brevity of attention given to Aquinas's views on rebellion.

¹⁸ In Reichberg's approach, he considers three primary Aquinas sources: the commentary

vation" in Aquinas's just war thinking regarding "the prince's obligations toward the common good and the attendant acquisition of the relevant virtues," yet he does not spend significant attention on its connection to Aquinas's innovative just rebellion thinking.¹⁹ Further, Reichberg devotes significant attention to the ways that Francisco de Vitoria and Francisco Suárez develop and differ from Aquinas's just war thinking.²⁰ Yet, there is no extended discussion of Aquinas's just rebellion thinking and how this impacted their expansive views of legitimate authority. Given the insufficient attention on Aquinas's paradigm shift allowing justified armed rebellions and a common-good understanding of legitimate authority, this essay provides a reinvestigation of Aquinas's common-good-oriented right of rebellion.²¹ I argue that Aquinas's communal understanding of the criterion of legitimate authority in justified armed rebellion was a unique contribution to classical just war thinking and is indispensable for contemporary rebellion thinking.

Second, I juxtaposition Aquinas's perspective with Fabre's attempt to "jettison" legitimate authority to display the contemporary merit of Aquinas's just rebellion thinking. Aquinas and Fabre share the same sentiments about political tyranny and the need to protect citizens. They differ,

on Peter Lombard's *Sentences* [*In I–IV sent.*], the *Summa theologiae* [*ST*], and *De regimine principum*. I, however, consider one additional source, the commentary on Romans [*Super Rom*], which was likely written prior to Aquinas's articulation found in the *ST*, but which still addresses the issue of tyranny and rebellion. (I have given the source for translations from *Super Rom*, below. All other translations from Aquinas are my own.) Reichberg also devotes significant attention to the ways that Vitoria and Suarez developed and differed from Aquinas's just war thinking. I argue, however, that Aquinas's foundational arguments allowing armed rebellion have not been given due attention.

¹⁹ Gregory Reichberg, "Legitimate Authority: Aquinas's First Requirement of a Just War," *The Thomist* 76 (2012): 337–69, at 369. Reichberg does discuss self-defense and tyrannicide on 347–52. Much of the material in this article is reused in his chapter on legitimate authority included in *Thomas Aquinas on War and Peace*, 114–41.

²⁰ See Gregory Reichberg, "Suárez on Just War," in *Interpreting Suárez: Critical Essays*, ed. Daniel Schwartz (Cambridge: Cambridge University Press, 2012), 185–204, and "Philosophy Meets War: Francisco de Vitoria's *De Indis* and *De jure belli relectiones* (1557)," in *The Classics of Western Philosophy*, ed. Jorge Gracia, Gregory Reichberg, and Bernard Schumacher (Oxford: Blackwell, 2003), 197–204.

²¹ It is a paradigm shift in terms of understanding legitimate authority based in the political community rather than in the leaders themselves. Thus, I am arguing that Reichberg and others neither emphasize this unique aspect of Aquinas's approach nor appreciate its impact on just war tradition. In general, however, Reichberg and Johnson do excellent work on the criterion of legitimate authority. Their works should be consulted for illuminating this aspect of Aquinas's thinking. See Reichberg, *Thomas Aquinas on War and Peace*, 114–41, and James Turner Johnson, *Sovereignty: Moral and Historical Perspectives* (Washington, DC: Georgetown University Press, 2014).

however, in how they ground the right of rebellion. I argue that Aquinas's incorporation of legitimate authority centered on the notion of the common good and guided through a line of authoritative succession is preferable over Fabre's rejection of legitimate authority based on an individual's right of rebellion. Aquinas's rhetoric allows for the possibility of justified armed rebellion, but significantly restricts its use by incorporating other political authorities and just war criteria. In theory, Fabre's rhetoric allows for a much wider use of armed rebellion. She, however, qualifies her position in such a way that fails to grant individuals the right of rebellion. Despite Fabre's individualistic rhetoric, she unwittingly admits the need for community consent and institutional accountability for armed rebellions. Thus, I argue that the criterion of legitimate authority cannot and should not be rejected even in contexts of political tyranny. Further, a common-good-oriented right of rebellion better depicts individuals' relationships and duties within their communities than does the individualistic one that Fabre defends. Therefore, just rebellion thinkers are better off working within a Thomistic communitarian framework that deals with political tyranny through other political leaders/systems than within Fabre's individualistic cosmopolitan framework, which is hyperbolic in its substance.

Aquinas's Political Theory

In order to understand Aquinas's common-good-oriented right of rebellion, it is vital to first understand his communitarian political theory and the classical just war thinking on which his right of rebellion rests.²² For Aquinas, 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.²³ The common good of the political community is the balancing of order, justice, and peace which

²² See my other articles where I apply Aquinas's political theory to current political issues such as the January 6, 2021 insurrection and COVID-19 government health mandates: "A Thomistic Just Rebellion Analysis of the U.S. Capitol Insurrection"; "Did U.S. Governments Violate Human Rights? A Thomistic Response to COVID-19 Mandates," *New Blackfriars* 103, no. 1107 (2022): 640–61.

²³ The *Catechism of the Catholic Church* [CCC] defines the common good as "the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfillment more fully and more easily" (2nd ed. [Washington, DC: United States Catholic Conference, 2000], §1906; in turn quoting the Second Vatican Council's *Gaudium et Spes*, §26). The common good "presupposes respect for the person as such, . . . requires the social well-being and development of the group itself, . . . [and] requires peace, that is, the stability and security of a just order" (CCC, §§1907–9).

establishes interdependent flourishing of individuals and communities as they holistically live in connection with each other.²⁴ Human flourishing is the quality of holistic well-being attached to individual, communal, relational, physical, emotional, and psychological well-being. 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.²⁵ 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). Within this common good, citizens have a significant role in determining their political construction (leaders, polity, laws, etc.) while also entrusting their leaders to faithfully fulfill their duties.²⁶ Political leaders serve the community by providing, preserving, cultivating, and protecting the common good.²⁷ Leaders also pursue and establish justice through the use of laws and penalties to protect the community and inculcate virtues that lead to relational flourishing on the individual and communal levels. In Aquinas's view, political life has an intrinsic worth in the stable balance

²⁴ See Richard A. Crofts, "The Common Good in the Political Theory of Thomas Aquinas," *The Thomist* 37 (1973): 155–73. For Aquinas, God is the ultimate common good to which political community points: "The common good of the whole is God himself, in whom consists the happiness of all" (*De perfectione vitae spiritualis*, ch.13, pathssoflove.com/aquinas/perfection-of-the-spiritual-life.html). For John Finn's account of the common good, see "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*, ed. Robert P. George (Washington, DC: Georgetown University Press, 1998), 174–209. For another modern Thomistic account of the common good, see David Hollenbach, S.J., *The Common Good and Christian Ethics* (Cambridge: Cambridge University Press, 2002); Hollenbach, "The Common Good and Issues in U.S. Politics: A Critical Catholic Approach," *Journal of Religion & Society* 4 (2008): 33–46; Hollenbach, "The Common Good Revisited," *Theological Studies* 50 (1989): 70–94.

²⁵ The CCC states: "Human interdependence is increasing and gradually spreading throughout the world. The unity of the human family, embracing people who enjoy equal natural dignity, implies a *universal common good*. This good calls for an organization of the community of nations able to 'provide for the different needs of men; this will involve the sphere of social life to which belong questions of food, hygiene, education, . . . and certain situations arising here and there, as for example . . . alleviating the miseries of refugees dispersed throughout the world, and assisting migrants and their families'" (§1911; quoting *Gaudium et Spes*, §84).

²⁶ See the section on "Responsibility and Participation" in CCC, §§1913–17.

²⁷ See the section on "Authority" in CCC, §§1897–1904.

between order, justice, and peace in which individuals can interdependently flourish within their community.²⁸

Aquinas's Just War Theory

Aquinas's communitarian political vision influenced his appropriation of Augustine's just war thinking to allow for the possibility of justified armed rebellions. Despite, Aquinas's expanded communal notion of legitimate authority, he still follows Augustine's just war thinking in important respects. Augustine is often inaccurately depicted as the first just war thinker.²⁹ Just war thinking, however, can be traced back to Cicero and his political-moral theory found in *De re publica* and *De officiis*.³⁰ Through the influence of Cicero and Ambrose, Augustine famously crafted his own just war perspective.³¹ James Turner Johnson, one leading historically oriented just war theorists, notes that it is more accurate to characterize Augustine's just war thinking as "thinking" rather than a theory, since his views were offered in piecemeal fashion in a variety of sources.³² Nevertheless, one can still detect central elements of just war theory, such as legitimate authority, just cause,

²⁸ Reichberg articulates Aquinas's view of political community in the following way: "An assembled multitude is more than an atomistic collection of individuals who happen to live in proximity to each other; rather it has the form of a community with ipso facto a shared ('common') good. This good is dynamic. It arises when the manifold activities of the community's individual members over time are conducive to the well-being of the whole, a unitary goodness that in turn redounds upon each of the community's many individual members. 'Peace' is another name for this dynamic unity" (*Thomas Aquinas on War and Peace*, 131). For more on Aquinas's political theory, see John Finnis, "Aquinas' Moral, Political, and Legal Philosophy," *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, plato.stanford.edu/archives/sum2018/entries/aquinas-moral-political/; Finnis, *Aquinas: Moral, Political, and Legal Theory* (Oxford: Oxford University Press, 1998); Edgar Scully, "The Place of the State in Society according to Aquinas," *The Thomist* 45 (1981): 407–29.

²⁹ For a summary of the just war tradition from its foundation until the contemporary era, see Gregory Reichberg, "History of Just War Theory," in *International Encyclopedia of Ethics*, ed. Hugh LaFollette (Oxford: Blackwell, 2013), 2863–65; James Turner Johnson, "The Just War Idea in Historical Tradition and Current Debate," in *Ethics and the Use of Force: Just War in Historical Perspective* (Aldershot, UK: Ashgate, 2013), 15–35.

³⁰ See John Mark Mattox, "The Historical and Philosophical Landscape," in *Saint Augustine and the Theory of Just War* (London: Continuum, 2006), 14–43. See also Gavin Stewart, "Marcus Tullius Cicero," in Brunstetter and O'Driscoll, *Just War Thinkers*, 9–20.

³¹ See James Turner Johnson, "Augustine," in Brunstetter and O'Driscoll, *Just War Thinkers*, 21–33.

³² For summaries of Johnson's approach, see John Kelsay, "James Turner Johnson, Just War Tradition, and Forms of Practical Reasoning," *Journal of Military Ethics* 8 (2009):

right intention, comparative justice, the aim of peace, proportionality, and discrimination. Augustine's main ideas of just war reflect his larger political theory oriented around order, justice, and peace.³³ Gratian later compiled Augustine's thoughts alongside other Christian thinkers to provide a more coherent account of Christian just war thinking.³⁴ Aquinas then used these canonist sources to formulate a systematized just war theory that would direct and influence the just war tradition for centuries.³⁵

For Aquinas, a just war occurs when, out of necessity, the foremost legitimate political leader authorizes the proportional use of collective armed force on behalf of the common good for a just cause with right moral intention to achieve peace.³⁶ Aquinas's brief just war formulation is not novel, but rather a summation of Augustine's views.³⁷ Aquinas affirms Augustine's notions of order, justice, and peace paralleling (respectively) the primary just war criteria of legitimate authority, just cause, and right intention.³⁸ The aim of peace, necessity, and proportionality are also mentioned, but situated within the three primary criteria. Before venturing into Aquinas's just rebellion thinking, however, one must first understand Aquinas's depiction of the trifold just war criteria.

179–89; Nahed Artoul Zeher, “James Turner Johnson,” in Brunstetter and O'Driscoll, *Just War Thinkers*, 227–37.

³³ Johnson, *Ethics and the Use of Force*, 37.

³⁴ Rory Cox argues, “Gratian is arguably the most influential figure in the history of the Western just war tradition”: see “Gratian,” in Brunstetter and O'Driscoll, *Just War Thinkers*, 35. Cox also notes that Gratian's *Decretum* solidified Augustine's prominent place in the just war tradition as well as becoming “the bedrock of European legal culture” (34). See Reichberg's summary of Aquinas's relevant predecessors such as Raymond of Peñafort, William of Rennes, and Pope Innocent IV: “Legitimate Authority: Aquinas's First Requirement of a Just War,” 340–47.

³⁵ Johnson, *Ethics and the Use of Force*, 49.

³⁶ For a summary of Aquinas's just war views, see Gregory Reichberg, “Thomas Aquinas,” in Brunstetter and O'Driscoll, *Just War Thinkers*, 50–63. For a more in-depth perspective, see Reichberg's larger work, *Thomas Aquinas on War and Peace*.

³⁷ Aquinas is also incorporating other just war thinkers in his formulation, but Augustine was the primary figure. Johnson argues that Aquinas's formulation goes beyond regurgitating: “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*, 17–18).

³⁸ Johnson, *Sovereignty*, 16–17.

Legitimate Authority

In contrast to Raymond of Peñafort's placement, Aquinas places legitimate authority as the first and primary criterion of just war theory.³⁹ Legitimate authority describes the political and moral authority needed to initiate a war.⁴⁰ Johnson argues that the placement of the criterion of legitimate authority is not about chronological priority, but logical priority.⁴¹ Without a legitimate authority, a just war could not be properly conceived or applied.⁴² Johnson states, "just war was and is about the justified use of force by *temporal sovereign authorities for temporal causes—the common good*."⁴³ Due to the public nature of war (i.e., communities fighting against other communities), it requires a publicly authorized figure to initiate a war. The right to war is reserved for political leaders, since they are entrusted by a community to care for its citizenry and its commonwealth.⁴⁴ Aquinas also connects the concept of armed force to the political leaders' responsibility to ensure punitive measures against civilian malefactors.⁴⁵ Therefore, political leaders are appointed to protect the community internally (punitive measures) and externally (war).

Regarding the so-called "private right of war," Aquinas denies its validity. Reichberg describes Aquinas's view of war in the following way: "War is a

³⁹ Reichberg notes that Raymond places legitimate authority last ("Legitimate Authority," 339).

⁴⁰ 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" (21).

⁴¹ Johnson, *Sovereignty*, 28.

⁴² See Reichberg, "Legitimate Authority," 337–69; 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. Reichberg disagrees with Johnson's emphasis on legitimate authority. For Reichberg, without a "just cause," the issue of legitimate authority becomes a moot point (*Thomas Aquinas on War and Peace*, 112). In other words, just cause is logically prior. Reichberg also disagrees with Johnson's interpretation of Aquinas as restricting the use of force to the foremost political leader (115fn8). Additionally, Reichberg prefers the translation of "princeps" rather than Johnson's "sovereign" in reference to the foremost political leader (116fn9).

⁴³ Johnson, *Ethics and the Use of Force*, 51.

⁴⁴ *ST* II-II, q. 40, a. 1.

⁴⁵ *ST* II-II, q. 40, a. 1.

collective enterprise of the highest political community, the polity [*res publica*].⁴⁶ In other words, war cannot be an individual right, given that war is a communal and political reality. It is not a right held by all individuals (i.e., citizens); it is a right restricted to certain individuals (i.e., the appropriate political leaders). Aquinas follows Pope Innocent IV's distinction: "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*]."⁴⁷ The terminological distinction between "war" and "self-defense" grants individuals a right of self-defense without implying an individual right to war.⁴⁸ 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."⁴⁹ Even in situations of internal malfeasance, individuals cannot act singly or cooperatively to execute judgment without proper authorization:

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.⁵⁰

⁴⁶ Reichberg, "Legitimate Authority," 359.

⁴⁷ Quoted in Johnson, *Sovereignty*, 46.

⁴⁸ For Aquinas on self-defense, see *ST* II-II, q. 64. See also Reichberg, "Self-Defense," in *Thomas Aquinas on War and Peace*, 173–200. 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 [IIa IIae, qq. 59–78]," in *The Ethics of Aquinas*, ed. Stephen J. Pope [Washington, DC: Georgetown University Press, 2002], 287–303, at 296).

⁴⁹ *ST* II-II, q. 40, a. 1.

⁵⁰ *ST* II-II, q. 64, a. 3, corp. See also ad 3: "It is not lawful to slay a malefactor except by the judgment of a public authority."

Therefore, individual citizens lack proper authority because they are neither representatives of their communities nor entrusted with tasks expected of public authorities (i.e., internal and external maintenance of the common good).⁵¹ Political authorities, however, can use armed force, since they are recognized, entrusted, and empowered to represent and protect their communities.⁵² Even when a malefactor acts in a “beastly” manner or commits a gross public violation, it still requires a public authority to use lethal force except in cases of immediate self-defense without other recourse.⁵³ Therefore, citizens are called to actively participate in bringing about the common good of the community, but defer to political authorities when it comes to issues of internal and external malfeasance.⁵⁴

While political authorities have the *exclusive* right to war, they do not have the *unconditional* right to war.⁵⁵ There is a moral component within the concept of political legitimacy derived from classical understandings of sovereignty.⁵⁶ Johnson describes this classical conception as “the moral responsibility of the ruler for the common good of the people governed.”⁵⁷ This contrasts with the modern conception of sovereignty based on “territorial inviolability” and “defense.”⁵⁸ The classical concept emphasizes the moral and political responsibility of rulers to the common good, whereas the modern concept emphasizes the defensive responsibility of rulers grounded in the individual’s right of self-defense.⁵⁹ The classical conception of sovereignty is based on morally and politically competent authorized leaders within a political community, whereas the modern conception is based on politically recognized territories within the modern nation-state

⁵¹ Reichberg states, “[Aquinas’] conceptualization of war as a violation of peace between independent polities borrows from Pope Innocent’s notion that war is qualitatively different from either private self-defense or internal policing” (“Legitimate Authority,” 347).

⁵² 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).

⁵³ *ST II-II*, q. 64, a. 3, corp.

⁵⁴ *ST II-II*, q. 64, a. 3, ad 3.

⁵⁵ Reichberg, “Legitimate Authority,” 348.

⁵⁶ 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).

⁵⁷ Johnson, *Sovereignty*, 1–2.

⁵⁸ Johnson, *Sovereignty*, 1.

⁵⁹ Johnson, *Sovereignty*, 1.

framework.⁶⁰ The central underlying moral component of legitimate authority concerns the role and the responsibilities of political authorities to preserve, provide, protect, and cultivate the community. In other words, political leaders are other-regarding and their moral authority derives from fulfilling their central duties to the common good. Political authorities can utilize the right of armed force only if they meet the prerequisite moral criteria of proper political leadership described above. Therefore, Aquinas orients all just war thinking around legitimate authority as the foundational criterion. Deemphasizing or rejecting this criterion ultimately brings about a distortion of the other criteria.⁶¹

Just Cause

Assuming that a political community's leader is legitimate in the moral and political sense, leaders are also tasked with *assessing* the justness of the resort to armed force. Political authorities are required to determine if a just cause "of some wrongdoing" requires the use of armed force to restore the peace of the community.⁶² Aquinas cites Augustine's just cause 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."⁶³ It is important to note that this depiction of just cause contains moral and political aspects, in contrast to some revisionist approaches which focus on moral justice irrespective of political life.⁶⁴ The political and communal element is why Aquinas restricts armed force to authorized political leaders.

For Aquinas, just cause includes punitive, restitutive, remedial, and defensive measures. As displayed in other classical just war thinking, this definition of a just cause entails the moral permissibility of offensive and defensive

⁶⁰ See Gregory Reichberg, "The Nation-State as Locus of War-Making Authority," in *Nation, State, Nation-State*, ed. Vittorio Hösle and Marcelo Sánchez Sorondo (Vatican City: Libreria Editrice Vaticana, 2020), 169–82.

⁶¹ For example, McMahan and Fabre elevate "just cause" as the preeminent just war criterion. Fabre does so in such a way that even allows just insurgents to use asymmetrical unjust tactics in order to turn the tide in their favor (*Cosmopolitan War*, 271).

⁶² *ST* II-II, q. 40, a. 1. 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).

⁶³ *ST* II-II, q. 40, a. 1.

⁶⁴ McMahan and Fabre both endorse an individual right to war and elevate just cause as the preeminent just war criterion (McMahan, *Killing in War*, 108–9; Fabre, *Cosmopolitan War*, 141).

wars. This is in stark contrast to the predominant view in contemporary just war theory, which depicts defensive warfare as the sole justification for 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 (AHI).⁶⁵ For those who support AHI, the following justification is offered: if political leaders are abusing their citizens, then other authorized political authorities from other nations, ideally through a multilateral effort, can intervene to protect another communities' citizens.⁶⁶ Despite AHI having a clear offensive component to it, it is still often depicted in defensive terms. The defensive framing is as follows: the intervening army is not attacking the abusive leaders, but rather defending the vulnerable citizens. This, however, seems to be more of an issue of semantics rather than a difference in the acts of armed force that occur.

The reason for the current emphasis on defensive wars is twofold. First, offensive wars seem to draw one back to a bygone era of political authorities initiating wars with impunity or for self-oriented aims. The assumption is that, if you remove offensive wars as a just cause, then you will limit armed force in general. Second, the emphasis on defensive wars corresponds with the just war tradition's historical shift towards emphasizing self-defense. While the shift has its roots in Hugo Grotius's impact on international law, the defensive trend gained traction in the revitalization of just war theory in the twentieth century. The elevation of self-defense-based argumentation has been drawn to even the more extreme conclusions by just war revisionists in the twenty-first century.⁶⁷ Twentieth-century just war thinkers, however, attempted to convince pacifists of the moral permissibility of war while seeking to limit the use of armed force, thus resulting in a restriction of violence to its most uncontroversial cases (i.e., defensive). The unintended consequence of this has been overemphasizing defense as the sole justification for war. Defensive war is certainly a central component to classical thinking, but it is not the only just cause. This overemphasis on defensive wars, however, has led some contemporary scholars to return the permissibility of

⁶⁵ See the collection of essays in *The Ethics of Armed Humanitarian Intervention*, ed. Don E. Scheid (Cambridge: Cambridge University Press, 2014).

⁶⁶ See International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, ed. Gareth J. Evans and Mohamed Sahnoun (Ottawa: International Development Research Centre, 2001).

⁶⁷ See Johnson's "The Just War Idea in Historical Tradition and Current Debate," in *Ethics and the Use of Force*, 15–35.

offensive wars in cases of tyranny, thus giving rise to contemporary efforts for a just rebellion theory. Despite being currently out of vogue, I affirm alongside Aquinas that offensive wars can be morally justified in certain circumstances, such as political tyranny.⁶⁸ Offensive wars, however, must be attached to legitimate political authorities who are seeking the common good (order, justice, peace) and who meet the other just war criteria of just cause, right intention, necessity, proportionality, and likelihood of success. This is precisely where many modern advocates of offensive wars go wrong. They endorse offensive permissibility but seek to remove the criterion of legitimate authority.⁶⁹ Yet it is precisely the criterion of legitimate authority that ties notions of just cause and right intention together in the context of political community.

Right Intention

In addition to just cause, the criterion of right intention adds an extra standard of accountability to restrict the use of armed force.⁷⁰ Aquinas cites Augustine's understanding of right intention as "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."⁷¹ Right intention intertwined with legitimate authority and just cause creates the proper conditions (means and ends) for a moral act. If one's means (authority, proportionality) or ends (cause, necessity, intention, likelihood of success) were immoral, then it would render the act impermissible. Aquinas also 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."⁷² If political authorities engage in war with ill intent (e.g., greed), then restitution is morally required for any acts of "theft."⁷³ Wrong intention also includes "the desire to do harm, the cruelty of vengeance, an unpeaceable and implacable spirit, the fever of rebellion, the lust to dominate, and

⁶⁸ This can be categorized as "offensive" in the sense of initiating restitution or regime change through armed force.

⁶⁹ See Fabre, *Cosmopolitan War*, 142–48.

⁷⁰ 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" (*Ethics and the Use of Force*, 50).

⁷¹ *ST* II-II, q. 40, a. 1.

⁷² *ST* II-II, q. 66, a. 8, ad 1.

⁷³ *ST* II-II, q. 66, a. 8, corp.

similar things.⁷⁴ Therefore, right intent aims “to promote a good cause or avert an evil.”⁷⁵ This clarification again displays the moral justification 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.”⁷⁶ 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.”⁷⁷ Therefore, the aim of war is not aggrandizement or revenge, but the establishment or restoration of a fundamental aspect of communal life (e.g., order, justice, or peace).

As contemporary theorists have deemphasized legitimate authority, right intention has also been deemphasized on the grounds of being too amorphous, subjective, or idealistic. The fear seems to be that any political leader can offer a carefully worded justification of intention or cause, thus nullifying the relevance of these criteria. The potential for abuse, however, does not sufficiently warrant deemphasizing these critical criteria. A proper understanding of these ideas situated within a Thomistic communitarian framework (the common good, the role and responsibilities of political leaders, moral means and ends, etc.) protects these concepts from abuse.⁷⁸ Further, these criteria provide a clear standard of accountability to which leaders can be held. Contemporary just war thinking that deemphasizes or eliminates the criteria of legitimate authority or right intention ends up transforming modern just war theory into something that it is distinctly

⁷⁴ Quoted in *ST* II-II, q. 40, a. 1, corp.

⁷⁵ *ST* II-II, q. 40, a. 1, corp.

⁷⁶ *ST* II-II, q. 40, a. 1, ad 3.

⁷⁷ Quoted in *ST* II-II, q. 40, a. 1, ad 3.

⁷⁸ See Nico Vorster, “Just War and Virtue: Revisiting Augustine and Thomas Aquinas,” *South African Journal of Philosophy* 31 (2015): 55–68; Ryan R. Gorman, “War and the Virtues in Aquinas’s Ethical Thought,” *Journal of Military Ethics* 9 (2010): 245–61. With regard to military strategy, Aquinas justifies the use of ambushes if the war was just. Concealment is 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” (*ST* II-II, q. 40, a. 3). Concealment here differs in that “someone may be deceived by what we say or do because we do not reveal our thoughts or intentions to him.” Aquinas believes further here that this sort of concealment should be used by leaders during war, since there is not moral obligation to reveal plans: “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.”

different from its classical foundation.⁷⁹ As shown further in this essay, however, I argue that there are good grounds to recover classical understandings of just war thinking. For example, Aquinas's understanding and utilization of legitimate authority in the context of armed rebellion provides a guide and standard of accountability to restrict the use of armed force to other political leaders. This perspective provides a better alternative than contemporary approaches which seek to replace legitimate authority with an individual right of rebellion.

Just War Thinking as Political and Moral Theory

As displayed thus far, Aquinas's just war thinking is deeply connected to a political theory oriented around the common good of order, justice, and peace in which legitimate authority is the primary just war criterion.⁸⁰ In contrast to contemporary approaches, legitimate authority is not a secondary component of just war thinking, but the primary one which safeguards the good of citizens and communities. Without this criterion in place, the criteria of just cause and right intention are warped. It must be reiterated that the classical understanding of war does not rest on political authorities' unconditional license for armed force, but restricts its use to those who are truly representative of their community's common good with the aim of peace. Therefore, the moral responsibility of armed force lies primarily with recognized political authorities. This is not to deemphasize the importance of individual citizens or personal moral responsibility, but to restrict the use of violence that impacts the community. In contrast to revisionist theories, classical just war theory is not aimed at how individuals should use armed force, but rather provides moral guidance and standards of accountability for political authorities' use of armed force.⁸¹ Thus, the three primary just war criteria have political and moral aspects involving the community which should not be ignored in favor of an individualistic moral theory of war.⁸² Ultimately, divorcing just war criteria from their political context will lead

⁷⁹ Revisionists depict just war theory as an extension of self-defense (i.e., focused on individuals). Classical just war theory, however, argues that just war thinking is a moral-political theory which guides and holds those who represent their political communities accountable (i.e., leaders).

⁸⁰ 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" (*Ethics and the Use of Force*, 134).

⁸¹ McMahan and Fabre both treat just war theory from an individualistic perspective.

⁸² McMahan and Fabre claim to depict just war theory in terms of "deep morality" (Jeff McMahan, "The Ethics of Killing in War," *Philosophia* 34 [2006]: 23–41, at 38; Fabre,

to misapprehension, deemphasis, or rejection of central components of just war thinking.

Augustine on Political Tyranny

Aquinas's just war legacy is best known for his just war summary of legitimate authority, just cause, and right intention, as well as the influence it had on future just war thinkers. Aquinas's ingenuity within just war thinking, however, is rarely acknowledged. Aquinas's most inventive contributions to just war thinking are his allowance of armed rebellion and expanding the criterion of legitimate authority to include the wider common good. Aquinas's allowance of armed rebellion was not an attempt to significantly depart from Augustinian just war thinking, but to develop it further based on Aquinas's own common-good-oriented political theory. To better understand how Aquinas departs from Augustine's position on armed rebellion, I juxtapose Aquinas's and Augustine's views on tyrannical political leaders.⁸³ I also discuss how citizens were expected to respond to such tyranny. Historically, Rom 13:1–7 is the most influential Christian scriptural reference concerning political authority.⁸⁴ Interpreting this passage, Augustine argues

Cosmopolitan War, 142, 145). In other words, they elevate a moral approach grounded in moral principles.

⁸³ See Paul Weithman, "Augustine and Aquinas on Original Sin and the Function of Political Authority," *Journal of the History of Philosophy* 30, no. 3 (1992): 353–76, and "Augustine's Political Philosophy" in *The Cambridge Companion to Augustine*, ed. Eleonore Stump and Norman Kretzmann (Cambridge: Cambridge University Press, 2001), 234–52. For the most up-to-date research on Augustine's views, influence, and reception, see *The Oxford Guide to the Historical Reception of Augustine*, 3 vols., ed. Karla Pollmann and Willemien Otten (Oxford: Oxford University Press, 2013). See also *Augustine through the Ages: An Encyclopedia*, ed. Allan Fitzgerald (Grand Rapids, MI: Eerdmans, 2009); *The Cambridge Companion to Augustine*, ed. David Vincent Meconi, S.J., and Eleonore Stump, 2nd ed. (Cambridge: Cambridge University Press, 2014).

⁸⁴ Rom 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. ²Therefore whoever resists authority resists what God has appointed, and those who resist will incur judgment. ³For 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; ⁴for 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. ⁵Therefore one must be subject, not only because of wrath but also because of conscience. ⁶For the same reason you also pay taxes, for the authorities are God's servants, busy with this very thing. ⁷Pay 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" (NRSV, adapted).

that God providentially appoints *every* political ruler, including those who are wicked. Therefore, if citizens resist authorized political leaders (whether good or evil), they are in effect attempting to resist God. God is described as the true sovereign of the world who appoints political rulers for his purposes. Augustine reasons that God appointed Constantine, who Christianized Rome, but also Nero and Julian, who had relentlessly killed Christians.⁸⁵ Augustine believes that God providentially orchestrates all human events in such a way to guide history towards fulfilling his divine purposes.⁸⁶ Thus, God providentially selects just and unjust rulers as part of his providential working. Divine providence ensures that God appoints *every* ruler with a *divine purpose*.⁸⁷ Augustine also presents a theodicy in which all evil is ultimately allowed by God to bring about a greater good.⁸⁸ Even when evil appears incomprehensible and utterly destructive, God mysteriously directs it towards a redemptive end perfectly fulfilling his divine purposes.⁸⁹

Augustine's Theodicy of Tyranny and War

While Augustine does not justify the wickedness of abusive leaders, he did attempt to justify God's providential purposes in granting them the right to rule. Augustine offers three potential justifications for why God's appoints

⁸⁵ Augustine, *De civitate Dei* 5.19–21.

⁸⁶ Herbert Deane states, "God was the focus of Augustine's life and thought to such a degree that he saw the hand of God in every event in the natural world and in every human action" (*The Political and Social Ideas of St. Augustine* [New York: Columbia University Press, 1963], 13).

⁸⁷ In response to unjust rulers, 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" (*De civitate Dei* 5.19, trans. Marcus Dods [New York: Modern Library, 1993]). Augustine states, "God can never be believed to have left the kingdoms of men, their dominations and servitudes, outside of the laws of His providence" (5.22). Deane states: "Even the most wicked, cruel, and tyrannical rulers receive their power from God alone. . . Their tyranny and cruelty are a scourge to the evildoers and to the wicked, and a trial and a proof of the patience of the good" (*Political and Social Ideas*, 69).

⁸⁸ Deane, *Political and Social Ideas*, 67.

⁸⁹ See Deane, *Political and Social Ideas*, 67–68: "No human action, no matter how cruel or wicked or lustful it may be, falls outside the control of God's Providence. God does not force men to sin or to commit evil deeds, but even the sinner is not permitted to do anything that runs counter to God's immutable will for the universe that He has created. . . The realm of human affairs is completely governed by His Providence, no matter how disordered and unjust events may seem to us as we observe them with our feeble, myopic vision."

wicked rulers: First, God can use an unjust leader as a means of punishing a wicked community. Second, God can use a wicked leader to sanctify the faithful by deepening their faith and furthering their Christian witness to others. Third, God can appoint wicked leaders to incite wars with other wicked nations, thereby bringing judgment on multiple wicked nations simultaneously.

Related to the last point, Augustine argues that God utilizes wars to accomplish his greater purposes.⁹⁰ Similar to the function of unjust leaders, God can use wars to call sinners to repentance, bring judgment on the unrepentant, sanctify Christians' faith in God, and serve as a means of Christian testimony. War can also be the means to usher Christians to heaven (i.e., via death). For Christians, war is not divine judgment, but God's means of bringing about a greater good temporally (faith, eradication of evil, etc.) or eternally (heaven). War is also the mechanism for the rise and fall of nations. Therefore, God uses evil leaders as his instruments of judgment and sanctification.⁹¹ Even if Christians cannot grasp God's providential reasons, they should submit to their political authorities knowing that God has placed their leaders there.⁹²

In Augustine's perspective, there was no communal or civilian right of rebellion against political leaders. Christians do not ultimately know how God is providentially using their leaders, and thus Christians should remain obedient citizens.⁹³ Christians are, however, expected to disobey immoral commands (renunciation of faith, sinful acts, etc.). This resistance, however, is a form of non-violent non-compliance.⁹⁴ In refusing to perform immoral commands, Christians are still expected to submit to the authority of the government and to whatever judicial punishments may ensue, even if they are unjust. In this way, Christians resist immoral commands without resisting the leaders established by God. Therefore, Christians uphold the integrity

⁹⁰ See Augustine, *De civitate Dei* 1.1. See *The Political Writings of St. Augustine*, ed. Henry Paolucci (Washington, DC: Regnery, 1996), 44–117, for an extended treatment of this topic.

⁹¹ Augustine states, “when He exposes us to adversities, it is either to prove our perfections or correct our imperfections; and in return for our patient endurance of the sufferings of time, He reserves for us an everlasting reward” (*De Civitate Dei* I.XXIX).

⁹² Deane, *Political and Social Ideas*, 157.

⁹³ See Deane, *Political and Social Ideas*, 134: “Moreover, we must not forget that the wicked or unjust man who exercises rule is in every way as legitimate and as much entitled to absolute obedience as the most pious or just ruler. The goodness or badness, piety or impiety, justice or injustice of the ruler has nothing at all to do with his title to rule and to be obeyed.”

⁹⁴ Deane, *Political and Social Ideas*, 149.

of the Christian faith, God's appointment of political leaders, and his divine purposes. In the end, God alone judges the leaders' (mis)actions.

Aquinas's Departure from Augustine

Before describing Aquinas's position in more detail, I provide a brief summary of how Aquinas appropriates Augustine's theo-political theory while avoiding his predecessor's political quietism in five ways. First, Aquinas depicts the institution of government as God's means to restrain sin, provide order, protect the common good, and help citizens cultivate virtue. Political leaders are held accountable to standards of preserving, protecting, and cultivating the common good in an other-regarding orientation. Christians need not fear political leaders, nor feel that their fidelity to God was violated. God creates the temporal political realm as the good means for humanity's communal life, benefit, growth, and preparation for the Beatific Vision. Thus, the temporal and spiritual spheres are intertwined. Second, Aquinas allows citizens to rebel against tyrannical leaders if the leaders consistently abuse their power and oppress the people in ways that fundamentally violate the common good. Tyrannical leaders forfeit their right to rule and are no longer considered legitimate authorities. Therefore, citizens are not obligated to obey or submit to illegitimate leaders. Further, citizens could justly participate in an armed rebellion (via legitimate authority, just cause, right intention, necessity, proportionality, and/or likelihood of success). A just rebellion is neither a form of sedition nor an act of political disloyalty, but is grounded in a communal right to protect the common good.⁹⁵ Third, citizens have a *duty* to resist and remove tyrannical leaders. If sustained and intolerable abuse occurs, tyrannical leaders threaten the entire community's common good, and thus the very establishment of order, justice, and peace. Therefore, there is an active obligation on the part of the community to put tyranny to an end. Some tyrannical abuse, however, should be tolerated if the risk to thwart it harms the community more than if it were to refrain. Fourth, Aquinas holds political leaders morally and politically accountable to their citizens. At times, God may allow a tyrant as a form of punishment, but this does not mean that citizens are to accept it as the indefinite will of

⁹⁵ A communal (or collective) right is held by all citizens by virtue of their connection to the political community. It requires a coalition of citizens to enact this right (likely a major share). This is different from an individual right in which political community or communal consent is not required. An individual right is held within the individual and can in theory be enacted unilaterally without communal consent (assuming it does not harm others' rights).

God. Rather, citizens are encouraged to remove tyrants through other public authorities or official policies of removal. If the community is incapable of armed force or action is not prudential, it is encouraged to put its faith in God and to remember God's ability to dispose of tyrants as is evidenced in multiple biblical narratives. Fifth, Aquinas upholds the Christian tradition's emphasis on submission to political authorities found in Rom 13, but in a way that focuses on God's establishment of the institution of government, rather than the providential establishment of all political leaders.⁹⁶ This interpretation sets the stage for Aquinas's expanded understanding of legitimate authority which is grounded in the community's common good rather than in individual rulers. In other words, individual leaders serve as representatives of this common good rather than holding legitimacy in themselves. Therefore, Aquinas's interpretation of Rom 13 encourages Christian submissiveness in general while also discouraging the community from a quietism that enables political tyranny.

Aquinas's five distinctions provide a more active form of civilian political engagement and resistance than Augustine's thinking allowed. Therefore, Aquinas's inventive contribution to just war thinking is his allowance for armed rebellion against political tyranny based in the expanded communal understanding of legitimate authority. In light of this comparison, I am sympathetic to concerns that traditional just war thinking is too statist, static, or inadequate for addressing authoritarianism. Yet, as I have briefly displayed, the fear of authoritarianism is not a modern concern, but one that is deeply entrenched in Aquinas's political theory. This brief comparison also displays that the classical just war tradition is not as monolithic or static as some suggest. Thus, while Aquinas's just war theory is thoroughly Augustinian, his just rebellion theory uniquely stands apart. Aquinas's views are deeply entrenched in classical just war thinking, to be sure, but in a way that allows for a wider application than Augustine envisioned. Therefore, one should be cautious of contemporary calls to radically reimagine, revise, or jettison classical just war theory, since diversity and alternative understandings are evident within the just war tradition. As I will continue to display, we are better off reinvestigating more historical sources for developing just rebellion theory than assuming the just war tradition's deficiency and inadvertently missing out on its wisdom. In what follows, I display the ancient wisdom and

⁹⁶ Aquinas, *Super Rom* 13, lec. 1, Marietti no.1022 (sites.google.com/site/aquinasstudy-bible/home/romans/st-thomas-aquinas-on-romans). In his commentary on Rom 13, Aquinas also discusses tyranny, divine providence, political accountability, and a cautious acceptance of political resistance.

contemporary relevance found in Aquinas's views on tyranny and justified armed rebellion.

Aquinas on Political Tyranny

Similar to contemporary times, Aquinas was deeply conscious of and concerned over political tyranny. Tyranny is one of the most prominent political issues discussed by Aquinas and is the fundamental concern in his just rebellion thinking. Aquinas argues that tyranny stunts communities' growth through limiting material resources and stifling the cultivation of virtue. Tyranny also creates chaos, distrust, and vulnerability by thwarting the community's sense of unity, peace, and stability. Intolerable conditions occur when there is a sustained and significantly pervasive attack on the order, justice, and peace of the community. Aquinas argues that tyrants attempt to protect their power through three means. First, tyrants thwart solidarity and friendship among citizens to prevent unified efforts to challenge their power. Second, tyrants hoard power and wealth from citizens to keep them from having adequate resources to oppose them. Lastly, tyrants stunt the growth of virtues as a way to maintain power and control.⁹⁷ Aquinas believed that virtuous people will eventually challenge tyrants, and thus tyrants find it necessary to stunt the cultivation of virtue. By suggesting that virtuous citizens will challenge tyranny, Aquinas implicitly endorses the resistance of tyranny as a virtuous act. The government's investment in the cultivation of virtue serves as an additional check and balance for political polity. Without virtue, people are more susceptible to political tyranny.

Aquinas further describes tyranny as the worst political polity for a community: "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."⁹⁸ Coming from the Greek term *τυραννος* and tied to the related term *τυραννίς*, translated as "force," tyrants are described as those who rule by unjust force and who "oppress with power."⁹⁹ A tyrant "oppresses his subjects in a variety of ways, according to the different passions

⁹⁷ *De reg. princ.* I, ch. 4. Regarding thwarting solidarity and friendship, 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" (*ST* II-II, q. 42, a. 2, ad 3).

⁹⁸ *De reg. princ.* I, ch. 4. Aquinas notes here that "tyrannical government more often arises from the rule of many than from that of one."

⁹⁹ *De reg. princ.* I, ch. 2.

to which he is subject as he tries to secure whatever goods he desires.”¹⁰⁰ Tyrants govern “unjustly” by pursuing personal gain and neglecting the “good of the community.”¹⁰¹ Tyranny is a violation of the leader’s role because it neglects and injures the common good through prioritizing the leader’s private good.¹⁰² Proper political leaders are other-regarding in providing, protecting, and cultivating the community for interdependent flourishing, while tyrants are self-regarding in hoarding resources, limiting virtues, and thwarting solidarity for personal gain. Aquinas provides several analogies to describe the horrible nature of tyranny. Tyrannical rule is analogous to being “mauled by a ferocious animal.”¹⁰³ Tyrants are also compared to thieves who use their power to steal from others for private gain.¹⁰⁴ 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.”¹⁰⁵ Therefore, Aquinas argues that political leaders are to be held accountable to their citizens for their actions. Political leaders do not have unconditional or unaccountable authority. With all this in mind, Aquinas defines tyrants as *illegitimate political leaders who inhumanely oppress the community through a self-regarding orientation, which leads to the illegitimate use of authority* (force, theft, unjust policies, etc.).

Aquinas argues that tyrants typically employ oppressive means to hoard and maintain power. He argues, however, that this is ironically counterproductive to maintaining power. It is oppressive means, which most pragmatically threaten authority.¹⁰⁶ There is no love for abusive leaders because “they do not exhibit towards [the community] the kind of behavior for which anyone deserves to be loved.”¹⁰⁷ Loyalty is also absent in an oppressive environment. Yet, it is the “virtue of loyalty” which dissuades people from attempting to “throw off the yoke of undeserved servitude.”¹⁰⁸

¹⁰⁰ *De reg. princ.* I, ch. 4.

¹⁰¹ *De reg. princ.* I, ch. 2.

¹⁰² *ST II-II*, q. 42, a. 2, ad 3.

¹⁰³ *De reg. princ.* I, ch. 5.

¹⁰⁴ 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”; they “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” (*ST II-II*, q. 66, a. 8, ad 3).

¹⁰⁵ *ST II-II*, q. 66, a. 8, ad 3.

¹⁰⁶ *De reg. princ.* I, ch. 8.

¹⁰⁷ *De reg. princ.* I, ch. 8.

¹⁰⁸ *De reg. princ.* I, ch. 9.

Tyrants also often attempt to paralyze a community through “fear,” yet this is also a counterproductive tactic:

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.¹⁰⁹

Therefore, proper political service, rather than tyranny, leads to sustaining political power. This shows that even leaders who want to ensure their authority for selfish reasons are better off doing so through other-regarding service rather than oppression.

Aquinas on Individually Initiated Tyrannicide

While it is true that the majority of classical just war thinkers were hesitant about or even resistant to the idea of justified rebellion, Aquinas was able to create the possibility of such action without disregarding the criterion of legitimate authority.¹¹⁰ Reichberg recounts how Aquinas held a more “open” perspective of tyrannicide at first that was later qualified.¹¹¹ In his writings on the subject, Aquinas oscillates on the issue of tyrannicide in a way that both expands and restricts permissibility.¹¹² In Aquinas’s first account of tyrannicide found in his commentary on Peter Lombard’s *Sentences*, he allows for

¹⁰⁹ *De reg. princ.* I, ch. 6.

¹¹⁰ In the context of rebellion, the criterion of legitimate authority is usually the most difficulty or problematic element to maintain for the simple reason that rebellion is occurring in response to violations committed by the authority deemed “legitimate.” Therefore, modern just war revisionists like Fabre have argued for “jettisoning” the criterion of legitimate authority in contexts of justified rebellion.

¹¹¹ Reichberg discusses this shift in *Thomas Aquinas on War and Peace*, 122–27. R. W. Dyson also notes that, in his early writings, Aquinas seems to favor tyrannicide in extreme cases in which no other viable option existed, invoking Julius Caesar as a historical example where tyrannicide was approved: see Dyson, “Introduction,” in *Aquinas Political Writings*, trans. R. W. Dyson, Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 2002), xxix.

¹¹² Again, to Reichberg’s three primary sources (*In I–IV sent.*, *ST*, and *De reg. princ.*), I add the commentary on Romans, which addresses the issue of tyranny, obedience, and rebellion in commenting on chapter 13.

any civilian to resist usurpers provided there be no higher authority.¹¹³ In contrast, political authorities that are legitimately empowered but err are protected from civilian rebellion.¹¹⁴ Aquinas's depiction of tyrannicide in this source seems to create room for a proto-individual right of rebellion against any usurper. In his second (*ST*) and third (*De regimine principum*) accounts, however, Aquinas more explicitly restricts the right of rebellion to other public authorities, preventing private citizens from unilaterally acting.¹¹⁵ Yet, even as Aquinas restricts his allowance for civilians to unilaterally act, he simultaneously expands the permissibility of tyrannicide to include political leaders who are legitimately empowered but have become unjust in their rule. In other words, Aquinas's first conception of justified rebellion displaces the criterion of legitimate authority, while the second and third renditions incorporate the criterion of legitimate authority via a line of authoritative succession in which other recognized political leaders gain the authority to resist their superior(s) if they become tyrannical.¹¹⁶ While this right is typically reserved for the foremost authorized leader, there is a line of authoritative succession based on a threefold layer of authority if the foremost leader were to falter.¹¹⁷ This threefold layer of political authority is as follows: the foremost authorized leader, other national and local political leaders, and a united coalition of citizens. On the second level, if the foremost leader is abusive or grossly negligent, other national leaders gain authority presumably according to a previously established hierarchical pattern.¹¹⁸ The third level allows the right to pass to citizens vis-à-vis a united coalition in extreme cases, provided that they can meet other criteria such as necessity, proportionality, and likelihood of success. In such a perspective, there is a communal right of rebellion oriented around the common good, rather than a right grounded in individuals. Aquinas appropriates

¹¹³ Reichberg notes that the Latin *aliquis* ("anyone") is used ("Legitimate Authority," 349).

¹¹⁴ Reichberg, *Thomas Aquinas on War and Peace*, 122–23.

¹¹⁵ Reichberg, *Thomas Aquinas on War and Peace*, 123–27.

¹¹⁶ See Reichberg, "Legitimate Authority," 350: "Aquinas avers that tyrannicide can be justified when it is undertaken at the initiative of 'public authority' (*auctoritate publica*).¹¹⁷ See also 351: "This authority accordingly passes to the defenders of the common good. Far from contravening the first requirement of *bellum iustum*, by their just resort to force they affirm the principle's validity."

¹¹⁷ Later Thomistic thinkers such as Francisco de Vitoria added an additional layer by including the legitimacy of other international leaders to address foreign tyranny. See 3.5 in his "On the American Indians," in *Vitoria: Political Writings*, ed. Anthony Pagden and Jeremy Lawrence (Cambridge: Cambridge University Press, 1991).

¹¹⁸ For example, the United States has an established line of succession: president, vice-president, speaker of the House, etc.

the criterion of legitimate authority to include the common good, thus allowing armed rebellion to be used in justified cases by the community (i.e., lesser public authorities first and citizens as a last resort). Reichberg states: "The discourse thereby shifts from the person of the prince to the underlying subject of this competence—the political community—which acts through its leadership to protect the common good."¹¹⁹ Therefore, legitimate authority is now defined by the common good rather than by the rulers themselves.¹²⁰

To clarify, political leaders are the representatives of the common good, and therefore the rightful legitimate authorities. Legitimate authority typically rests in the foremost political leader.¹²¹ However, in contexts of the foremost political leader turning tyrannical, other political leaders (ideally through a pre-established hierarchal system) are able to hold him accountable. If other political leaders are negligent, incapable, or complicit, then civilian-led armed rebellion is still permissible as a last resort. Even in this extreme scenario of civilian armed rebellion, the right of rebellion is not based on an individualistic notion as we find in Enlightenment thinkers or in current revisionist accounts. Rather, the right of rebellion is grounded in a communal right of collective citizens working together towards restoring the common good. In other words, it is the citizens' right vis-à-vis the common good rather than vis-à-vis an individual right. All citizens hold the right together by virtue of being in the community itself, rather than independently. This communal right requires a unified coalition of citizens to remove a tyrant, rather than individual citizens acting unilaterally. Presumably, when citizens form a unified coalition, temporary leaders will be appointed, since "coordinated action" is required for likelihood of success.¹²² In such a scenario, the criterion of legitimate authority is still being implemented through the community itself. If armed rebellion is not

¹¹⁹ Reichberg, "Legitimate Authority," 339.

¹²⁰ See Reichberg, "Legitimate Authority," 351: "In later discussions, there appears a growing emphasis on the underlying function of authority, which is to promote the well-being of society by facilitating collective action toward beneficial ends. Having come to a more explicit recognition that authority is for the sake of society, not vice versa, Aquinas could think of it as a competence embodied in society itself (hence the notion of 'public authority') rather than as standing over society (as in the fealty due to a feudal lord)."

¹²¹ Johnson argues that Aquinas believes that this legitimacy is reserved exclusively for the foremost leader, but Reichberg argues that Aquinas uses the plural *principes*, applying it to other princes outside the emperor. ("Legitimate Authority," 339, addressing Johnson at 340n10). I concur with Reichberg's translation on this point.

¹²² Reichberg, "Legitimate Authority," 353.

possible or prudential, then citizens should bear the weight of the tyranny as much as possible.

If the society has dissolved in such a way that individuals have returned to what Thomas Hobbes calls a natural “state of war,” then we are no longer looking at a war or rebellion, but rather individual self-defense.¹²³ As previously mentioned, Aquinas has no qualms with individuals unilaterally defending themselves, but if a situation pertains to the community, then the communal context changes the nature of the act (i.e., war rather than self-defense). War and rebellion are political and communal realities that cannot be unilaterally initiated. Therefore, Aquinas does not envision an individually based or unilaterally implemented right of rebellion as promoted in Fabre’s recent proposal. In summary, R. W. Dyson argues that Aquinas’s view may be best described as an “intelligible position of cautious conservatism which recognizes that extreme measures may be justified sometimes but should be avoided if at all possible.”¹²⁴ In my view, Aquinas’s position avoids the two extremes of unaccountable tyranny (found in Augustine) and individually initiated rebellion (found in Fabre).

Delineating a Justified Armed Rebellion

Having established that legitimate authority is upheld even in contexts of armed rebellion, other criteria must still be met for an armed rebellion to be justified. To clarify the criterion of just cause, Aquinas differentiates between legitimate and illegitimate political leaders by terminologically distinguishing “unworthy” leaders from “unjust” leaders.¹²⁵ Unworthy leaders are those who have manifest character flaws or habits of vice. They may commit infrequent or insubstantial political infractions. Aquinas’s seeming acceptance of infrequent abuse is not suggesting that a leader can get away with abuse if they simply conveniently time their infractions. The caution is against creating implausible expectations of political leaders’ conduct in which mounting an armed rebellion becomes too widely permissible for too many causes. Yet, even when armed rebellion is not permissible or prudential, this does not preclude holding leaders accountable for the abuse of power. If leaders abuse their power, a community is free to “depose or restrain a king.”¹²⁶ The political abuse of authority requires significant punishment due to the gravity and the far-reaching effects of the crime:

¹²³ Thomas Hobbes, *Leviathan* (New York: Penguin Books, 1985), 190.

¹²⁴ Dyson, “Introduction,” xxx.

¹²⁵ He also classifies unworthy as “wicked.”

¹²⁶ *De reg. princ.* I, ch. 7.

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?¹²⁷

Therefore, the violation of leaders' authority and responsibilities is still considered immoral, albeit not necessitating armed resistance. If citizens are merely put off by the leader's personal wickedness or responding to minor infractions, then armed rebellion is not justified.¹²⁸ In cases of tolerable abuse, citizens should seek accountability, reparations, or reconciliatory measures through other authorized political authorities.

Aquinas advises political communities to create systems of accountability prior to their leaders holding office. He recommends three preventative measures for protecting a community from tyrannical rule.¹²⁹ First, political communities should seek leaders with virtuous character who are not likely to abuse authority. Second, legal measures should be put in place to remove leaders if abuses of power occurs. Third, leaders' power should be limited. In other words, political authorities should not be given unconditional or unaccountable authority. A structure of accountability helps to limit leaders' illegitimate use of authority. This type of legal accountability is also preferable because it keeps order, justice, and peace without the need of armed force to remove tyrannical leaders. If citizens cannot successfully appeal to other political leaders, then they can utilize non-violent resistance. In any case, there are several avenues to take before citizens resign themselves to endure. Additionally, Aquinas notes that the community can remove tyrants without feeling as if they unjustly betrayed their leader, breached an agreement, or committed an act of injustice.¹³⁰ Aquinas even argues that tyrants forfeit agreements of perpetual leadership. Therefore, Aquinas argues that political authority is continually contingent upon the actions of the political leader.

Despite the wicked character of unworthy leaders, however, it is still possible for an unworthy leader to serve the common good: "The first defect is not an impediment to the acquisition of rightful authority; and because

¹²⁷ *De reg. princ.* I, ch. 12.

¹²⁸ Aquinas gives an example as when "some of the goods of individual men" are taken (*De reg. princ.* I, ch. 6).

¹²⁹ All three elements can be found in *De reg. princ.* I, ch. 6.

¹³⁰ See *De reg. princ.* I, ch. 7: "For the tyrant who has failed to govern the community faithfully, as the office of king requires, has deserved to be treated in this way."

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."¹³¹ Therefore, the legitimacy of political authority is not based on moral or political perfection, but on their overall care of the common good. If, on the whole, unworthy leaders uphold their central duties to the common good, then their legitimacy is maintained. Leaders' personal and professional failures are worthy of lament and open for accountability, but are not a just cause for armed rebellion. Citizens' moral obligation to be compliant to unworthy leaders is about supporting the common good of order, justice, and peace.

The moral and political obligations of civilians are conditioned, however, upon the political authorities' use of power:

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.¹³²

If civilian compliance requires enacting a manifestly immoral command or endangering the common good, then compliance is not permitted. Yet, even in dire tyrannical circumstances, Aquinas believes prudence should guide a community's application of resistance (e.g., the use of non-compliance, legal measures, or armed force).¹³³ Aquinas's political theory revolves around the preservation of order, justice, and peace. Thus, anarchy and civilian armed force have the potential to be more harmful than some forms of tyranny. Again, not utilizing armed force does not equate to capitulating to tyranny. Other forms of resistance and appeals for accountability can and should be made. Aquinas, however, does not offer an optimistic perspective of tyrants yielding to accountability peacefully. Typically, tyrants are impenitent, incorrigible, and unresponsive to accountability. Unaccountable tyranny, however, should not be ignored, since there is the additional danger of creating political precedent. The danger of tyranny is not just for those in the present, but the possibility of perpetuating an endless cycle for future

¹³¹ Aquinas, *In II sent.*, d. 44, q. 2, a. 2.

¹³² *ST II-II*, q. 104, a. 6, ad 3. For Aquinas's meaning of "accident," see Gaven Kerr's section on "Substance and Accident" (section 4) in "Aquinas: Metaphysics," Internet Encyclopedia of Philosophy, iep.utm.edu/aq-meta.

¹³³ For more on prudence in Aquinas's just war thinking, see Gregory Reichberg, "Thomas Aquinas on Military Prudence," *Journal of Military Ethics* 9, no. 3 (2010): 261–74.

generations.¹³⁴ Therefore, there is an urgency for the community to stop present tyranny for the sake of future generations. Future political oppression or political flourishing is a multigenerational concern which requires leaders to be held accountable.

Aquinas categorizes the second type of political leaders as “unjust” (alternatively tyrannical), and thus illegitimate. Unjust leaders serve personal rather than communal ends and subvert the common good. In Aquinas’s political theory, political leaders are directly accountable to citizens and risk invalidation if they abuse their authority. Since compliance is required only when leaders properly fulfill their role, Aquinas allows for and even demands civilian non-compliance in certain cases.¹³⁵ In extreme cases of tyranny this even allows for the use of armed rebellion. Given how past commentators understood the term, “sedition” was seen to be immoral in its very essence. Therefore, Aquinas had to supply a way to legitimize armed rebellion in a way that avoids the connotations of sedition. Incorporating his definition of tyranny, Aquinas shows that “there is no sedition in disturbing a government of this kind” and flips the charge of sedition onto the tyrants, as those who are truly seditious, sowing “discord” and harming the people by focusing exclusively on their “private good.”¹³⁶ In such cases, Aquinas argues that armed rebellion may be morally permissible: “It is lawful to fight, provided it be for the common good.”¹³⁷ This is his first explicit reference to the use of armed force in response to political oppression. Even with this allowance, however, Aquinas carefully argues that other just war criteria must be upheld.

Justified armed rebellion requires *sustained or substantial abuse* by the political leader (a *just cause* for a *proportional* rebellion *aimed at* peace). Aquinas describes conditions as intolerable when “the tyranny is so excessive that it ravages the whole community.”¹³⁸ In other words, tyranny is that which subverts the very purpose and role of the government (i.e., order, justice, and peace). In today’s terms, mass atrocities, crimes against humanity,

¹³⁴ See *De reg. princ.* I, ch. 12: “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.”

¹³⁵ In reference to when authorities command a sinful act, Aquinas states, “not only is one not bound to obey the ruler, but one is bound not to obey him” (*In II sent.*, d. 44, q. 2, a. 2). See also Sally Schols, “Civil Disobedience in the Social Theory of Thomas Aquinas,” *The Thomist* 60 (1996): 449–62.

¹³⁶ *ST II-II*, q. 42, a. 2, ad 3.

¹³⁷ *ST II-II*, q. 42, a. 2, ad 1.

¹³⁸ See *De reg. princ.* I, ch. 5.

and certain human rights violations would qualify as substantially subverting the common good. The telos of armed rebellion is restorative rather than retributive. It aims not to get revenge on tyrants, but to restore the common good. Therefore, even in dire situations, a community must consider whether the armed rebellion will harm the common good more than the tyrant's abuse, taking into account the criteria of necessity, proportionality, the likelihood of success, and the aim of peace. Prudentially, a community may be required to allow the abuse to remain if armed rebellion would further disturb the community or worsen conditions. Interestingly, the criteria of necessity, proportionality, likelihood of success, and so on seem to play a more pronounced role in Aquinas's evaluation of whether a rebellion is justified than in his just war thinking.¹³⁹

Summarizing Aquinas's Just Rebellion Theory

In summary, a justified armed rebellion requires a legitimate authority grounded in the common good (i.e., held through an authoritative line of succession) who has a just cause (tyranny, the severe 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 is necessary (i.e., under intolerable conditions) and proportionate, and stands a reasonable chance of success (i.e., will not cause worse harm than the current conditions). Aquinas's just rebellion theory is based on his communitarian political theory centered on the common good of order, justice, and peace and the just war criteria of legitimate authority, just cause, and right intention. Therefore, it is best to view Aquinas's just rebellion theory as derivative of classical just war thinking rather than as a distinctive theory departing from the just war tradition. In this respect, Aquinas foreshadows contemporary efforts to utilize just war criteria to craft a just rebellion theory. In contrast to contemporary efforts, however, Aquinas utilizes the criterion of legitimate authority in his approach to armed rebellion.

¹³⁹ Johnson argues that legitimate authority, just cause, and right intention are the primary just war criteria dominating classical thinking, whereas necessity, proportionality, discrimination, and the likelihood of success are "prudential criteria" that are not required to act (*Ethics and the Use of Force*, 19). Instead of following Johnson's language of "prudential criteria," however, I prefer Kelsay's understanding of these criteria as related to measures of right intention. In other words, these criteria should be met as part of a trifold criteria. In a classroom conversation, Kelsay has argued that Johnson's language was likely a reaction to the U.S. Catholic Council of Bishops argument for the primacy of necessity, proportionality, discrimination, and the likelihood of success in evaluating the permissibility of contemporary just war.

Fabre's Jettisoning of Legitimate Authority

Contrasting Aquinas's communal right of rebellion is Fabre's contemporary proposal of an individual right of rebellion. While Aquinas's views are based on his communitarian political theory, Fabre bases her views on a political cosmopolitanism in which individualism, equalitarianism, and universalism are foundational principles.¹⁴⁰ As a part of her cosmopolitanism, she deemphasizes the importance of "special relationships."¹⁴¹ In other words, her strong individualism does not tie individuals to their particular political communities in any significant way. Therefore, she advocates for an individual right of war to counter the historical precedent of political authorities' "exclusive" right of war.¹⁴² Fabre argues that governments fiducially hold rights 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. If political leaders violate people's rights (citizens or non-citizens), then leaders forfeit their right to fiducially manage their citizens' rights and are deemed illegitimate authorities, thus reverting the right of war to individuals.¹⁴³ Fabre argues that "a war need not be waged by a legitimate authority in order to

¹⁴⁰ Cosmopolitanism is built around three main claims. 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. See Fabre, "Cosmopolitanism," 964–65.

¹⁴¹ Fabre, *Cosmopolitan War*, 137.

¹⁴² See Fabre, *Cosmopolitan War*, 142: "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." She continues: "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" (145).

¹⁴³ 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 willfully 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).

count as a just war.”¹⁴⁴ Further, she claims, “non-political groups, as well as individuals themselves, can have the right to go to war.”¹⁴⁵ Thus, cosmopolitans “must renounce” the legitimate authority requirement.¹⁴⁶ While Fabre acknowledges the pragmatic rationale for restricting war to political authorities, she denies the moral basis for such a restriction. 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., whether other *ad bellum* criteria are fulfilled).¹⁴⁷ Whether war is conducted by an individual or a group is morally irrelevant. Every individual maintains a right to protect their “fundamental interest(s)” regardless of political recognition.¹⁴⁸ In summary, Fabre endorses an individual right to wage war, the fiduciary management of this right by the government, the forfeiture of such a right if political authorities are grossly negligent or abusive, and the reversion of the right of armed force to individuals in oppressive circumstances.

Consent and Institutional Accountability

Despite Fabre’s individualistic rhetoric, she attempts to create two standards for individuals who wish to initiate a war on behalf of their community.¹⁴⁹ 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.”¹⁵⁰ 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

¹⁴⁴ Fabre, “Cosmopolitanism,” 964–65.

¹⁴⁵ Fabre, “Cosmopolitanism,” 968.

¹⁴⁶ Fabre, “Cosmopolitanism,” 968. To clarify, the rejection of legitimate authority is conditioned on its pragmatic merit to protect individuals.

¹⁴⁷ Fabre, “Cosmopolitanism,” 970. See also 76: “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.”

¹⁴⁸ Fabre, “Cosmopolitanism,” 969. See also *Cosmopolitan War*, 131: “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.”

¹⁴⁹ 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 of just cause, likelihood of success, and proportionality.

¹⁵⁰ Fabre, *Cosmopolitan War*, 155. Concerning acting without explicit consent, see 156: “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.”

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."¹⁵¹ There are significant inconsistencies in Fabre's account. 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 Fabre argues that, despite having a right to war, a single individual cannot in practice lead a war without some representative element (a following, communal consent, accountability, etc.). This leads Fabre to distinguish terrorism from rebellion (e.g., Timothy McVeigh is described as a terrorist). Aquinas's argument that wars/rebellions are fundamentally communal and political phenomena in which individuals cannot unilaterally act is strengthened. Fabre also acknowledges that civil wars are distinct from "mere self-defensive killing," yet she is not consistent or careful in distinguishing self-defense from war elsewhere in her work.¹⁵² By virtue of having some type of following or communal consent, we are moving beyond an individual's unilateral right to war. Therefore, we are better off with Aquinas's distinction of an individual's right of self-defense from the right of 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 and rebellion are 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.¹⁵³ Therefore, Fabre's construction does not provide an individual right of rebellion in theory or practice. Further, in addition to the two standards of consent and institutional accountability, Fabre attempts to restrict an individual's right of war by introducing other just war criteria such as just cause, likelihood of success, and proportionality. She notes that the last two criteria are what likely prevent individuals from acting unilaterally. At the end of Fabre's individualistic argument, it seems we have come full circle to the acknowledgment of the benefits of classical

¹⁵¹ Fabre, *Cosmopolitan War*, 156.

¹⁵² Fabre, *Cosmopolitan War*, 136–37.

¹⁵³ Another example of Fabre's vacillating rhetoric: "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).

just war criteria. Fabre wrongly laments the fact that just war theory denies the moral permissibility of armed rebellion by on the basis of lacking one criterion, which she argues is unnecessary.¹⁵⁴ As I have shown in this essay, however, Aquinas does present the possibility of a justified armed rebellion grounded in the criterion of legitimate authority rather than in spite of it. Therefore, we are better off reinvestigating the historical just war tradition rather than exasperatingly and ignorantly setting it aside in favor of ideas that are currently in vogue.

Comparing Aquinas's Communal Right with Fabre's Individual Right

It may seem surprising, but Aquinas does agree with Fabre on a few issues. Despite significant differences on their political vision and concerning rights, means, and the 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 Aquinas's formulation offers a better and more adequate approach to armed rebellion by preserving the criterion of legitimate authority, as opposed to Fabre's rejection of it.¹⁵⁵

In the end, Fabre's argument of abandoning the criterion of legitimate authority is overdrawn, misleading, and inadequate for dealing with political oppression. Fabre's claims are overdrawn in the following manner. First, her approach is built around a monolithic understanding of the just war tradition largely rooted in Michael Walzer's approach.¹⁵⁶ This leads her to overemphasize the problem of the tradition's rejection of armed rebellion. I have shown throughout that, even in the tradition's early formulations (i.e., Aquinas), it allows for the possibility of armed rebellion. Further, the permissibility of such an allowance comes through the criterion of legitimate authority, rather than around it. Thus, legitimate authority is not the problematic criterion disqualifying armed rebellion, as she claims. Further,

¹⁵⁴ Fabre, *Cosmopolitan War*, 141–42. See also “Cosmopolitanism,” 969: “It is not necessary, for an entity to have the right to wage a war, that it be a legitimate authority.”

¹⁵⁵ Not all revisionists reject legitimate authority in armed rebellion. For example, Finlay wishes to revise legitimate authority but does not endorse the language used by Fabre. Yet, Finlay's approach still has flaws, as it is based on an individualistic construction of political life. 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.

¹⁵⁶ On why Walzer is not the representative of traditional just war thinking, see note 10 above.

even Fabre acknowledges that a rebellion must meet several other just war criteria to be morally permissible. In the end, the other criteria restrict individuals from unilaterally acting, thus subverting any sense in which an individual has a right of rebellion. Fabre's conflation of self-defense and war is also misleading. By depicting the just war tradition as disallowing individuals from the right to defend themselves, she creates a non-existent problem (i.e., that the just war tradition is unable to deal with political tyranny). Rather, Aquinas's distinction of self-defense from war allows all individuals to defend themselves in cases of immediate danger without recourse to other authorities.

Fabre's rhetoric of rejecting legitimate authority (jettisoning, dropping, dispensing, unnecessary, etc.) is also misleading, as she unwittingly affirms a type of legitimate authority in her approach. While she uses significant individualistic rhetoric, she always walks back on an individual's ability to use this right. Individuals must have some form of representativeness, consent, or institutional accountability to act on behalf of the community. In this sense, no individual can unilaterally act without some communal recognition. In Aquinas and other classical just war 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, Fabre expects individuals 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 individualistically initiated war. All these concerns lead me to argue that an individual's right to war is not viable even in Fabre's own account. Rather, she unwittingly and ironically reaffirms a conception of legitimate authority, albeit grounded in individuals' right of self-defense vis-à-vis atomistic individual rights-bearers. In contrast, Aquinas grounds legitimate authority in the common good, which emphasizes the special nature of citizens to their communities.

In the end, Aquinas and Fabre both wish to stop political tyranny and to protect individuals. They agree that the act of rebellion can be morally justified only if other just war criteria is followed. They both endorse legitimate authority in practice (Aquinas explicitly and Fabre inadvertently). Despite their pragmatic agreement, however, their grounding and rhetoric differ dramatically, with significant implications for understanding individuals' relationships to their communities and the purpose of armed rebellion. Aquinas's perspective on armed rebellion is

to be preferred for the following reasons. First, Aquinas's 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 worthy solely for its instrumental value (i.e. provision and protection), but intrinsically worthy. Human flourishing comes through the political context of order, justice, and 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's communitarian political theory also builds substantial responsibility and accountability for political leaders and citizens. 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's political theory concerning the common good provides a strong rationale for why armed force is restricted to political leaders rather than open to individuals.

Conclusion

In stark contrast to revisionists' dual claim of the just war tradition's apathy and inadequacy to deal with political tyranny, I have argued that Aquinas's just rebellion thinking displays a significant concern for authoritarianism and provides a helpful foundation for further contemporary just rebellion theory. While Fabre calls for a jettisoning of legitimate authority, I have argued that the concept of legitimate authority in armed rebellion is an indispensable criterion. As I have shown, Fabre's theory ultimately adopts a legitimate-authority criterion in practice. Therefore, it is not a question of whether legitimate authority should remain, but of whose theory has the better foundation for developing contemporary just rebellion thinking.

Revisionists' political foundation is based on a social-contract political theory that emphasizes individuals' rights as the supreme moral principle. In other words, individuals are atomized from the notion of political community as isolated rights-bearers.¹⁵⁷ In such a notion, the government

¹⁵⁷ I argue in favor of the depiction of human rights as outlined in article 29 of the United Nations 1948 *Universal Declaration of Human Rights*. The first two subarticles state: "(1) Everyone has duties to the community in which alone the free and full development of his personality is possible. (2) In the exercise of his rights and freedoms, everyone

is merely a mechanism to protect human rights and provide material necessities (food, shelter, medicine, etc.). By placing the right of war/rebellion in individuals, revisionists are implying a very loose connection of citizens to their political communities. In other words, when tyranny is occurring, the sense of community seems to dissolve. In contrast, Aquinas's communitarianism is based on the notion of civilians interdependently living within a common good. In such a theory, the government is an intrinsic good by which civilians best flourish together in connection to the community's cultivation of order, justice, and peace. In cases of tyranny, other political authorities are obligated to respond. If they are unable or unwilling to aid their community, then civilians can unite to act for the sake of restoring their common good.

Revisionists also base their theory fundamentally in the individual right of self-defense. Revisionists conflate self-defense with war, whereas Aquinas treats self-defense and war as distinct concepts. Given the communal connotations of war, it seems very difficult to defend the revisionist notion. Many contemporary thinkers assume or take for granted that self-defense is the primary just war foundation. For Aquinas, however, the grounding is in the common good of order, justice, and peace, which in turn shifts the emphasis in armed rebellion to communal defense and restoration. Revisionists envision rebellion as a means to thwart or halt rights violations, whereas Aquinas sees the proper restoration of an interdependent and other-regarding political order as the best means to protect a community's citizens. Therefore, Aquinas distinguishes his view from the revisionists' in two distinct ways. First, Aquinas's allowance for justified armed rebellion is based on a communal notion of the common good, in contrast to an emphasis on individuals' rights. Second, Aquinas's allowance for civilian-led armed rebellion is a last resort which aims at restoring the common good, whereas revisionist rhetoric starts with notion of the self and the aim to thwart rights' violations, without much reference to their communal order.

Revisionist rhetoric is also deficient and unhelpful in developing just rebellion theory. What Fabre's rhetoric gives with one hand (an individual right of rebellion) is ultimately taken away with the other (the necessity of communal consent, accountability, likelihood of success,

shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society" (un.org/en/universal-declaration-human-rights/). In this article, individual rights are connected with our communal duties.

proportionality, etc.). With Aquinas's rhetoric, however, we see the possibility of civilian-led armed rebellion, but as a last resort when other politically authorized leaders and/or structures have failed. Pragmatically, revisionists recognize this, but ignore the political foundation on which Aquinas's thinking is powerful. Aquinas's political foundation creates a standard of other-regarding political authority, interdependency, human flourishing, communal representation, and responsibility. Thus, revisionists' individualistic rhetoric is disingenuous, hyperbolic, dangerous, and negligent of the insights of the classical just war tradition. Therefore, I argue that we should *reinvestigate* and *recover* the just war tradition rather than *revise* it for further work in just rebellion theory. We do not need a just rebellion theory which *departs from the just war tradition*, but one that *develops it*. In order to carefully do further work, I have highlighted Aquinas's important contributions to display the merit of further *reinvestigating* and *recovering* other just war thinkers' insights.¹⁵⁸ The historic just war tradition has substantial wisdom and adaptability to meet contemporary contexts. Alongside other historically oriented just war thinkers, I call for other just war thinkers to be *investigated* rather than *ignored*.¹⁵⁹ The adequacy and flexibility of the historical just war tradition has also been displayed in Aquinas's own ability to uphold the criterion of legitimate authority in armed rebellion—a feat neither previously envisioned by his predecessors nor fully appreciated in contemporary times. Yet, as further historical investigation will bear, his notion was deeply influential on later rebellion theories.¹⁶⁰ Therefore, the criterion of legitimate authority

¹⁵⁸ See Johnson, "The Use of History for Thinking about Morality and War," in *Ethics and the Use of Force*, 1–12.

¹⁵⁹ Revisionists tend to approach just war thinking primarily through philosophical analysis rather than historical inquiry. Historically oriented scholars argue that historical inquiry and philosophical analysis are needed. See Brunstetter and O'Driscoll, *Just War Thinkers*, for a collection of essays devoted to this reconstruction and recovery. See also *The Ethics of War: Classic and Contemporary Readings*, ed. Gregory M. Reichberg, Henrik Syse, and Endre Begby (Oxford: Blackwell, 2006), for a collection of primary sources.

¹⁶⁰ For an excellent tracing of the history of the right to rebellion see Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge: Cambridge University Press, 1978). Specifically in regards to the development of Aquinas, see: Johnson, "Sovereign Authority and the Justified Use of Force in Thomas Aquinas and His Early Modern Successors," in *Sovereignty*, 28–60; Reichberg, "Suárez on Just War"; 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*, ed. Brendan Simms and D. J. B. Trim (Cambridge: Cambridge University Press, 2011), 29–66; Alex Bellamy, "Francisco De Vitoria," in Brunstetter and O'Driscoll, *Just War Thinkers*, 77–91; Scott G. Davis, "Francisco Suárez," in Brunstetter and O'Driscoll, *Just War Thinkers*, 105–27.

oriented around the common good operated via an authoritative line of succession should be incorporated within future rebellion thinking.¹⁶¹

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