

## Looking at the Ban and Just War Theory

Name: \_\_\_\_\_ Sec: \_\_\_\_\_  
Religion, Kilbridge

Read the three documents on this handout and respond to the questions using these and any other sources you wish to cite. Answer in the space provided.

### The Just War Doctrine

From *The Catechism of the Catholic Church* (2309)

(You'll note that the first criterion is that the war must be defensive and that every one of the five criteria must be met for a war to be justifiable.)

The strict conditions for legitimate defense by military force require rigorous consideration. The gravity of such a decision makes it subject to rigorous conditions of moral legitimacy. At one and the same time:

- The damage inflicted by the aggressor on the nation or community of nations must be lasting, grave, and certain;
- All other means of putting an end to it must have been shown to be impractical or ineffective;
- There must be serious prospects of success;
- The use of arms must not produce evils and disorders graver than the evil to be eliminated. The power of modern means of destruction weighs very heavily in evaluating this condition.

These are the traditional elements enumerated in what is called the 'just war' doctrine. The evaluation of these conditions for moral legitimacy belongs to the prudential judgment of those who have responsibility for the common good.

### The Ban and the Book of Joshua

Excerpt from *Joshua and the Promised Land*, pp. 23-24 by Roy H. May, Jr.

The most disturbing aspect of the Book of Joshua is the divine command to commit mass slaughter. In Hebrew, this is *herem* or "ban." God required that certain things be "devoted" only to death and destruction. Some things were reserved for religious functions. According to the ban, enemies were to be completely exterminated. This idea was not unique to ancient Israel. Other ancient Near Eastern societies also practiced the ban. However, the idea is part of the Book of Deuteronomy and the work of the Deuteronomistic Historians. In this theological tradition, such destruction was to be dealt out because "foreigners" or non-Israelites, were viewed as impure idolaters. They *deserved* to die because their ways were opposed to Yahweh. The ban was required to remove obstacles to Yahweh.

This was especially important to the editors of the first edition of the Book of Joshua. They were writing in a time of national renewal. They wanted to underscore the covenant requirement of righteousness by showing what would happen to the unrighteous. For the editors of the final edition of the Book of Joshua, working as they were in a time of exile and loss of nationhood, the idea of the ban was a dramatic reminder that foreign conquerors were evil. It raised the hope of their eventual removal and Judah's freedom. Either way, the ban was a theological justification for taking Canaan.

**St. Thomas Aquinas, Summa Part II, Question 40 Religion, Kilbridge**  
(Benziger Bros. edition, 1947)<http://ethics.acusd.edu/Books/Texts/Aquinas/JustWar.html>

...In order for a war to be just, three things are necessary. **First**, the *authority of the sovereign* by whose command the war is to be waged. For it is not the business of a private individual to declare war, because he can seek for redress of his rights from the tribunal of his superior. Moreover it is not the business of a private individual to summon together the people, which has to be done in wartime. And as the care of the common weal is committed to those who are in authority, it is their business to watch over the common weal of the city, kingdom or province subject to them. And just as it is lawful for them to have recourse to the sword in defending that common weal against internal disturbances, when they punish evil-doers, according to the words of the Apostle (Rm. 13:4): "He beareth not the sword in vain: for he is God's minister, an avenger to execute wrath upon him that doth evil"; so too, it is their business to have recourse to the sword of war in defending the common weal against external enemies. Hence it is said to those who are in authority (Ps. 81:4): "Rescue the poor: and deliver the needy out of the hand of the sinner"; and for this reason Augustine says (Contra Faust. xxii, 75): "The natural order conducive to peace among mortals demands that the power to declare and counsel war should be in the hands of those who hold the supreme authority."

**Secondly**, a *just cause* is required, namely that those who are attacked, should be attacked because they deserve it *on account of some fault*. Wherefore Augustine says (Questions. in Hept., qu. x, super Jos.): "A just war is wont to be described as one that avenges wrongs, when a nation or state has to be punished, for refusing to make amends for the wrongs inflicted by its subjects, or to restore what it has seized unjustly."

**Thirdly**, it is necessary that the belligerents should have a *rightful intention*, so that they intend the advancement of good, or the avoidance of evil. Hence Augustine says (De Verb. Dom. [\*The words quoted are to be found not in St. Augustine's works, but Can. Apud. Caus. xxiii, qu. 1]): "True religion looks upon as peaceful those wars that are waged not for motives of aggrandizement, or cruelty, but with the object of securing peace, of punishing evil-doers, and of uplifting the good." For it may happen that the war is declared by the legitimate authority, and for a just cause, and yet be rendered unlawful through a wicked intention. Hence Augustine says (Contra Faust. xxii, 74): "The passion for inflicting harm, the cruel thirst for vengeance, an unpacific and relentless spirit, the fever of revolt, the lust of power, and such like things, all these are rightly condemned in war."

**Questions:**

1. Does the Ban (Deuteronomy 20.10-18) fit all the criteria for a just war? Explain.
  
  
  
  
  
  
  
  
  
  
2. Is there any war that the United States has fought that you think does not fit all the criteria for a just war? Explain.