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Cicero and St. Augustine's Just War Theory: Classical Influences on a Christian Idea

by

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of the requirements for the degree of
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For Elizabeth and Calista

Table of Contents

Abstract	ii
Chapter 1	1
Introduction	1
Cicero's Influence on Augustine	7
Chapter 2	13
Justice	13
Natural and Temporal Law	19
Commonwealth	34
Chapter 3	49
Just War	49
Chapter 4	60
Conclusion	60
References	64

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Berit Van Neste

ABSTRACT

The theology of Saint Augustine, Bishop of Hippo, and the origin of his theory of Just War are subjects of serious scholarly debate. Just War involved the use of the state army to eliminate heresy by killing heretics who refused to convert to mainstream Christianity. The purpose of this paper is to argue that Augustine primarily based his theory of Just War on Cicero's own theory of Just War.

Augustine was quite heavily influenced by Cicero. He credited Cicero with his own conversion to Christianity. He drew heavily from Cicero's works as a basis for many of his own writings, such as *City of God*. He did, however, interpret Cicero's works to fit into his own theology, thereby changing the meanings of these works significantly. Cicero was adapted to fit into Augustine's Christian and Neoplatonic mold.

Cicero wrote a work called *The Republic*, which was lost for centuries. The only way any of this work survived during that time was through quotations by writers, and Augustine is one of the main sources for Cicero's *Republic*. In *The Republic*, Cicero creates the model state and argues that this state had the right to use military action on a group of people who were not capable of exercising justice. This influenced Augustine to develop his own theory of the perfect state, which also had this right to use military action.

Several factors influenced the development of Augustine's Just War theory. However, none of them had the impact that Cicero's theory of Just War did. Everything was fitted into it. Augustine assimilated the influences of the church-state alliance and his Neoplatonic background into Cicero's concepts for the perfect state and its use of Just War. Thus, Cicero provided the framework within which Augustine operated.

Chapter 1

Introduction

The Just War Theory has often been used to justify going to war, even in the present day. Despite its modern usages, however, the Just War Theory was developed thousands of years ago. The Just War Theory, as it appears in the Christian tradition, allows a Christian state to go to war to defend itself and the faith or to right a wrong that has been perpetrated against itself or the faith. It is often thought that St. Augustine was the originator of the Just War Theory, but in reality it predates Christianity. St. Augustine lived during the late classical period and, consequently, was a transitional figure in the history of Christianity and the West in general. He bridged the gap between the classical Christianity of Ancient Rome and the medieval Christianity of Western Europe, and his theology reflected this intermediary position by combining a large amount of classical thought with his Christian ideas to formulate a new way of thinking. However, historians draw an artificial line in the middle of Augustine's life, a line that separates his classical heritage from the medieval future that he inspires. Generally, there seems to be little consideration of Augustine as a transitional figure and less consideration that his theology was likewise transitional in nature. Augustine's development of his Just War Theory effectively illustrates the transitional nature of his theology. Augustine was a product of the classical world, and so was his Theory of Just War. Augustine's Theory of Just War is to a large extent based on Cicero's own Theory

of Just War, which Augustine modified with his own political, philosophical and theological ideas into a concept that was acceptable to him and his Christian outlook.

Past and current scholarship, in general, does not deal adequately with this problem of the classical origins of Augustine's Just War Theory. Charles Norris Cochrane, for example, wrote *Christianity and Classical Culture*, the quintessential text about the influence of classical thought on the development of Christian thought. He addresses Augustine in it, and recognizes the classical origins of Augustine's theology. He even points out that Augustine is a transitional figure with a mode of thought that reworks classical thought into something new. However, he does not specify exactly how Augustine does this, since he does not give very specific details about the content or origins of Augustine's thought. Needless to say, Just War Theory and its origins are not covered in this book.

Peter Brown is another scholar who did not recognize the classical influences on Augustine's Just War Theory. He wrote a biography of Augustine, entitled *Augustine of Hippo*, that is considered by many to be the academic standard for biographies of Augustine. In it, he highlights the importance of Cicero in Augustine's life, and he notes the influence of Cicero's writings on Augustine's theology. However, like Cochrane, Brown does not indicate that Augustine's Just War Theory was in any way impacted by anything other than Augustine's confrontations with heretical Christian sects.

Herbert A. Deane comes closer than most scholars to identifying the classical roots of Augustine's Just War Theory. He wrote *The Political and Social Ideas of St. Augustine*, an essential book for researching Augustine's political thought. He recognizes the importance of Cicero in the development of Augustine's political theory,

especially that of the state and its justification for going to war. However, there is no connection made between Cicero and the religious coercion that is a crucial element in Augustine's Just War Theory. Deane rather indicates that the Christian Roman emperors, who would impose sanctions against heretical groups, inspired Augustine to formulate the religious coercion characteristic of his Theory of Just War, but he does not explore the sources of Augustine's Just War Theory any further than that.¹

Robert Markus wrote an essay entitled "St. Augustine's Views on the Just War" in *The Church and War*. It deals with Augustine's Just War Theory as being the product of his times, the late Roman Empire. Markus notes that, unlike almost all of Augustine's other ideas, Augustine's attitude towards war remained basically the same throughout Augustine's life.² However, Markus does not address the origins of Augustine's Just War Theory.

Those scholars who do address the origins of Augustine's Just War Theory often fall into the trap of declaring it to be an almost entirely original thought on the part of Augustine. Deane does so when he implies that Augustine got the idea for religious coercion from the Christian emperors' edicts punishing heretics. Certainly these edicts were an influence on Augustine's Just War Theory, but this explanation is too simplistic to be the source of the theory, which involves the development of some sophisticated philosophical themes. Rather than drawing from contemporary politics, Michel Spanneut asserts that Augustine based his Just War Theory on the wars in the Old Testament, wars

¹ Herbert A. Deane, *The Political and Social Ideas of St. Augustine* (New York: Columbia University Press, 1963), 215.

² Robert A. Markus, "Saint Augustine's views on the 'Just War,'" in *The Church and War* (ed. W. J. Sheils; London: Basil Blackwell, 1983), 4.

in which the Israelites conquered the surrounding Canaanites with God's approval.³ This is also too simple to be an adequate explanation of the origin of such a complex theory. Robert Holmes calls Augustine "the father of just war thinking" in Christianity.⁴ This label ignores any prior influences, particularly Christian ones, such as Ambrose's thoughts about just war, which were primarily drawn from Cicero and Roman tradition but included the idea of going to war to maintain the unity of the Christian church.⁵ None of these explanations adequately accounts for the source of Augustine's Just War Theory, however, these three scholars represent the most prevalent attitude toward the origin of Augustine's Just War Theory. All three scholars assume that Augustine originated the idea of the Just War.

Some scholars, however, do look beyond Augustine for the origin of his Just War Theory. Lisa Sowle Cahill, for example, lists Roman practice, Plato, Cicero and the Bible among Augustine's influences in the development of his Just War Theory, but she does not explain what specific impact of each of these elements had on his Just War Theory.⁶ Like Cahill, Douglas Bax seems to connect Augustine's Just War Theory to Cicero. He declares Augustine's Just War Theory to be the first new theory since Cicero's Just War Theory.⁷ While Bax does not explicitly link the two Just War Theories, he seems to imply a connection between them, but he does not follow up on

³ Michel Spanneut, "Saint Augustin et la Violence," in *Historia* (ed. Réal Tremblay and Dennis J. Billy; Rome: Editiones Academiae Alphonsianae, 1991), 114.

⁴ Robert L. Holmes, "St. Augustine and the Just War Theory," in *The Augustinian Tradition* (ed. Gareth B. Matthews; Los Angeles: University of California Press, 1999), 323.

⁵ Louis J. Swift, "St. Ambrose on Violence and War," *Transactions and Proceedings of the American Philological Association* 101 (1970): 533-543, 533.

⁶ Lisa Sowle Cahill, "Nonresistance, Defense, Violence, and the Kingdom in Christian Tradition," *Interpretation* 38 (Oct 1984): 380-397, 382.

⁷ Douglas S. Bax, "From Constantine to Calvin: The Doctrine of the Just War," in *Theology and Violence* (ed. Charles Villa-Vicencio; Grand Rapids, Mich.: Eerdmans, 1987), 155.

this implication. Albert Marrin also recognizes the connection between Cicero's thought and Augustine's Just War Theory. About Augustine, Marrin asserts, "Not the least of his accomplishments was the synthesizing of Ciceronian and Christian ideas about war."⁸ He does not, however, explain precisely what concepts are involved in this synthesis of ideas. All three of these scholars indicate that Augustine depended on Roman and Christian influences in the formulation of the Just War Theory, and in particular, they link his Just War Theory to Cicero. None of them, though, explains the exact relationship between Cicero's thought and Augustine's Just War Theory. An examination of the writings of Augustine, however, reveals much about the connection between Cicero's thought and Augustine's Just War Theory, and it indicates that a strong link exists between his Just War Theory and that of Cicero. Most scholars agree that Cicero had a heavy influence on many areas of Augustine's life, but they either do not recognize or explain how his ideas provided the main substance of Augustine's Just War Theory.

This study of the connection between Cicero's Just War Theory and Augustine's Just War Theory will focus on Augustine's and Cicero's writings and use an historical approach to their writings as well as a textual analysis of them. The sources will be drawn primarily from the body of Augustine's writings. *De civitate Dei* will provide the bulk of the source material for Augustine's Just War Theory, however several of his letters, particularly *Epistula CXXXVIII*, and other writings illuminate some key points of convergence between his Just War Theory and that of Cicero. This material will be compared with Cicero's *De re publica* and *De legibus*, his major political writings. They contain Cicero's entire Just War Theory and are frequently quoted or paraphrased by

⁸ Albert Marrin, ed., *War and the Christian Conscience* (Chicago: Henry Regnery, 1971), 52.

Augustine in his writings. This study will show that a comparison of the texts will reveal Augustine's heavy dependence on Cicero in the formulation of his own Just War Theory.

This dependence upon Cicero is manifested especially in the basic concepts employed by Augustine in explaining his Just War Theory. Augustine bases his Just War Theory on three concepts that constitute the basis of this study: justice, natural and temporal law, and the commonwealth. Augustine's Just War Theory rests heavily on his definition of the commonwealth, and it allows the commonwealth to go to war for two specific reasons. A commonwealth can go to war in order to right a wrong that has been perpetrated against it by another state. It can also go to war to protect itself from destruction. Justice is the foundation of the Just War Theory, and it provides the justification of the two reasons for engaging in war. An examination of Augustine's concept of natural law and temporal law is also necessary to understand the conditions under which a just war can be pursued. Similarly, his concept of the commonwealth must likewise be examined in order to understand why the just war exists in the first place. An understanding of Augustine's dependence upon Cicero's writings for the framework of these three concepts will illuminate the extent of his dependence on Cicero's thought for the development of his Just War Theory.

Cicero's Influence on Augustine

Augustine was the son of a wealthy family and, as such, received a proper Roman education. Such an education in the late classical world included learning all the works of Cicero. Augustine, as will be demonstrated, has a reputation for having a formidable knowledge of the works of Cicero, and he repeatedly demonstrated his knowledge of Cicero's works in his own writings. It is important to realize the extent to which Cicero's writings had an effect on Augustine's own writings, particularly those dealing with his political theology, because only then can Augustine's reliance on Cicero's thought in regards to his Just War Theory be fully understood.

The education Augustine received relied heavily on reading the works of a handful of Roman authors, all of whom were pagan and predated the Christianization of the Roman Empire. According to Peter Brown, "Vergil, Cicero, Sallust and Terence were the only authors studied in detail."⁹ The writings of Cicero, particularly his political writings, were widely read in the late classical period.¹⁰ Cicero, due to his status as one of the solitary figures whose writings were studied in depth, had a major influence on Roman students in the late classical world.

It does not come as a surprise, then, that Augustine referred often to the writers mentioned above. He singled out Cicero, though, for special consideration. Cicero, for

⁹ Peter Brown, *Augustine of Hippo* (Los Angeles: University of California Press, 1970), 36.

¹⁰ George H. Sabine, *A History of Political Theory* (3rd ed.; New York: Holt, Rinehart and Winston, 1961), 161.

example, is the only one of the above authors that Augustine mentioned as being an ordinary part of his own education. He wrote, “And at that time during the regular course of study I came across a certain book by Cicero.”¹¹ Cicero was commonplace in Roman education and, therefore, in Augustine’s academic training. The fact that Augustine was, as a student, reading Cicero is, therefore, not noteworthy in any way. He read Cicero’s writings during the usual course of his studies.

Augustine apparently learned Cicero’s writings quite well as a student. He has been recognized both by his contemporaries and by modern researchers as someone who knew a great deal of what Cicero wrote. His friend Alypius “boasted of his friend’s prowess as an expert on Cicero to university circles in Carthage.”¹² A student, Dioscorus, wrote to Augustine asking him to give his opinion on some parts of Cicero’s writings.¹³ The student Dioscorus wrote to Augustine for his opinion on Cicero’s writings because of Augustine’s reputation as someone who knew Cicero well. Augustine’s mastery of Cicero’s writings was, consequently, recognized during his own time, and it is still being recognized by those who research Augustine’s life and writings. Henri Marrou, for example, described Augustine as “un lettré antique, un disciple de Cicéron.”¹⁴ Augustine was in his own time and is at present known for his knowledge of the writings of Cicero.

The best gauge, however, of Augustine’s knowledge of Cicero and of the influence of Cicero’s writings on Augustine is found in Augustine’s own writings.

¹¹ “et usitato jam discendi ordine perveneram in librum quemdam Ciceronis.” Augustine, *Confessionum*, III.iv.7 (PL 32:13c).

¹² Brown, *Augustine of Hippo*, 299.

¹³ Edward Frank Humphrey, *Politics and Religion in the Days of Augustine* (New York: Columbia University Press, 1912), 156.

¹⁴ Henri Irénée Marrou, *Saint Augustin et la fin de la culture antique* (Paris: Éditions E. De Boccard, 1958), 543.

Augustine discussed in his writings the role Cicero played in his own life. Returning to the passage from the *Confessions* quoted above, Augustine credited Cicero with inspiring his conversion. He wrote,

And at that time during the regular course of study I came across a certain book by Cicero, whose tongue all men admire, but not his heart. But that book contains his exhortation to philosophy, and it is called *Hortensius*. That very book changed my affections, and to you, Lord, it changed my prayers, and it caused me to have other purposes and desires. (Augustine, *Confessionem*, III.iv.7)¹⁵

Augustine read Cicero's *Hortensius* and was inspired to entirely change his life. He said later in the *Confessions*, "By reading Cicero's *Hortensius*, I was aroused to pursue wisdom."¹⁶ The *Hortensius* did not immediately inspire Augustine to convert to Christianity, but it did inspire him to pursue wisdom. This pursuit of wisdom eventually led Augustine to Christianity, and Augustine recognized the *Hortensius* as the initial catalyst he needed to start him on the road towards conversion. If it were not for Cicero, perhaps there would be no St. Augustine!

As important as the *Hortensius* was to Augustine, Cicero's *De re publica* has had a much greater impact on his thought. He relied to varying extents on Cicero's *De re publica* in many of his own writings. According to George Sabine, "though the text of the *Republic* was lost after the twelfth century and not recovered until the nineteenth

¹⁵ "et usitato jam discendi ordine perveneram in librum quemdam Ciceronis, cujus linguam fere omnes mirantur, pectus non ita. Sed liber ille ipsius exhortationem continet ad philosophiam, et vocatur Hortensius. Ille vero liber mutavit affectum meum, et ad te ipsum, Domine, mutavit preces meas, et vota ac desideria mea fecit alia."

¹⁶ "lecto Ciceronis Hortensio, excitatos eram studio sapientiae." Augustine, *Confessionem*, VIII.vii.17.

century, its most striking passages had already been excerpted into the books of Augustine and Lactantius.”¹⁷ Augustine preserved a large portion of Cicero’s *De re publica* in his own seminal work *De civitate Dei*, either by paraphrasing it or by quoting it directly. Several key pieces of evidence of the connection between the elements of Augustine’s Just War Theory and Cicero’s political philosophy involve quotations and paraphrases of *De re publica* found in *De civitate Dei*. Significantly, the only fragment of *De re publica* containing Cicero’s Theory of Just War is contained in *De civitate Dei*. Augustine thought so highly of Cicero’s theory, and it had such a huge impact on his thought, that he preserved it in what could arguably be considered his greatest work.

Other works by Augustine also contain paraphrases or quotes from *De re publica*. Augustine paraphrased *De re publica* in his letters, such as in *Epistula XCI*.¹⁸ In his *Epistula CXXXVIII*, Augustine paraphrased and critiqued Cicero’s praise of Julius Caesar and quoted Cicero’s description of the formation of a commonwealth from *De re publica*.¹⁹ Augustine quoted Cicero’s thought that men are born weak, physically, but they possess a spark of divine reason, found in the third book of *De re publica*, in his *Contra Iulianum*.²⁰ Consequently, because Augustine frequently referred to *De re publica* and other writings of Cicero in his own writings, a significant portion of his thought was dependent upon Cicero’s writings, particularly *De re publica*.

The most telling sign of the influence of Cicero’s thought on Augustine’s thought, however, is *De civitate Dei* itself. Its structure roughly resembles that of *De re publica*. The subject of the commonwealth in *De re publica* and the City of God in *De civitate Dei*

¹⁷ Sabine, 163.

¹⁸ Augustine, *Epistula XCI*, 3-4 (CSEL 34:427-435).

¹⁹ Augustine, *Epistula CXXXVIII*, 9 (CSEL 44:126-148).

²⁰ Augustine, *Contra Iulianum*, IV.xii.60-61 (PL 44:10c).

is introduced and the purpose of the work is explained in the first part of each work.²¹

Cicero and Augustine each, then, proceeded to describe the history of the Roman political state.²² Augustine then diverged from the structure of *De re publica* into a Christian apology that spans books VI through XVIII of *De civitate Dei*. He refuted the gods and the philosophers, and then he described the sacred history of the heavenly and earthly cities.²³ This is quite a noticeable divergence from *De re publica*, which with the possible exception of questioning the philosophical ideas of particular philosophers such as Plato and Aristotle, does not contain material of this nature.²⁴ Augustine returned to Cicero's form in the last four books of *De civitate Dei*. In both the last four books of Augustine's *De civitate Dei* and the last book of Cicero's *De re publica*, the components of the Just War Theory, justice, natural and temporal law, and the commonwealth are detailed, and this is where each scholar explained their thoughts about just war.²⁵ The last part of *De re publica*, commonly known as "Scipio's Dream," and the last three books of *De civitate Dei* describe the afterlife. They each present a favorable afterlife for the people who devote their lives to the service of the commonwealth and the City of God, respectively. Augustine obviously did not copy the structure of *De re publica* exactly, but he seems to have been inspired by it to the point that *De civitate Dei* bears more than a passing resemblance to it.

Cicero's *De re publica* deeply affected Augustine's way of thinking and writing.

Augustine quoted and paraphrased it in his writings to the point that he helped preserve a

²¹ Cicero, *De re publica*, I; Augustine, *De civitate Dei*, I.

²² Cicero, *De re publica*, II; Augustine, *De civitate Dei*, II-V.

²³ Augustine, *De civitate Dei*, VI-XVIII.

²⁴ Cicero, *De re publica*, III.viii.

²⁵ Cicero, *De re publica*, III; Augustine, *De civitate Dei*, XIX.

large portion of the text when it was lost. *De re publica*, therefore, is important for understanding the relationship between Cicero's political philosophy and Augustine's Just War Theory, because Cicero explains his ideas about justice, natural and temporal law, the commonwealth, and just war in it. Augustine took these concepts from Cicero and combined them with his Christian theology to form his Just War Theory.

Chapter 2

Justice

The foundational element of Augustine's Just War Theory is the virtue of justice. This is not a virtue that only impacts a person internally, as will be shown, but involves a sense of civic justice, a virtue that impacts a person's external environment. Augustine based his concept of justice on the definition of justice as a civic virtue provided by Cicero, which is one of the elementary ideas in Cicero's political philosophy. Augustine then altered Cicero's definition of justice to fit his Christian religious beliefs, resulting in a change of focus that affected every aspect of his political thought, particularly his Just War Theory.

Justice, in Cicero's thought, is service to others, performing one's civic duty. It is the external performance of virtue that gives each person what each is due. Cicero described his concept of justice in *De officiis*. He wrote,

The first office of justice is to keep one man from doing harm to another, unless provoked by wrong; and the next is to lead men to use common possessions for the common interests, private property for their own. . . .

But since, as Plato has admirably expressed it, we are not born for ourselves alone, but our country claims a share of our being, and our friends a share; and since, as the Stoics hold, everything that the earth produces is created for man's use; and as men, too, are born for the sake of

men, that they may be able mutually to help one another; in this direction we ought to follow Nature as our guide, to contribute to the general good by an interchange of acts of kindness, by giving and receiving, and thus by our skill, our industry, and our talents to cement human society more closely together, man to man. (Cicero, *De officiis*, I.vii)²⁶

Cicero defined justice as selflessness in the performance of one's civic duties. Justice seeks the wellbeing of others in order to promote the strength and stability of human society. The only function Cicero assigned to justice is a social function.

Augustine also assigned justice a social function. His definition of justice is brief, but it agrees with and was influenced by that of Cicero. Augustine presented his definition of justice in the midst of a commentary on the commonwealth as presented by Cicero in *De re publica*. Augustine wrote, "Furthermore justice is that virtue which gives to each whatever is their due."²⁷ This is not an inner virtue so much as it is a virtue that is defined by its outward expression, the way it treats other human beings. Just as Cicero's definition of justice is primarily concerned with the fair treatment of other people through the proper performance of one's civic duties, Augustine's definition of justice is concerned with the treatment of other people, which he also applied to the proper performance of civic duty.

²⁶ "Sed iustitiae primum munus est, ut ne cui quis noceat nisi lacessitus iniuria, deinde ut communibus pro communibus utatur, privates ut suis. . . . Sed quoniam, ut praeclare scriptum est a Platone, non nobis solum nati sumus ortusque nostri partem patria vindicate, partem amici, atque, ut placet Stoicis, quae in terris gignantur, ad usum hominum omnia creari, homines autem hominum causa esse generatos, ut ipsi inter se aliis alii prodesse possent, in hoc naturam debemus ducem sequi, communes utilitates in medium afferre mutatione officiorum, dando accipiendo, tum artibus, tum opera, tum facultatibus devineire hominum inter homines societatem. "

²⁷ "Iustitia porro ea virtus est, quae sua cuique distribuit." Augustine, *De civitate Dei*, XIX.xxi.

It is helpful at this point to note that the concept of justice and the other components of Augustine's Just War Theory sometimes sound as though they might have come from Aristotle, rather than from Cicero. This is not very likely, however, since Cicero had more than a passing acquaintance with the philosophy of Aristotle. He referred frequently to both Plato and Aristotle in the philosophical debate he presented in *De re publica*, including a consideration of their philosophical views about justice.²⁸ Since Augustine's thought was so heavily influenced by Cicero's thought, and since Augustine did not seem to have been very familiar with the works of Aristotle, it is most likely that a possible resemblance between Augustine's concept of justice and Aristotle's concept of justice was based on Cicero's use of Aristotle and that Augustine's concept of justice was primarily influenced by Cicero's concept of justice.

Both Cicero and Augustine used the word *iustitia* as their chosen word for justice in their definitions. This was not an uncommon word for the virtue justice in Latin. Augustine could easily have come upon it in the writings of another scholar, or he could have come up with it completely on his own. The important thing about his use of *iustitia* is where he used it. He discussed the nature of the commonwealth in Cicero's *De re publica* in Book XIX of *De civitate Dei*. One of the concepts Augustine addressed in this passage is Cicero's insistence on justice as the foundational element of the commonwealth. Significantly, Augustine inserted his own definition of justice right into the middle of this passage, indicating that he equated his own definition of justice with Cicero's definition of justice. Augustine did not just use the same word for justice as Cicero. He acknowledged by its placement in this passage that he shared Cicero's

²⁸ Cicero, *De re publica*, III.viii.

definition of justice. Augustine also made reference in this passage to another passage in Book II of *De civitate Dei* in which he discussed Cicero's ideas about the commonwealth from *De re publica*, located in Book II of this same work. In the passage in Book II, Augustine quoted *De re publica* several times, including one quote that shows Cicero's use of the word *iustitia*. Both he and Augustine used it in the same way, to identify it as a civic virtue. This indicates that Augustine was not just using the same word as Cicero, but that *iustitia* meant the same thing to Augustine as it does to Cicero.

Augustine, however, added another dimension to this concept of justice. He was a Christian, and he had developed some very Christian ideas about the source of justice and virtue in general. According to Marcia Colish, Augustine's "endorsement of the idea that moral acts are primarily intellectual acts. . . informs his assent to the Stoic principle that virtue lies within, in the good conscience of the individual who possesses a correct moral intention."²⁹ Augustine agreed with the Stoics, including Cicero, about virtue being internal to humans and coming from correct moral intentions, but he did not think those correct moral intentions could be innate to humans. Humans are subjected to Original Sin and are not capable of producing justice from within themselves. Augustine wrote,

For it cannot give itself the justice which it has lost and no longer has,
because the man received it when he was made, and by sinning has
certainly lost it. He receives justice, therefore, and on account of it he
may merit to receive blessedness. Wherefore the Apostle truly says to him
who begins to boast as though it were from his own good: 'For what has

²⁹ Marcia L. Colish, *The Stoic Tradition from Antiquity to the Early Middle Ages*, vol. 2 (Leiden: E. J. Brill, 1985), 209.

thou that thou hast not received? And if thou hast received, why doest thou boast as though thou hast not received it?' (I Cor 4:7) (Augustine, *De trinitate*, XIV.xv.21 (PL 42:15c))³⁰

Sin robbed humans of their original innate capacity for justice. Consequently, humans are not capable of producing justice on their own. Justice and the other virtues must then be given to humans by God. Only Christians, the true worshippers of God, are therefore capable of exercising true justice. Augustine wrote,

For if these are true virtues – and such cannot exist save in those who have true piety – they do not profess to be able to deliver the men who possess them from all miseries; for true virtues tell no such lies, but they profess that by the hope of the future world this life, which is miserably involved in the many and great evils of this world, is happy as it is also safe.

(Augustine, *De civitate Dei*, XIX.iv)³¹

He also wrote, “For though the soul may seem to rule the body admirably, and the reason the vices, if the soul and reason do not themselves obey God, as God has commanded them to serve Him, they have no proper authority over the body and the vices.”³² The main idea in these passages is that the only people who are capable of true virtue are those who also have true piety, which for Augustine was Christian piety. This true virtue

³⁰ “Justitiam quippe dare sibi non potest quam perditam non habet. Hanc enim, cum homo conderetur, accepit; et peccando utique perdidit. Accipit ergo justitiam, propter quam beatitudinem accipere mereatur. Unde veraciter ei dicitur ab Apostolo, quasi de suo bono superbire incipienti: *Quid enim habes quod non accepisti? Si autem accepisti, quid gloriaris quasi non acceperis?* (I Cor 4:7)”

³¹ “Si enim verae virtutes sunt, quae nisi in eis, quibus vera inest pietas, esse non possunt; non se profitentur hoc posse ut nullas misérias patiantur homines, in quibus sunt: neque enim mendaces sunt verae virtutes, ut hoc profiteantur; sed ut vita humana, quae tot et tantis hujus saeculi malis esse cogitur misera, spe futuri saeculi sit beata, sicut et salva.”

³² “Quamlibet enim videatur animus corpori, et ratio vitiis laudabiliter imperare; si Deo animus et ratio ipsa non servit, sicut sibi serviendum esse ipse Deus praecepit, nullo modo corpori vitiisque recte imperat.” Augustine, *De civitate Dei*, XIX.xxv.

is also *iustitia*, indicating that it is the same concept of justice that he defined in accord with Cicero's definition of justice as a civic virtue. According to Augustine, only Christians have the ability, though their submission to God's commands, to receive and thereby practice true virtue, including justice.

This contradicts Cicero's thought about the origins of virtue. Cicero followed a more classical line of thought when he declared that reason controlling the vices produced virtue. Cicero wrote, "True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrongdoing by its prohibitions."³³ Reason is the governor of one's actions. Reason suppresses vice and produces virtue and is innate in all humans. This is the primary source of disagreement between Cicero's definition of justice and Augustine's definition of justice.

Augustine did not, however, allow his Christianization of Cicero's definition of justice to cloud its original meaning as a civic virtue. Augustine instead recommended that virtue be used in the function of maintaining the present social order, just like Cicero asserted that justice be used to promote the bonds of society. Augustine advised Maecdonius, a Christian Roman official, in a letter to use the virtue God gave him in executing his secular duties. Augustine wrote, "If you recognize that you have received the virtues which you have, and if you return thanks to Him from whom you have received them, directing them to His service even in your secular office. . . then yours

³³ "Est quidem vera lex recta ratio naturae congruens, diffusa in omnes, constans, sempiterna, quae vocet ad officium iubendo, vetando a fraude deterreat; quae tamen neque probos frustra iubet aut vetat nec improbos iubendo aut vetando movet." Cicero, *De re publica*, III.xxii.

will be true virtues.”³⁴ This passage illustrates that Augustine did not need to change Cicero’s definition of justice in order to make it coalesce with his own Christian views about the source of virtue. Justice, according to both Cicero and Augustine, is an external product of internal virtue. The only change Augustine needed to make was to change the source of internal virtue from human reason to God.

Justice, according to Cicero and Augustine, is a virtue that is expressed through one’s treatment of others. When the commonwealth is wronged, both Cicero and Augustine agreed that the party committing the wrong should be punished. This holds true whether those committing the wrong are external or internal enemies of the commonwealth. Thus a commonwealth that punishes the party committing the wrong is acting out of justice when it declares Just War on the party.

³⁴ “Si enim uirtutes, quas accepisti, a quo acceperis, sentiens eique gratias agens eas ad ipsius cultum etiam in tuis istis saecularibus honoribus . . . uerae illae uirtutes erunt.” Augustine, *Epistula CLV*, 12 (CSEL 44:430-447).

Natural and Temporal Law

According to both Cicero and Augustine, when the commonwealth is wronged, justice demands that the party that has committed the wrong receive punishment. Those actions, as will be shown, are determined to be just or unjust based on whether or not they are allowed under the temporal law of the commonwealth, assuming the temporal law is based on the law of nature. The temporal law also contains the just punishments for unjust actions. Both Cicero and Augustine argued that temporal law should be based on natural law in order to ensure that it is just. As with justice, Augustine took his definition of natural law from Cicero then modified it with his Christian theology.

Cicero used Laelius, one participant in the philosophical debate that he set up in *De re publica*, as his mouthpiece to explain his views regarding natural law. Part of this explanation is contained in the preceding quote from Cicero about reason controlling the vices and producing virtue. The entire passage reads,

True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrongdoing by its prohibitions. And it does not lay its commands or prohibitions upon good men in vain, though neither have any effect on the wicked. It is a sin to try to alter this law, nor is it allowable to attempt to repeal any part of it, and it is impossible to abolish it entirely. We cannot be freed from its obligations by senate or

people, and we need not look outside ourselves for an expounder or an interpreter of it. And there will not be different laws at Rome and at Athens, or different laws now and in the future, but one eternal and unchangeable law will be valid for all nations and all times, and there will be one master and ruler, that is, God, over us all, for he is the author of this law, its promulgator, and its enforcing judge. Whoever is disobedient is fleeing from himself and denying his human nature, and by reason of this very fact he will suffer the worst penalties, even if he escapes what is commonly considered punishment. (Cicero, *De re publica*, III.xxii)³⁵

Cicero mentioned several important characteristics of natural law in this passage. Natural law is synonymous with reason. It applies to everyone; no one is exempt from it or its ability to control the vices and produce virtue. Natural law is unchangeable, and it is eternal. It can be, but should not be, abrogated by human temporal law. It requires no interpreters. Natural law originated with God, but it is important to remember that Cicero was not a Christian and could not have been referring to the Christian God, because he died before Christianity came into existence. Except for God being its originator, there is nothing surprising about Cicero's definition of natural law.

It would be profitable to gain an understanding of the nature of the God to which Cicero was referring. He wrote,

³⁵ "Est quidem vera lex recta ratio naturae congruens, diffusa in omnes, constans, sempiterna, quae vocet ad officium iubendo, vetando a fraude deterreat; quae tamen neque probos frustra iubet aut vetat nec improbos iubendo aut vetando movet. Huic legi nec obrogari fas est neque derogari ex hac aliquid licet neque tota abrogari potest, nec vero aut per senatum aut per populum solvi hac lege possumus, neque est quaerendus explanator aut interpres eius alius, nec erit alia lex Romae, alia Athenis, alia nunc, alia posthac, sed et omnes gentes et omni tempore una lex et sempiterna et immutabilis continebit, unusque erit communis quasi magister et imperator omnium deus, ille legis huius inventor, disceptator, lator; cui qui non parebit ipse se fugiet ac naturam hominis aspernatus hoc ipso luet maximas poenas, etiamsi cetera supplicia, quae putantur, effugerit."

But as a matter of fact nothing exists that is superior to god; it follows therefore that the world is ruled by him; therefore god is not obedient or subject to any form of nature, and therefore he himself rules all nature. In fact if we concede divine intelligence, we concede also divine providence, and providence exercised in things of the highest moment. Are then the gods ignorant what things are of the highest moment and how these are to be directed and upheld, or do they lack the strength to undertake and to perform duties so vast? But ignorance is foreign to the divine nature, and weakness, with a consequent incapacity to perform one's office, in no way suits with the divine majesty. This proves our thesis that the world is governed by divine providence. (Cicero, *De natura deorum*, II.xxx)³⁶

God was not the same as one or all of the gods to Cicero. Cicero referred to God in the singular, whereas he referred to the gods of the pantheon in the plural. Cicero's God was not any one of the gods that he esteemed over the others, either, since Cicero physically located God above the other gods in the order of nature. God existed above nature and controlled nature, whereas the other gods, whose existence Cicero did acknowledge, existed within nature and were part of it. Cicero's God was transcendent, omniscient and omnipotent. Cicero also wrote,

. . . so it would have been the proper course for the philosophers, if it so happened that the first sight of the world perplexed them, afterwards when

³⁶ "Nihil est autem praestantius deo; ab eo igitur mundum necesse est regi; nulli igitur est naturae oboediens aut subiectus deus, omnem ergo regit ipse naturam. Etenim si concedimus intellegentes esse deos, concedimus etiam providentes et rerum quidem maxumarum. Ergo utrum ignorant quae res maxumae sint quoque eae modo tractandae et tuendae, an vim non habent qua tantas res sustineant et gerant? At et ignoratio rerum aliena naturae deorum est et sustinendi muneris propter inbecillitatem difficultas minime cadit in maiestatem deorum. Ex quo efficitur id quod volumes, deorum providential mundum administrari."

they had seen its definite and regular motions, and all its phenomena controlled by fixed system and unchanging uniformity, to infer the presence not merely of an inhabitant of this celestial and divine abode, but also of a ruler and governor, the architect as it were of this mighty and monumental structure. (Cicero, *De natura deorum*, II.xxxv) ³⁷

Here Cicero called God the creator and ruler of the universe. This is, by Cicero's own indications in *De natura deorum*, the Stoic definition of God. It is most definitely not the Christian concept of God, as it is not a God that requires conversion of any sort or attempts to maintain any kind of personal connection with each believer. Cicero's God is unconcerned with believers. The sole concern of Cicero's God is maintaining the natural order of the universe. Cicero's concept of God differs greatly from Augustine's concept of God. Augustine was a Christian and believed in the traditional Christian God. Augustine's God, like Cicero's God, is also the ruler of the universe, but unlike Cicero's God, He demands worship and a personal relationship with each person, as will be seen later. Cicero's God does not have this need.

Despite the differences in their concepts of God, Augustine's concept of natural law does not differ significantly from that of Cicero. In the *Confessions*, he wrote, "I did not know that true interior justice, which judges not according to custom but by the most righteous law of almighty God. By this law the customs of various regions and times were adapted to times and places. But the law itself is everywhere and always the same;

³⁷ "sic philosophi debuerunt, si forte eos primus aspectus mundi conturbaverat, postea, cum vidissent motus eius finitos et aequabiles omniaque ratis ordinibus moderata inmutabilique constantia, intellegere inesse aliquem non solum habitorem in hac caelesti ac divina domo sed etiam rectorem et moderatorem et tamquam architectum tanti operis tantique muneris."

it is never one thing in one place and different in another.”³⁸ Both Cicero and Augustine were communicating the same concept in their descriptions of natural law. Augustine did not use the same exact words for natural law as Cicero, but their terminology is suspiciously close. Cicero called natural law *vera lex*, or true law, which he also called *recta ratio naturae congruens*, or right reason in agreement with nature. This combination of words is presented in one phrase, and it resembles Augustine’s term for natural law. Augustine calls natural law *lege rectissima*, or righteous law. This seems to be closely related to the terms Cicero used for true law and right reason, which are presented in succession: *vera lex recta ratio*. Augustine and Cicero also used similar terms for the characteristics of natural law. Cicero called it *diffusa in omnia*, which literally means diffused throughout all, but it could also mean universal. Augustine used a different term, *ubique*, to mean universal, but it has the same implication as Cicero’s *diffusa in omnia*. Both terms indicate that natural law is not just present everywhere, but that it is all-pervasive. Cicero also called natural law *constans* and *sempiterna*, or unchanging and everlasting. Augustine combined both ideas into one term, *ipsa . . . semper*, which literally means always itself or always the same thing. Cicero’s *sempiterna* contains the same word as Augustine’s *semper*, and both terms include the idea of the eternal and unchangeable character of natural law. Both authors emphasized this with similar references to the fact that, according to their definitions, natural law is no different in one place or time than it is in another place or time. Cicero said that natural law is not *alia lex Romae, alia Athenis, alia nunc, alia posthac*, or one law in

³⁸ “Et non noveram justitiam veram interiorem, non ex consuetudine judicantem, sed ex lege rectissima Dei omnipotentis, qua formarentur mores regionum et dierum pro regionibus et diebus ; cum ipsa ubique ac semper esset, non alibi alia, nec alias aliter.” Augustine, *Confessionum*, III.vii.13.

Rome, another in Athens, one law now, and another law in the future. Augustine used the same type of phrase when he said natural law is not *alibi alia, nec alias aliter*, one thing in one place and another thing in another place. This seems to be a somewhat condensed version of Cicero's phrase. Cicero and Augustine did not use the exact same terminology to describe natural law, but it seems as though Augustine based his terminology on that of Cicero.

According to Augustine, the natural law, since it determines whether something is just or unjust, is the law that was transgressed when humans committed the first sin. Augustine wrote, "But by nature, as God first created us, no one is the slave either of man or of sin. This servitude is, however, penal, and is appointed by that law which enjoins the preservation of the natural order and forbids its disturbance; for if nothing had been done in violation of that law, there would have been nothing to restrain by penal servitude."³⁹ Transgression of the natural law introduced sin into the world. Humans transgressed the natural law when they tried to become like God, defying the natural order. Natural law dictates that God is higher than humanity, and this cannot be changed. The term Augustine used for natural law in this passage is *ea lege ordinator*, or the law that orders or preserves order, and he described this law by calling it *quae naturalem ordinem conservari iubet*, or that which commands the preservation of the natural order. God is the author of the natural order, and defiance of the natural order is defiance against God. Augustine included this idea in a letter to Hilarius in which he wrote, "But, all the sinners of the earth become prevaricators by transgressing against the other law

³⁹ "Nullus autem natura, in qua prius Deus hominem condidit, servus est hominis, aut peccati. Verum et poenalis servitus ea lege ordinatur, quae naturalem ordinem conservari jubet, perturbari vetat: quia si contra eam legem non esset factum, nihil esset poenali servitute coercendum." Augustine, *De civitate Dei*, XIX.xv.

which is found in the faculty of reason of the rational soul in all who have attained the age of reason.”⁴⁰ This relationship between the “other law” and reason reflects Cicero’s definition of natural law as “right reason in agreement with nature,” which seems to indicate a correlation between the two passages. This passage implies that the “other law” is natural law. Natural law comes from God and determines whether or not something is just. It communicates this justice to the human through the faculty of reason. Augustine’s concept of natural law is very similar to Cicero’s concept of natural law. It applies to everyone. It is unchangeable and eternal, and it requires no interpreters. It also originated with God and is comprehended by the human through reason.

Unlike Cicero, however, Augustine did not believe humans could discover natural law on their own. According to Augustine, knowledge of the natural law comes from divine illumination. Augustine wrote,

We ought rather to believe that the nature of the intellectual mind was so made that, by being naturally subject to intelligible realities, according to the arrangement of the creator, it sees these truths in a certain incorporeal light of a unique kind, just as the eye of the body sees the things all around it in this corporeal light. (Augustine, *De trinitate*, XII.xv.24) ⁴¹

In other words, the mind is only capable of comprehending realities that God reveals to it.

This concept is somewhat at variance with Cicero’s concept of God and His role with

⁴⁰ “Lege autem alia praeuaricata, quae est in usu rationis animae rationalis in aetate hominis iam ratione utentis, praeuaricatores fiunt omnes peccatores terrae.” Augustine, *Epistula CLVII*, 15 (CSEL 44:449-488).

⁴¹ “sed potius credendum est mentis intellectualis ita conditam esse naturam, ut rebus intelligibilibus naturali ordine, disponente Conditor, subijuncta sic ista videat in quadam luce sui generis incorporea, quemadmodum oculus carnis videt quae in hac corporea luce circumadjacent, cujus lucis capax eique congruens est creatus.”

respect to human comprehension of natural law. The philosophers mentioned above by Cicero did not need divine illumination to figure out what the world was. They just needed their own abilities to see, hear, and reason. Augustine, however, twisted Cicero's view of human capabilities to support his own theology of the necessity of divine illumination in order to comprehend natural law. Augustine wrote,

The world's sages affirm that philosophy contributes something to this – that philosophy which, according to Cicero, the gods have bestowed in its purity only on a few men. They have never given, he says, nor can ever give, a greater gift to men. So that even those against whom we are disputing have been compelled to acknowledge, in some fashion, that the grace of God is necessary for the acquisition, not, indeed, of any philosophy, but of the true philosophy. And if the true philosophy – this sole support against the miseries of this life – has been given by Heaven only to a few, it sufficiently appears from this that the human race has been condemned to pay this penalty of wretchedness. And as, according to their acknowledgment, no greater gift has been bestowed by God, so it must be believed that it could be given only by that God whom they themselves recognize as greater than all the gods they worship.

(Augustine, *De civitate Dei*, XXII.xxii)⁴²

⁴² “Ad quam rem etiam philosophiam prodesse dicunt docti hujus saeculi, quam dii quibusdam paucis, ait Tullius, veram dederunt. Nec hominibus, inquit, ab his aut datum est donum majus, aut potuit ullum dari: usque adeo et ipsi, contra quos agimus, quoquo modo compulsi sunt in habenda, non quacumque, sed vera philosophia divinam gratiam confiteri. Porro si paucis divinitus datum est verae philosophiae contra miseras hujus vitae unicum auxilium, satis et hinc apparet humanum genus ad luendas miseriarum poenas esse damnatum. Sicut autem hoc, ut fatentur, nullum divinum majus est donum, sic a nullo deo dari credendum est, nisi ab illo, quo et ipsi qui multos deos colunt, nullum dicunt esse majorem.”

In this passage, Augustine took Cicero's praise of the human intellect and used it to argue against the classical position, and Cicero's actual position, that humans can figure out the universe by using their reason. Cicero held the belief that only a few people are capable of using their reason to comprehend philosophy, and Augustine altered the meaning of this statement to indicate that there are only a few people who will know the true philosophy, which is God's wisdom, that can only be gained through divine illumination. While Cicero's God did not need to provide divine illumination the way Augustine's God did, Augustine drew on Cicero's Stoic concept of the transcendent God to change Cicero's argument to support the idea that true philosophy and the human reason through which true philosophy can be comprehended are only given to the individual by God through grace and divine illumination.

Both Cicero and Augustine viewed God as the engineer of the universe and of the natural order. Cicero called God the *architectum*, or architect, and he called the universe *muneris*, or a structure, in the passage from *De natura deorum*. Augustine referred to God with the term *Conditore*, or founder, in this passage from *De trinitate*, which brings to mind the traditional Roman phrase *ab condite urbem*, or from the founding of the city. Use of this term by Augustine is most likely meant to reflect Cicero's concept of God as an architect, but implies that God did not just build a structure, but that He built an entire city. God, according to both Cicero and Augustine, controls the universe and created the natural law, to which all people are subjected. Only in this way, though, did Cicero consider God to be the master of humanity, just as He is the master of the entire universe and everything in it.

Augustine and Cicero both acknowledged that God, whether or not it is the Christian God, is the source of natural law. They even seem to have agreed that God plays an active part in the administration of natural law and that obeying natural law means submitting to God as master, even though they disagreed on what submission to God meant for the individual. In the passage above, Cicero said, “But there will be one law, eternal and unchangeable, binding at all times upon all peoples; and there will be, as it were, one common master and ruler of men, namely God, who is the author of this law, its interpreter, and its sponsor.” This is a surprising statement coming from a pagan, but it does not seem to be the addition of an editor, since it matches the concept of God presented by Cicero at length in *De natura deorum*. The last sentence of this passage, though, gives the clue to Cicero’s perceived relationship between God and human. Cicero wrote, “Whoever is disobedient is fleeing from himself and denying his human nature, and by reason of this very fact he will suffer the worst penalties, even if he escapes what is commonly considered punishment.” According to Cicero a person submits to God as his or her master by living according to natural law and practicing virtue, which is “right reason in agreement with nature.” There is no personal relationship involved. Augustine did not need to alter Cicero’s concept of natural law at all because of this statement regarding God being the master of nature and the universe. He just reinterpreted the statement. Augustine wrote,

And justice, whose office it is to render to every man his due, whereby there is in man himself a certain just order of nature, so that the soul is subjected to God, and the flesh to the soul, and consequently both soul and flesh to God – does not this virtue demonstrate that it is as yet rather

labouring towards its end than resting in its finished work? (Augustine,
De civitate Dei, XIX.iv)⁴³

Augustine agreed with Cicero that people must practice virtue in order to follow natural law. This natural order makes people subject to God. Augustine, however, believed that obeying natural law, rather than only having applications to human affairs on earth, will advance a person toward their ultimate spiritual goal.

The above passage from Augustine indicates why natural law is important to the study of his Just War Theory. In it, Augustine implied that justice comes from the order of nature, or natural law. He stated the same idea more clearly in the passage above that is taken from the *Confessions*, in which he said that true interior justice judges according to God's righteous law, natural law. This concurs with Cicero's thought that virtue comes from natural law. Both Cicero and Augustine thought that justice, along with the other virtues, comes from natural law through reason, and both thought natural law originated with God. Significantly, both Cicero and Augustine also thought that obedience to the natural law means submission to God as master. Only Augustine, however, meant that humans, after Original Sin, must receive justice and the understanding of natural law from God. Cicero did not mention the need for divine illumination or divine grace in regard to any aspect of his political philosophy.

The connection between natural law and justice reinforces the connection between God and justice, explaining that humans receive justice from God by allowing themselves to be guided by natural law through the use of their reason, although Augustine also

⁴³ "Quid iustitia, cuius munus est sua cuique tribuere (unde fit in ipso homine quidam iustus ordo naturae, ut anima subdatur Deo et animae caro, ac per hoc Deo et anima et caro), nonne demonstrat in eo se adhuc opere laborare potius, quam in huius operis jam fine requiescere?"

emphasized the role of divine illumination in this process. Understanding the connection between justice and natural law also builds the connection between justice and what Augustine called *temporal law*, or laws created by humans. According to both Cicero and Augustine, temporal law is not natural law. It should be based on natural law and should reflect natural law, but the two are not synonymous. Marcia Colish said Cicero “translates the Stoic idea of natural law as an ethical and cosmic principle into a legal principle to be used as the norm of the legitimacy of the civil law of a given historical community.”⁴⁴ Cicero, consequently, used the connection between virtue and natural law as a basis for specific laws for use in a specific time and place. Cicero wrote,

For then the man who rules others is not himself a slave to any passion, but has already acquired for himself all those qualities to which he is training and summoning his fellows. Such a man imposes no laws upon the people that he does not obey himself, but puts his own life before his fellow-citizens as their law. (Cicero, *De re publica*, I.xxxiv)⁴⁵

The ruler Cicero mentioned is the ideal ruler who governs his life according to the natural law and is, therefore, a virtuous person. That does not mean that the laws he makes for his citizens are equal to the natural law. The laws made by this ruler reflect the natural law and encourage the practice of virtue among his fellow-citizens. The ruler’s citizens must obey the temporal law this ruler has made, but he also provides them, through the way he lives his own life, with an example of how to follow the natural law themselves and to govern their lives according to virtue, as he has. The difference between the

⁴⁴ Colish, vol. 1, 96.

⁴⁵ “Virtute vero gubernante rem publicam quid potest esse praeclarius, cum is, qui inperat aliis, servit ipse nulli cupiditati, cum, quas ad res civis instituit et vocat, eas omnis complexus est ipse nec leges inponit populo, quibus ipse non pareat, sed suam vitam ut legem praefert suis civibus?”

ruler's life and the law he makes illustrates the relationship between natural law and temporal human law. Cicero argued that temporal law could and should be based on natural law, but human law is not the equivalent of natural law.

Augustine also thought that temporal law should be based on, but was not equal to, natural law. He wrote, "There is nothing just or legitimate in temporal law save what men have derived from the eternal law."⁴⁶ Its validity as a law, consequently, would be judged by whether or not it is based on natural law. A just temporal law could only be a temporal law that is derived from the natural law. Augustine also wrote, "I did not know that true interior justice, which judges not according to custom but by the most righteous law of almighty God. By this law the customs of various regions and times were adapted to times and places. But the law itself is everywhere and always the same; it is never one thing in one place and different in another."⁴⁷ Temporal laws vary according to different times and places, but natural law is always the same in every time and place. Some temporal laws are closer to natural law, making them more valid, and some temporal laws are further from natural law, making them less valid.

Cicero and Augustine did not describe the relationship between natural and temporal law using the same words, nor did they use the same conventions to do so. They did, however, still convey the same meaning and intention. In Cicero's passage, the just ruler only makes laws that he himself is willing to follow. The word justice is not used to describe these laws, but Cicero made the assumption that the just man would only

⁴⁶ "Simul etiam te videre arbitror in illa temporali nihil esse justum atque legitimum, quod non ex hac aeterna sibi homines derivarint." Augustine, *De libero arbitrio*, I.vi.15 (PL 32:3c).

⁴⁷ "Et non noveram justitiam veram interiorem, non ex consuetudine judicantem, sed ex lege rectissima Dei omnipotentis, qua formarentur mores regionum et dierum pro regionibus et diebus; cum ipsa ubique ac semper esset, non alibi alia, nec alias aliter." Augustine, *Confessionum*, III.vii.13.

be willing to follow, and therefore to make, just laws. The just ruler bases those just laws on his own virtue, which comes from his own adherence to natural law. He, therefore, only makes just temporal laws, which are laws that conform to the natural law.

Augustine stated his case for the reliance of just temporal laws on natural law a bit more clearly and succinctly than Cicero when he said, “There is nothing just or legitimate in temporal law save what men have derived from the eternal law.” He left very little room for interpretation in this passage. Temporal laws can only be just if they are based on the natural law.

Natural law determines what justice is. Temporal laws, then, are just if they are based on natural law as much as possible. They provide the context for wrongdoing against the commonwealth in that temporal law declares actions just or unjust based on their compliance with natural law and, therefore, justice. Temporal laws also prescribe just punishments for wrongdoing. One possible form of punishment that can be used against either an external or internal aggressor is the just war. An understanding of justice and temporal law is crucial for understanding the commonwealth, the third element in Augustine’s Just War Theory.

Commonwealth

The next step in understanding the development of Augustine's Just War Theory is to understand the commonwealth. As conceived by Augustine and Cicero, their idea of the commonwealth builds on the concepts of justice and temporal law that have already been developed. This is a crucial step in understanding Augustine's Just War Theory, and as with the concepts of justice, natural law, and temporal law, Augustine took his concept of the commonwealth from Cicero's concept of the commonwealth and modified it with his Christian theology.

Cicero's concept of the commonwealth is dependent upon his definitions of justice and temporal law. Cicero puts his definition of a commonwealth into the mouth of Scipio, another participant in the debate presented in *De re publica*. Cicero wrote,

Well, then, a commonwealth is the property of the people. But a people is not any collection of human beings brought together in any sort of way, but an assemblage of people in large numbers associated in an agreement with respect to justice and a partnership for the common good. The first cause of such an association is not so much the weakness of the individual as a certain social spirit which nature has implanted in man. For man is not a solitary or unsocial creature, but born with such a nature that not

even under conditions of great prosperity of every sort [is he willing to be isolated from his fellow men.] (Cicero, *De re publica*, I.xxv) ⁴⁸

Cicero used the term *multitudinis iuris* to indicate that this passage is referring to a group of just people. These just people form a commonwealth by forming a *coetus consensus et utilitatis communione sociatus*, or “an agreement with respect to. . . a partnership for the common good.” Cicero implied in this statement that law is an essential part of a commonwealth, and that its citizens come to an agreement about a law promoting justice and a partnership for the common good. Cicero also indicated that justice is necessary to the formation of the commonwealth in another passage, but he said it in a negative fashion. Cicero wrote, “What the musicians call harmony in song is concord in a State, the strongest and best bond of permanent union in any commonwealth; and such concord can never be brought about without the aid of justice.”⁴⁹ Augustine also paraphrased Cicero’s description of a commonwealth in *De civitate Dei*, which indicates the importance he ascribed to Cicero’s concept of the commonwealth. Augustine wrote, “Then, at the request of the company, Laelius attempted to defend justice, and strained every nerve to prove that nothing is so hurtful to a state as injustice; and that without justice a republic can neither be governed, nor even continue to exist.”⁵⁰ Laelius is, as mentioned before, a participant in the debate in Cicero’s *De re publica*, and the other

⁴⁸ “Est igitur, inquit Africanus, res publica res populi, populus autem non omnis hominum coetus quoquo modo congregatus, sed coetus multitudinis iuris consensus et utilitatis communione sociatus. Eius autem prima causa coeundi est non tam inbecillitas quam naturalis quaedam hominum quasi congregatio; non est enim singulare nec solivagum genus hoc, sed ita generatum, ut ne in omnium quidem rerum adfluentibus copiis.”

⁴⁹ “et quae harmonia a musicis dicitur in cantu, ea est in civitate concordia, artissimum atque optimum omni in re publica vinculum incolumitatis, eaque sine iustitia nullo pacto esse potest.” Cicero, *De re publica*, II.xlii.

⁵⁰ “Tum Laelius rogantibus omnibus, iustitiam defendere aggressus est; asseruitque quantum potuit, nihil tam inimicum quam injustitiam civitati, nec omnino nisi magna iustitia geri aut stare posse rempublicam.” Augustine, *De civitate Dei*, II.xxi.

participants in the debate have given him the task of defending justice as it relates to the commonwealth. Augustine has condensed Laelius' argument into a few brief words that get at the heart of Cicero's argument in favor of justice in the commonwealth. This statement and the preceding passage from *De re publica* make it clear that Cicero thought that the commonwealth could not exist apart from justice. The two characteristics of a commonwealth, therefore, are people agreeing to live under a temporal law and to treat each other with justice.

Augustine agreed with Cicero's two requirements for the formation of a commonwealth, justice and temporal law. Augustine wrote in a letter to Marcellinus, "And what is the state but the generality of men united by the bond of common agreement? In their authors we read: 'In a short time a scattered and wandering mob became a state by mutual agreement.'"⁵¹ This passage mentions the necessity of common agreement among the citizens of the commonwealth. It implies through its reference to the founding of the Roman state that the common agreement is about agreeing to live under a particular temporal law. The quote from "their authors" Augustine used in this passage comes from Cicero's *De re publica*, which shows that Augustine took this part of the definition of the commonwealth from Cicero. Augustine mentioned the necessity of temporal law in a commonwealth in *De libero arbitrio*. He wrote, "A people is composed of men associated under one law, a temporal law."⁵² The word Augustine used in this passage for people is *populus*. This is a word that is closely related to the words Cicero used to describe a commonwealth or a republic. In the

⁵¹ "Quid est autem ciuitas nisi hominum multitudo in quoddam uinculum redacta concordiae? Apud eos enim legitur ita: 'Breui multitudo diuersa atque uaga Concordia ciuitas facta erat.'" Augustine, *Epistula CXXXVIII*, 10.

⁵² "nam ex hominibus una lege sociatis, populus constat." Augustine, *De libero arbitrio*, I.vii.16.

definition of a commonwealth given at the beginning of this chapter, Cicero said, *Est igitur. . . res publica res populi*, or a republic is, therefore, a commonwealth (literally the affairs of the people). He went on to define a *populus* by assigning it the characteristics of a commonwealth. Cicero used the Latin words for people and republic in a very similar manner, and that is what Augustine did in this passage from *De libero arbitrio*. In this case, a people is the same thing as a commonwealth, and it is united under a common temporal law. Augustine also indicated the necessity of justice in the formation of a commonwealth in a negative fashion, just as Cicero did. He wrote, “Justice being taken away, then, what are kingdoms but great robberies?”⁵³ Here Augustine used the word *regna* to indicate that this kingdom is a political affiliation, but this kingdom exists without justice and, therefore, cannot be classified as a commonwealth. A true commonwealth requires justice to exist. Augustine thought, as did Cicero, that a commonwealth is made up of just people who agree to live under a common temporal law.

Augustine, however, altered the concepts of justice and natural law to fit his Christian theology, as has already been seen. Augustine’s Christianization of Cicero’s concepts of justice and natural law led to his Christianization of Cicero’s concept of the commonwealth. He wrote,

For, in the midst of that filth of depraved morals, and of an ancient decadent learning, it was eminently right for a heavenly authority to come and to bring relief by counseling voluntary poverty, chastity, kindness, justice, concord, true filial love, and those other virtues which are the light

⁵³ “Remota itaque iustitia, quid sunt regna, nisi magna latrocinia?” Augustine, *De civitate Dei*, IV.iv.

and strength of life, not only to make us lead this life with the utmost regard for honor, nor only for the sake of making the society of the earthly city as united as possible, but also that we may attain salvation and reach that heavenly and divine country, whose peoples are immortal. Faith, hope, and charity enroll us as citizens in that country, but, as long as we voyage far from it, we are to bear with those – if we cannot bring about their amendment – who hold that without punishing vice that state can survive, that state which the first Romans founded and increased by their virtues. (Augustine, *Epistula CXXXVIII*, 17)⁵⁴

Augustine implied in this passage that one of the purposes of the commonwealth is to punish vice and curb the sinful tendencies inherent in people after the Fall. He based this on his doctrine of Original Sin. As mentioned before, Augustine thought no human could produce virtue without God giving him or her the ability to produce virtue. Humans could only produce vice. According to Augustine, God has given humanity political systems in order to curb their tendencies toward vice and sin. Augustine wrote, “But because God does not wholly desert those whom He condemns, nor shuts up in His anger His tender mercies, the human race is restrained by law and instruction, which keep guard against the ignorance that besets us, and oppose the assaults of vice, but are themselves

⁵⁴ “In ista enim conluuie morum pessimorum et ueteris perditae disciplinae maxime uenire ac subuenire debuit caelestis auctoritas, quae uoluntariam paupertatem, quae continentiam, beniuolentiam, uisitam atque concordiam ueramque pietatem persuaderet ceterasque uitae luminosas ualidasque uirtutes non tantum propter istam uitam honestissime gerendam nec tantum propter ciuitatis terrenae concordissimam societatem uerum etiam propter adipiscendam sempiternam salutem et sempiterni quiusdam populi caelestem diuinamque rem publicam, cui nos adsciscit fides, spes, caritas, ut, quam diu inde peregrinamur, feramus eos, si corrigere non ualemus, qui uitiis inpunitis uolunt stare rem publicam, quam primi Romani constituerunt auxeruntque uirtutibus.”

full of labour and sorrow.”⁵⁵ Augustine used the words *divina gubernatione* in this passage to indicate that its subject is government directed by God. This government restricts the human tendency to commit vice, or sin, through the use of laws and punishments. According to Augustine, the function of the commonwealth, therefore, is to curb sin in order to promote its objective, which is salvation and eternal life.

The above passage from *Epistula CXXXVIII* is loaded with Augustine’s views about the commonwealth. In it, he stated that virtue came from God, rather than from humans, when He determined it was time to give virtue to humanity. One of the functions of these God-given virtues that Augustine listed is to make the commonwealth as unified as possible. Augustine seems to have implied that a commonwealth might be possible to a certain extent without involving God or Christianity, but it could never realize its full potential. Only Christians, who have received virtue from God, can unify the commonwealth to the ultimate extent. Only Christians have received divine illumination regarding the natural law, so only they can create temporal laws that best approximate imitation of the natural law. Christians practice true virtue and unite under a temporal law based on the natural law established by God to form the best commonwealth it is possible to achieve while still on earth.

It may be useful at this point to explain that Augustine frequently applied his political theology regarding the commonwealth to the Roman political state of his day. He did so in the above passage from *Epistula CXXXVIII*, and he also did so in *Epistula CLV*. Both of these are letters written to Roman political officials who were also

⁵⁵ “Sed divina gubernatione non omni modo deserente damnatos, et Deo non continente in ira sua miserationes suas, in ipsis sensibus generis humani prohibitio et eruditio contra istas, cum quibus nascimur, tenebras vigilant, et contra hos impetus opponuntur, plenae tamen etiam ipsae laborum et dolorum.” Augustine, *De civitate Dei*, XXII.xxii.

Christians. In them, Augustine encouraged each of them to apply his political theology of the commonwealth to the duties required by their political positions. Augustine, however, seems to have been aware of the problem of applying his political theology to the Roman Empire. He never claimed that the Roman Empire was a perfect commonwealth. He wrote,

But accepting the more feasible definitions of a republic, I grant there was a republic of a certain kind, and certainly much better administered by the more ancient Romans than by their modern representatives. But the fact is, true justice has no existence save in that republic whose founder and ruler is Christ, if at least any choose to call this a republic; and indeed we cannot deny that it is the people's weal. (Augustine, *De civitate Dei*, II.xxi)⁵⁶

Augustine admitted in this passage that the only commonwealth based on true justice is the City of God, but he hesitated in this assertion, which is seen in his choice of phrases: *si et ipsam rempublicam placet dicere*, or if it pleases anyone to call it a commonwealth. Perhaps in this passage he was conceding the point that the City of God is not a commonwealth according to the definition he himself gives, since the City of God was created by God, not by the agreement of its citizens. The Roman Empire, on the other hand, was a commonwealth for exactly that reason. Rome was founded by just people agreeing to live under a temporal law, which Augustine grudgingly admitted in the above passage. Augustine never equated Rome with either the City of God or the city of earth.

⁵⁶ "Secundum probabiliores autem definitiones, pro suo modo quodam respublica fuit: et melius ab antiquioribus Romanis, quam a posterioribus administrata est. Vera autem justitia non est, nisi in ea respublica, cujus conditor rectorque Christus est; si et ipsam rempublicam placet dicere, quoniam eam rem populi esse negare non possumus."

Rome was an altogether separate entity where the citizens of the City of God and the city of earth were both present. Whether or not Rome was a commonwealth according to theory, Augustine treated its governance as though it was the government of a commonwealth, and this became the testing ground for his Just War Theory.

Both Cicero and Augustine, therefore, agreed on the elements necessary to make a commonwealth. A commonwealth is made up of people agreeing to live according to justice under one common temporal law. Augustine qualified these elements by declaring that only Christians practice true justice and can make temporal laws based on the natural law, therefore the Christian commonwealth is the best and most strongly unified commonwealth possible. Augustine's Christianization was a substantial departure from Cicero's definition of a commonwealth. This Christianization, however, led to a much larger separation between their concepts of a commonwealth. Cicero and Augustine disagreed about the purpose of the commonwealth.

Cicero, as would be expected, took the classical philosophical view of the purpose of the commonwealth. George Sabine sums up the purpose of Cicero's commonwealth: "The state, then, is a corporate body, membership in which is the common possession of all its citizens; it exists to supply its members with the advantages of mutual aid and just government."⁵⁷ This is reflected in Cicero's definition of a commonwealth. Since humans are compelled by nature to live in social groups, then it is reasonable to assume that the purpose of the commonwealth is to provide the safest and most advantageous social group possible for its citizens. According to Cicero, this is the goal of the commonwealth.

⁵⁷ Sabine, 166.

Augustine conceded that a commonwealth should provide its citizens with “justice and a partnership for the common good.” These things are, however, the means to an end rather than the end itself. Augustine wrote, “But as the word peace is employed in connection with things in this world in which certainly life eternal has no place, we [Christians] have preferred to call the end or supreme good of this city life eternal rather than peace.”⁵⁸ Peace is not the ultimate goal of the commonwealth. Eternal life is the ultimate goal of the commonwealth. Augustine also wrote, “It will be easier for a society whose peace is based on piety and justice to take thought for the conquered.”⁵⁹ Peace in this passage is a beneficial state for the commonwealth, because then the Christians in the commonwealth can tend to the spiritual well-being of, in most cases convert or reform, those who have been forcibly enrolled in the commonwealth. This passage also implies that a peace based on piety will restrict vice and promote justice. As stated earlier, Augustine thought humans have a great need to be restrained by the government of the commonwealth. The ultimate goal of the commonwealth, therefore, is to correct sinful human tendencies and to make sure that all people have the correct religious beliefs, thereby ensuring their future well-being in the afterlife.

This change in the purpose of the commonwealth is a major break between the thought of Cicero and the thought of Augustine. Augustine used Cicero’s definition of a commonwealth as his own definition in order to delineate the commonwealth from a kingdom without justice, but he gave it an otherworldly purpose, whereas Cicero gave his

⁵⁸ “Sed quoniam pacis nomen etiam in his rebus mortalibus frequentatur, ubi utique non est vita aeterna; propterea finem civitatis hujus, ubi erit summum bonum ejus, aeternam vitam maluimus commemorare quam pacem.” Augustine, *De civitate Dei*, XIX.xi.

⁵⁹ “Ad pietatis iustitiaeque pacatam societatem uictis facilius consulatur.” Augustine, *Epistula CXXXVIII*, 14.

commonwealth an earthly purpose. It was necessary for Augustine to give the commonwealth this spiritual purpose if it was to be accepted as something in which a Christian could participate. This spiritual purpose will also play a big part in Augustine's Just War Theory by justifying religious coercion on the part of the commonwealth.

Cicero and Augustine may not have agreed on the purpose of the commonwealth, but they agreed in their characterization of it. In attempting to explain the function of the commonwealth, they both related the commonwealth to the family. This was an easy association to make, since the commonwealth and the family are both social institutions. Both Cicero and Augustine considered the commonwealth to be the family on a large scale.

Cicero considered the commonwealth to be part of the natural order of the universe. He asserted that the commonwealth was created by the human tendency to seek out and join with other humans. Immediately following his definition of a commonwealth, he wrote, "The first cause of such an association is not so much the weakness of the individual as a certain social spirit which nature has implanted in man. For man is not a solitary or unsocial creature, but born with such a nature that not even under conditions of great prosperity of every sort [is he willing to be isolated from his fellow men.]"⁶⁰ The same social nature that produces the commonwealth also produces the family. The family and the commonwealth are part of the same hierarchy of the social and natural order. Cicero wrote that without the commonwealth "existence is impossible for a household, a city, a nation, the whole human race, nature and the

⁶⁰ "Eius autem prima causa coëundi est non tam inbecillitas quam naturalis quaedam hominum quasi congregation; non est enim singulare nec solivagum genus hoc, sed ita generatum, ut ne in omnium quidem rerum adfluentibus copiis." Cicero, *De re publica*, I.xxv.

universe itself.”⁶¹ In this passage, the commonwealth is higher than the family in the hierarchy, implying that the commonwealth is a larger version of the family. The commonwealth, like the family, is a natural product of human social behavior.

Augustine referred to this same hierarchy of social groups when he compared the commonwealth to the family. He wrote,

Since, then the house ought to be the beginning or element of the city, and every beginning bears reference to some end of its own kind, and every element to the integrity of the whole of which it is an element, it follows plainly enough that domestic peace has a relation to civic peace – in other words, that the well-ordered concord of domestic obedience and domestic rule has a relation to the well-ordered concord of civic obedience and civic rule. And therefore it follows, further, that the father of the family ought to frame his domestic rule in accordance with the law of the city, so that the household may be in harmony with the civic order. (Augustine, *De civitate Dei*, XIX.xvi) ⁶²

Augustine made a clear reference to the correlation between the family and the city, which he uses interchangeably with the commonwealth. He reinforced this comparison with his word choices in this passage. He connected *pax domestica*, or the peace of the household, with *pacem civicam*, or civic peace. The word *civicam* is an adjective

⁶¹ “Sine quo nec domus ulla nec civitas nec gens nec hominum universum genus stare nec rerum natura omnis nec ipse mundus potest.” Cicero, *De legibus*, III.i.

⁶² “Quia igitur hominis domus initium sive particula debet esse civitatis, omne autem initium ad aliquem sui generis finem, et omnis pars ad universi, cujus pars est, integritatem refertur: satis apparet esse consequens, ut ad pacem civicam pax domestica referatur, id est, ut ordinata imperandi obediendique concordia cohabitantium referatur ad ordinatam imperandi obediendique concordiam civium. Ita fit, ut ex lege civitatis praecepta sumere patremfamilias oporteat, quibus domum suam sic regat, ut sit paci accommodata civitatis.”

describing this peace as being the peace of the *civitate*, which can be translated in several ways. It can mean city, as it is translated in this passage, or it can mean state, as it is translated in Cicero's definition of the commonwealth.⁶³ It is more accurate in the above passage to translate *civitate* as state, since Augustine related it to other terms that were frequently applied by both him and Cicero to the commonwealth. For example, Augustine applied the word *concordia* to the *cohabitantium*, or the members of the household, and to the *civis*, or the citizens of a commonwealth. The word *concordia* is found frequently throughout both Cicero's and Augustine's writings about the commonwealth. Augustine also included in this passage references to the *lege civitatis*, or the law of the state, and the *paci civitatis*, or the peace of the state. Law and peace, as have been seen, are common themes in Augustine's theory of the commonwealth. The above passage, therefore, is not comparing the family to the city. It is comparing the family to the commonwealth.

Another way Augustine related the commonwealth to the family was by frequently juxtaposing the concepts of family and city without making a direct connection between the two, but relating them both to the same idea. For instance, he wrote,

But the families which do not live by faith seek their peace in the earthly advantages of this life; while the families which live by faith look for those eternal blessings which are promised, and use as pilgrims such advantages of time and of earth as do not fascinate and divert them from God, but rather aid them to endure with greater ease, and to keep down the

⁶³ Cicero, *De re publica*, II.xlii.

number of those burdens of the corruptible body which weigh upon the soul. (Augustine, *De civitate Dei*, XIX.xvii)⁶⁴

Following this is a statement about what the earthly and heavenly cities seek. Augustine wrote,

The earthly city, which does not live by faith, seeks an earthly peace, and the end it proposes, in the well-ordered concord of civic obedience and rule, is the combination of men's wills to attain the things which are helpful to this life. The heavenly city, or rather the part of it which sojourns on earth and lives by faith, makes use of this peace only because it must, until this mortal condition which necessitates it shall pass away.

(Augustine, *De civitate Dei*, XIX.xvii)⁶⁵

The commonwealth and the family are two social associations that share many characteristics and perform many of the same functions, as can be seen in these passages. Both the family in the first passage and the city, actually a *civitas*, which could be a state, in the second passage require *pacem terrenam*, or earthly peace. The earthly family and city seek earthly peace as their ends, but the family and city who live by faith utilize earthly peace during their time on this earth before they reach heaven. The word to describe both the heavenly family and the heavenly city while they are on earth is *peregrinatur*, which means pilgrimage. They are both on pilgrimage while they are on

⁶⁴ "Sed domus hominum qui non vivunt ex fide, pacem terrenam ex hujus temporalis vitae rebus commodisque sectatur. Domus autem hominum ex fide viventium, exspectat ea quae in futurum aeterna promissa sunt, terrenisque rebus ac temporalibus tanquam peregrina utitur, non quibus capiatur et avertatur quo tendit in Deum, sed quibus sustentetur ad facilius toleranda minimeque augenda onera corporis corruptibilis, quod aggravat animam."

⁶⁵ "Ita etiam terrena civitas, quae non vivit ex fide, terrenam pacem appetit; in eoque defigit imperandi obediendique concordiam civium, ut sit eis de rebus ad mortalem vitam pertinentibus humanarum quaedam compositio voluntatum. Civitas autem coelestis, vel potius pars ejus, quae in hac mortalitate peregrinatur, et vivit ex fide, etiam ista pace necesse est utatur, donec ipsa cui talis pax necessaria est, mortalitas transeat."

earth. The use of these terms and the proximity of these passages in *De civitate Dei* indicate that Augustine meant for there to be a connection between the two ideas.

Augustine often compared the family to the commonwealth in this manner. He also implied a comparison between the family and the commonwealth when he described how a just man interacts with his family. He wrote,

This is the origin of domestic peace, or the well-ordered concord of those in the family who rule and those who obey. For they who care for the rest rule – the husband the wife, the parents the children, the masters the servants; and they who are cared for obey – the women their husbands, the children their parents, the servants their masters. But in the family of the just man who lives by faith and is as yet a pilgrim journeying on to the celestial city, even those who rule serve those whom they seem to command; for they rule not from a love of power, but from a sense of the duty they owe to others – not because they are proud of authority, but because they love mercy. (Augustine, *De civitate Dei*, XIX.xiv)⁶⁶

The role of the just man's family members is to treat each other with justice, whether they are in positions of authority or subservience, and the outcome of such behavior will be concord within the family. Here again Augustine used several terms to imply the connection between this description of a family and his definition of a commonwealth.

He used the terms *pax domestica*, or domestic peace, *concordia cohabitantium*, or

⁶⁶ "Hinc itaque etiam pax domestica oritur, id est, ordinata imperandi obediendique concordia cohabitantium. Imperant enim qui consulunt: sicut vir uxori, parentes filiis, domini servis. Obediunt autem quibus consulitur: sicut mulieres maritis, filii parentibus, servi dominis. Sed in domo justii viventis ex fide, et adhuc ab illa coelesti civitate peregrinantis, etiam qui imperant, serviunt eis, quibus videntur imperare. Neque enim dominandi cupiditate imperant, sed officio consulendi; nec principandi superbia, sed providendi misericordia."

concord of the household, and *domo justi*, or the home of the just man, to imply a connection to the same words used time and again in his descriptions of the commonwealth. Justice is treated in this passage as a civic virtue that is employed by the family members in order to produce concord within the family, just as justice is used in relation to the commonwealth to produce concord in the commonwealth.

The concept of the commonwealth and the family being similar social institutions and performing many of the same functions gave Augustine the ability to create an interesting change in Cicero's Just War Theory, which will be seen later. Augustine, at this point asserted that the Christian commonwealth is the best commonwealth that human beings are capable of producing. This is because of the divine guidance of Christians. They receive justice and knowledge of the natural law from God through divine illumination, and they are able to make temporal law conform more to the natural law than their pagan counterparts. Thus, the Christian commonwealth is best in a position to create peace and concord, which in turn serve to allow the members of the commonwealth to tend to the spiritual welfare of all within the commonwealth. One way the Christian commonwealth attains peace and concord is by waging Just War.

Chapter 3

Just War

Cicero and Augustine both combined these various elements, justice, natural and temporal law, and the commonwealth, into their Just War Theories. Augustine based his Just War Theory on Cicero's Just War Theory, utilizing many of the same concepts and expressions as Cicero. He did not, however, agree with Cicero's more humanistic view of the purpose of the commonwealth. Augustine gave the commonwealth and, consequently, his Just War Theory a spiritual purpose.

As mentioned earlier, Augustine included Cicero's Just War Theory in *De civitate Dei*. Augustine wrote,

I am aware that Cicero, in the third book of his *De republica*, if I mistake not, argues that a first-rate power will not engage in war except either for honour or for safety. What he has to say about the question of safety, and what he means by safety, he explains in another place, saying, 'Private persons frequently evade, by a speedy death, destitution, exile, bonds, the scourge, and the other pains which event the most insensible feel. But to states, death, which seems to emancipate individuals from all punishments, is itself a punishment; for a state should be so constituted as to be eternal. And thus death is not natural to a republic as to a man, to whom death is not only necessary, but often even desirable. But when a

state is destroyed, obliterated, annihilated, it is as if (to compare great things with small) this whole world perished and collapsed. (Augustine, *De civitate Dei*, XXII.vi)⁶⁷

Augustine preserved Cicero's Just War Theory in this passage. He considered it important enough to his political theology and to his own Just War Theory to include it in *De civitate Dei*. Cicero declared that a Just War could be waged by the commonwealth in order for the commonwealth to fulfill its purpose of preserving peace and the mutual advantage enjoyed by its citizens. The word used for honor in this passage is *fide*, which has a wide variety of meanings. It could mean honor, but it could also mean a promise of protection. The commonwealth could wage just war in defense of its honor. It could also wage war in order to protect its citizens from the wrongdoing of another party, which could be part of the mutual advantage they enjoy as citizens in the commonwealth. This meant that it was waging war in order to punish the other party for committing a wrongdoing against the commonwealth. That is what Augustine meant by justice giving each his due. In addition to protecting its citizens, the commonwealth could wage war in order to protect itself from destruction. The word used for safety is *salute*, but it would probably be better translated as preservation. The commonwealth could also wage just war in order to preserve its existence. It could only preserve justice and mutual advantage for its citizens if it was still in existence, and therefore, preserving the

⁶⁷ "Scio in libro Ciceronis tertio, nisi fallor, de Republica, disputari, nullum bellum suscipi a civitate optima, nisi aut pro fide, aut pro salute. Quid autem dicat pro salute, vel intelligi quam salutem velit, alio loco demonstrans, *Sed his poenis*, inquit, *quas etiam stultissimi sentiunt, egestate, exsilio, vinculis, verberibus, elabuntur saepe privati, oblata mortis celeritate. Civitatibus autem mors ipsa poena est, quae videtur a poena singulos vindicare. Debet enim constituta sic esse civitas, ut aeterna sit. Itaque nullus interitus est reipublicae naturalis, ut hominis, in quo mors non modo necessaria est, verum etiam optanda persaepe. Civitas autem cum tollitur, deletur, exstinguitur: simile est quodammodo (ut parva magnis conferamus) ac si omnis hic mundus intereat et concidat.*"

commonwealth was imperative. The commonwealth requires the ability to wage just war in order to survive and fulfill its purpose as a commonwealth.

Augustine reflected Cicero's definition of Just War in his own writings.

Augustine wrote,

For peace is not sought in order that war may be aroused, but war is waged in order that peace may be obtained. . . . Yet, if human peace is so sweet for procuring the temporal salvation of men, how much sweeter is peace with God for procuring the eternal salvation of the angels! So let it be your necessity and not your choice that slays the enemy who is fighting against you. (Augustine, *Epistula CLXXXIX*, 6)⁶⁸

This passage does not specifically mention the term *just war*, but it does address the concept of just war. Augustine said in it that the purpose of war is to secure peace as a means to promote the temporal welfare of the citizens of the commonwealth, which echoes Cicero's concept of a just war, since the spiritual welfare of the citizens of the commonwealth relies on their temporal welfare and on the existence of the commonwealth. Augustine wrote,

But, say they, the wise man will wage just wars. As if he would not all the rather lament the necessity of just wars, if he remembers that he is a man; for if they were not just he would not wage them, and would therefore be delivered from all wars. For it is the wrong-doing of the opposing party which compels the wise man to wage just wars; and this wrong-doing,

⁶⁸ "Non enim pax quaeritur, ut bellum excitetur, sed bellum geritur, ut pax adquiratur. . . . Si autem pax humana tam dulcis est pro temporali salute mortalium, quanto est dulcior pax divina pro aeterna salute angelorum! Itaque hostem pugnantes necessitas perimat, non voluntas."

even though it gave rise to no war, would still be matter of grief to man because it is man's wrong-doing. Let every one, then, who thinks with pain on all these great evils, so horrible, so ruthless, acknowledge that this is misery. (Augustine, *De civitate Dei*, XIX.vii)⁶⁹

Augustine, however, never gave a completely coherent definition of a just war in his writings. He left it to the historian to piece his Just War Theory together.

Augustine's Just War Theory begins with justice. Justice, according to Cicero, is a civic virtue whose main purpose is to ensure that everyone in the commonwealth receives fair and honest treatment. Augustine combined this concept of justice with the concept of divine grace and illumination. No human can be just without God giving him or her the ability to practice justice. Christians receive justice and the other virtues from God, and it is the duty of the Christian to ensure that others are able to practice true virtue through conversion and, if necessary, compulsion. Like Cicero, Augustine considered political leaders to be in a position that enabled them to use their positions to compel others to live according to virtue, which Augustine interpreted to mean coming to a right belief. He wrote,

If you recognize that you have received the virtues which you have, and if you return thanks to Him from whom you have received them, directing them to His service even in your secular office; if you rouse the men subject to your authority and lead them to worship God, both by the

⁶⁹ "Sed sapiens, inquiunt, justa bella gesturus est. Quasi non, si se hominem meminit, multo magis dolebit justorum necessitatem sibi exstitisse bellorum; quia nisi justa essent, ei gerenda non essent, ac per hoc sapienti nulla bella essent. Iniquitas enim partis adversae justa bella ingerit gerenda sapienti: quae iniquitas utique homini est dolenda, quia hominum est, etsi nulla ex ea bellandi necessitas nasceretur. Haec itaque mala tam magna, tam horrenda, tam saeva, quisquis cum dolore considerat, miseriam fateatur."

example of your own devout life and by your zeal for their welfare,
whether you rule them by love or by fear; if, in working for their greater
security, you have no other aim than that they should thus attain to Him
who will be their happiness – then yours will be true virtues, then they will
be increased by the help of Him whose bounty lavished them on you, and
they will be so perfected as to lead you without fail to that truly happy life
which is no other than eternal life. (Augustine, *Epistula CLV*, 12)⁷⁰

This passage is from a letter to Macedonius, a Christian Roman public official, and in it Augustine is advising Macedonius to use his political position to compel others to accept Christianity. Interestingly, this is reminiscent of Cicero's description of the function of the just man who is a ruler, who compels others to live virtuous lives by imposing on his fellow-citizens the laws that he obeys and by giving them an example of the kind of life they ought to lead by leading one himself. Augustine seems to be taking a cue from Cicero that compulsion is necessary to produce virtue in some people.

Augustine also seems to have found consent for coercion in Cicero's application of temporal law in the commonwealth. Cicero wrote,

Therefore the citizen who compels all men, by the authority of magistrates
and the penalties imposed by law, to follow rules of whose validity
philosophers find it hard to convince even a few by their admonitions,

⁷⁰ "Si enim uirtutes, quas accepisti, a quo acceperis, sentiens eique gratias agens eas ad ipsius cultum etiam in tuis istis saecularibus honoribus conferas tuaeque potestati subditos homines ad eum colendum et exemplo religiosae tuae uitae et ipso studio consulendi seu fouendo seu terrendo erigas et adducas nihilque qliud in eo, quod per te securius uiuunt, uelis, nisi ut hinc illum promereantur, apud quem beate uiuent, et uerae illae uirtutes erunt et illius opitulatione, cuius largitate donatae sunt, ita crescent et perficientur, ut te ad uitam uere beatam, quae non nisi aeterna est."

must be considered superior even to the teachers who enunciate these principles. (Cicero, *De re publica*, I.ii)⁷¹

When the ruler of the commonwealth makes laws, they are just, due to his understanding of virtue and natural law, and the citizens of the commonwealth agree to live under these laws. The commonwealth would not exist without such laws. There is also a glimpse in this passage of the division Cicero made between people. There are those who are capable of being persuaded to act according to virtue, and there are those who are incapable of acting according to virtue on their own with no external persuasion. Those who are incapable of voluntarily living according to virtue can be compelled, through the authority of the political leaders and the punishments prescribed by the just laws of the commonwealth, to live according to virtue.

Augustine adjusted this concept of those who are capable of acting according to virtue and those who are not capable of acting according to virtue to fit the religious situation of his time. According to Augustine, there are those who are made capable by God of being persuaded to follow orthodox Christianity, and there are those who need to be compelled to accept orthodox Christianity. There had already been edicts issued by Rome's Christian emperors, mentioned above, punishing those who did not conform to orthodox Christianity. As seen before, Augustine acknowledged that Rome was not a true commonwealth, but Augustine used Rome as the subject against which he applied his political theories.⁷² The edicts of the Christian emperors could easily mesh with Cicero's concept of the just laws of the commonwealth in Augustine's thought. The

⁷¹ "Ergo ille civis, qui id cogit omnis imperio legumque poena, quod vix paucis persuadere oratione philosophi possunt, etiam his, qui illa disputant, ipsis est praeferendus doctoribus."

⁷² James E. Holton, "Marcus Tullius Cicero," in *History of Political Philosophy* (ed. Leo Strauss and Joseph Cropsey; Chicago: Rand McNally, 1963) 145; Augustine, *De civitate Dei*, II.xxi.

emperors were, with the exception of Julian the Apostate, Christians and, therefore, had been given the ability by God to be just and to fulfill the duties of the leader of the commonwealth, including the right and obligation to compel sinners and heretics to follow orthodox Christianity.

The compulsion of sinners to accept orthodox Christianity came naturally out of Augustine's modified purpose of the commonwealth. Contrary to the purpose of Cicero's commonwealth, the purpose of Augustine's commonwealth is to promote the spiritual wellbeing of its citizens. This spiritual wellbeing can only happen in a commonwealth that has achieved temporal peace, so Augustine agreed with Cicero that the commonwealth should be able to go to war to protect its citizens and to protect itself from extinction. Extinction can happen in two possible ways. An external aggressor can destroy the commonwealth through military assault, or an internal aggressor can destroy the commonwealth by refusing to live according to justice. As mentioned before, a commonwealth cannot exist without justice. The danger in a citizen who refuses to live according to justice comes from their influence on others. The unjust citizen could convince his fellow citizens to live unjust lives, and the commonwealth could become infected, as it were, with a disease that could ultimately kill it. Augustine saw those who did not adhere to orthodox Christianity in this light.

Augustine once again drew on Cicero to explain his attitude toward the internal enemies of the commonwealth. He wrote,

It is on this account that the words of Cicero so move the heart of every one, and provoke a sigh: "There are no snares more dangerous than those which lurk under the guise of duty or the name of relationship. For the

man who is your declared foe you can easily baffle by precaution; but this hidden, intestine, and domestic danger not merely exists, but overwhelms you before you can foresee and examine it.” (Augustine, *De civitate Dei*, XIX.5)⁷³

Internal enemies, according to both Cicero and Augustine, are the most difficult to discover and address before they bring harm to the commonwealth. These internal enemies, therefore, must be dealt with proactively. They should be persuaded, if at all possible, to live according to justice. If they cannot be persuaded, then they should be compelled to live according to justice, which is the proper Christian faith according to Augustine.

Augustine also picked up on Cicero’s reference to domestic enemies and interpreted it to mean enemies within the house as well as enemies within the commonwealth. These enemies must have their rebellious tendencies suppressed in order to ensure the peace of the commonwealth. Augustine wrote,

In his own home, too, he makes it his aim to be at peace with his wife and children, and any other members of his household; for unquestionably their prompt obedience to his every look is a source of pleasure to him. And if this be not rendered, he is angry, he chides and punishes; and even by this storm he secures the calm peace of his own home, as occasion demands. For he sees that peace cannot be maintained unless all the

⁷³ “Propter quod omnium pectora sic attingit, ut cogat in gemitum, quod ait Tullius: *Nullae sunt occultiores insidiae, quam hae quae latent in simulatione officii, aut in aliquo necessitudinis nomine. Nam eum qui palam est adversarius, facile cavendo vitare possis: hoc vero occultum, intestinum ac domesticum malum non solum existit, verum etiam opprimit, antequam prospicere atque explorare potueris.*”; cf. Cicero, *In verrem*, II.i.15.

members of the same domestic circle be subject to one head, such as he himself is in his own house. . . . And thus all men desire to have peace with their own circle whom they wish to govern as suits themselves. For even those whom they make war against they wish to make their own, and impose on them the laws of their own peace. (Augustine, *De civitate Dei* XIX.12)⁷⁴

In this passage, the household of this man is made peaceful by his use of anger and force, creating a concord among the members of his family. Augustine also translated the peace of this household into the peace of the commonwealth. Both the commonwealth and the family head wage war in order to maintain peace. Augustine related this same sentiment regarding war to the commonwealth in his letter to Boniface. He wrote, “You ought to have peace as the object of your choice and war only as the result of necessity, so that God may deliver you from the necessity and preserve you in peace; for peace is not sought in order that war may be aroused, but war is waged in order that peace may be obtained.”⁷⁵ These two passages use very similar terms to describe the relationship between war and peace. Peace, in both passages, is *pax*. It is combined with the verbs *cupere*, or to desire, in the first passage and *volare*, or to want, in the second passage. These verbs are used similarly to indicate that peace is the object of desire. This peace is gained by going to war. Both passages contain the phrase *bellum gerere*, which means to

⁷⁴ “In domo autem sua cum uxore et cum filiis, et si quos alios illic habet, studet profecto esse pacatus: eis quippe ad nutum obtemperantibus sine dubio delectatur, Nam si non fiat, indignatur, corripit, vindicat: et domus suae pacem, si ita necesse sit, etiam saeviendo componit. . . . Pacem itaque cum suis omnes habere cupiunt, quos ad suum arbitrium volunt vivere. Nam et cum quibus bellum gerunt, suos facere, si possint, volunt, eisque subjectis leges suae pacis imponere.”

⁷⁵ “Pacem habere debet voluntas, bellum necessitas, ut liberet deus a necessitate et conservet in pace. Non enim pax quaeritur, ut bellum excitetur, sed bellum geritur, ut pax adquiratur.” Augustine, *Epistula CLXXXIX*, 6.

wage war. The second passage, however, clearly states the relationship between war and peace with the phrase *sed bellum geritur, ut pax adquiratur*, “but war is waged in order that peace may be obtained.” Interestingly, while the reference to an enemy in the commonwealth is not specified as to whether it is internal or external, the enemy in the family seems to be a member of the household, an internal enemy. The relationship between these two passages signifies that Augustine felt that it was permissible to make war on internal enemies.

Augustine, as mentioned before, equated the commonwealth with the family. Since domestic enemies are family members, or fellow citizens in the case of the commonwealth, they are not to be treated with hatred but with love and concern for their welfare. Augustine wrote,

But we often have to act with a sort of kindly harshness, when we are trying to make unwilling souls yield, because we have to consider their welfare rather than their inclination, and this sort of thing has been lavishly praised in their literature describing the beginnings of the state. For, in punishing a son, however harshly, a father’s love is certainly not cast aside, yet what he does not want, and what makes him suffer, happens because it appears that he can be cured only by unwilling suffering. Thus, if the earthly state observes those Christian teachings, even war will not be waged without kindness, and it will be easier for a society whose peace is

based on piety and justice to take thought for the conquered. (Augustine,
Epistula CXXXVIII, 14)⁷⁶

This passage presents Augustine's complete argument for religious coercion, which is an indispensable part of his Just War Theory. Here he took Cicero's concepts of the commonwealth and just war and turned them into the justification for the commonwealth to enforce one particular religion, and one particular type of that religion, on its citizens. On the surface, this is not very different from Cicero's assertion that the duty of the leaders of the commonwealth was to compel those who could not live by justice to do so. Cicero's assertion is, however, an injunction that applies to social justice only. Social justice only mattered to Augustine, however, as it applied to promoting the temporal welfare of the commonwealth, enabling its leaders to better care for the spiritual wellbeing of its citizens.

⁷⁶ "Agenda sunt autem multa etiam cum inuitis benigna quadam asperitate plectendis, quorum potius utilitati consulendum est quam uoluntati, quod in principe ciuitatis luculentissime illorum litterae laudauerunt. Nam in corripiendo filio quamlibet aspere numquam profecto amor paternus amittitur; fit tame, quod nolit et doleat, qui etiam inuitus uidetur dolore sanandus. Ac per hoc si terrena ista res publica praecepta Christian custodiat, et ipsa bella sine beniuolentia non gerentur, ut ad pietatis iustitiaque pacatam societatem uictis facilius consulatur."

Chapter 4

Conclusion

This study of the impact of the political writings of Cicero on Augustine's formulation of his Just War Theory has pointed out that Augustine often borrowed from Cicero many of the basic concepts, definitions, and terms that he employed in his Just War Theory. Although he usually added to these elements a decidedly Christian orientation, he did so while retaining the basic structure provided by Cicero. Augustine seems to have been reluctant to change the structure of each element. He was, after all, the product of a classical, albeit late classical, education, and he showed a great deal of respect for Cicero and his philosophical thought. Consequently, each of these elements, justice, natural and temporal law, the commonwealth and the just war, retains a considerable degree of its classical form, but Augustine changed the meaning to suit his Christian theology.

The virtue justice is the primary element involved in the formulation of the theory. Justice is defined by both Cicero and Augustine as a civic virtue that requires a person both to live in such a manner that he seeks the good of others and to compel others to live the same way, sometimes through the use of just war. Augustine defined justice the same way Cicero did, but he added the idea that humans are impacted by Original Sin and can only practice justice if they have received the ability to practice justice from God through their belief in Him.

Natural law is defined by Cicero and Augustine as the law that governs the natural order. Both Cicero and Augustine asserted that God was the author of the natural law, but only Augustine added the requirement that humans must receive divine illumination, which God gives freely and cannot be compelled to do so, in order to perceive and comprehend the natural law. The natural law is the basis for the formulation of the temporal law of the commonwealth, according to both Cicero and Augustine. The temporal law was written by the just ruler of the commonwealth for the purposes of encouraging the citizens of the commonwealth to exercise justice, and it includes punishments, such as just war, for those who are unwilling to exercise justice in order to compel them to do so. Cicero argued for the exercise of justice for its own sake, but Augustine argued that the exercise of justice is an act of faith, so exercising justice became the equivalent of adhering to orthodox Christianity.

Cicero's definition of a commonwealth is based on his concepts of justice and temporal law: a commonwealth is a group of people who agree to live by justice under a common temporal law. Augustine agreed with this definition of a commonwealth but gave it Christian characteristics based on his Christianization of the concepts of justice and temporal law. Cicero and Augustine also agreed that the commonwealth is entitled to protect itself from those who would end its existence, either external enemies attacking it from the outside or internal enemies attacking it from the inside by refusing to live according to justice and the temporal law of the commonwealth, and they both considered such protection to be a just cause to declare war, making the war a just war. Cicero considered the internal threat to be those who would not live according to justice, but Augustine changed this according to his Christian perspective to equate those who would

not live according to justice with those who would not adhere to orthodox Christianity. The commonwealth must prevent its own destruction if it is to survive and fulfill its purpose. The purpose of the commonwealth, according to Cicero, is to maintain peace and concord. Augustine conceded that peace and concord are necessary elements in the commonwealth, but they are not its purpose. The purpose of the commonwealth, according to Augustine, is to maintain peace and concord in order to promote the spiritual welfare of its citizens, which includes compelling them, by just war if necessary, to adhere to orthodox Christianity. Both Cicero and Augustine also related the commonwealth to a family, since they both are natural human social organizations, in order to explain the function of the commonwealth. Augustine, in particular, related the commonwealth's punishment of those who do not exercise justice by adhering to orthodox Christianity to a father punishing his son in order to correct his son out of love for him. Augustine, therefore, relied heavily on Cicero for the framework of his Just War Theory, but he adjusted it to conform to his Christian outlook through his focus upon the need for divine grace and divine illumination.

This study illuminates the need for a reexamination of Augustine's works in light of his strong ties to the classical world. Past and recent scholarship, in general, has by either error or oversight failed to discover the true origins of Augustine's Just War Theory and to discuss it in detail. Only by a careful and detailed examination and comparison of Cicero's and Augustine's writings can those origins be uncovered. Augustine was perhaps more classical in outlook than previously assumed, rather than merely being "medieval" in his outlook with regards to his Just War Theory. He is indeed a transitional figure in history, but he had deep roots in the classical past. His tie

to the classical past is so firm that he takes the existent classical framework of Cicero's Just War Theory and adds his Christian outlook to it. It is not new or original on Augustine's part, which leads to the question of what other aspects of Augustine's thought remain unexplored or are not sufficiently explained. There is, perhaps, a need to reexamine all of Augustine's writings in general with regard to his classical borrowings and ties.

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