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MOVING TOWARDS JUS POST BELLUM: AN ANALYSIS OF THREE
CONTEMPORARY WRITERS THROUGH A KANTIAN LENS

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PHILOSOPHY

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PREVIEW

Contents

Preface.....	iv
Abstract	v
Chapter 1: Introduction: Background & Methodology.....	1
Chapter 2: Literature Review: Primary & Secondary Sources	31
Chapter 3: James Turner Johnson: Analysis of his works	73
Chapter 4: Jean Bethke Elshtain: Analysis of her works	102
Chapter 5: Eric Patterson: Analysis of his works.....	133
Chapter 6: Refutations & Replies: Arguments for & Against <i>Jus Post Bellum</i>	182
Chapter 7: Conclusion: Proposed Normative Set of Guidelines.....	215
Bibliography.....	225

Preface

This research stemmed from my sparked curiosity during a course taken during my work on my master's degree in International Relations. While this course taught me how little I knew about war, it also sparked in me the desire to learn more about the just war tradition throughout the rest of the program and prompted my delve into my doctorate. As war changes and we face new challenges this century we must hold to high ethical standards while full developing this tradition and bringing into the twenty-first century.

My success in this achievement would have not been possible without the support of so many. My mother, who has been there cheering for me since I decided to go back to school, and my husband and children for giving up many hours of family time to let me write, edit, and polish this document, and to my best friend for being my never-ending cheerleader as I work to achieve my dreams. And to my committee members for your advice and patience throughout the research and writing process. Thank you all for your support.

Abstract

This dissertation focuses on an analysis of the works of James Turner Johnson, Jean Bethke Elstain, and Eric Patterson through a Kantian lens to determine a set of normative guidelines for *jus post bellum*. The guidelines for *jus post bellum* were garnered from this analysis as well as other just war scholars including Brian Orend and Michael Walzer. Kant offers a deontological-based look at *jus post bellum* offering a guide to twenty-first century challenges facing the international community. The guidelines are presented as well as recommendations for areas outside the scope of this dissertation that are pertinent to *jus post bellum* and the just war tradition and to make the guidelines manageable and effective.

Chapter 1: Introduction

Introduction

War happens. It is read about daily, online and in newspapers, and the latest military casualties can be heard on the news each night. The just war tradition's aim is not to stop these wars from happening but to make sure that when they do occur, casualties are kept to a minimum and the annihilation of the states involved is not the result. The just war tradition offers guidelines as to the right reasons why a state should enter a war and how it should act during war time. While it may seem odd to worry about the justice and morality of whether a war is just, it is an important scholarly and political discussion. But what happens after the war? Whose responsibility is it to pick up the pieces and rebuild? This last part, *jus post bellum*, is a growing topic today, though no normative set of guidelines exists, as they do for *jus ad bellum* (going to war) and *jus in bello* (behavior during the war). The focus of this dissertation is this last part of the tradition—*jus post bellum*, or justice after the war. To what extent is justice after war possible? Throughout the dissertation's various chapters, considerations of *jus post bellum* will be explored, and a normative set of *jus post bellum* guidelines will be proposed. It is important to note that for the purposes of this dissertation war refers to armed conflict between nation-states and so *jus post bellum* refers to the phase after such a war has ceased. This is not to lessen the gravity of the war on terror (and it will be addressed in simplified terms throughout the dissertation) but to show the focus of this dissertation is on nation-states and their armed conflicts.

In this chapter the background to the project will be established, as well as its basic purpose. The three main authors under consideration will be introduced along with the methodology, terminology, and the intended outline for the project.

Background

The just war tradition offers nations a framework for deciding when it is morally acceptable to engage in warfare as well as how nations and military forces should conduct wars. It is a set of tenets based on a code of ethics, which offers principles that nation states should follow connecting the before, during, and after activities of those involved.¹ As a starting point, “war should be understood as an *actual, intentional and widespread* armed conflict between political communities.”² It is also important to note that war is judged by others twice. A war is judged before it is waged when others decide if it is just or not to enter the conflict, and then the actions of those involved are judged. Each area tends to be judged separately, though there are some who would argue that if the war does not begin justly, then no aspect is just.

Though many give credit to Christianity for the just war tradition, Aristotle is credited as creating the term *just war*. The tradition originates in a philosophical idea for thinking about war—whether it is right or wrong without bringing God, or other deities, into the conversation. Philosophers such as Aristotle and Plato, among others, thought that a state (nation today) was justified in going to war if its aim was to keep its people from becoming enslaved.³ Presently, this is readily agreed upon. On the

¹ Brian Orend, *The Morality of War* (Peterborough, Ont.: Broadview Press, 2006), 4.

² Ibid., 2.

³ Aristotle, *Politics*, trans. Benjamin Jowett (Infomotions, 2000), 6.

other hand, Aristotle also believed a nation could go to war to gain an empire and to gather slaves. Following the Greek's thoughts, came the thoughts of the Romans, particularly Cicero, who rejected Aristotle's ideas about empire and slavery. While Cicero agreed with Aristotle in that just cause is a necessary requirement for going to war, he also added that for any war to be considered just, the ruler must declare publicly his intentions to all involved. These became known as proper authority and public declaration.⁴ Following the Greek and Roman contributions to the just war tradition, Christians, such as Augustine and Aquinas, wove their own tenets into the tradition.

Augustine (AD 354-430) is often quoted and widely considered the most notable and most influential of the early theorists. According to Augustine, the purpose of war is peace. His contributions included right intention, both in *jus ad bellum* and *jus in bello*. He believed that soldiers and rulers should not receive any pleasure in their killing or harbor hatred for their enemies—right intention was not met otherwise.⁵ During the Dark Ages, the terms *Just War* and *Holy War* became interchangeable as Augustine “blurred the lines” between the two, echoing Aurelius Ambrosius, the fourth-century bishop of Milan. Holy War (*bellum sanctum*) refers to war for which, according to Augustine in the *City of God* books XVII-XXII, the approval can only come from God. This command can be found in scripture or can

⁴ Cicero, *The Loeb Classical Library. No. 213, . De Re Publica, De Legibus*, ed. James Loeb and G. P. Goold, trans. Clinton Walker. Keyes (Cambridge, Mass: Harvard University Press, 1928), 213.

⁵ Augustine, *The City of God, Books XVII-XXII (The Fathers of the Church, Volume 24)*, ed. Daniel J. Honan and Marcus Dodds, trans. Gerald Groveland. Walsh (Washington, DC: Catholic University of America Press, 2008), 420.

come from religious authority. A just war (*bellum justum*) is only concerned with morality, not religion or sacred scripture. On the positive side, the Crusades did result in progress to *jus in bello*. Calls for virtue during fighting and the prohibition of certain weapons (such as poisoned tipped swords), along with specifications for women and children as noncombatants were solidified by the Bible and Augustine's writings.⁶

By the time Thomas Aquinas (1225-1274) added proportionality to both *jus ad bellum* and *jus in bello*, the former included: just cause, right intention, public declaration, and proper authority. The latter included: noncombatant immunity, right intention, prohibited weapons, and the prohibition of unconditional surrender. Aquinas believed Holy Wars were legitimate if they prevented Christians from dying and their proponents were not trying to convert non-believers. He also pushed for stricter limits on proper authority for declaring wars. Following Aquinas, came a period of not only legitimizing certain wars, but also condemning the behaviors of some nations. Francisco de Vitoria (1483-1546), was the first to argue for rights regarding *jus ad bellum* to non-Christian communities, and he was adamant about secularism in the just war tradition. Vitoria took it a step further claiming that, while war can be used to reclaim losses and to seize goods to cover the cost of the war, it should only be waged when harm has been inflicted. He placed emphasis on the quality of evidence needed

⁶ Brian Orend, *The Morality of War* (Peterborough, Ont.: Broadview Press, 2006), 14.

to support going to war. Part of his argument was making sure the decision was not left entirely up to one individual.⁷

Hugo Grotius (1583-1645) took the work of prior theorists and attempted to bridge the gap between morality and law in his book, *On the Law of War and Peace* (1625). He wrote during a time when colonialization was widespread, as was the brutal treatment of those considered savages. He echoed the rejection of holy wars and later ended the debate on that issue. Religion was not decided by the nation, according to Grotius, but by the individual, making it an invalid reason for fighting a just war. He differed from those who came before him in two key areas. First, he felt past aggressions which had not been punished were still practical reasons for war (self-defense after the fact). Second, he felt a reasonable chance of success should be added to *jus ad bellum*. In 1648 the Treaty of Westphalia was signed among European powers, ending the Thirty Years' War; it was the first modern piece of international law, but more importantly, it validated and solidified just cause and state sovereignty.⁸ Subsequent jurists and statesmen brought the tradition into the present day, even though their intentions were not to promote or improve upon the just war tradition as such.

Neither John Locke (1632-1704) nor Immanuel Kant (1724-1804) wanted to be associated with the just war tradition. Locke was a stout Protestant, and just war has a Roman Catholic background; Kant went so far as to poke fun at the classical figures

⁷ Francisco De Vitoria, Anthony Pagden, and Jeremy Lawrance, *Political Writings*, Cambridge Texts in the History of Political Thought (Cambridge England: Cambridge University Press, 1991), 21, 304, 321.

⁸ Brian Orend, *The Morality of War* (Peterborough, Ont.: Broadview Press, 2006), 18.

within the tradition. Both steered clear for religious reasons, yet their thoughts on war, peace, law, and politics did much for the just war tradition well into this century.

Locke, even though he did not admit it, drew upon Aquinas and even Aristotle when he focused on government roles and humanitarian intervention. Locke felt that a government which did not respect natural rights was not viable. This type of government could be resisted and overthrown if it resisted change, with the purpose of creating a government that respected the rights of its people.⁹ This becomes the first link between/among violent revolutions, human rights, and *jus ad bellum*. Where Immanuel Kant (1724-1804) pushed the just war tradition into the present is through his reflection on what he called perpetual peace, which included talks on treaties, regime change, reparations, and anything else needed to keep a long-term peace between previously warring nations.¹⁰ He thought there needed to be widespread change, which would eventually bring about freedom on an international level. While it was not Kant's intention, he is often credited with beginning *jus post bellum* as it is known today. His views were different from those of Vitoria and Aristotle in that he thought there were specific steps to be followed after a war and that without them war was unjust. Vitoria and Aristotle viewed peace as the result of war, but this becomes problematic because even an unjust war can end in peace. Amongst today's scholars, *jus post bellum* is not universally accepted, although it is recognized by some.

⁹ John Locke and Peter Laslett, *Two Treatises of Government* (Cambridge: Cambridge Univ. Pr., 1988), 192-193.

¹⁰ Immanuel Kant and Hans Siegbert Reiss, *Kant: Political Writings* (Cambridge: Cambridge University Press, 1991), 167-170.

Today, the just war tradition consists of *jus ad bellum*, *jus in bello*, and *jus post bellum*, with the first two receiving the most attention. There are six major tenets of *jus ad bellum*: just cause, right intention, public declaration by proper authority, last resort, probability of success and proportionality.¹¹ Within each of these categories there are guidelines to follow and some hold more weight than others (i.e., if a nation attacked, it has the right and duty to defend itself—automatic just cause). The tenets of *jus in bello* follow: discrimination and noncombatant immunity, proportionality, responsibility, and military necessity; *jus post bellum* follows with discrimination regarding punishment, rights vindication, proportionality (regarding the war's character), temperance (regarding compensation), and rehabilitation (or re-education).

Without meaning to, Kant made a push for this last piece of the tradition's puzzle: "there was a fundamental vagueness, until Kant came along. Indeed, to this very day a shocking large number of just war theorists completely ignore *jus post bellum*. But they cannot do that and pretend that they have a complete theory."¹² Kant looked for a thread to connect each phase of war in a way that no one had done before him. For him, it came down to duty; in his response to German philosopher Christian Garve, Kant broke down the idea of duty and its relationship to morality, concluding that duty is at the core of morality.¹³ *Jus post bellum* must be part of the tradition, from a Kantian perspective, because part of right intention was knowing at the beginning how the nation would appropriately terminate the war; each phase must be connected.

¹¹ Brian Orend, *The Morality of War* (Peterborough, Ont.: Broadview Press, 2006), 32.

¹² Ibid., 20.

¹³ Immanuel Kant and Hans Siegbert Reiss, *Kant: Political Writings* (Cambridge: Cambridge University Press, 1991), 69-72.

This connection was a fundamental difference separating Kant from others, like Vitoria and Aristotle, but it was a connection that is still not explored in detail today. According to Kant, *jus post bellum* did not give carte blanche to the victor: “Might does not equal right. The victor thus has no right, through the raw fact of military success, to punish the vanquished or to seek compensation. In fact, the victor must respect the rights of the people of the vanquished country to be sovereign and self-determining.”¹⁴ In other words, the war’s victor does not have the right to further punish the loser with harsh reparations or enslavement of the people. Just as the victor’s people were fighting for their nation and their beliefs so were those who lost.

Kant furthers his ideas about the role and duty of the victor with his articles about peace. His preliminary articles were followed by his definitive articles:

- PA 1. ‘No treaty of peace shall be considered valid as such if it was made with a secret reservation of the material for a future war.
- PA 2. No independently existing state, whether it be large or small, may be acquired by another state by inheritance, exchange, purchase or gift.
- PA 3. Standing armies will gradually be abolished altogether.
- PA 4. No national debt shall be contracted in connection with the external affairs of the state.
- PA 5. No state shall forcibly interfere in the constitution and government of another state.
- PA 6. No state at war with another shall permit such acts of hostility as would make mutual confidence impossible during a future time of peace. Such acts include the employment of *assassins or poisoners, breach of agreements, the instigation of treason within the enemy state, etc.* (his italics).
- DA 1. The civil constitution of every state shall be republican.
- DA 2. The right of nations shall be based on a federation of free states.
- DA 3. Cosmopolitan right shall be limited to conditions of universal hospitality.’¹⁵

¹⁴ Brian Orend, *War and International Justice: A Kantian Perspective* (Waterloo, Ont.: Wilfrid Laurier University Press, 2000), 58.

¹⁵ Ibid., 58-59.

This was the beginning of *jus post bellum*. These preliminary and definitive articles created by Kant are now the tenets listed earlier of current thought in the tradition. They should inform the starting point for war in conjunction with *jus ad bellum*, giving nations a clear idea of where a war will lead them. The articles do not supply a rigid plan, but rather, allow for moral discussion to be had from the beginning about all aspects of the war.

Kant had definitive views on war as well as peace, and though his articles focused on war, his aim was always peace and protection of freedoms. As Orend understands Kant, “these long term prescriptions are intended to secure his foremost political value, freedom: freedom from war, suffering and indignity; and freedom to live our lives in the peaceful and lawful pursuit of whatever we happen to see fit, as we enjoy the substance of our human rights.”¹⁶ Freedom is at the heart of Kant’s argument of war and peace, and even though he attempted to distance himself from the formal just war tradition of his time, his arguments ring true today. One of the greatest contemporary challenges is that of freedom to pursue basic human rights: food, shelter, security and religion are a few that fall into this category for most. To what extent can the just war tradition meet these challenges? Can a focus on the result, before deciding to enter a war, affect the outcome and thus improve freedom, as Kant suggests?

¹⁶ Brian Orend, *War and International Justice: A Kantian Perspective* (Waterloo, Ont.: Wilfrid Laurier University Press, 2000), 60.

Need

This dissertation seeks to answer the question, “What is *jus post bellum*’s role in overcoming the challenges facing the just war tradition in the twenty-first century, specifically freedom to pursue basic human rights, and to what extent is this influenced by a Kantian perspective?” Further study will analyze the research of James Turner Johnson, Jean Bethke Elshtain, and Eric Patterson, each of whom could be considered Augustinian to a degree in his or her approaches to the first two categories but reflect Kantian thought as their work relates to *jus post bellum*. Each is a pioneer in the field, discussing a facet of the just war tradition crucial to understanding the challenges faced today in deciding whether the United States enters a war or conflict. It is no longer enough to worry solely about the morality of entering the war or the morality of decisions made during the war, but now the actions which end a war and its aftermath are just as important.

Government officials and other military and political figures debate what should happen at the end of the war, but it is only now becoming a priority to have this discussion. Previously, this was an issue raised once the war began. Modern *jus post bellum* scholars would argue this discussion belongs at the beginning—before the war is waged. Michael Walzer, in his book *Arguing About War* (2004), addresses the importance of having the conversation about the war’s aftermath at the beginning. Discussing the 2003 Iraqi war, Walzer writes about how *jus post bellum* is not and cannot be separated from *jus ad bellum* because the costs associated with the aftermath are directly tied to the morality shown during the war. Along with this, Walzer argues this aspect of post-conflict is the least developed portion of the just war tradition, but

that it needs discussing.¹⁷ Until this discourse occurs, the just war tradition as it is known today will not be enough to handle the unique challenges of today's global society. It is an issue of morality and the basic freedoms Kant discussed centuries ago.

Recent Historical Context

The following selected sample wars and conflicts show this basic need for more robust *jus post bellum* theory that addresses what happens when the tenets are (or are not) followed, offering a unique perspective on the just war tradition and *jus post bellum*.

World War I offers the *what not to do scenario* when ending a war. The entire war was the most brutal most nations had seen in the modern era. On all fronts it is seen by historians as unjust for its “ruthless scheming and mindless nationalism that set the war into motion.”¹⁸ Justifying war though the tradition does not mean a condoning of violence, warfare, and destruction. According to Orend and Walzer, “Just wars... ‘are limited wars; there are moral reasons for the statesmen and soldiers who fight them to be prudent and realistic.’ Such moral reasons include, perhaps above all, the need to minimize human suffering.”¹⁹ When the war ended and the Treaty of Versailles was written, there were those who considered its terms to be unjust. Yet, there was no discussion of what would make a peace treaty just for future wars and conflicts.

¹⁷ Michael Walzer, *Arguing about War* (New Haven: Yale University Press, 2004), 161-167.

¹⁸ Michael Walzer, *Just and Unjust Wars* (New York: HarperCollins, 1992): 122, quoted in Brian Orend, *The Morality of War* (Peterborough, Ont.: Broadview Press, 2006), 233.

¹⁹ Ibid.

At the end of World War I, the Allied Powers expected unconditional surrender of Germany and the reparations demanded of it sunk the nation into a deep economic poverty, paving the way for World War II. The Treaty of Versailles, often called unconstrained, ended World War I, but the large land concessions and high monetary reparations placed on Germany, fostered hatred and economic strife, allowing Hitler an open door to exploit citizen frustrations. Ending the war justly does not change the *jus ad bellum* or *jus in bello* portions of the war, but it has the potential to heal relationships and work toward the freedoms Kant believed are important.

World War II is seen as more just by just war tradition standards, but all wars are different; World War II showcases that planning is necessary and guidelines could be useful for this purpose. *Jus post bellum* was followed with Japan in some ways; this example showcases how the tradition is not an exact science and mistakes are made, and that nations must take the time to study and learn from those mistakes. Historians still debate the justness of the actions of the British (and others) throughout the war, and the just war tradition began a resurgence in the United States when President Roosevelt used the reason of self-defense to urge Congress to go to war with Japan. The focus on *jus post bellum*, even when not labeled formally, is seen in the treaty that ended the war with Germany and the changes to international law that followed. Genocide was banned in 1948, and human rights were at the forefront of people's thoughts with the Universal Declaration of Human Rights in 1948. Germany was not decimated economically in the same way as at the end of World War I, signaling a new way of terminating war.²⁰

²⁰ Ibid., 21-23.

Germany and Japan are U.S. allies, but does *jus post bellum* guarantee the victor and vanquished will become allies? Will future wars end in this way? There is no definitive answer to either question, therefore, a normative set of *jus post bellum* guidelines is necessary to offer guidance in varying situations. In the case of Iraq, in 2019, *jus post bellum* is still being debated. Should one leave as soon as the war is over? Or, do the troops stay and help rebuild? How long do they stay, if that is the decision? Who decides the answers to these questions? These are the types of questions that *jus post bellum* tries to answer. There are no clear and simple answers to these questions, which makes a set checklist untenable for *jus post bellum*. Although specific answers may vary, an explicit *jus post bellum* set of guidelines enables debate as to whether justice occurs once the war ends.²¹ Just as with *jus ad bellum* and *jus in bello*, guidelines are needed, but the how's, when's, and why's still warrant thorough debate and discussion, which is why this study is needed. Too few scholars embrace the challenge of *jus post bellum* even though it is a necessary part of any fully adequate moral analysis of a conflict.

Grappling with these questions of morality is at the heart of what it means to be human: culture, customs, and life experiences are the major influences. Studying the works of individuals with respect to their views on these subjects and their relationship to *jus post bellum* allows for an investigation into these moral questions and insight into what it means to be human in this age of technology. Currently, no extensive study on *jus post bellum* involving the scholarly works of *jus ad bellum* pioneers Johnson, Elshtain, and Patterson has been conducted. This study is needed for

²¹ Michael Walzer, *Arguing about War* (New Haven: Yale University Press, 2004), 163-164.

two reason: first, it fills a gap in *jus post bellum* studies; and second, an exploration of their views could determine answers and recommendations regarding the moral questions surrounding *jus post bellum* and their relation to twenty-first century challenges.

Purpose

The purpose of this study is an explication and critical consideration of the analyses of Johnson, Elshtain, and Patterson to understand and interpret the importance of *jus post bellum*. Further, this study intends to use this inquiry to focus on and suggest solutions for the *jus post bellum* challenges currently faced by the just war tradition. To date, most of the just war tradition material available focuses on how and why one should enter into a war and then how military forces should behave once the war is underway. Not until recently have scholars begun to delve into what is just and moral behavior after the war and what that entails for deciding if a war should be waged.

Research Question

RQ1: What is *jus post bellum*'s role in overcoming the challenges facing the just war tradition in the twenty-first century, specifically freedom to pursue basic human rights?

RQ2: To what extent is this influenced by a Kantian perspective?

Thesis

H1: A fully developed *jus post bellum* is integral to bringing the just war tradition into the twenty-first century to deter current and future nation-state threats to global security.

H2: The researcher believes that *jus post bellum* can increase freedom (defined by Kant as freedom to pursue basic human rights) and decrease ill-advised foreign military intervention.

Focus of Analysis

Johnson, Elshtain, and Patterson are the foremost scholars of *jus post bellum* because they have acknowledged its importance and studied its changes, challenges and relationship to religion and politics (Elshtain and Johnson) or their work focuses on *jus post bellum* theory (Patterson). Though they offer differing approaches, each understands the importance of *jus post bellum* and its potential impact and insights in the context of twenty-first century challenges.

James Turner Johnson serves as Distinguished Professor of Religion and Associate of the Graduate Program in Political Science at Rutgers University. Johnson's focus on Western and Islamic moral traditions and their relationship to war, peace, and policy is important because he combines religion and just war tradition in ways that are relevant to the world today. He offers a unique angle—looking at each aspect of war through the development and application of moral traditions.²² His observation, “that Just War Theory is in its origins a *synthesis of Greco-Roman and*

²² "James Turner Johnson," Ethics and International Affairs, 2015, Introduction, accessed December 3, 2015, <http://www.ethicsandinternationalaffairs.org/bios/james-turner-johnson/>.

Christian values....”²³ aligns with current theorists. Johnson understands that war is a constantly evolving phenomenon and because of this, “the moral questions posed by one form of war often turn out to be less pressing than another....”²⁴ Just as each war is different so too is *jus post bellum* application.

Johnson’s ability to understand this need for fluidity and adjustments in all aspects of the just war tradition makes him unique and important to this study. He understands that the moral debate of today must evolve as wars have evolved.²⁵ Scholars and politicians cannot solely apply thoughts from the 1980s to what is happening today and expect different and better results. The conversation must evolve as well for productive change to occur.

Jean Bethke Elshtain, now deceased (2013) Augustinian scholar who was the Laura Spelman Rockefeller Professor of Social and Political Ethics at the University of Chicago, tends to dwell in the more theoretical aspects of morality. Considered “one of the more insightful cultural commentators of our day, Elshtain has offered social criticism during the last two decades that is politically astute, theologically informed and ethically sensitive to the critical issues of our time.”²⁶ Her writings focus on the themes of civic responsibility, justice, gender, and war. Each of these is important when analyzing war theory, as all are involved in determining/reviewing the

²³ Brian Orend, *The Morality of War* (Peterborough, Ont.: Broadview Press, 2006), 11.

²⁴ James Turner Johnson, *Morality & Contemporary Warfare* (New Haven: Yale University Press, 1999), 1.

²⁵ *Ibid.*, 4.

²⁶ J. Daryl Charles, "War, Women, and Political Wisdom," *Journal of Religious Ethics J Religious Ethics* 34, no. 2 (2006): 341, accessed June 1, 2015, doi:10.1111/j.1467-9795.2006.00271.x.

ethical and moral considerations of entering a war, behavior during, and responsibilities after.

Like Augustine, Elshtain looks for the connections between what is happening in the home and how this relates to the city and then to the nation at large.²⁷ If there is a strong correlation, as they both believe, then supporting human rights should be the main goal of all nations. Augustine desires peace, but not at the cost of pride and subjection. Like Kant, “Peace is the instinctive aim of all creatures, and is even the ultimate purpose of war.”²⁸ Elshtain’s belief in the just war tradition is “and must remain a cautionary tale of domestic and international order, a story of the requirements and purposeful use of power and order, a lens through which to look at the heart of what constitutes what is called peace.”²⁹ Her focus is bringing Augustine’s message about war and peace not only to the nation but also to the individual in his or her home and into what she calls the “village of the mind,”³⁰ where provocative discourse occurs. She sees and uses Augustine as a friend and a companion, teaching restraint and compassion, but able to do what is needed when necessary.³¹

The recent dean (until 2018) and professor of the Robertson School of Government at Regent University, Eric Patterson, writes extensively about *jus post bellum* and has the experiences within the military, government, and education to back

²⁷ Jean Bethke Elshtain, *Augustine and the Limits of Politics* (Notre Dame, IN: University of Notre Dame Press, 1995), 19-20.

²⁸ Ibid., 109.

²⁹ Ibid., 111.

³⁰ Ibid.

³¹ Ibid., 111-112.

his claims. Previously, he served as the assistant director at the Berkley Center for Religion, Peace, and World Affairs at Georgetown University. As part of this program, Patterson has spoken at various institutions around the country including the United States Military Academy at West Point, the United States Naval Academy at Annapolis, the Pentagon, and the National Defense University.³² Patterson's writings about *jus post bellum* in the context of religion and the military provide a unique perspective that should prove relevant in overcoming twenty-first century challenges, which are themselves unique.

In a post 9/11-world, Patterson "quickly discerned... that for many, contemporary just war theory had become quasi-pacifism."³³ Like Augustine, Patterson believes that sometimes humans are morally obligated to use force; a just war can right wrongs, punish those who do wrong, and protect those who cannot protect themselves. For Patterson, one twenty-first century challenge is that of terrorism and how one does and should redefine terms like collateral damage (and what is allowed and just or not allowed and unjust) based on events since 9/11. Like Johnson, he sees policy makers embracing outdated policies and ethical categories developed during times of de-colonization and atomic energy but have yet to be updated for the wars of today. An expanded just war tradition can address this challenge.

³² Eric Patterson, "Faculty - Regent University School of Government," Faculty - Regent University School of Government, accessed October 31, 2015, <http://www.regent.edu/acad/schgov/faculty/patterson/>.

³³ Eric Patterson, *Just War Thinking: Morality and Pragmatism in the Struggle against Contemporary Threats* (Lanham, MD: Lexington Books, 2007), ix-x.