



The *Double Effect Doctrine* in Thomas Aquinas' *Just War*
La *Doctrina del Doble Efecto* en la *Guerra Justa* de Santo Tomás de Aquino
La *Doctrina de l'Doble Efecte* en la *Guerra Justa* de Sant Tomàs d'Aquino
A *Doutrina do Duplo Efeito* na *Guerra Justa* de Santo Tomás de Aquino

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Resumen. El uso de la guerra para expandir los límites del cristianismo o los límites del poder de la Iglesia cristiana fue, desde temprana edad, regular. Este tema, que a lo largo de los siglos ha sido objeto de intensos debates entre intelectuales que intentaron justificar la moralidad de esta guerra o, por el contrario, sirvió para desarrollar varios ataques contra la Iglesia, es el foco del presente trabajo. De esta manera, buscamos comprender aquí el desarrollo del concepto de *guerra justa* en la *Summa Theologiae* de Santo Tomás de Aquino, su forma de justificar el uso de la guerra, los momentos en que su uso es legítimo, la aplicabilidad de la Doctrina del Doble Efecto en este concepto y también la influencia que ejerció su pensamiento en los pensadores cronológicamente más cercanos, pero también en la filosofía contemporánea, utilizando para este propósito, el trabajo de Elizabeth Anscombe, una figura sorprendente en la filosofía del siglo XX, para comprender la pertinencia de lo pensamiento del teólogo medieval en este asunto.

Abstract. The use of war to expand the limits of Christianity or the limits of the power of the Christian Church was, from an early age, regular. This theme, which over the centuries has been the subject of intense debates among intellectuals who tried to justify the morality of this war or, by contrast, served to develop various attacks on the Church, is the focus of the present work. In this way, we seek to understand here the development of the concept of *just war* in St. Thomas Aquinas *Summa Theologiae*, it's way of justifying the use of war, the moments when its use is legitimate, the applicability of the *Double Effect Doctrine* in this concept and also the influence that his thought exercised on chronologically closer thinkers, but also contemporary philosophy, using to this purpose, the work of Elizabeth Anscombe, a striking figure in twentieth-century philosophy, to understand the pertinence of the medieval theologian thought in this matter.

Keywords: Ethics of/in War – Thomism – Medieval Philosophy – Culture and Mentalities.

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Introduction

The influence of Thomas Aquinas' thought on contemporary times is unavoidable; author of a vast theological work, this *Doctor of the Church* gave rise to a scholastic philosophical line that we have inherited and that still casts some current concepts, being essential to understand the way as the *Double Effect Doctrine*, largely developed by Thomas Aquinas and taken up by the philosophy of the 19th and 20th centuries, can be applied to the concept of *just war* in the thirteenth century.

It is important to understand how the practice of war in God's service was sustained by Thomas Aquinas, that throughout his works will address a wide range of issues related to Christian practice and morality, and the appliance of the *Double Effect Doctrine* in these wars, to realize in what ways are we still heirs of this rhetorical, and therefore how significant was Thomas Aquinas' though in the shaping of our civilization.

To this purpose, we need to contextualize the author and his works, to better understand his ideas. The 13th century was strongly marked by the conflict between the Catholic Church and the Holy Roman Empire and was, as well, a time of "renewal" inside the church. It was also a period marked by the sponsorship of the "holy wars" by the church (since the 1st Crusade). This, of course, shaped the mind of Thomas Aquinas and his argumentation in the *Just War* topic. We aim to understand how these contexts helped his rhetorical, but also how can we apply the *Double Effect Doctrine*, developed by this author, to a war.

Finally, since the study of the past – the History – always can, somehow, present its utility to the present, it is also relevant to understand how this medieval doctrine and way of thinking still influences our modern cultures and mentalities. The *Double Effect Doctrine*, despite having been developed in medieval times, still has some supporters. In this way, it is crucial to understand how we still use this doctrine. How has the



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medieval mentality reached so far in time? How “contemporary” is Thomas Aquinas’ thought? In what cases do we still use this argumentation?

I. The circumstances

The crusade mentality was, in the thirteenth century, dominant in religious thought. Since the first crusade, during the 11th century, to “liberate” the *Holy Land* from the hands of the “infidels”, the papal power has been concerned with legitimizing the use of war in the service of God and the Church.² These movements will influence the individuals who most closely watched their successes or failures, as is the case of Thomas Aquinas.

Thomas’ birthplace, Aquinas, was, in the dawn of the 13th century, a county of the Kingdom of Sicily, under the rule of the Hohenstaufen dynasty, a powerful Swabian family that was for much of the early Middle Ages in the limelight of European political action. This Italian kingdom was, in 1194, integrated into the imperial crown of Henry VI of the Holy Roman German Empire, married to the daughter of Roger II of Sicily, Constance of Altavilla.³

This marriage will allow Henry VI to claim the Sicilian throne for himself, after the death of William III of Sicily in 1194 without heirs. Henry VI attached it to his already vast domains on the European continent. This reign, although short, experienced moments of some tension, largely due to the repressive character of the emperor's government over the people who had revolted.⁴

² DUBY, Georges (dir.). *História do mundo medieval*, Lisboa: Círculo de Leitores, 2016; COSTA, Ricardo da. *A guerra na Idade Média: estudo da mentalidade de cruzadas na Península Ibérica*, Rio de Janeiro: Edições Paratodos, 1998; COSTA, Ricardo da; SANTOS, Armando Alexandre dos. “[O pensamento de Santo Tomás de Aquino \(1225-1274\) sobre a vida militar, a guerra justa e as ordens militares de cavalaria](#)”. In: BLASCO VALLÈS, Almudena, e COSTA, Ricardo da (coord.). *Mirabilia 10. A Idade Média e as Cruzadas – La Edad Media y las Cruzadas – The Middle Ages and the Crusades*, Jan-Jun 2010, p. 145-157.

³ About the Kingdom of Sicily at the end of the 12th century and beginning of the 13th century we’ve seen FOURACRE, Paul (*et al.*). *The new Cambridge medieval history*. Cambridge: Cambridge University Press, 1998-2005, vol. 5: c.1198-c.1300, pp. 497-521.

⁴ “It is not really surprising that Henry’s widow led the reaction after Henry’s death; his cruelty to rebels against his authority in Sicily confirmed that he was an outsider who held power by brute force.” *Idem*, p. 500.



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Upon the death of Henry VI (1197), Constance took over the kingdom during the minority of the couple's only son, Frederick. However, she died in 1198 and the heir was taken to Rome to finish his education with Pope Innocent III. This solution brought some disadvantages to the kingdom. The “warlords” took advantage of Frederick's minority and remoteness to take control of the king and his dominions.⁵

The division of the Kingdom of Sicily from the rest of the Holy Empire, which ensured Frederick's succession on the Italian throne, did not mean the same security in the succession of the Holy Empire. Here, the emperor should be elected and in 1209 Pope Innocent III proceeded to the coronation of Otto IV. This could have meant the departure from Frederick from the imperial throne.

In 1212, after reaching the age of majority, Frederick tried to recover the titles that had belonged to his father and was elected Holy Emperor by a faction of the Empire and supported by Pope Innocent III. The Pope was, at the time, in disagreement with Otto IV due to the emperor's invasion of the Italic peninsula. But the Pope also had the expectation that the domains of the Hohenstaufen could be divided by the heirs of this dynasty. This would prevent the dominium over all these vast territories by a single person but would concentrate them in a family favorable to the papal power.

Between 1212 and 1220 Frederick will find himself amid a vast and wide-ranging political and military conflict that involved the most prominent figures in the political scene at the time. He was finally crowned Emperor in 1220 by Pope Honorius III and now he could take care of the reorganization of its domains, restoring order in the Sicilian Kingdom.

This coronation foresaw a period of cooperation between the imperial and papal power that had not been seen for many years, occupying the emperor in religious military campaigns, such as the Crusades. They were essential to support the Pope, and would, by principle, hinder a possible imperial expansion project for the rest of the Italian peninsula, where we would find, then, the Pontifical States. This was a practice of several Popes during the reigns of different Emperors.

The years that followed meant, in the Kingdom of Sicily, a clear attempt to assert royal power over the aristocracy, as well as a great effort to re-establish a favorable economic and financial life. This was all achieved through both the use of force in the suppression of some challenges to the central power, as well as through the

⁵ *Ibidem.*



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elaboration of legal codes that would offer the bases for the stability of Sicily and also using political propaganda.⁶ It is in this context that Thomas Aquinas was born in the Sicilian city on 1224/1225⁷, descended from a noble family in the region.

His connection to monastic life began early. As it was traditional, “while still small he was donated as an oblate to the monastery of Monte Cassino, remaining there from 1230 to 1239”⁸. In this last year, when the conflict between the Emperor and the Pope arrived to the abbey, he entered the general Neapolitan studies where he dedicated himself to the study of Philosophy. In Naples, under the influence of members of the Order of Preachers, Thomas joined the Dominican order. In 1245 he went to Paris, where he finished his philosophical studies and established contacts with several important figures of the European culture at the time.

After finishing his studies, and probably also his novitiate year, he taught in the General Studies of Cologne, returning to Paris in 1252 for his baccalaureate. During this period, his first theological works and comments appeared, and he was (probably) ordained priest. In Paris, after obtaining the degree, he taught at the University, getting involved with the agents of the government like King Louis IX.

His return to the Italian peninsula took place in 1259, “where he would remain for a decade (...). (There, he had) to organize the studies of the Order in different locations, he preached missions, he was an advisor to the papal curia, and he held positions of direction among the Dominicans, which subsequently led him to move from one place to another”⁹. This was also a period of great literary production for the theologian, with emphasis on the beginning of the writing of his *magnum opus*, the *Summa Theologiae*.

He returns to the French kingdom and the University of Paris in 1268, where he remained until 1272¹⁰ when he went to Naples. He died in 1274 in the Cistercian monastery of Fossa Nova, not far from his native land.

⁶ *Idem*, p. 503.

⁷ The year of birth of Thomas Aquinas is not certain, as we can see in DE BONI, Luis Alberto. *Estudios sobre Tomás Aquino*. Pelotas: NEPFIL, 2018, which we used to the historical contextualization of the theologian.

⁸ DE BONI, Luis Alberto. *Estudios sobre Tomás Aquino*. Pelotas: NEPFIL, 2018, p. 8.

⁹ *Idem*, p. 10.

¹⁰ “...to confront the controversy variously called Latin Averroism and Heterodox Aristotelianism”, MCINERNEY, Ralph; O’CALLAGHAN, John. “[Saint Thomas Aquinas](#)”. In: *The Stanford Encyclopedia of Philosophy*, 2018.



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During his life, he witnessed the development of Frederick II's reign, the turbulence of his vast empire, and the quarrels with his firstborn son. Furthermore, the relationship between the Emperor and the different papal figures was also troubled. If the beginning of Frederick's reign could indicate a period of peace and cooperation between the imperial and the papal power, this scenario quickly disappeared. The Emperor soon showed his interest over an expansionist policy and tried to re-establish the imperial domains through the total annexation of the Italian peninsula.

Here, he met the papal territories and had to enter a military conflict with Pope Gregory IX, who excommunicated him in 1239. In the 1240s he clashed again against the same Pope and his successors, namely Innocent IV, who removed the Emperor's title in 1245. This situation is followed by a harsh conflict between the two powers, with gains and losses on both sides, which continued until the death of the emperor in 1250.

Upon his death, the "crowns" were transmitted to his son Conrad, who dies in 1254. This death meant enormous instability for the Holy Empire and an interregnum that will last until the 1270s. Also, it meant the fall and loss of the imperial domain by the Hohenstaufen dynasty.

Thomas Aquinas' life span (1224/1225–1274) is, therefore, strongly marked by the intense conflicts between the Holy Roman Empire and the Pope, as well as by the resurgence of the debate between faith and reason.¹¹ These contexts influenced him, and this will be evident in his various works.

II. The *Summa Theologiae* and the concept of *Just War*

Thomas Aquinas's masterpiece, the *Summa Theologiae*, was never finished since he died before the end of the 3rd part of this vast work. However, a large part was published and is now possible to analyze. This work is divided into three parts, each divided into several "Questions", subdivided into different "Articles". In each of these "Articles", the author builds a question about the theme of the "Question" presenting arguments about this question and his answers and counterarguments.¹²

¹¹ "Thomas Aquinas (1225-1274) lived at a critical juncture of western culture when the arrival of the Aristotelian corpus in Latin translation reopened the question of the relation between faith and reason, calling into question the *modus vivendi* that had obtained for centuries.", *Ibidem*.

¹² To this study, it was used a Portuguese translation: SANTO TOMÁS DE AQUINO. *Suma Teológica*, São Paulo: Loyola, 2000.



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It was and still is an important theological and philosophical work about the nature of God and man and Christian moral and practice and was often used by the Catholic Church, as well as by the philosophy studies, both for the enormous scope in treated subjects as the dialogue established between faith and reason, which translated into a “new *modus vivendi* between faith and philosophy, which survived until the appearance of the new physics”.¹³

The concept of *iustum bellum*¹⁴ is as old as the practice of war; its use already has ancient roots, appearing both in biblical writings (in which war was made *just* by divine intervention) and in Greek and Roman thought (war as a defense of the interests of the State; an extension of politics).

However, its theorization in the Christian perspective begins with Augustine of Hippo, a saint of the Catholic Church who lived between the 4th and 5th centuries. He tried to legitimize the practice of war in the service of the church, arguing that those who “carried” the cross of Christ with them in a war would be worthy of absolution for the atrocities committed. Like this theologian, in the enemy side of Christians, several authors were also producing and proposing similar theories.

However, it is Thomas Aquinas who offers a more systematic exposition of this concept, still resisting the thought of this theologian in academic discussion. Developing the concept, Aquinas proposes a possible justification of the use of war as well as the times when its use would be legitimate for Christians, influencing the thinkers who followed him (Francisco de Vitoria, Francisco Suarez, Hugo Grotius, Samuel Pufendorf, Christian Wolff, and Vichel's Emerich).¹⁵

¹³ “In two stints as a regent master, Thomas defended the mendicant orders and, of greater historical importance, countered both the Averroistic interpretations of Aristotle and the Franciscan tendency to reject Greek philosophy. The result was a new *modus vivendi* between faith and philosophy which survived until the rise of the new physics. The Catholic Church has over the centuries regularly and consistently reaffirmed the central importance of Thomas’s work, both theological and philosophical, for understanding its teachings concerning the Christian revelation, and his close textual commentaries on Aristotle represent a cultural resource which is now receiving increased recognition.”, MCINERNY, Ralph; O'CALLAGHAN, John. “[Saint Thomas Aquinas](#)”. In: *The Stanford Encyclopedia of Philosophy*, 2018.

¹⁴ About the *Just War* concept see MOSELEY, Alexander, “[Just War Theory](#)”. In: *Internet Encyclopedia of Philosophy*, n.d.

¹⁵ *Ibidem*.



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One of the issues treated is precisely on the theme of war.¹⁶ Here the theologian addresses the sinful character of the war, its practice by the clergy and bishops, the legitimacy of the use of stratagems, and whether or not the war could be practiced on festive days. In this question, we find the more systematic development of the *Just War* concept by Thomas Aquinas in *Summa Theologiae*. It is possible, however, to find other developments or references to *Just War* in other questions.

In the first article¹⁷ Aquinas asks whether the practice of war should always be considered a sin and the influence of Augustine of Hippo's theory on Thomas Aquinas is perfectly visible. At first sight, he argues, it can be seen this way, however, as Augustine had remembered, in the Gospel it is said to the soldiers to content themselves with their wages. Since they were not reprimanded by the exercise of war, this practice isn't necessarily sinful.

Thomas Aquinas' thought on this issue is similar to this. He defends the existence of *just wars*, whose practice would not be a sin, but rather a service to God. However, not all wars can be considered just. For that purpose, they must respond simultaneously to three distinct rules:

- 1) It depends on the person who orders the war. For a war to be considered just, it must be ordered by individuals of authority, the chiefs, who had been assigned to care for the Republic, and must "watch over the public good of the city, kingdom or province submitted to their authority". In this way, the war could not be ordered by a private individual, but only by those who were responsible for the government;
- 2) It depends on the cause of the war. As Augustine says, the punishment of injustices on the people or the restitution of something that had been violently removed are examples of just causes for the war to be considered just;
- 3) It depends on the intention of the war. Wars ordered with bad intentions, whether to seek revenge or to promote destruction, cannot be considered *just* since the purpose of the war should always be the promotion of peace or the prevention of evil. "Peace doesn't seek to

¹⁶ *Summa Theologiae*, Part II.II, Question 40.

¹⁷ ST, II.II, q.40, article 1.



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make war, but war is made to seek peace” as Augustine says, since “nothing is more miserable than the success of sinners”.¹⁸

The exercise of war, however, should not be for everyone. To the clergy and bishops, this practice should be prohibited, even though there may be justice in the war – when they occur in defense of the poor and the republic, which is their function.

As is commanded in the Scriptures, their swords should be sheathed, so it would not be lawful for them to fight, since “the exercises of war are incompatible with their functions”, they should not “kill or spill blood, but be ready to shed their blood for Christ”. The prelates would have the duty of contemplating divine things, praising God and praying for the people, their weapons were not material, but rather spiritual (“salutary warnings, fervent prayers and, against the obstinate, sentences of ex-communication”¹⁹).

Furthermore, the indiscriminate use of schemes in wars does not also seem lawful. In this matter, Aquinas argues that, despite being possible to defend the thesis that stratagems are not allowed to be used at all, these, when in the practice of a *just war*, may be lawful and justifiable, however, only under certain conditions.

The ways of deceiving individuals can be divided into two distinct: 1) the use of lies or deviation from assumed commitments, on the one hand, which are always illegal, since “there are war rights and conventions that must be observed, even between enemies”; 2) the concealment of purposes or intentions, which people are not always obliged to reveal, making the use of this type of schemes licit. These stratagems, he says, “do not oppose justice or an ordered will”.²⁰

About the practice of war on festive days (days of rest and dedicated to “divine things”), Aquinas remembers what the Maccabean book says. Here, the Jews are praised for their will to practice war in case they were attacked even “on a Saturday” (the *Shabbat* – Jewish holy day). The practice of *just wars* was, then, lawful even on festive days, but only in case of need, because, like a doctor was allowed to cure a patient on such day, the defense of the republic was also allowed, “for it prevents the death of many and innumerable evils, temporal and spiritual”.²¹

¹⁸ ST, II.II, q.40, art.1, solution.

¹⁹ ST, II.II, q.40, art.2, sol.

²⁰ ST, II.II, q.40, art.3, sol.

²¹ ST, II.II, q.40, art.4, sol.



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In the question that deals with the sinfulness of theft and prey²², Aquinas also resorts to *just war* to justify and legitimize the plunder of enemies. For the author “what (those who strip enemies) in (war) acquire by violence belongs to them”²³, but only if the war is a *just war*, and to do so, it must fulfil all the requirements. In addition to this, they must also not “sin out of greed”, which would bring a bad intention to the practice of war, making it unjust. Questioning whether or not the object of the strength of men is the fear of death in combat, Aquinas brings again the concept of *Just War*.²⁴ The author argues that death must be faced if it constitutes a necessary element for the achievement of the “common good”.

This would be the case of a *just war*, on a collective or individual level. The strength of man could be expressed both in the warrior who participates in the war using his weapons and incorporating an army, but also in the judge who, even under the threat of death, always judges justly, or even assisting contagious patients or in causes of charity, which can expose man to many dangers, including death.

Regarding the end of religious life, the philosopher still debates the question of whether or not this could be the military life, which, in principle, it couldn't, considering Christ's message of forgiveness and the natural state of religion (penance). However, as Augustine had said, “do not believe that someone who is dedicated to the life of weapons fails to please God”.²⁵

Thomas Aquinas' argues that the military profession can constitute aid to others when it comes to the defense of the entire Republic, divine worship, and public salvation. According to Chrysostom, “it is too impious to hide the injuries done to God”.²⁶ The practice of war is, therefore, lawful and moral if it aims to serve God and is ordered by a Christian Prince.

²² ST, II.II, q.66, art.8.

²³ ST, II.II, q.66, art.8, sol.

²⁴ ST, II.II, q.123, art.5, sol.

²⁵ ST, II.II, q.188, art. 3.

²⁶ ST, II.II, q.188, art. 3, sol.



III. The *Just War* of Thomas Aquinas and the *Double Effect Doctrine*

Although the prominence of the *Double Effect Doctrine* can only be traced back to the 19th century, its origins can belong to Thomas Aquinas.²⁷ His thought will mark other thinkers who succeeded, and it is still possible to find its repercussions today in authors such as Michael Walzer, Elizabeth Anscombe, John Rawls, Thomas Nagel, and James Turner Johnson²⁸, as we will see.

The concept of *just war* can be found in contemporary philosophical discussion, dividing it. The “ethics of war” has been a subject of debate in the philosophical community for many years, especially after the development and use of nuclear weapons and the US involvement in the Vietnam War, as well as under the influence of the 09/11 terrorist attacks.²⁹

In this discussion, we find defenders of several theories: 1) *realism*, 2) *pacifism*, 3) *utilitarianism*, 4) *theory of just war*³⁰. These four theories can be divided into two distinct lines: 1) *realism* and *pacifism*, which deny the moral regulation of armed conflicts, 2) *utilitarianism* and the *theory of just war*, which admit an ethical regulation of war.

This last theory has in Thomas Aquinas one of the greater influencers and it advocates, as we have seen, the existence of a moral nature in war, which does not mean that any war can be considered just and legitimate. It acknowledges that its resource can be *just* and due when it comes, for example, to “force respect for political rights (of a community) in the international sphere”³¹ or as a defense of individuals and communities, who fight for their freedoms and lives.

²⁷ GALVÃO, Pedro. *Pretender o Mal. Um estudo sobre a Doutrina do Duplo Efeito*. Lisboa: FLUL 2002, p. 5.

²⁸ COSTA, Fátima, “Guerra justa e terrorismo”. In: ROSAS, João Cardoso (coord.). *Manual de Filosofia Política*, Coimbra: Edições Almedina, 2008, p. 241.

²⁹ “In the twentieth century, just war theory has undergone a revival mainly in response to the invention of nuclear weaponry and American involvement in the Vietnam war.”; “Since the terrorist attacks on the USA on 9/11 in 2001, academics have turned their attention to just war once again with international, national, academic, and military conferences developing and consolidating the theoretical aspects of the conventions. Just war theory has become a popular topic in International Relations, Political Science, Philosophy, Ethics, and Military History courses.”, MOSELEY, Alexander, “[Just War Theory](#)”. In: *Internet Encyclopedia of Philosophy*, n. d.

³⁰ COSTA, Fátima, “Guerra justa e terrorismo”. In: ROSAS, João Cardoso (coord.). *Manual de Filosofia Política*. Coimbra: Edições Almedina, 2008, p. 241.

³¹ *Idem*, p. 250.



This theory, which “rejects utility calculations (...) that can lead (...) to the violation of rights and the permission of means considered *mala in se*”³², seeks to establish the parameters that allow us to evaluate the justice of war, giving rise to other theories:

- 1) Justice OF war (*iustum bellum*);
- 2) Justice IN war (*ius in bello*);
- 3) Justice AFTER war (*ius post bellum*).³³

The *iustum bellum* theory presupposes the fulfilment of six requirements: 1) the cause is *just*; 2) it is the last resort; 3) is declared by an entity with authority; 4) has a good intention; 5) has a reasonable chance of success; 6) there is proportionality between the ends and the means used.³⁴

The theory of *ius in bello* must respect the principles of discrimination (the legitimacy of the targets in the war), ratio (the force used is morally appropriate), and the war responsibility.

In the case of the *ius post bellum* theory, the principles of justice would apply depending on the outcome of the war, defeat, victory or a ceasefire agreement between the warring parties, assuming no imposition of punishments to innocent or non-combatants, respect for the rights and traditions of the defeated, the proportion between the claims of victory and the character of the war (following the principles of discrimination and proportion) and the consideration of the need for rehabilitation and/or re-education of the aggressor.

Thus, recalling the conditions that Thomas Aquinas establishes to consider a war *just* (ordered by an agent of authority, *just* cause and promotion of good or prevention of evil), we can note the persistence of the 13th century philosopher’s thought in the contemporary development of *just war theory*.

The good intention of those who order the war, the authority of this agent, the justice of the cause, its use only when necessary and inevitable, the balance between what is intended to be achieved and the harm that may be caused and the condemnation of gratuitous violence are transversal aspects, as we have seen, to Thomas Aquinas’ theory and contemporary philosophy. Therefore, the influence of the medieval

³² *Idem*, p. 251.

³³ MOSELEY, Alexander. “[Just War Theory](#)”. In: *Internet Encyclopedia of Philosophy*, n. d.

³⁴ *Ibidem*.



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thinker is undeniable. And to this influence, we can also join the *Double Effect Doctrine*, developed by Thomas Aquinas in his *Summa Theologiae*. This doctrine is still used nowadays in many situations, not only to justify wars but also to explain our smallest actions and also by a lot of politicians on a daily basis, even if we (and most of the time them to) don't realize very often.

The development of the *Double Effect Doctrine* by Thomas Aquinas, although it is not directly associated with the question of *just war*³⁵, can somehow connect to. It is found when Aquinas questions the legitimacy of killing another person in self-defense.

The theologian argues that an act may have a double effect, “of which only one is in the intention, and the other is out of it”.³⁶ And this is the essence of this doctrine. If we give it a thought, how many times do we use this type of “excuse” to legitimate, justify or explain something we do? How many times do we hear this? “It wasn't my *intention*”, we say, or “What counts is the intention”. But what is this intention? When did this begin?

The intention is, for Aquinas, the determining factor in the moral character of the action. An action that implies the legitimate defense (using only the violence required by the situation), results in two different effects, the conservation of life and death of those who attack. In the case of self-defense, the agent's intention will not be the death of the attacker, but the preservation of his own life, so the act of killing the attacker might not be considered illegal or immoral.

However, “since it is only lawful to kill a man, by virtue of public authority and in view of the common good, it follows that the intention to kill others is unlawful, to defend one's own life unless you have public authority”.³⁷ It is to this extent that this doctrine is involved with the concept of *just war*.

Despite admitting the possibility of the legitimacy to kill another person, Thomas Aquinas does not admit it indiscriminately. This death, to be considered legitimate, must occur “by virtue of public authority and in view of the common good”, it must

³⁵ “Thomas Aquinas is credited with introducing the principle of double effect in his discussion of the permissibility of self-defense in the *Summa Theologica* (II-II, Qu. 64, Art.7). Killing one's assailant is justified, he argues, provided one does not intend to kill him.”, MCINTYRE, Alison, “[Doctrine of Double Effect](#)”. In: *The Stanford Encyclopedia of Philosophy*, 2019.

³⁶ ST, II.II, q.64, art. 7, sol.

³⁷ ST, II.II, q.64, art. 7, sol.



be ordered by an authority, like a *just war*. Besides, the proportion of violence used is also a cross-section between the doctrine and the concept, as well as the intention, which is the main focus of the doctrine.

The *Double Effect Doctrine*, which assumes that the agent foresees the good and the bad consequences of his action, needs also to respond to certain conditions to verify its validity:

- 1) The action must be good in itself;
- 2) The intention of the agent must be good;
- 3) The negative effects that can be expected are not means for the agent to achieve its ends;
- 4) The beneficial effects of the action must overcome and compensate for its harm.

To consider a war *just* it is also necessary that its purpose is good, that the intention behind the ordering of the war is good since evil intentions would invalidate the justice of the war. In the doctrine, also only actions performed with a good intention may be under the protection of the double effect, removing the immorality that would be underlying them.

Thus, the permissibility of evil is reached not as the desired consequence, but rather as a *side effect* of the action. And this would be morally good because his intention is equally good. The negative effects are overcome by the positive ones. The *Double Effect Doctrine* developed by Thomas Aquinas “identif(ies) the conditions under which the death of innocents can constitute a legitimate act of war”.³⁸ This doctrine influenced western thought for centuries until today, where the works of Philippa Foot, Thomas Nagel, and Elizabeth Anscombe can be highlighted³⁹, counting on numerous formulations, present in several studies of these but also of many other authors.⁴⁰

³⁸ COSTA, Fátima. “Guerra justa e terrorismo”. In: ROSAS, João Cardoso (coord.). *Manual de Filosofia Política*. Coimbra: Edições Almedina, 2008, p. 241.

³⁹ GALVÃO, Pedro. *Pretender o Mal. Um estudo sobre a Doutrina do Duplo Efeito*. Lisboa: FLUL, 2002, p. 5.

⁴⁰ FERNANDES, Rita de Cassia, “A Moral e a Doutrina do Duplo Efeito”. In: *Entre a Responsabilidade Moral e a Responsabilidade Legal: Escolha ou Imposição?* Rio de Janeiro: PUC-RIO, 2016, pp. 35-36.



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IV. The contemporaneity of the *Double Effect Doctrine*

Contemporary philosophy has taken up the concept of *just war*, as well as the *Double Effect Doctrine*. Since it would be impossible to analyze every contemporary author that used this concept and doctrine, we should highlight the studies of Elizabeth Anscombe's (1919-2001), one of the most outstanding intellectuals of the 20th century.⁴¹

Living for almost the entire 20th century, this philosopher watched very close the world conflicts that marked her times⁴² (except for World War I). These will leave a clear mark on her thought, which will be evident in one of the biggest controversies she was involved in. When the faculty of Oxford decided to award the US President Harry Truman the Doctor *Honoris Causa* title she protested. For Anscombe, Truman was “a mass murderer for his decision to use atomic weapons against the cities of Hiroshima and Nagasaki, Japan”.⁴³

In the article dedicated to the analysis of war and murder⁴⁴, we find the point of contact that Anscombe makes between the *Double Effect Doctrine* and the practice of war. And she initiates this contact precisely on the question of the legitimacy of a “private” individual to kill another in self-defense (just as Thomas Aquinas). For Anscombe, the attacker's death can only be considered morally legitimate and defensible if it constitutes only a *side effect* of the agent's action and not his intention.

Furthermore, to Anscombe human society is something indispensable for the good of Man. Therefore, there is a right and legitimacy to use its power to coerce individuals, violently if necessary, not to do evil or break the laws, “such as God exercises this power over the Devil”. And such power could not be considered bad, unless it is exercised in an excessively violent and, consequently, evil way.

⁴¹ DRIVER, Julia. “[Gertrude Elizabeth Anscombe](#)”. In: *The Stanford Encyclopedia of Philosophy*, 2018.

⁴² Anscombe is author of a paper about Great Britain's response to the Nazi Germany invasion of Poland (ANSCOMBE, Elizabeth. “The Justice of the Present War Examined”. In: *Ethics, religion and politics*. Oxford: Basil Blackwell, 1981, p. 81).

⁴³ DRIVER, Julia. “[Gertrude Elizabeth Anscombe](#)”. In: *The Stanford Encyclopedia of Philosophy*, 2018. See also ANSCOMBE, Elizabeth. “Mr Truman's Degree”. In: *Ethics, religion and politics*. Oxford: Basil Blackwell, 1981, pp. 62-71.

⁴⁴ ANSCOMBE, Elizabeth. “War and Murder”. In: *Ethics, religion and politics*. Oxford: Basil Blackwell, 1981.



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This authority serves not only to prevent evil within a nation but also to defend and combat external enemies, since only it has the right to attack with a view to kill, preventing violent coercion of those who do not have this authority and power. However, this death can never be of innocent individuals. It is unfair to attack the innocents, “people whose mere existence and activity supporting existence by growing crops, making clothes, etc”.⁴⁵

It is in this context that Anscombe inserts the *Double Effect Doctrine*, which appears as indispensable in Christian ethics, “because Christianity prohibits several things as being bad in themselves, but if I am responsible for the expected consequences of an action or its refusal, as much as by the action itself, these prohibitions are lifted”.⁴⁶

The evils must be measured, since the exercise of an action that would be morally perverse according to Catholic standards, may not be considering the *Double Effect Doctrine*. The failure to understand this doctrine, to Anscombe, would make everything justifiable.

The just character of the war in Anscombe appears as a war duly ordered by agents of authority, to who was reserved the right to attack to kill, to defend the order and law of a nation, the “Republic” of Thomas Aquinas, as his social organization was indispensable to man and the maintenance of his good.

Thus, although the concept of *just war* has assumed new contours with contemporary philosophy, we are still able to see some influences of Thomas Aquinas’ thought in the development of the concept of *just war* and the *Double Effect Doctrine*.

Final Considerations

Thomas Aquinas was, indeed, a remarkable theologian and philosopher. His influence extends, as we’ve seen, to the present days not only among the intellectuals or those who understand philosophy but also in our ordinary life. His theories, the *Double Effect Doctrine*, in particular, marked the western civilization and the studies over them are still fundamental to understand our ways of life nowadays.

This 13th century theologian and philosopher, deeply marked by the historical contexts in which he was inserted, either by his life path, or by the political and social

⁴⁵ *Idem*, p. 53.

⁴⁶ *Idem*, p. 58.



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developments that surrounded him, is the author of an important theorization of the concept of *just war* that, despite assuming distinctive contours today, continues to have some relevance; if in his time, his argument was deeply marked by the religious character, nowadays it is assumed a more secular discussion, but the influence of Thomas Aquinas is still evident. His theory continues to play an important role nowadays since it is the basis of the contemporary discussion.

This study allows us to understand the importance of the study of the past, the importance of History, and, in this particular case, the importance of the study of the European medieval thought to understand how things became what they are now. The middle ages were not only the moment when we began to build the frontiers that apart the people, when we began to define the geography and the politics that mark this ancient civilization, but also the moment when the European thought began to be built. And from Europe, we took this thought to all other continents and cultures influencing them.

The enormous importance of Aquinas' work must be, therefore, highlighted for its proposal for a huge variety of ethical and moral issues of which we are still heirs and that help us understand contemporary rhetorical. On the other hand, the enormous contributions of contemporary philosophy to this theme cannot also be forgotten.

Sources

ANSCOMBE, Elizabeth. *Ethics, Religion and Politics*. Oxford: Basil Blackwell, 1981.
SANTO TOMÁS DE AQUINO. *Suma Teológica*. São Paulo: Loyola, 2000 (bilingual edition – Latin and Portuguese), 9 vols.

Bibliography

COSTA, Fátima. “Guerra justa e terrorismo”. In: ROSAS, João Cardoso (coord.). *Manual de Filosofia Política*. Coimbra: Edições Almedina, 2008.
COSTA, Ricardo da. *A guerra na Idade Média: estudo da mentalidade de cruzadas na Península Ibérica*. Rio de Janeiro: Edições Paratodos, 1998.
COSTA, Ricardo da; SANTOS, Armando Alexandre dos. “[O pensamento de Santo Tomás de Aquino \(1225-1274\) sobre a vida militar, a guerra justa e as ordens militares de cavalaria](#)”. In: BLASCO VALLÈS, Almudena, e COSTA, Ricardo da (coord.). *Mirabilia 10. A Idade Média e as Cruzadas – La Edad Media y las Cruzadas – The Middle Ages and the Crusades, Jan-Jun 2010*, p. 145-157.
DE BONI, Luis Alberto de. *Estudos sobre Tomás Aquino*. Pelotas, NEPFIL, 2018.
DRIVER, Julia. “[Gertrude Elizabeth Anscombe](#)”. In: *The Stanford Encyclopedia of Philosophy*, 2018.



Mirabilia Journal 31 (2020/2)

Jun-Dic 2020/ISSN 1676-5818

- DUBY, Georges (dir.). *História do mundo medieval*. Lisboa: Círculo de Leitores, 2016.
- FERNANDES, Rita de Cassia. “A Moral e a Doutrina do Duplo Efeito”. In: *Entre a Responsabilidade Moral e a Responsabilidade Legal: Escolha ou Imposição?* Rio de Janeiro: PUC-RIO, 2016.
- FOURACRE, Paul (et al). *The new Cambridge Medieval History*. Cambridge: Cambridge University Press, 1998-2005.
- GALVÃO, Pedro. *Pretender o Mal. Um estudo sobre a Doutrina do Duplo Efeito*. Lisboa: FLUL, 2002.
- MCINERNY, Ralph; O’CALLAGHAN, John. “[Saint Thomas Aquinas](#)”. In: *The Stanford Encyclopedia of Philosophy*, 2018.
- MCINTYRE, Alison. “[Doctrine of Double Effect](#)”. In: *The Stanford Encyclopedia of Philosophy*, 2019.
- MOSELEY, Alexander. “[Just War Theory](#)”. In: *Internet Encyclopedia of Philosophy*, n.d.