Chapter 2

Who Makes Decisions? Right Authority in Historical Context

This analysis of just war theory begins with the question, “Who makes decisions about war?” This involves directly the traditional criterion of “right authority,” sometimes rendered variously as “legitimate authority,”¹ “duly-constituted authority,”² or “proper authority.”³ This, obviously, is often tied to the once-important criterion of declaration of war, emphasized by Cicero and other early thinkers, but largely conflated in recent years with the broader criterion of authority in general,⁴ since a valid declaration of war can only logically be made by an authority capable of making and acting on the declaration of military action. My concern is not to parse these two sometimes-separate criteria but rather to focus intently on the understanding of what constitutes a right authority to make decisions about war. Of special concern here will be the underlying assumptions and presuppositions that have shaped the portrait of authority painted by just war theorists throughout the tradition. Because of the wealth of discussion on authority, this topic will be covered in two chapters.

Why Begin with Authority?

Before assessing the tradition, it is worthwhile to defend my choice to treat this criterion first, given the tendency among some modern thinkers to prioritize other criteria like just cause and last resort. There are several reasons why these other criteria must be secondary (at least in order, if not in importance) to right authority in just war theory.

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First, while there is debate over the presumptions of just war theory as discussed in the previous chapter, there is little disagreement in the Christian tradition about the presumption of an earthly authority capable of waging war. Historic Christian thought on war and peace may be said, generally speaking, to begin with a presumption of authority, even while other presumptions are debated.

This was true even for the earliest pacifist theologians. Tertullian, despite believing Roman emperors to be among the greatest “enemies and persecutors of Christians,” still claimed that these same rulers had been “called by our Lord to [their] office.” While he denies the right of military service to Christians, the famously pacifist Latin theologian still admits that the “dreadful woes” of political instability and disorder are “only retarded by the continued existence of the Roman empire.” Thus, while Christians may not engage in warfare, they nevertheless should spiritually support through prayer the emperor and armies of Rome.

Origen likewise enjoined such spiritual assistance to the emperor on the part of Christians, arguing against Celsus that Christians constituted an “army of piety” that prayed for the emperor’s continued safety and success in battle. Origen questions, and rejects, the right of Christians to serve as either soldiers or public officials; yet, like Tertullian, Origen does not question the existence of a valid secular authority, the obedience owed to such an authority by Christians, or the right and responsibility of that authority to respond to threats with armed violence. All three points, for Origen and Tertullian, are assumed.

As the just war tradition developed in Christianity, these assumptions remained, even while more complex questions arose about the nature of authority and the relationship between the government and the Church. Indeed, as pacifist writers cited Jesus’ apparent opposition to violence in Matthew 5: 38–48 and Matthew 26: 52, many just war theorists responded not with a defense of war per se (which most recognized as regrettable or mournful) but with the Pauline assumption of a secular, sword-bearing authority. Long before there is a just cause, a right intention, or a proportional use of violence in Christian just war theory, there is an authority, instituted by God and capable of discerning an appropriate cause, having a right intention, and determining a proportionate response to evil. Put another way, long before there can be discernment, intent, or determination, there must be a subject capable of performing these actions. That such a subject exists is unquestioned in just war theory, whether classical or modern, liberal