



LIVING FAITH: EVERYDAY ETHICS FOR ORDINARY CHRISTIANS

JUSTICE, ORDER, & PEACE IN A WORLD AT WAR



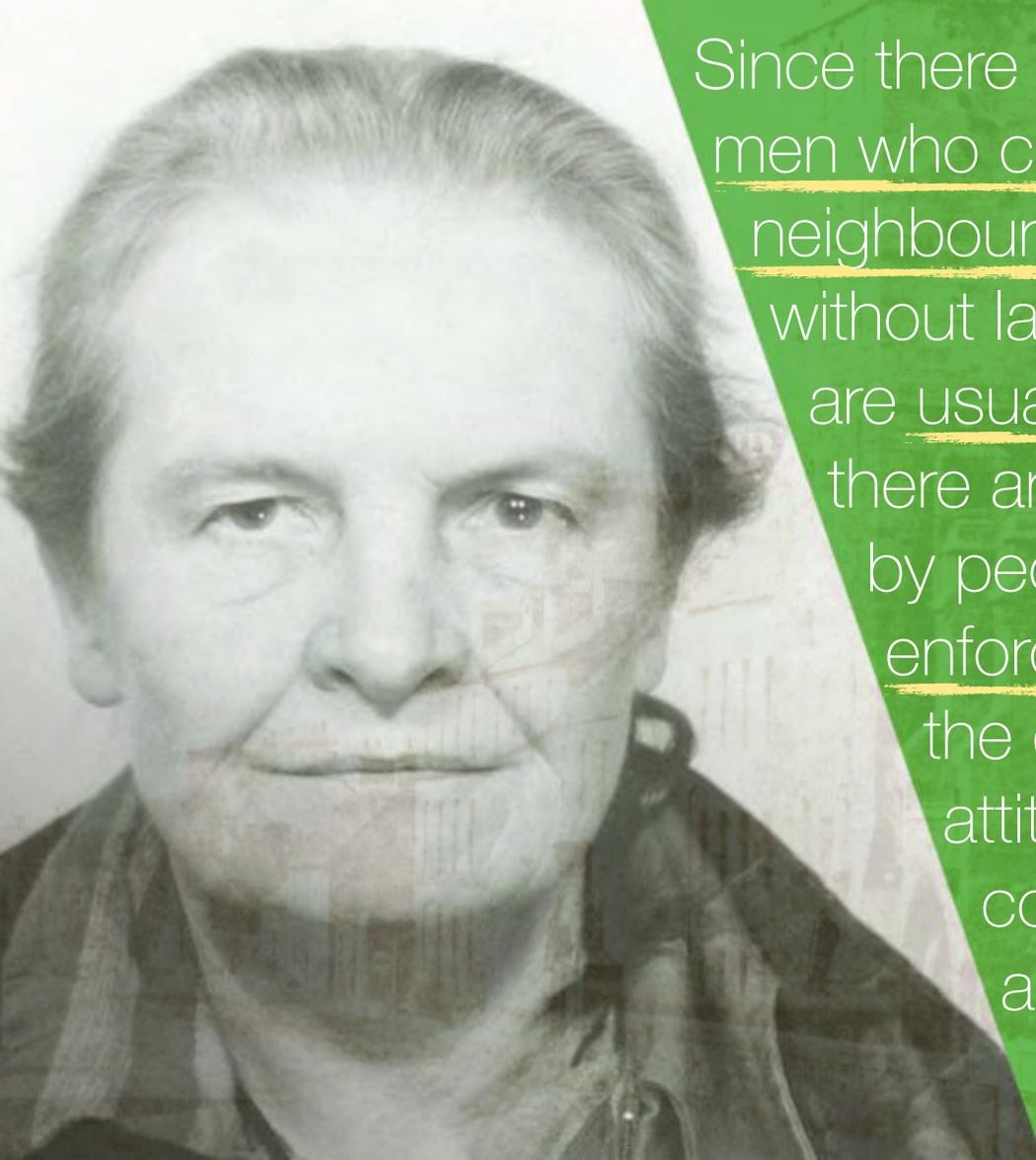
ORDER

PEACE &

JUSTICE

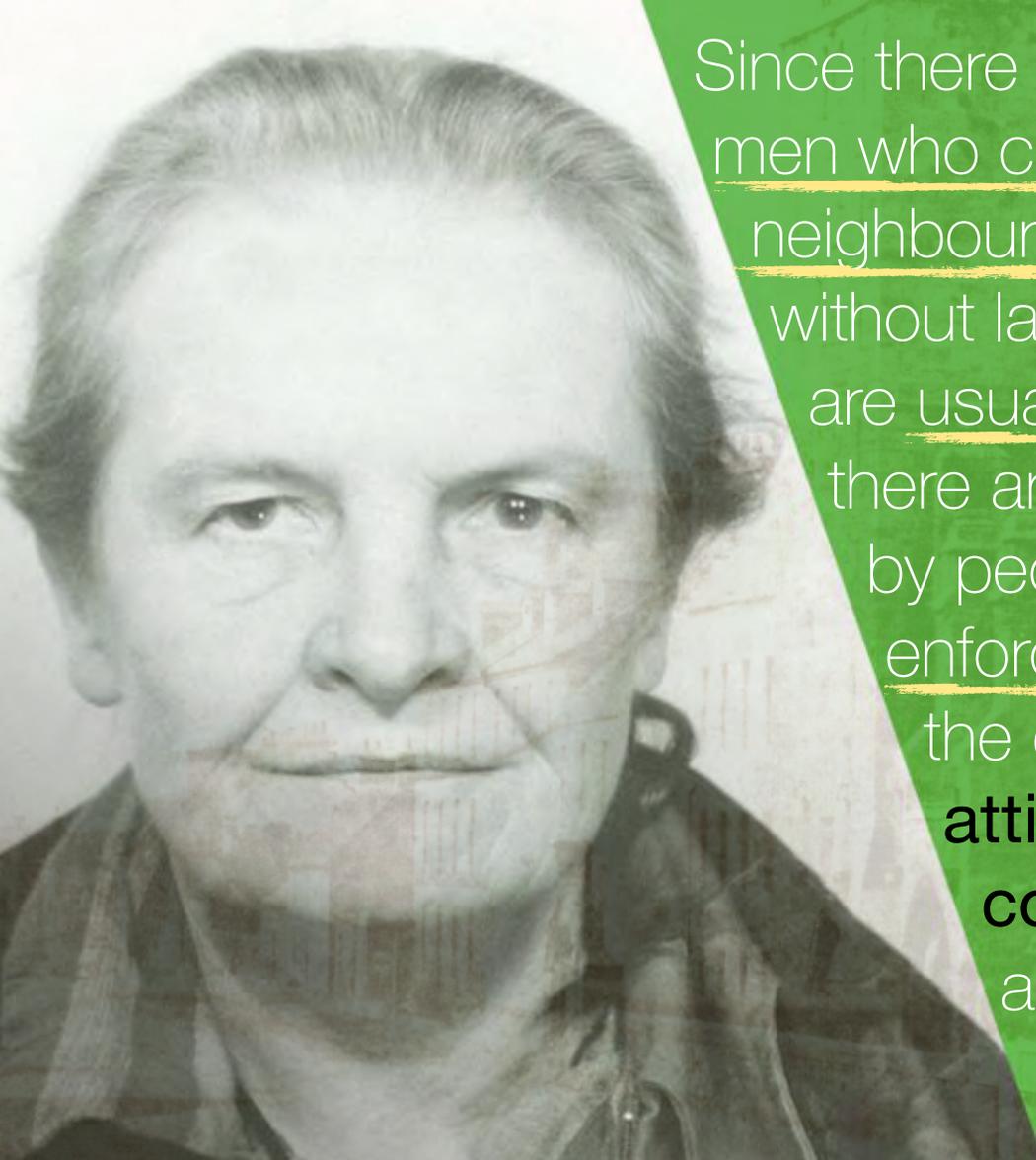


JUSTICE



Since there are always thieves and frauds and men who commit violent attacks on their neighbours and murderers, and since without law backed by adequate force there are usually gangs of bandits; and since there are in most places laws administered by people who command violence to enforce the laws against law-breakers; the question arises: what is a just attitude to this exercise of violent coercive power on the part of rulers and their subordinate officers?

– Elizabeth Anscombe (“War & Murder,” 45)



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– Elizabeth Anscombe (“War & Murder”)





▶ GENESIS 1-3 (NO KILLING)

▶ EXODUS 20 (THOU SHALT NOT RETZACH)

WILMA ANN BAILEY

**“YOU SHALL NOT KILL” OR
“YOU SHALL NOT MURDER”?**

The Assault on a Biblical Text



WILMA ANN BAILEY

Thou Shalt Not **Retzach**

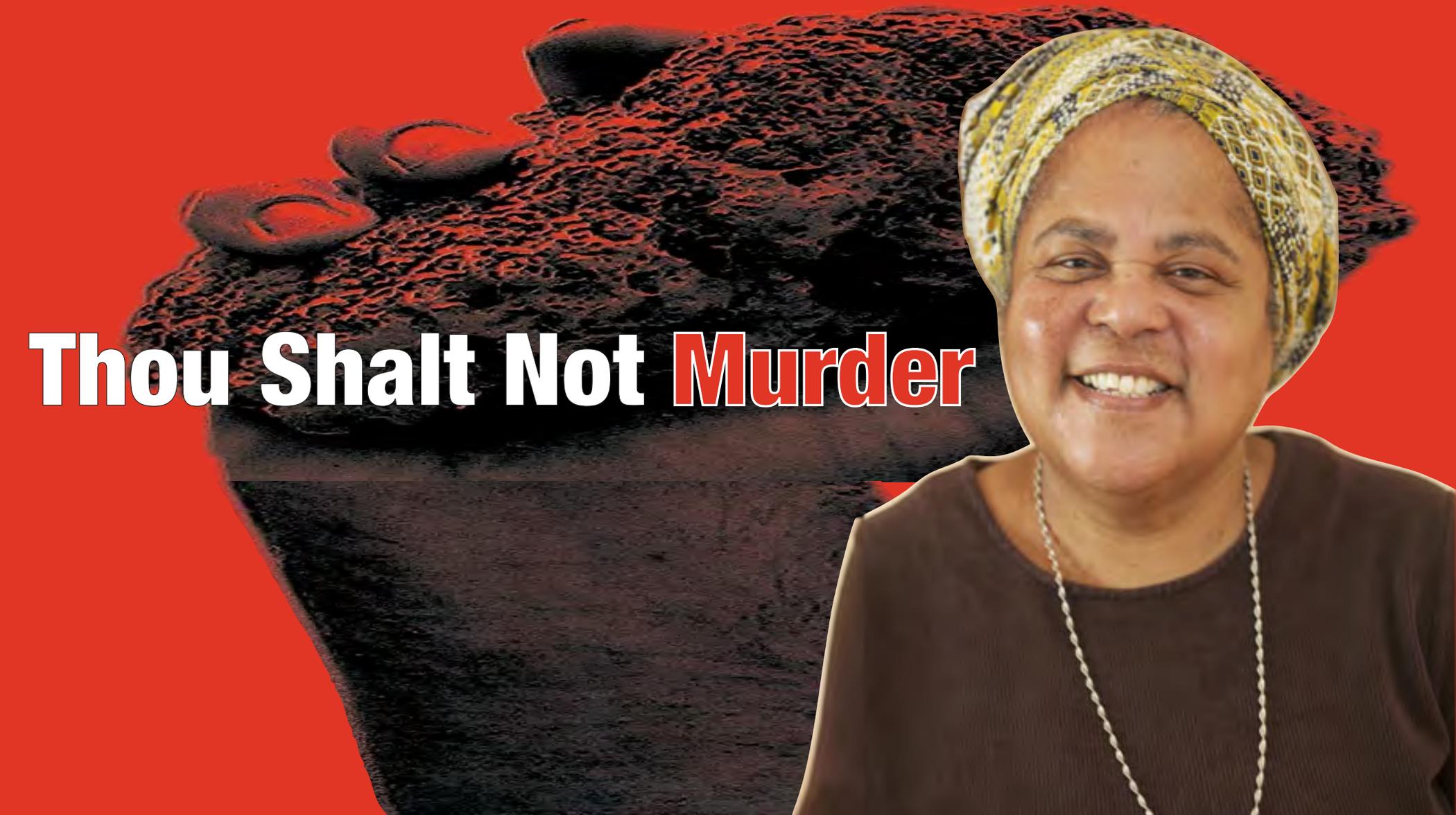
“YOU SHALL **NOT KILL**” OR
“YOU SHALL **NOT MURDER**”?

The Assault on a Biblical Text



Thou Shalt Not Kill



A woman with a warm smile is positioned on the right side of the frame. She is wearing a yellow and black patterned headscarf, a dark brown long-sleeved top, and a long, thin silver chain necklace. The background behind her is a large, dark, textured object, possibly a piece of wood or stone, with several circular indentations. The entire scene is set against a solid red background.

Thou Shalt Not Murder



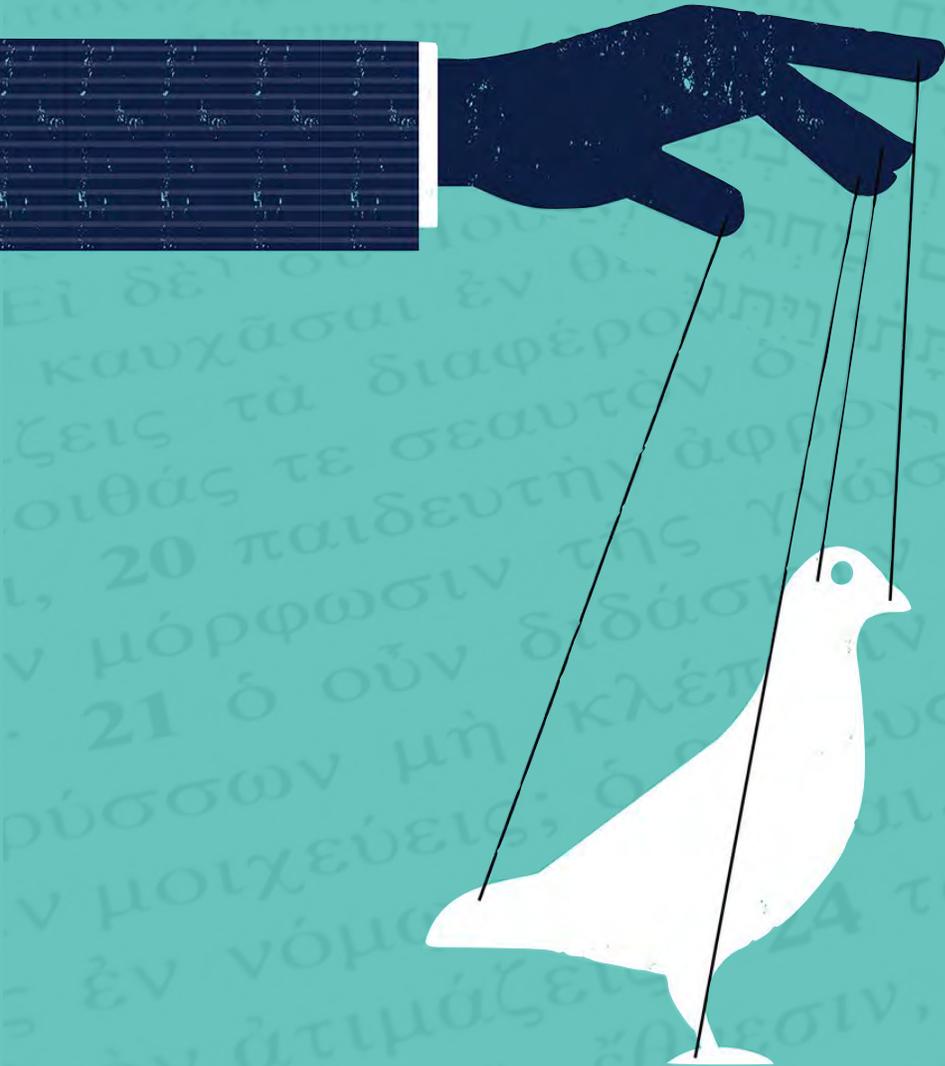
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- ▶ EXODUS 20 (THOU SHALT NOT MURDER)
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- ▶ PASSION-CRUCIFIXION (GARDEN / DEATH)



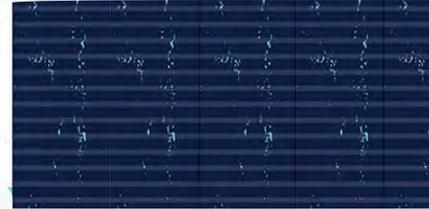
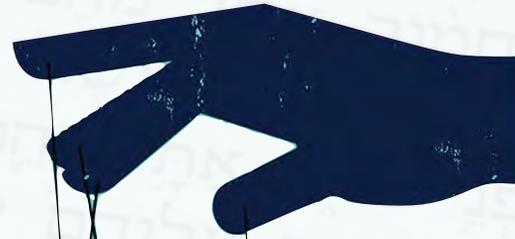
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- ▶ MATTHEW 5-7 (SERMON ON THE MOUNT)
- ▶ ROMANS 12:17-20 (PAULINE REPRISAL)



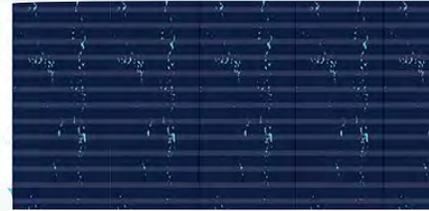
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- ▶ ROMANS 12:17-20 (PAULINE REPRISAL)
- ▶ REVELATION 13 (LAMB THAT WAS SLAIN)

▶ EXODUS (KILLING FIRSTBORN / DROWNING RED SEA)

▶ JOSHUA, JUDGES, 1-2 SAMUEL,
1-2 KINGS, 1-2 CHRONICLES (WAR)



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- ▶ JOSHUA, JUDGES, 1-2 SAMUEL,
1-2 KINGS, 1-2 CHRONICLES (WAR)
- ▶ MATTHEW 21 / MARK 11 (TEMPLE CLEANSE)
- ▶ LUKE 7 / MATTHEW 8 (CENTURION HEALING)
- ▶ MATTHEW 27 (CENTURION'S CONFESSION)
- ▶ ACTS 10 (CONVERSION OF CORNELIUS)
- ▶ LUKE 3 (SOLDIERS & JOHN THE BAPTIST)



- Counsel of Perfection (Clergy / Laity)
- Interim Ethic (Apocalyptic Imminence)
- Marginal Survival Ethic (Context)



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- ONLY Religious-Nationalist Revolt
- Law & Gospel / Two Kingdoms



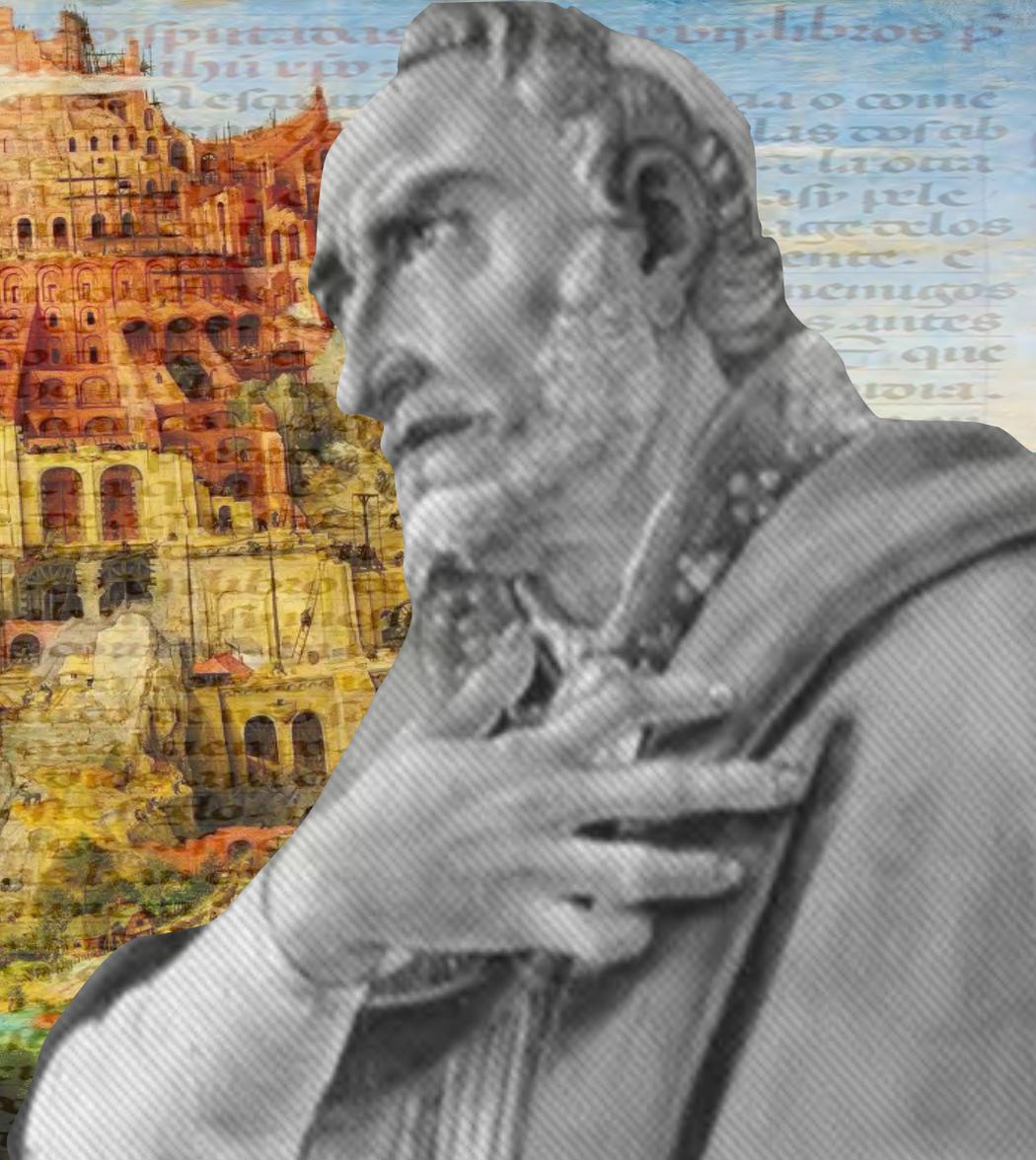


Capitulo primero de las cosas que disputadas... libros p
cientos. fasta el tiempo de nro saluador ihu xpo:
cohe promissas... de la ome...

V

promissas...

...onda... ala Per...
...ya entre...
...a qlla...





“KILLING,” “MURDER,” (JUST) “WAR”

- ▶ “KILLING” = DESCRIPTION OF HUMAN TERMINATION
- ▶ “MURDER” = EVALUATION OF UNJUST TERMINATION
- ▶ “WAR” = DESCRIPTION OF POLITICAL KILLING
- ▶ “WAR” = EVALUATION OF POTENTIALLY / IN PRINCIPLE JUST KILLING VIA ARMED COMBAT



JUS AD BELLUM (“THE RIGHT TO FIGHT”):



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- ▶ Just Cause
- ▶ Legitimate (Competent) Authority



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- ▶ Right (Upright) Intention



JUS AD BELLUM (“THE RIGHT TO FIGHT”):

- ▶ Just Cause
- ▶ Legitimate (Competent) Authority
- ▶ Right (Upright) Intention
- ▶ Right Means
- ▶ Reasonable Probability of Success
- ▶ Proportionality (Greater Good)
- ▶ Last (Reasonable) Resort / Necessary Means

JUS IN BELLO (“FIGHTING RIGHTLY”):

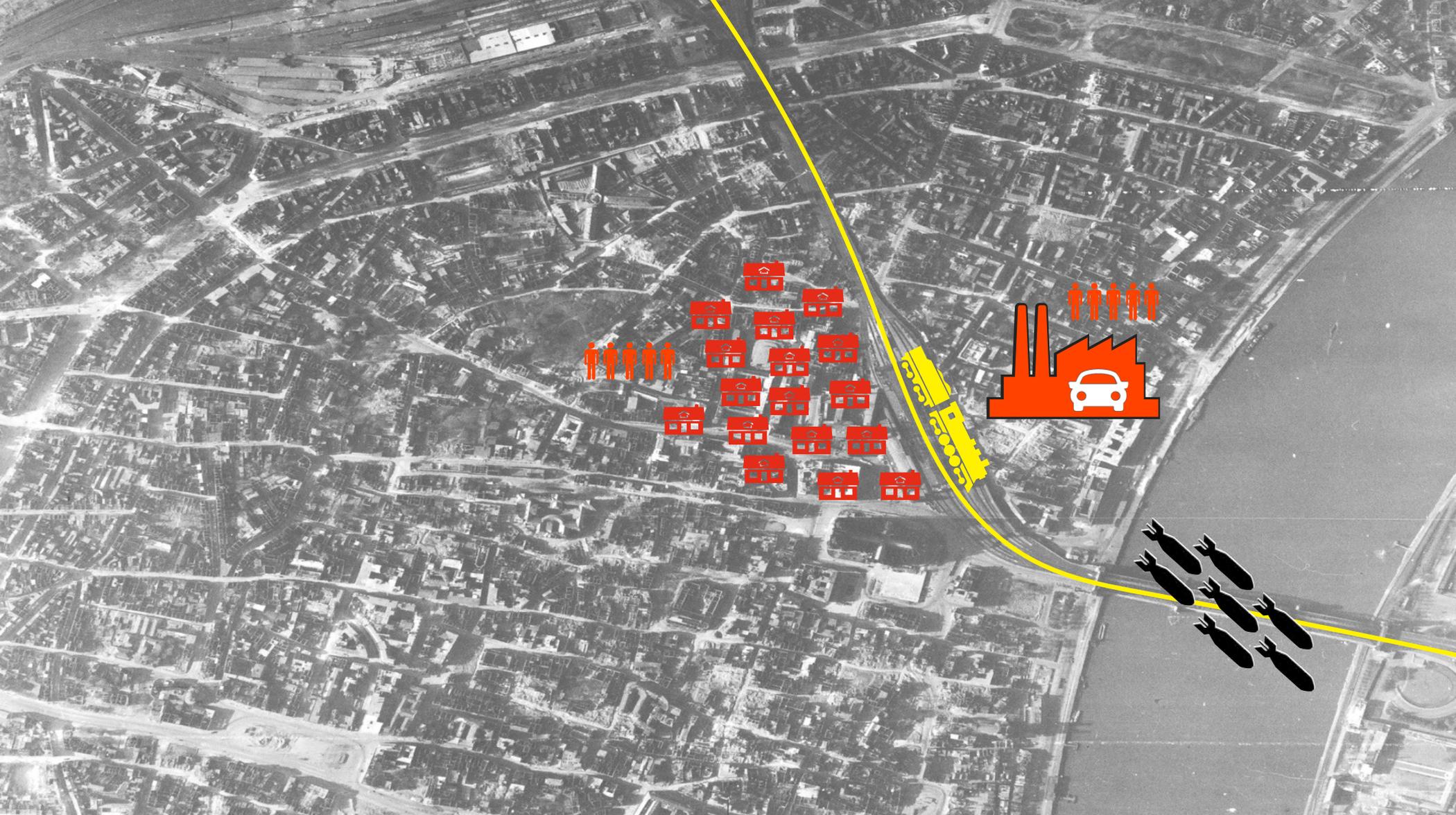
- ▶ Proportionality
- ▶ Discrimination (Non-Combatant Immunity)

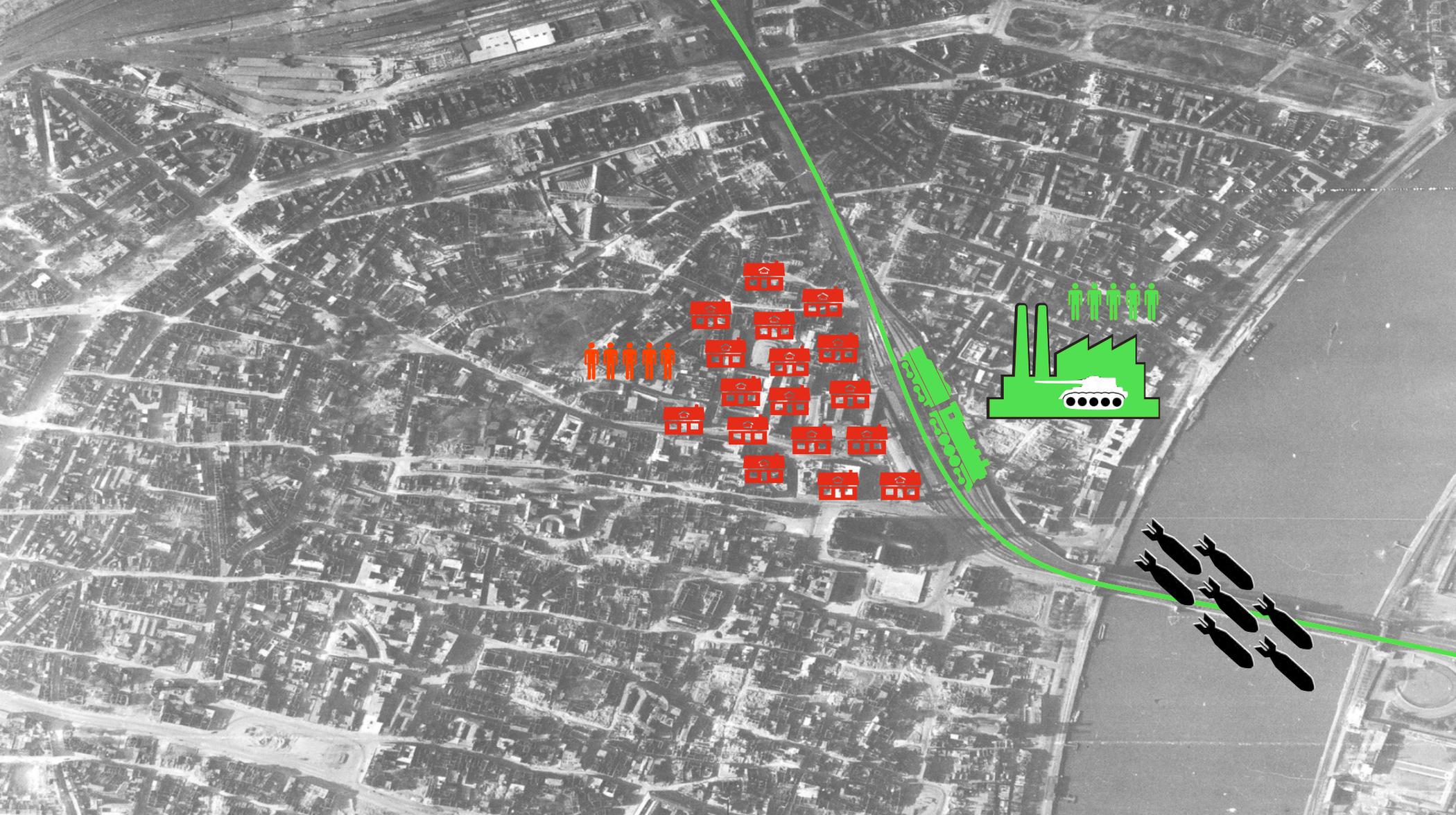


- ▶ Just Cause
- ▶ Legitimate (Competent) Authority
- ▶ Right (Upright) Intention
- ▶ Reasonable Probability of Success
- ▶ Proportionality (Greater Good)
- ▶ Last (Reasonable) Resort

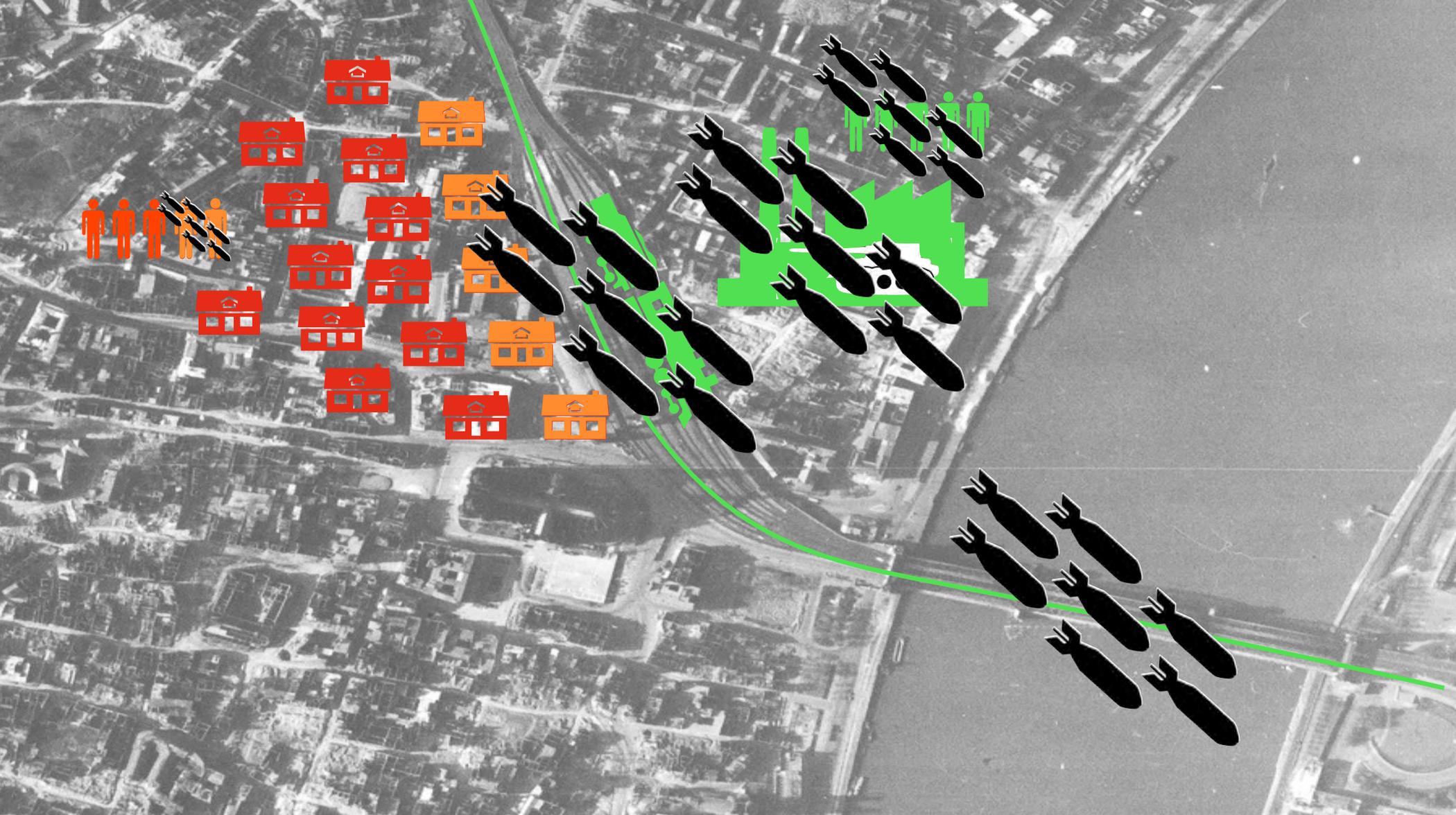


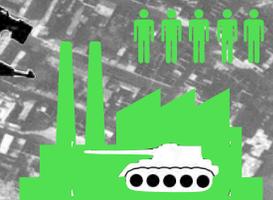
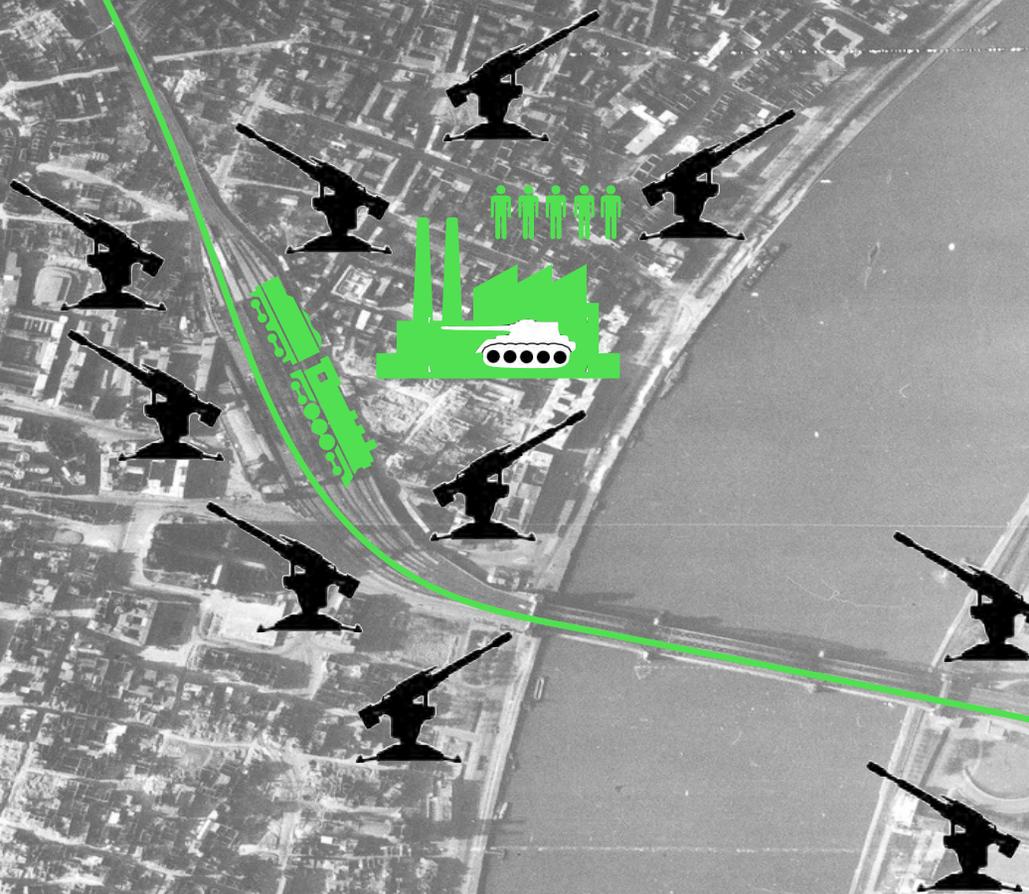
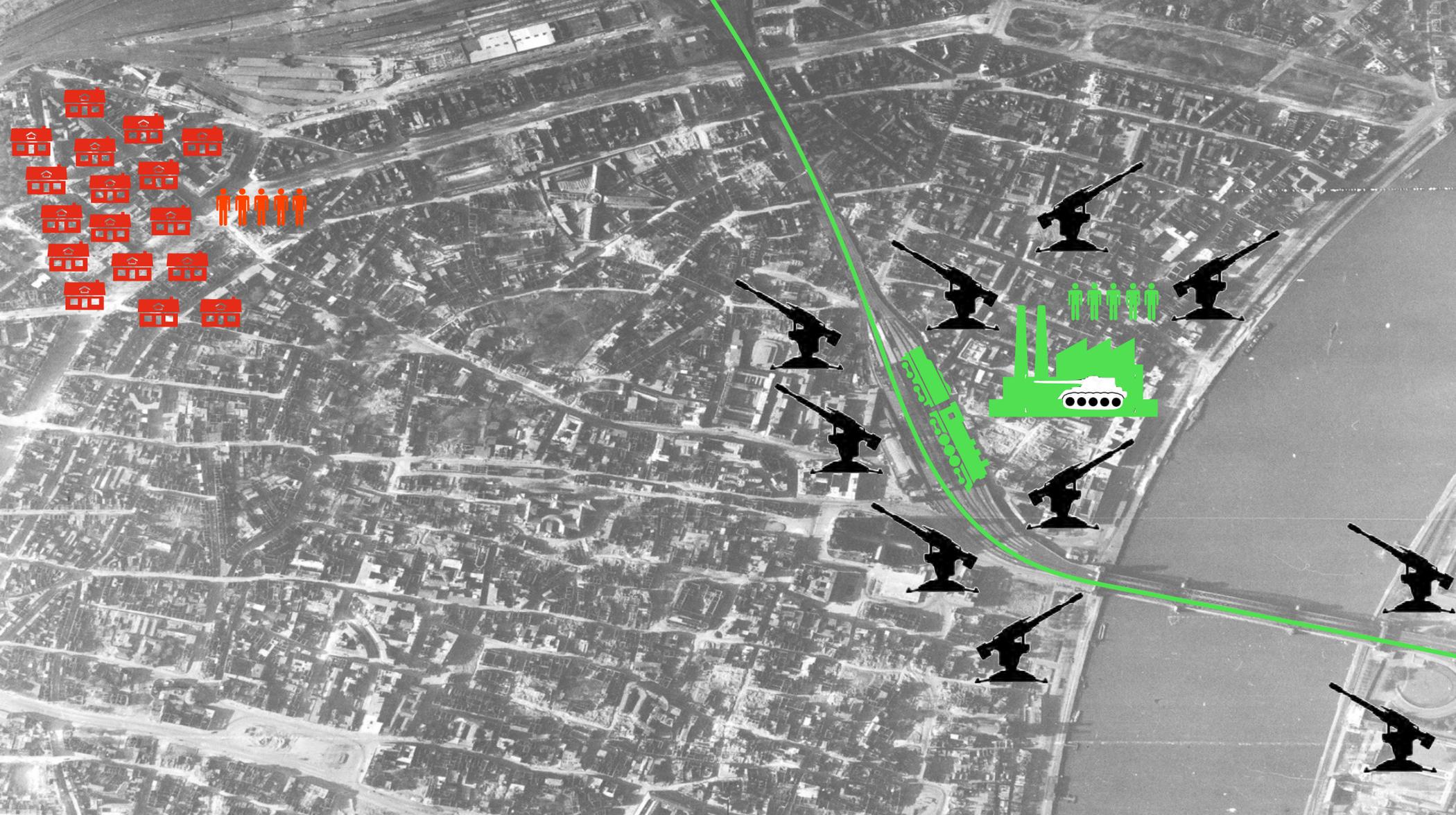
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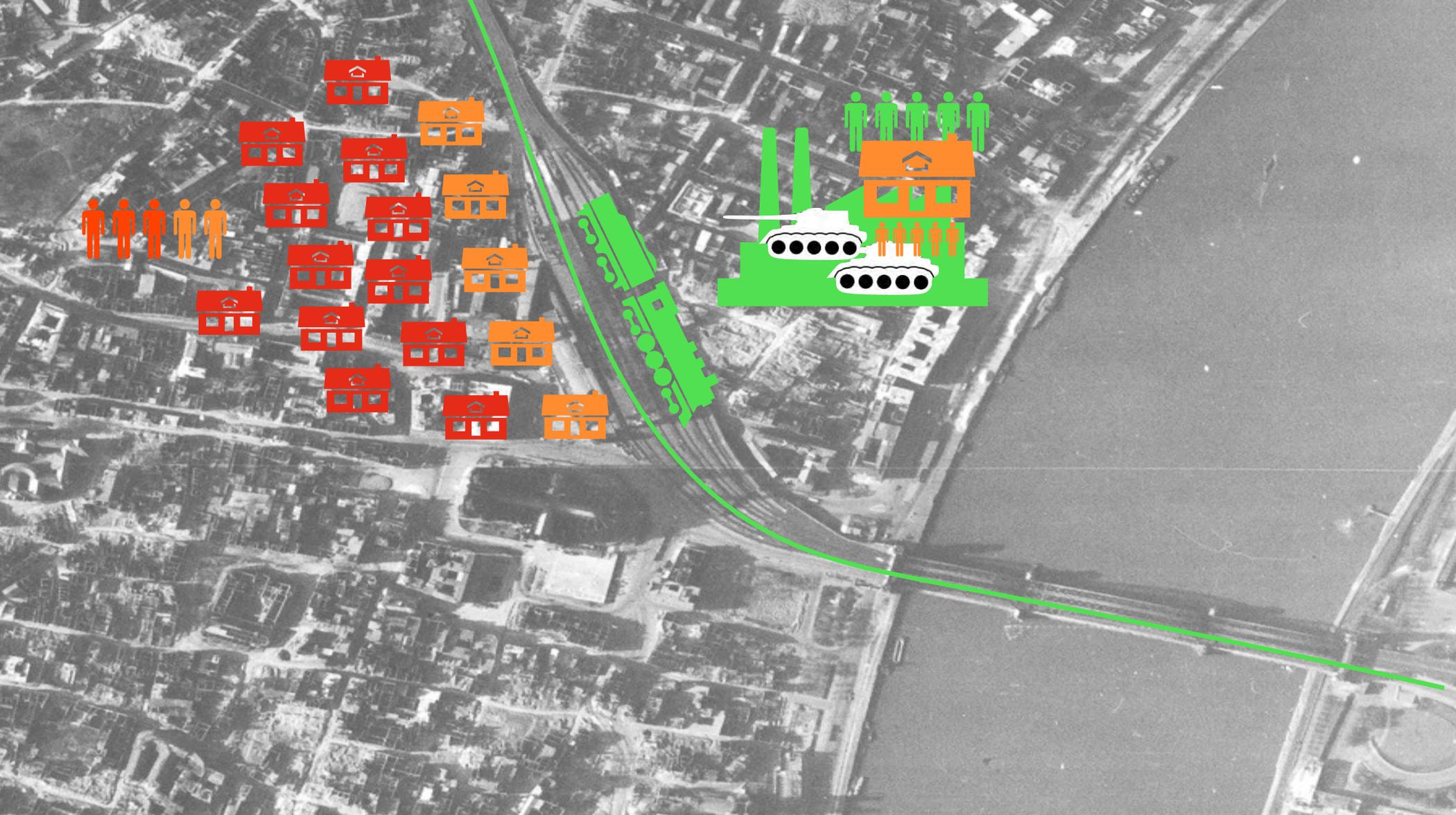


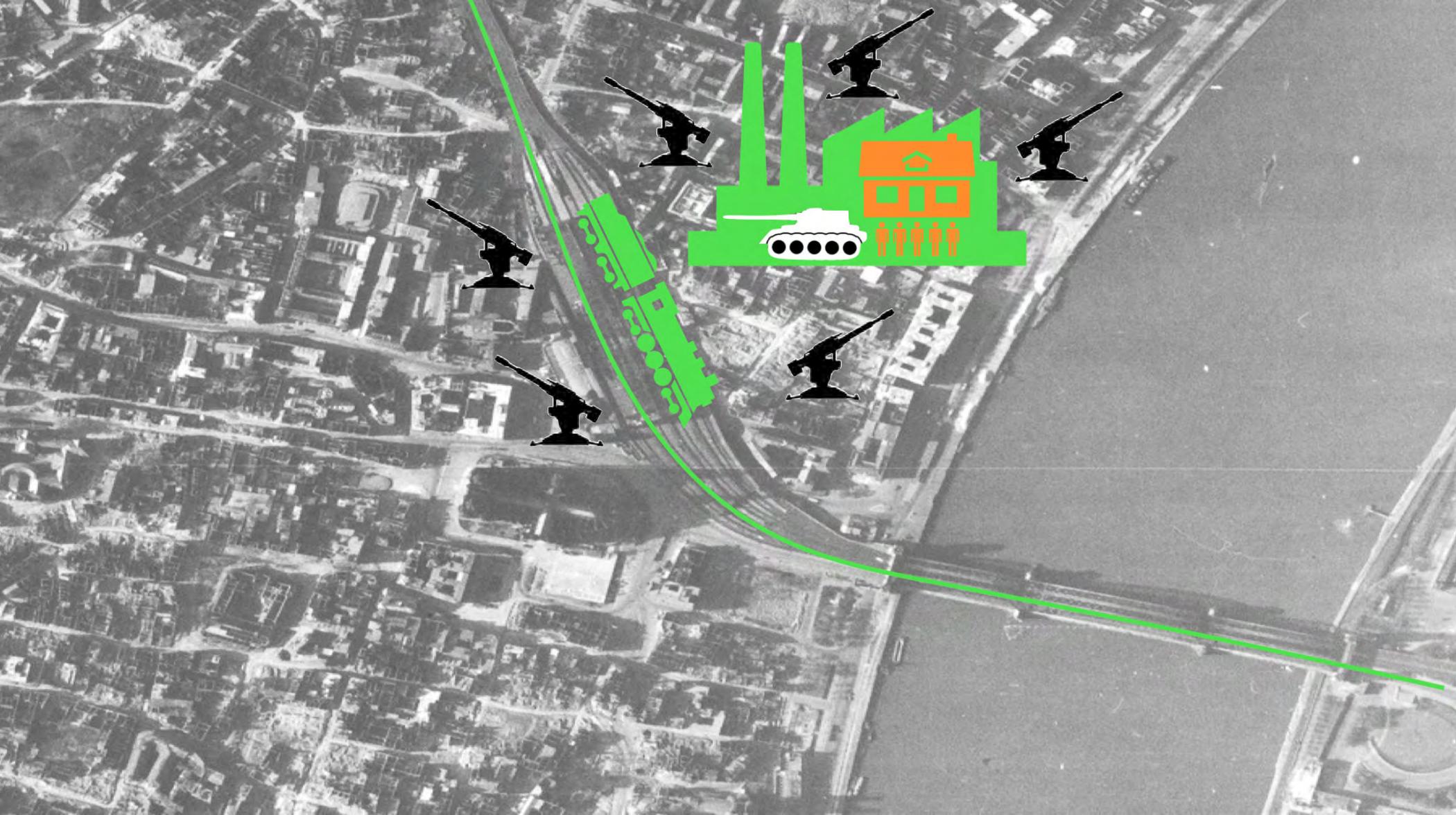














KOREA

JAPAN

Cheongju

Daejeon

Andong

Oki Is.

Gunsan Jeonju Daegu Pohang

Ulsan

Gwangju Changwon Busan

Mokpo Yeosu

Jeju

Cheju I.

Korea Strait

East China Sea

Osumi Is.

Nagano Kanazawa Matsumoto Mito

Matsue Tottori Maizuru Kyoto Gifu Fuji Kofu Tokyo Yokohama

3776 m.

Nagoya Shizuoka Hamamatsu

Hiroshima Kobe Osaka Tsu Fukuoka Matsuyama Kochi

SHIKOKU

Sasebo Oita Kumamoto Miyazaki Kagoshima

KYUSHU

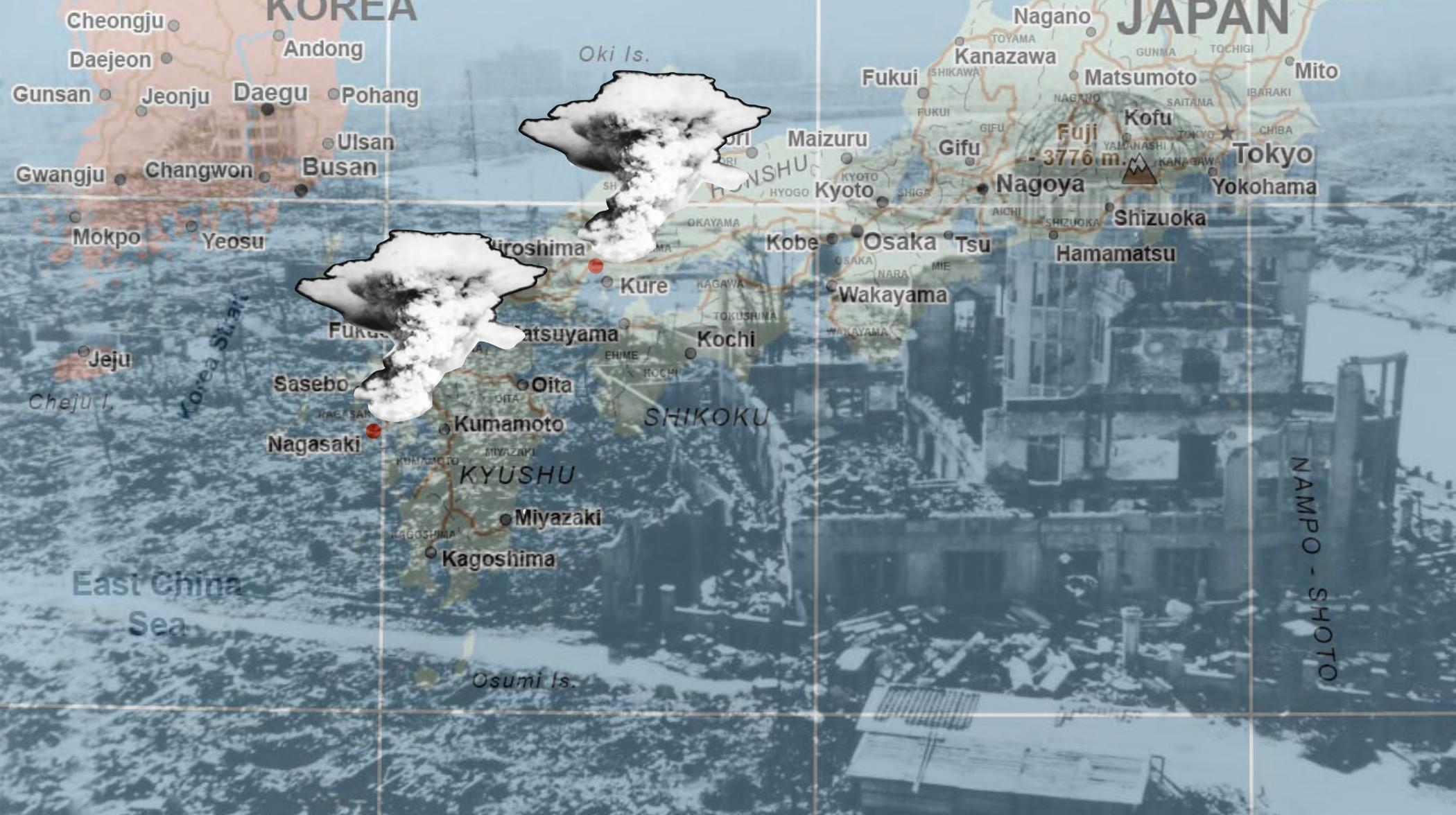
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BBC

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Cheongju, Daejeon, Gunsan, Jeonju, Gwangju, Mokpo, Jeju, KOREA, Oki Is., Nagano, Kanazawa, Fukui, Tottori, Maizuru, Kyoto, Osaka, Kobe, Wakayama, WAKAYAMA, TOKUSHIMA, KAGAWA, HIROSHIMA, Kure, NAGANO, MATSUMOTO, KOFU, TOKYO, YOKOHAMA, SHIZUOKA, HAMAMATSU, TSU, NAGOYA, Gifu, FUJU, - 3776 m., SHIZUOKA, IBARAKI, Mito, CHIBA, YAMANASHI, KANAGAWA, SAITAMA, GUNMA, TOCHIGI, ISHIKAWA, TOYAMA, NARA, MIE, OKAYAMA, TOKUSHIMA, WAKAYAMA



KOREA

JAPAN

Oki Is.

SHIKOKU

KYUSHU

Osumi Is.

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3776 m.

War Crime

Willfully, Knowingly, &
Purposefully Violating
Discrimination / Noncombatant
Immunity

End(s) Means

"To Save Lives" &/or
"To Minimize Death"

Bombing Cities /
Targeting Civilians &
Noncombatants



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.....
JUSTICE, ORDER, & PEACE IN A WORLD AT WAR



- ▶ Just Cause
- ▶ Legitimate (Competent) Authority
- ▶ Right (Upright) Intention
- ▶ Reasonable Probability of Success
- ▶ Proportionality (Greater Good)
- ▶ Last (Reasonable) Resort



- ▶ Proportionality
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- ▶ Just Cause
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(Non-Combatant
Immunity)
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- ▶ Legitimate (Competent)
Authority

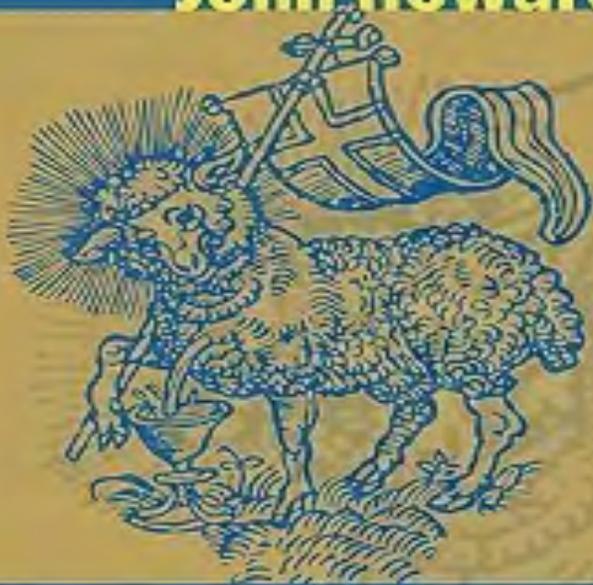


- ▶ Just Cause
- ▶ Reasonable Probability
of Success
- ▶ Last (Reasonable) Resort
- ▶ Proportionality
(ad bellum)

BLESS THOSE WHO PERSECUTE YOU; BLESS AND DO NOT CURSE THEM....
DO NOT REPAY ANYONE EVIL FOR EVIL...**BELOVED, NEVER AVENGE YOURSELVES, BUT LEAVE ROOM FOR THE WRATH OF GOD, FOR IT IS WRITTEN, "VENGEANCE IS MINE; I WILL REPAY, SAYS THE LORD."**...DO NOT BE OVERCOME BY EVIL, BUT OVERCOME EVIL WITH GOOD.

LET EVERY PERSON BE SUBJECT TO THE GOVERNING AUTHORITIES, FOR THERE IS NO AUTHORITY EXCEPT FROM GOD, AND THOSE AUTHORITIES THAT EXIST HAVE BEEN INSTITUTED BY GOD. THEREFORE WHOEVER RESISTS AUTHORITY RESISTS WHAT GOD HAS APPOINTED ...FOR THE AUTHORITY DOES NOT BEAR THE SWORD IN VAIN! **IT IS THE AGENT OF GOD TO EXECUTE WRATH ON THE WRONGDOER.** THEREFORE ONE MUST BE SUBJECT, NOT ONLY BECAUSE OF WRATH BUT ALSO BECAUSE OF CONSCIENCE.

John Howard Yoder



If a violent person threatened to harm
a loved one . . .

What Would You Do?

With Joan Baez, Tom Skinner,
Leo Tolstoy, and others



John Howard Yoder

WOULD YOU SHOOT?

SUPPOSE YOU HAVE?

NOT THAT GOOD A SHOT

NO. I'M A PACIFIST. NO GUNS.

SHOOT GUN OUT OF HAND

DON'T WANT TO HIT GRANDMA

If a violent person threatened to harm

With Joan Baez, Tom Skinner,
Leo Tolstoy, and others

John Howard Yoder

HONK THE HORN

SWERVE AROUND HER

DRIVE OFF THE CLIFF

HORN DOESN'T WORK

LANDSLIDE BLOCKS ROAD

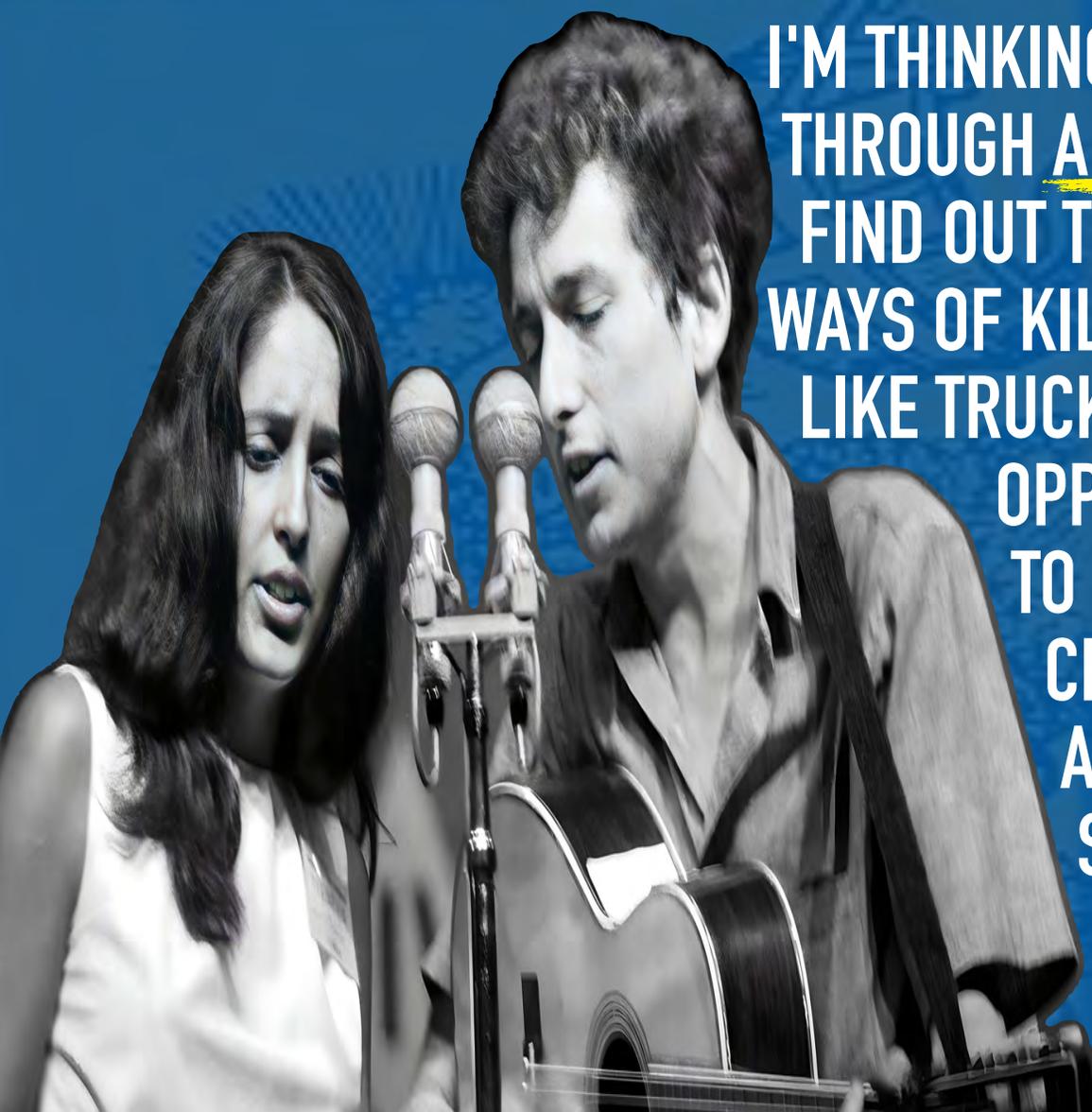
SOMEONE IS WITH YOU

With Joan Baez, Tom Skinner,
Leo Tolstoy, and others

I WOULD PROBABLY SLAM ON THE BRAKES
SENDING MY FRIEND THROUGH THE
WINDSHIELD, SKID INTO THE
LANDSLIDE, RUN OVER THE
LITTLE GIRL, SAIL OFF THE
CLIFF, PLUNGE TO MY OWN
DEATH... CRASH THROUGH
GRANDMA'S ROOF AND
BLOW UP HER LIVING ROOM.

With Joan Baez, Tom Skinner,
Leo Tolstoy, and others

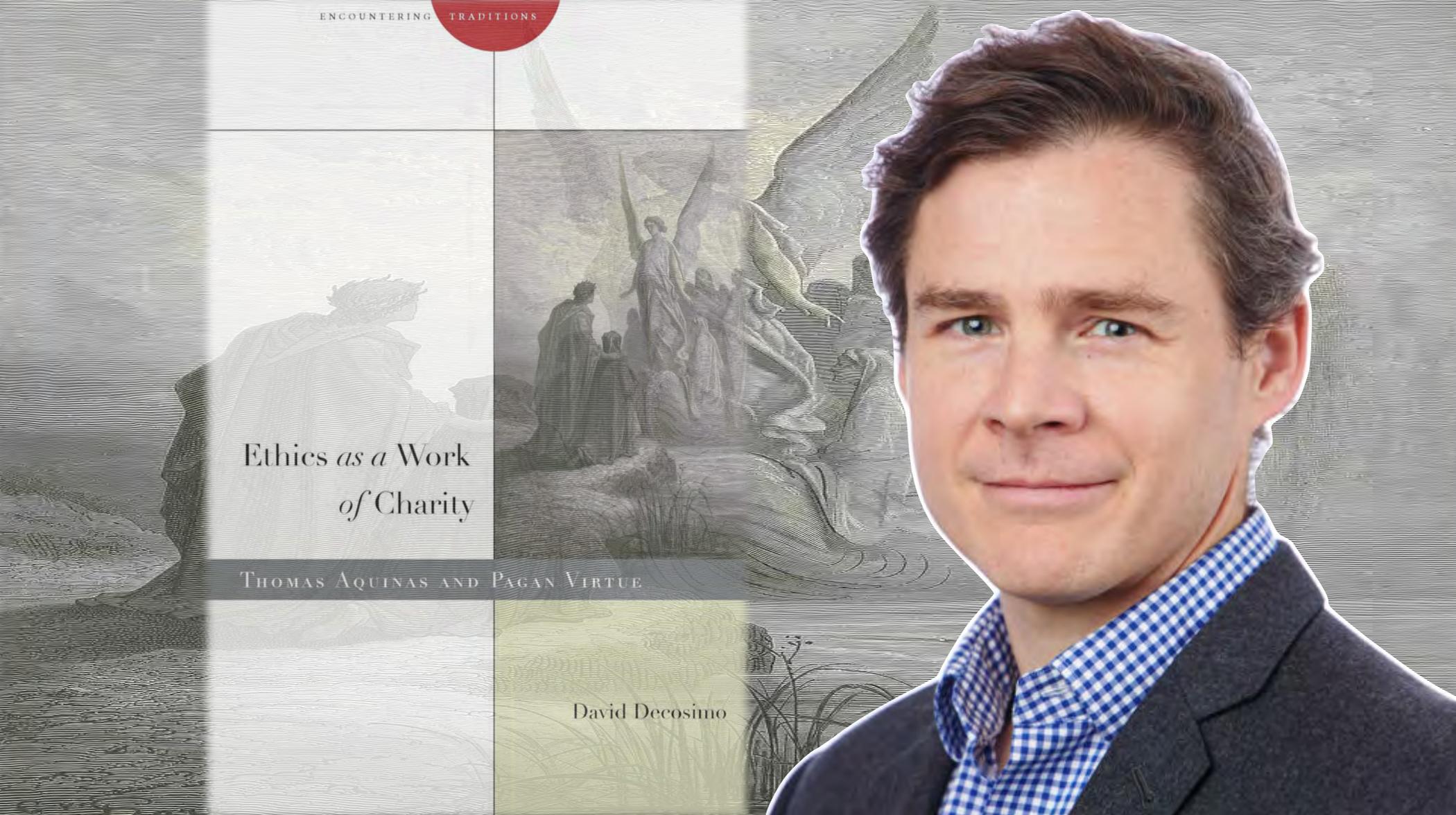




I'M THINKING ABOUT HOW WE PUT PEOPLE THROUGH A TRAINING PROCESS SO THEY'LL FIND OUT THE REALLY GOOD, EFFICIENT WAYS OF KILLING. NOTHING INCIDENTAL LIKE TRUCKS AND LANDSLIDES; JUST THE OPPOSITE, REALLY. YOU KNOW, HOW TO GROWL AND YELL, KILL AND CRAWL AND JUMP OUT OF AIRPLANES—REAL ORGANIZED STUFF. WHY, YOU HAVE TO BE ABLE TO RUN A BAYONET THROUGH GRANDMA'S MIDDLE.



If You're Not Safe, You're Not Free



*Ethics as a Work
of Charity*

THOMAS AQUINAS AND PAGAN VIRTUE

David Decosimo

“TORTURE” & “DOMINATION”

- ▶ Proximate End (Override Will / Coerce)
- ▶ Means / Material Cause (Violation)

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THOMAS AQUINAS AND PAGAN VIRTUE

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“TORTURE” & “DOMINATION”

- ▶ Proximate End (Override Will / Coerce)
- ▶ Means / Material Cause (Violation)
- ▶ Violation (NOT Destruction)
- ▶ Domination (Against Interest, Absent Consent, Apart from Contestation)

of Charity

David Decosimo



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- ▶ Asymmetrical Vulnerability w/ Impunity

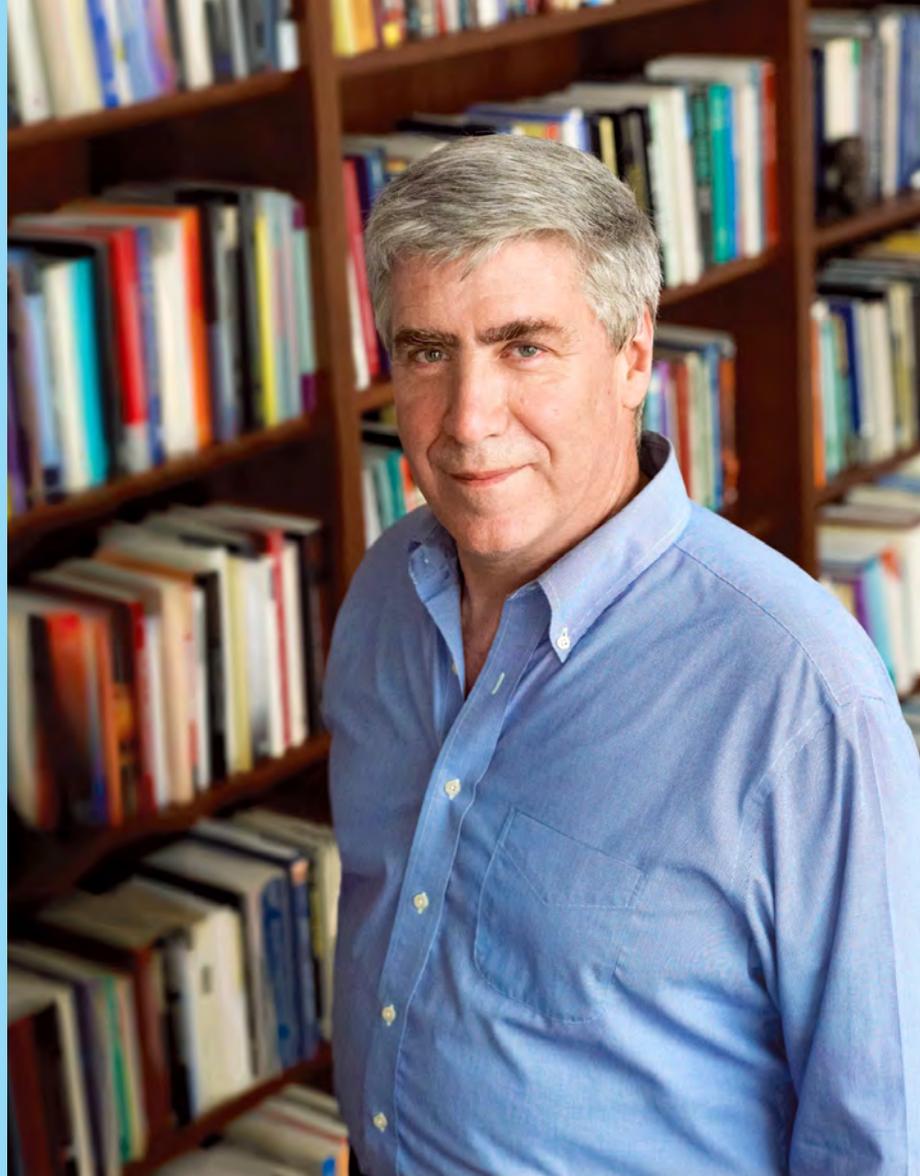


of Charity

David Decosimo

LIVING SAFELY IN THE KNOWLEDGE THAT OUR SECURITY WAS PURCHASED ON THE BACK OF A WATERBOARD, AT THE MUZZLE OF A SNARLING DOG, OR BY THE LIVE END OF AN ELECTRODE IS A HIDEOUS THING....[T]AKE AWAY THE RULE OF LAW AND INTRODUCE BRUTALITY AND THE INFLICTION OF TORMENT, AND OUR PERSONAL SAFETY OR THE SAFETY OF OUR STREETS IS A REPROACH TO US, A TAINTED AND CLAMMY FORM OF SATISFACTION THAT WE CAN ENJOY ONLY WITH OUR CONSCIENCES TURNED OFF.

Jeremy Waldron — NYU Law School (Otago '74)



- ▶ Just Cause
- ▶ Legitimate (Competent) Authority
- ▶ Right (Upright) Intention
- ▶ Reasonable Probability of Success
- ▶ Proportionality (Greater Good)
- ▶ Last (Reasonable) Resort



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- ▶ Discrimination (Non-Combatant Immunity)

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- ▶ Proportionality (in bello)



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- ▶ **Discrimination
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- ▶ **Right (Upright) Intention**
- ▶ **Reasonable Probability
of Success**
- ▶ **Last (Reasonable) Resort**
- ▶ **Proportionality (in bello)**



- ▶ Just Cause
- ▶ Legitimate (Competent)
Authority
- ▶ Proportionality
(ad bellum)



edited by
SANFORD LEVINSON

Alan Dershowitz

with a foreword by Ariel Dorfman

Jean Bethke Elstain

Oren Gross

Miriam Gur-Arye

Oona A. Hathaway

John H. Langbein

Fionnuala Ni Aoláin

Mark Osiel

John T. Parry

Richard A. Posner

Elaine Scarry

Henry Shue

Jerome H. Skolnick

Michael Walzer

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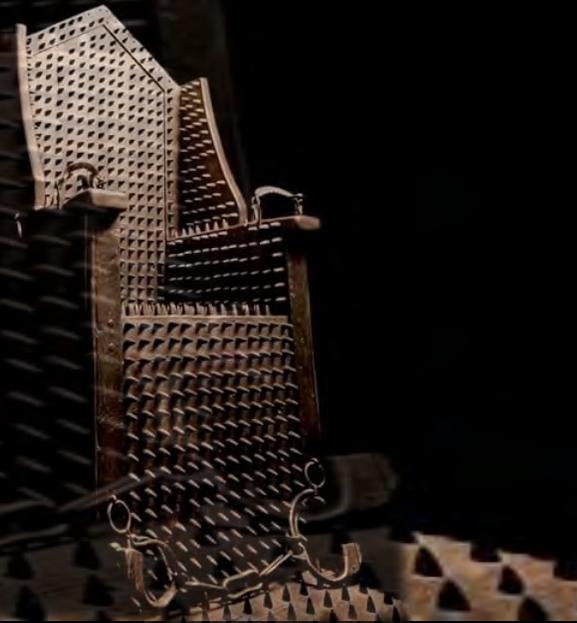
with two new essays by

Charles Krauthammer

Andrew Sullivan

TORTURE

A Collection



JUST WAR AGAINST TERROR

"Not afraid to make a bit of noise, Elshtain sends her arguments rolling across the lawn, everywhere encountering weedy clumps of prejudice and ill-conceived assumptions, and everywhere leaving behind a well-trimmed swath of intellectual clarity."

*NEW YORK TIMES
BOOK REVIEW*

THE BURDEN
OF AMERICAN POWER IN
A VIOLENT WORLD

JEAN BETHKE
ELSHTAIN

With a New
Epilogue by
the Author



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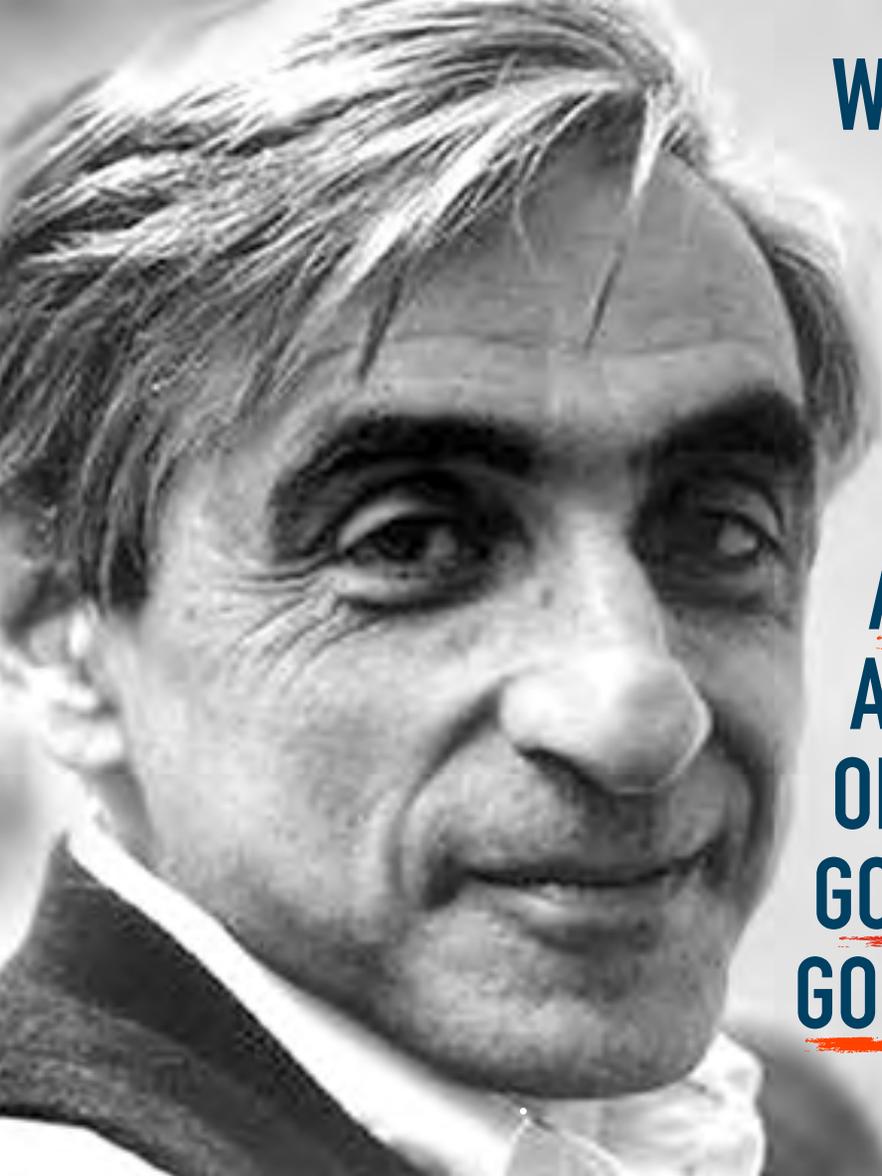
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TORTURE

A Collection







**WHEN HE ORDERED THE PRISONER
TORTURED, HE COMMITTED A MORAL
CRIME AND HE ACCEPTED A MORAL
BURDEN. NOW HE IS A GUILTY MAN.
HIS WILLINGNESS TO ACKNOWLEDGE
AND BEAR... HIS GUILT IS EVIDENCE,
AND IT IS THE ONLY EVIDENCE HE CAN
OFFER US, BOTH THAT HE IS NOT TOO
GOOD FOR POLITICS AND THAT HE IS
GOOD ENOUGH."**

– Michael Walzer ("Problem of Dirty Hands")

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Alan Dershowitz

with a foreword by Ariel Dorfman

Jean Bethke Elstain

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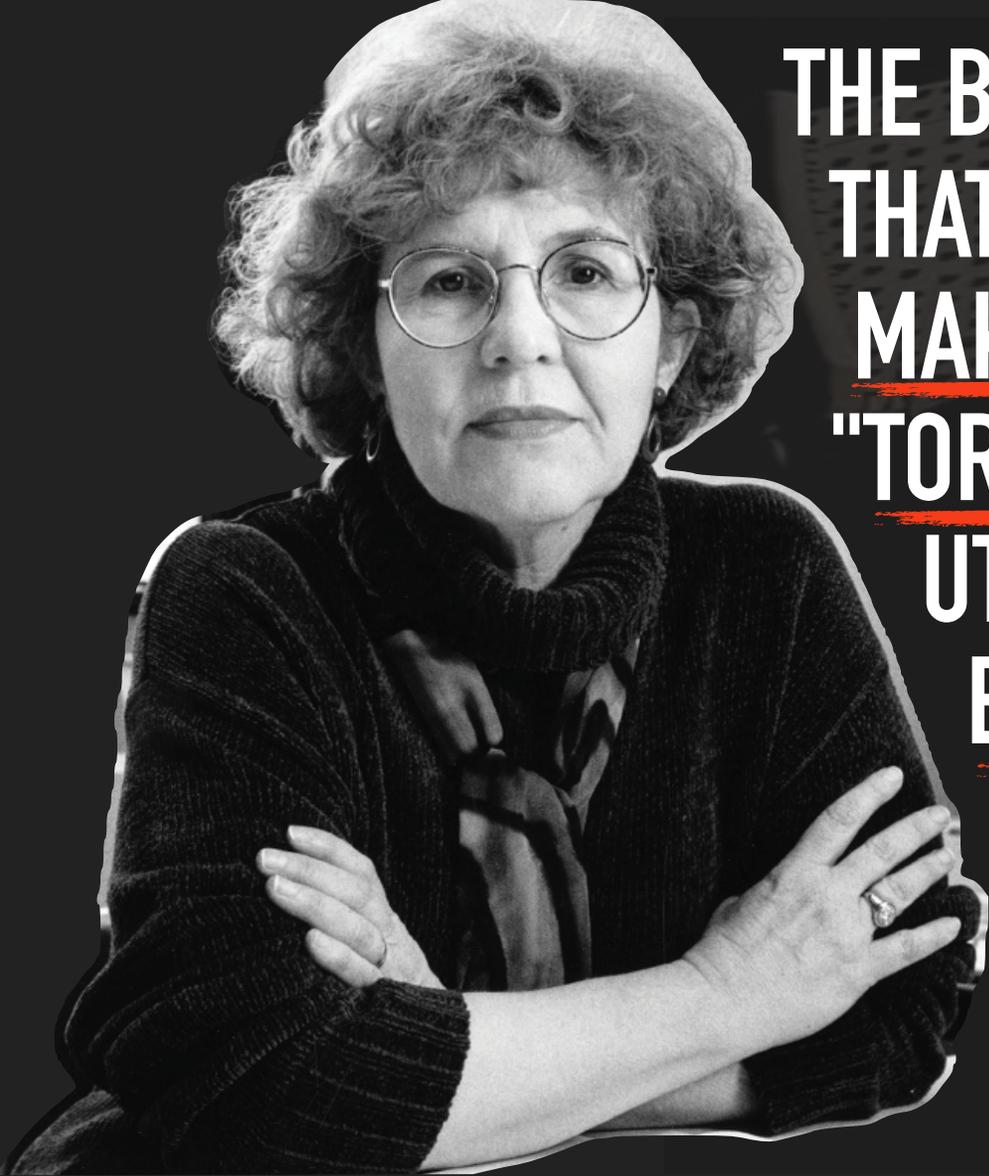
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TORTURE

A Collection







THE BURDEN OF MY ARGUMENT IS
THAT, WHILE DEONTOLOGY
MAKES SOMETHING CALLED
"TORTURE" IMPOSSIBLE,
UTILITARIANISM MAKES IT TOO
EASY AND TOO TEMPTING

— Jean Bethke Elshtain ("Dirty Hands," 79)

Jerome H. Skolnick

Richard H. Weisberg

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Charles Krauthammer

Andrew Sullivan



DEONTOLOGY (ABSOLUTISM)
UTILITARIANISM (CONSEQUENTIALISM)
SOMETHING CALLED "TORTURE"
IMPOSSIBLE
TOO EASY TOO TEMPTING

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A Collection



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SOMETHING CALLED "TORTURE"

TORTURE A Collection

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Miriam Gur-Arye

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Michael Walzer

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Andrew Sullivan

TORTURE
A Collection



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SANFORD LEVINSON

SOMETHING CALLED "TORTURE"

- ▶ Shouted Insults / Verbal Abuse
- ▶ Slap to the Face / Shove to Seat
- ▶ Sleep Deprivation (Light & Noise)
- ▶ Severe Beatings & Brutalization
- ▶ Bodily Mutilation & Amputation



edited by
SANFORD LEVINSON

SOMETHING CALLED "TORTURE"

- Jean Bethke Flshain
- Orca Gross
- Oona A. Hathaway
- John H. Langbein
- Mark Osiel
- John T. Parry
- Elaine Scarry
- Henry Shue
- Michael Walzer
- Richard H. Weisberg
- Charles Krauthammer
- Andrew Sullivan
- ▶ Severe Beatings & Brutalization
 - ▶ Bodily Mutilation & Amputation
 - ▶ Shouted Insults / Verbal Abuse
 - ▶ Slap to the Face / Shove to Seat
 - ▶ Sleep Deprivation (Light & Noise)



edited by
SANFORD LEVINSON

SOMETHING CALLED "TORTURE LITE"

- ▶ Shouted Insults / Verbal Abuse
- ▶ Slap to the Face / Shove to Seat
- ▶ Sleep Deprivation (Light & Noise)
- ▶ "Stress Positions" Days on End
- ▶ Waterboarding





**ALTHOUGH EXCRUCIATING FOR
THE VICTIM, THESE TACTICS
GENERALLY LEAVE NO
PERMANENT MARKS AND
DO NO LASTING PHYSICAL
HARM.**

— Jean Bethke Elshtain ("Dirty Hands," 85)

Henry Shue

Jerome H. Skolnick

Michael Walzer

Richard H. Weisberg

Charles Krauthammer

Andrew Sullivan



JUST WAR AGAINST TERROR

"Not afraid to make a bit of noise, Elshtain sends her arguments rolling across the lawn, everywhere encountering weedy clumps of prejudice and ill-conceived assumptions, and everywhere leaving behind a well-trimmed swath of intellectual clarity."

*NEW YORK TIMES
BOOK REVIEW*

THE BURDEN
OF AMERICAN POWER IN
A VIOLENT WORLD

JEAN BETHKE
ELSHTAIN

With a New
Epilogue by
the Author

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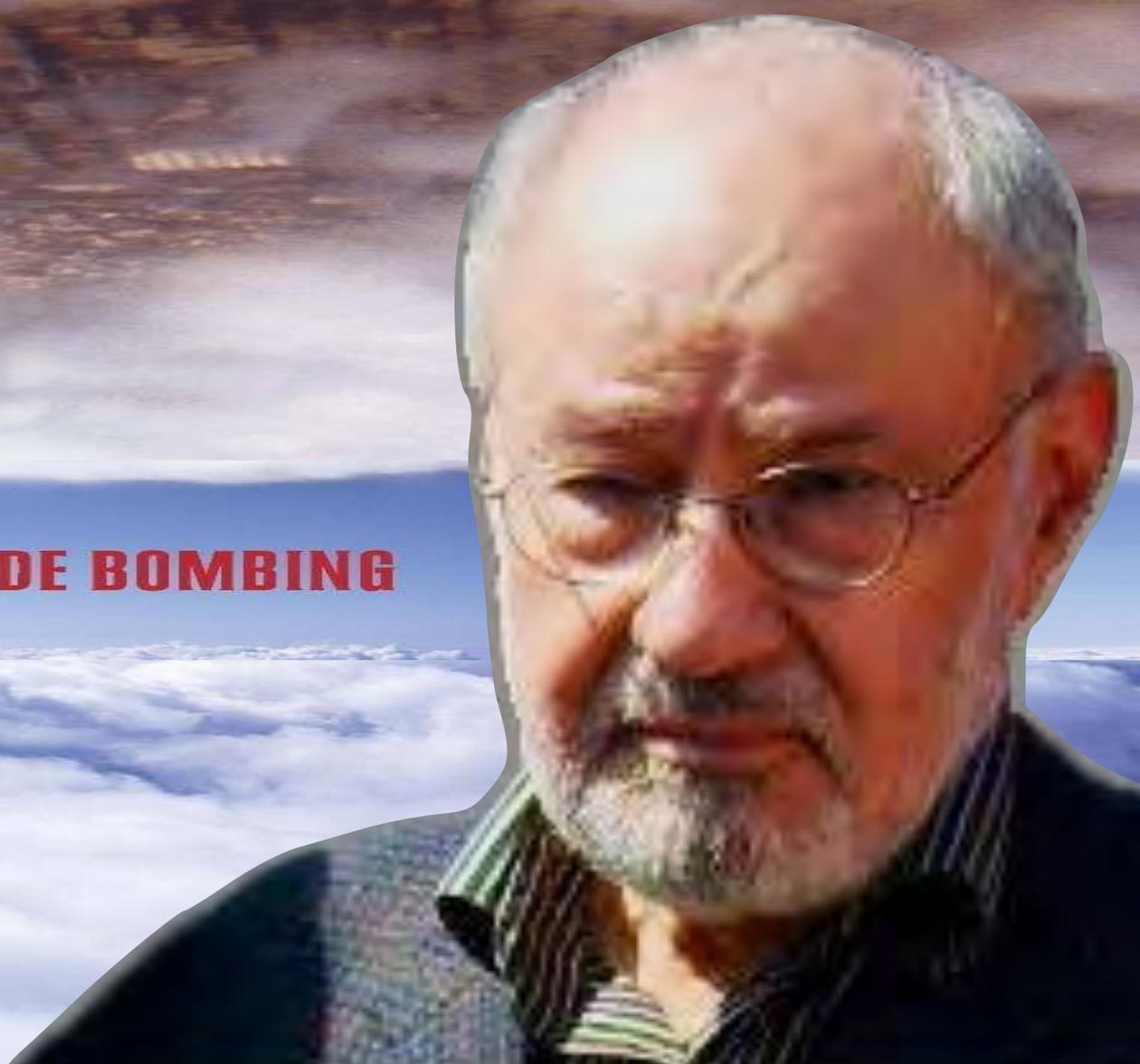


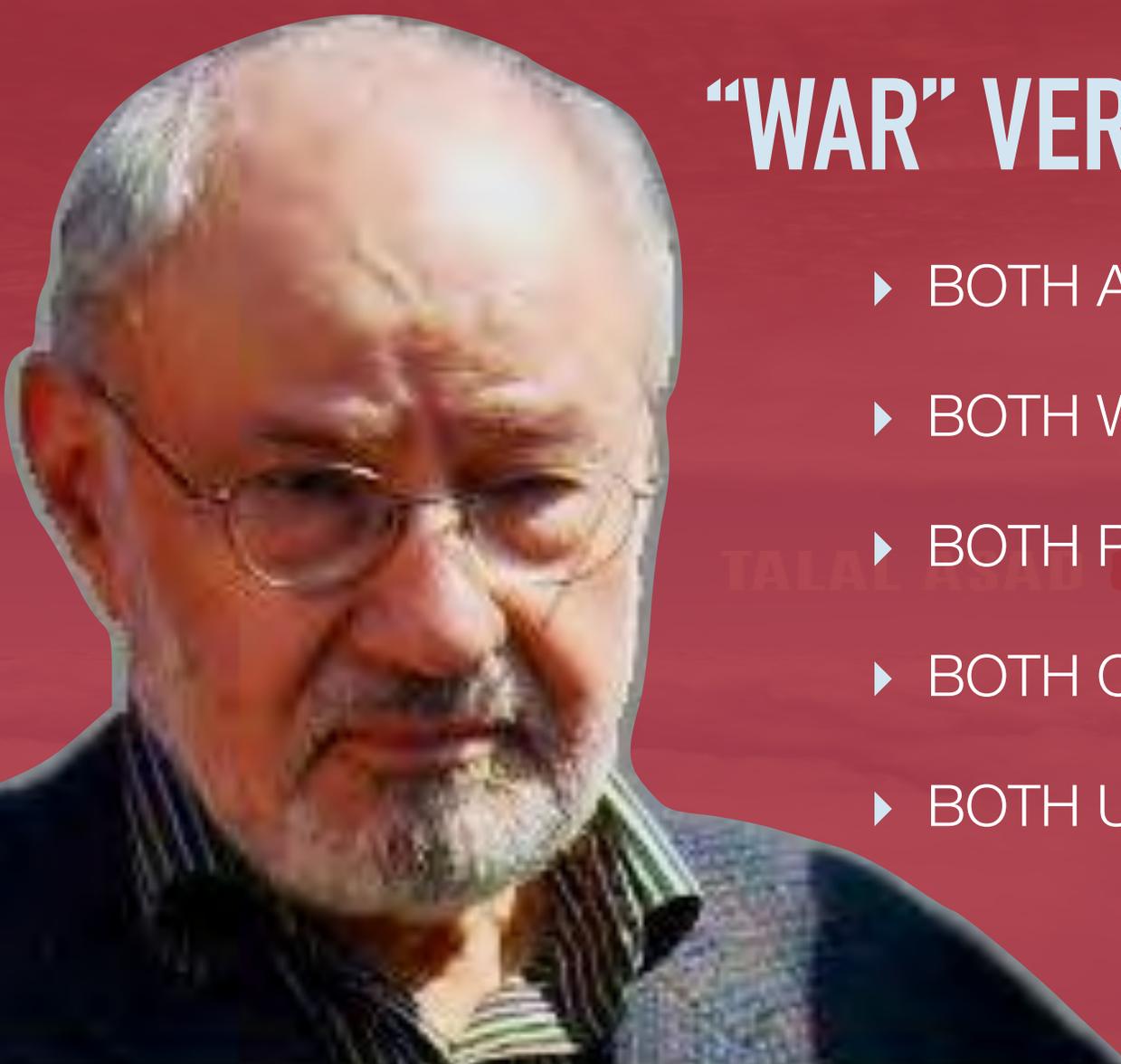


ET520 CHRISTIAN ETHICS & SOCIAL JUSTICE (WEEK 10)

TERROR & TORTURE

TALAL ASAD ON SUICIDE BOMBING

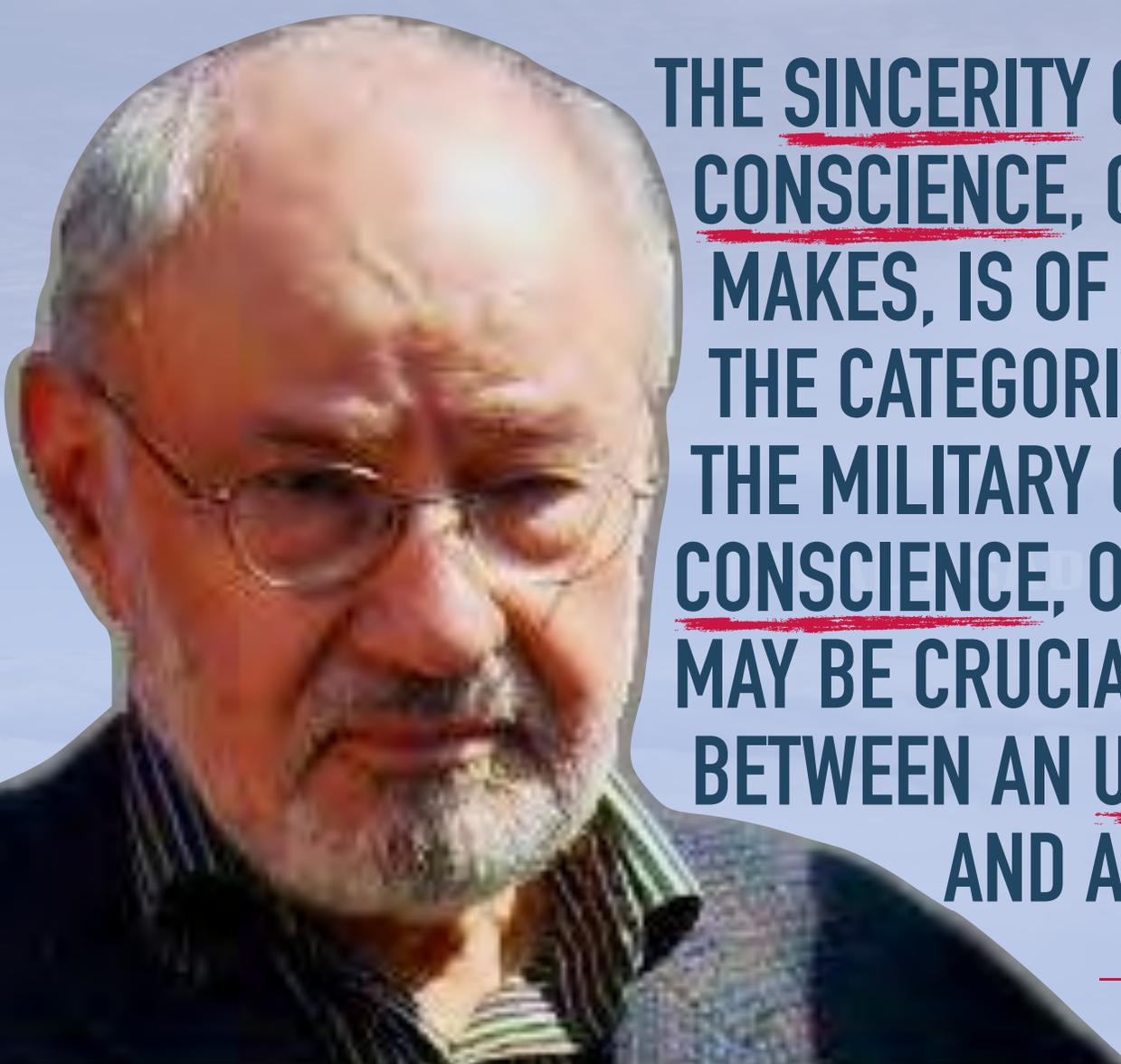




“WAR” VERSUS “TERRORISM”

- ▶ BOTH Appeal to Necessity
- ▶ BOTH Wound & Kill Civilians
- ▶ BOTH Produce Fear & Terror
- ▶ BOTH Claim to Defend Justice
- ▶ BOTH Use Violence as a Means

TALAL ASHRAF ON SUICIDE BOMBING



**THE SINCERITY OF THE TERRORIST'S
CONSCIENCE, OF THE EXCUSES HE
MAKES, IS OF NO SIGNIFICANCE IN
THE CATEGORISATION OF HIS ACTION;
THE MILITARY COMMANDER'S SINCERE
CONSCIENCE, ON THE OTHER HAND,
MAY BE CRUCIAL TO THE DIFFERENCE
BETWEEN AN UNFORTUNATE NECESSITY
AND A WAR CRIME.**

– Talal Asad (“Terrorism,” 26)



**TERRORIST
CONSCIENCE**

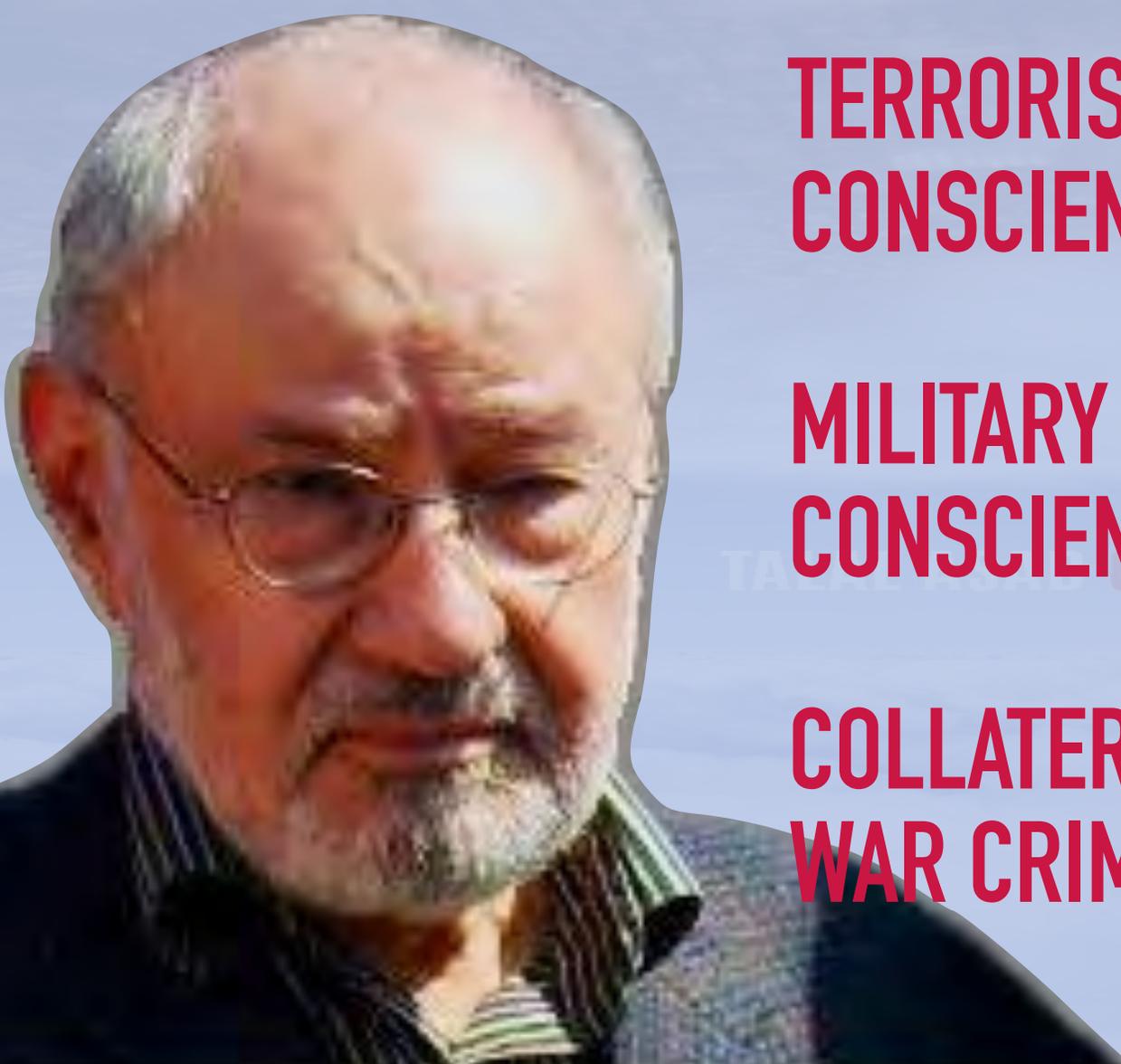
Motivation (regret / remorse)

**Undesirable Means
Unforesakable Ends**

**MILITARY
CONSCIENCE**

TAKING CIVILIAN SUICIDE BOMBING

**COLLATERAL DAMAGE
WAR CRIME**



**TERRORIST
CONSCIENCE**

Motivation (regret / remorse)

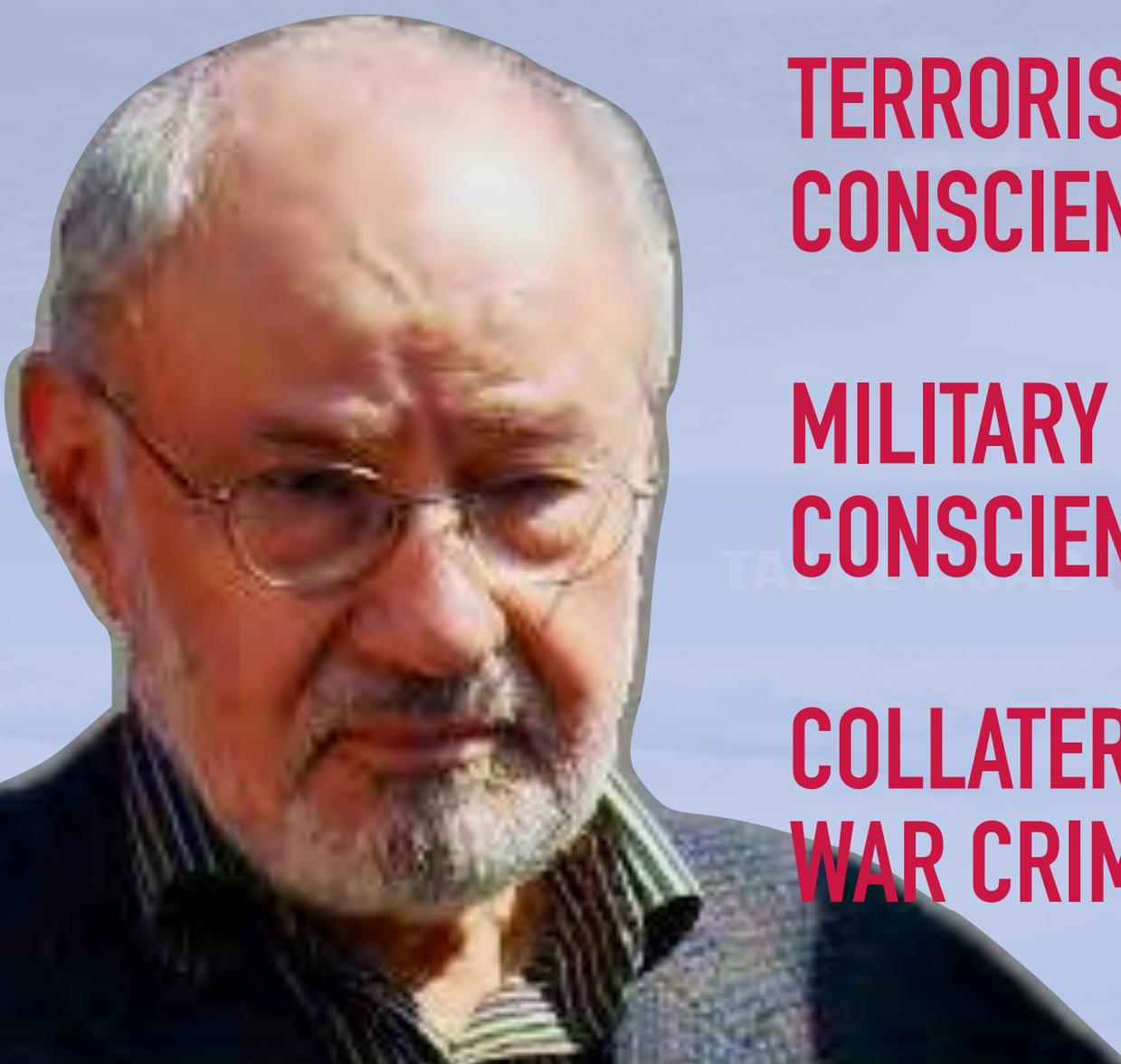
**Undesirable Means
Unforesakable Ends**

**MILITARY
CONSCIENCE**

Motivation (regret / remorse)

**Undesirable Means
Unforesakable Ends**

**COLLATERAL DAMAGE
WAR CRIME**



**TERRORIST
CONSCIENCE**

Motivation (regret / remorse)

Undesirable Means

**MILITARY
CONSCIENCE**

Unforesakable Ends

TAKING CIVILIAN SUICIDE BOMBING

COLLATERAL DAMAGE **Necessity**

WAR CRIME **Atrocity**



ADRIANA CAVARERO

HORRORISM

NAMING CONTEMPORARY VIOLENCE

IF WE OBSERVE THE SCENE OF MASSACRE
FROM THE POINT OF VIEW OF THE HELPLESS
VICTIMS RATHER THAN THAT OF THE WARRIORS,
THOUGH, THE PICTURE CHANGES HERE TOO:
THE RHETORICAL FACADE OF "COLLATERAL
DAMAGE" MELTS AWAY, AND THE CARNAGE
TURNS SUBSTANTIAL. MORE THAN WAR,
WHAT STANDS OUT IS HORROR.

– Adriana Cavarero (*Horrorism*, 3)



Motivation (Internal Mental or Emotional State Cause **OF** Action)

CIVILIAN CASUALTIES

TALAL ASAD ON SUICIDE BOMBING

Intention (External Material State of Affairs Caused **BY** Action)

CIVILIAN CASUALTIES

TALAL ASAD ON SUICIDE BOMBING

CIVILIAN CASUALTIES

TALAL ASAD ON SUICIDE BOMBING

Meaning

Whatever Happens
As/After You Get
£/or Get Away

Whatever Happens
As/After You Get
£/or Get Away

End(s)...Means.....Effects

WHAT You
Want to Get
£/or Get
Away From

HOW You Get /
Get Away From It

Whatever Happens
As/After You Get
£/or Get Away

Whatever Happens
As/After You Get
£/or Get Away

Whatever Happens
As/After You Get
£/or Get Away

Meaning

Whatever Happens
As/After You Get
\$/...

... Happens
... Get
... way

End(s)...Means...



... ts

... Happens
... You Get
... Away

As/After You Get
\$/or Get Away

WHAT You
Want to Get
\$/or Get
Away From

HOW You Get /
Get Away From It

Whatever H
As/After Y
\$/or Get



COMMUTATIVE JUSTICE: giving each their due where what is due is not identical in quality or equal in quantity.

Sins are committed in relation to involuntary commutations by doing injury to a neighbor against their will (persons or possessions)



...the keeping of a...
...Mercury signifies the casting
...when a merchant sometimes
...for one hundred marks.
...he stand in God's
...community; and
...masters should
...their having a
...Who is the Father
...should be honored,
...of virtue, though
...before, according
...age is not that
...by the number of
...ing of a man is
...and a spotless life is old age. The
...ought to be honored by reason of their
...higher position in the commu-
...but if they be honored merely for their
...it will be the sin of respect of persons.
...the Replies to the Objections are

FOURTH ARTICLE

...Further, penalties are inflicted according to sentence. Now it is not a sin to respect persons in pronouncing penalties, since a heavier punishment is inflicted on one who requires the person of a prince than on one who requires the person of others. Therefore re-

...ings, as stated above (Q. 58, A. 10, ad 3: Q. 58, A. 2, ad 3).

Reply Obj. 3. In pronouncing judgment one ought to succor the needy as far as possible, yet without prejudice to justice: else the saying of God. xxiii. 3 would apply: *Neither shalt thou favor a poor man in judgment.*

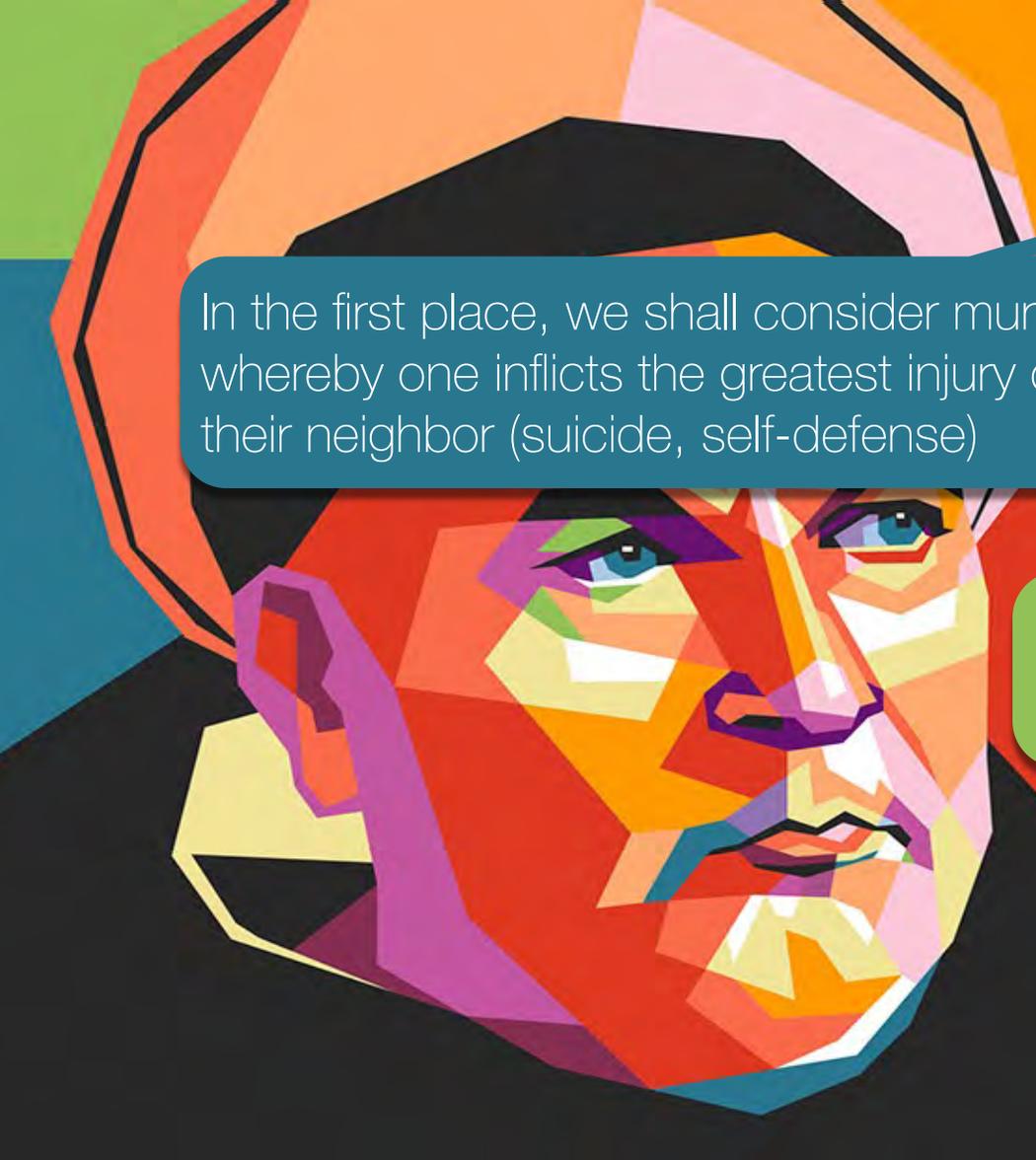
†.xi.08

QUESTION 64
Of Murder
(In Eight Articles)

In the sequence we must consider the vices opposed to commutative justice. We must consider (1) those sins that are committed in relation to involuntary commutations; (2) those that are committed with regard to voluntary commutations. Sins are committed in relation to involuntary commutations by doing an injury to one's neighbor against his will: and this can be done in two ways, namely by deed or by word. By deed when one's neighbor is injured either in his own person, or in a person connected with him, or in his possessions. We must therefore consider these points in

...whence the English word calculate.
...to accept the person of the wicked, to decline from the truth of judgment.

(Amil)



In the first place, we shall consider murder whereby one inflicts the greatest injury on their neighbor (suicide, self-defense)

COMMUTATIVE JUSTICE: giving each their due where what is due is not identical in quality or equal in quantity.

Sins are committed in relation to involuntary commutations by doing injury to a neighbor against their will (persons or possessions)

Q. 64 Art. 1 Pt. 11-11

due order, and in the first place we shall consider murder whereby a man inflicts the greatest injury on his neighbor. Under this head there are eight points of inquiry: (1) Whether it is a sin to kill dumb animals or even plants? (2) Whether it is lawful to kill a sinner? (3) Whether this is lawful to a private individual, or to a public person only? (4) Whether this is lawful to a cleric? (5) Whether it is lawful to kill oneself? (6) Whether it is lawful to kill a just man? (7) Whether it is lawful to kill a man in self-defense? (8) Whether accidental homicide is a mortal sin?

FIRST ARTICLE

Whether It Is Unlawful to Kill Any Living Thing?

We proceed thus to the First Article:—

Objection 1. It would seem unlawful to kill any living thing. For the [Apostle] says (Rom. xiii. 2): They that resist the ordinance of God purchase to themselves damnation.* Now Divine providence has ordained that all

animals and plants.

Obj. 3. Further, in the Divine law a special punishment is not appointed save for a sin. Now a special punishment had to be inflicted,

VICES

animals for the good of man, as the philosopher states (Polit. i. 3).

Now the most necessary use of animals and men use animals, for food, and this is not done unless these be deprived, wherefore it is lawful both to take life from plants for the use of animals, and from animals for the use of men. In fact the law keeps with the commandment of God to himself: for it is written (Gen. i. 29, 30): I have given you every herb . . . and all the earth: and again (ibid. ix. 3): Every living moveth and liveth shall be meat to you.

Reply Obj. 1. According to the Divine ordinance the life of animals and plants is served not for themselves but for man. Hence as Augustine says (De Civ. Dei i. 20): most just ordinance of the Creator, both life and their death are subject to our use.

Reply Obj. 2. Dumb animals and plants are devoid of the life of reason whereby they set themselves in motion: they are moved by a kind of natural instinct, so that they are not considered to the end of their own good.

kills another's ox, but through property. Wherefore the sin of murder is not the sin of theft or robbery.

SECOND ARTICLE

Whether It Is Lawful to Kill Sinners?

It follows that the words, "Thou shalt not kill" refer to the killing of a man.

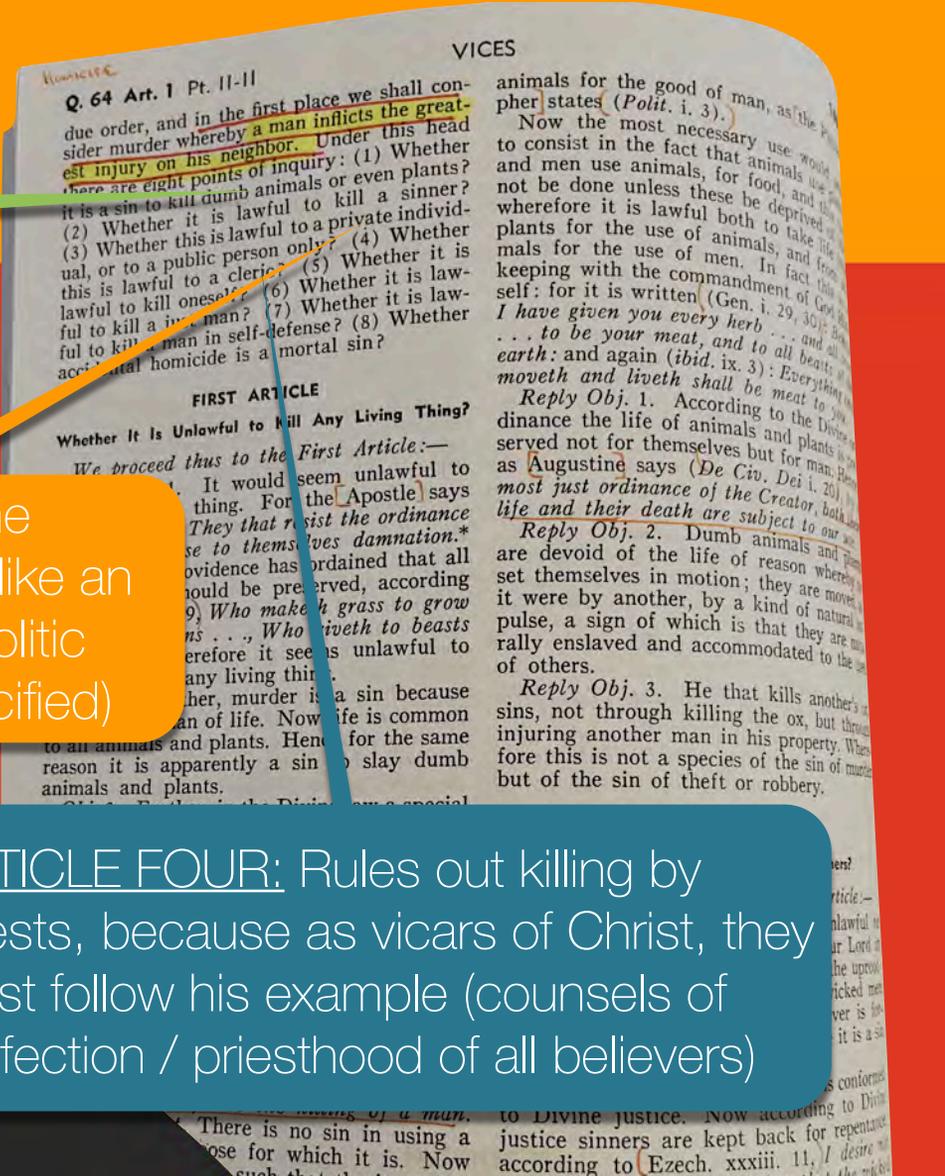
There is no sin in using a man for a purpose for which it is. Now such that

Obj. 2. Further, human justice is commuted to Divine justice. Now according to Divine justice sinners are kept back for repentance, according to (Ezech. xxxiii. 11, I desire not that the sinner should

ARTICLE ONE: "Killing in Ten Commandments refers to "homicide"

ARTICLE TWO & THREE: Defends the righteousness of killing sinners who, like an infectious limb, threatens the body politic (public office / capital sins left unspecified)

ARTICLE FOUR: Rules out killing by priests, because as vicars of Christ, they must follow his example (counsels of perfection / priesthood of all believers)



VICES

Q. 64 Art. 1 Pt. 11-11

due order, and in the first place we shall consider murder whereby a man inflicts the greatest injury on his neighbor. Under this head there are eight points of inquiry: (1) Whether it is a sin to kill dumb animals or even plants? (2) Whether it is lawful to kill a sinner? (3) Whether this is lawful to a private individual, or to a public person only? (4) Whether lawful to kill oneself? (5) Whether it is lawful to kill a man in self-defense? (8) Whether accidental homicide is a mortal sin?

FIRST ARTICLE

Whether It is Unlawful to Kill Any Living Thing?

We proceed thus to the First Article:— It would seem unlawful to kill any living thing. For the Apostle says They that resist the ordinance of God expose themselves to damnation. * Evidence has ordained that all animals should be preserved, according to the prophet Who maketh grass to grow for the ox, Who giveth to beasts their food. Therefore it seems unlawful to kill any living thing. On the other hand, murder is a sin because it is a man of life. Now life is common to all animals and plants. Hence for the same reason it is apparently a sin to slay dumb animals and plants.

animals for the good of man, as the philosopher states (Polit. i. 3).

Now the most necessary use of animals and men use animals, for food, and therefore it is lawful both to take life from plants for the use of animals, and from animals for the use of men. In fact this is keeping with the commandment of God to himself: for it is written (Gen. i. 29, 30) I have given you every herb . . . and all the earth: and again (ibid. ix. 3): Everything that moveth and liveth shall be meat to you.

Reply Obj. 1. According to the Divine ordinance the life of animals and plants is reserved not for themselves but for man. Hence as Augustine says (De Civ. Dei i. 20) the most just ordinance of the Creator, both life and their death are subject to our use.

Reply Obj. 2. Dumb animals and plants are devoid of the life of reason whereby they set themselves in motion; they are moved by it were by another, by a kind of natural impulse, a sign of which is that they are naturally enslaved and accommodated to the use of others.

Reply Obj. 3. He that kills another's ox sins, not through killing the ox, but through injuring another man in his property. Wherefore this is not a species of the sin of murder but of the sin of theft or robbery.

Q. 64 Art. 6 Pt. 11-11

an uncertain event, for it is uncertain whether one will at some future time consent to a sin, since God is able to deliver man from sin under any temptation whatever.

Reply Obj. 4. As Augustine says (*De Civ. Dei* i. 21), not even Samson is to be excused that he crushed himself together with his enemies under the ruins of the house, except the Holy Ghost, who had secretly commanded him to do this. He assigns the same reason in the case of certain holy women, who at the time of persecution took their own lives, and who are commemorated by the Church.

Reply Obj. 5. It belongs to fortitude that a man does not shrink from being slain by another, for the sake of the good of virtue, and that he may avoid sin. But that a man take his own life in order to avoid penal evils has indeed an appearance of fortitude (for which reason some, among whom was Razias, have killed themselves thinking to act from fortitude), yet it is not true fortitude, but rather a weakness of soul unable to bear penal evils, as the Philosopher (*Ethic.* iii. 7) and Augustine (*De Civ. Dei* i. 22, 23) declare.

SIXTH ARTICLE

Whether It Is Ever Lawful to Kill the Innocent?

We proceed thus to the Sixth Article:—

Objection 1. It would seem that in some cases it is lawful to kill the innocent. The fear of God is never manifested by sin, since on the contrary the fear of the Lord driveth out sin (*Ecclus.* i. 27). Now Abraham was commended in that he feared the Lord, since he was willing to slay his innocent son. Therefore one may, without sin, kill an innocent person.

Obj. 2. Further, among those sins that are committed against one's neighbor, the more grievous seem to be those whereby a more grievous injury is inflicted on the person sinned against. Now to be killed is a greater injury to a sinful than to an innocent person, because the latter, by death, passes forthwith from the unhappiness of this life to the glory of heaven. Since then it is lawful in certain cases to kill a sinful man, much more is it lawful to slay an innocent or a righteous person.

Obj. 3. Further, what is done in keeping with the order of justice is not a sin. But sometimes a man is forced, according to the order of justice, to slay an innocent person: for instance, when a judge, who is bound to judge according to the evidence, condemns to death a man whom he knows to be innocent.

judge puts to death the man who has been unjustly sentenced.

On the contrary. It is written (*Exod. xxiii. 7*): *The innocent and just person thou shalt not put to death.*

I answer that. An individual man may be considered in two ways: first, in himself, secondly, in relation to something else. If we consider a man in himself, it is unlawful to kill any man, since in every man though he be sinful, we ought to love the nature which God has made, and which is destroyed by slaying him. Nevertheless, as stated (*A. 2*) the slaying of a sinner becomes in relation to the common good, which is corrupted by sin. On the other hand the life of righteous men preserves and forwards the common good, since they are the chief part of the community. Therefore it is in no way lawful to slay the innocent.

Reply Obj. 1. God is Lord of death and life, for by His decree both the sinful and the righteous die. Hence he who at God's command kills an innocent man does not sin, neither does God Whose behest he executes indeed his obedience to God's commands is a proof that he fears Him.

Reply Obj. 2. In weighing the gravity of a sin we must consider the essential rather than the accidental. Wherefore he who kills a just man, sins more grievously than he who slays a sinful man: first, because one whom he should love more, he kills more in opposition to charity: secondly, because he inflicts an injury on a man deserving of one, and so acts more in opposition to justice: thirdly, because the community of a greater good is destroyed because he despises God more, *Luke* x. 16, *He that despiseth Me.* On the other hand it is accusable in slaying that the just man whose good will be received by God into glory.

Reply Obj. 3. If the judge condemns a man who has been convicted of a crime, he is innocent he must, like the witnesses with great care to find a motive for acquitting the accused if he cannot do this he should refer the judgment by a higher tribunal. If it is impossible, he does not sin in sentencing in accordance with the law, though it is not he that puts the man to death, but they who stated the law. He that carries out the sentence of a judge who has condemned a man to death, whose sentence contains a just law, should not obey, else he would be a murderer.

“The innocent and just person you shall not put to death” (Exodus 23:7)

The slaying of a sinner becomes lawful in relation to the common good, which is corrupted by sin.... The life of the righteous preserves and forwards the common good, since they are the chief part of the community. Therefore it is in no way lawful to slay the innocent.

has no right to discuss the judgment of his superior; nor is it he who slays the innocent man, but the judge whose minister he is.

SEVENTH ARTICLE

Whether It Is Lawful to Kill a Man in Self-defense?

We proceed thus to the Seventh Article:—
Objection 1. It would seem that nobody may lawfully kill a man in self-defense. For Augustine says to (Publicola (Ep.) xlvii): I do not agree with the opinion that one may kill another one be killed by him; unless one be exercising a public office, so that one kill for oneself but for others, having the power to do so, provided it be in keeping with one's person. Now he who kills a man in self-defense, kills him lest he be killed by him. Therefore this would seem to be unlawful.

Obj. 2. Further, he says (De Lib. Arb. i. 5): How are they free from sin in sight of Divine providence, who are guilty of taking a man's life for the sake of these contemptible things? Now among contemptible things he reckons those which men may forfeit unwillingly, as appears from the context (ibid.): and the chief of these is the life of the body. Therefore it is unlawful for any man to take another's life for the sake of the life of his own body.

Obj. 3. Further, Pope Nicolas* says in the Decretals: Concerning the clerics about whom you have consulted Us, those, namely, who have killed a pagan in self-defense, as to whether, after making amends by repenting, they may return to their former state, or rise to a higher degree; know that in no case is it lawful for them to kill any man under any circumstances whatever. Now clerics and laymen are alike bound to observe the moral precepts. Therefore neither is it lawful for laymen to kill anyone in self-defense.

Obj. 4. Further, murder is a more grievous sin than fornication or adultery. Now nobody may lawfully commit simple fornication or adultery or any other mortal sin in order to save his own life; since the spiritual life is to be preferred to the life of the body. Therefore no man may lawfully take another's life in self-defense in order to save his own life.

Obj. 5. Further, if the tree be evil, so is the fruit, according to (Matth. vii. 17). Now self-defense itself seems to be unlawful, according to (Rom. xii. 19: Not defending (Donay: revenging) yourselves, my dearly beloved. Therefore its result, which is the slaying of a man, is also unlawful.

On the contrary, It is written (Exod. xii. 2): If a thief be found breaking into a

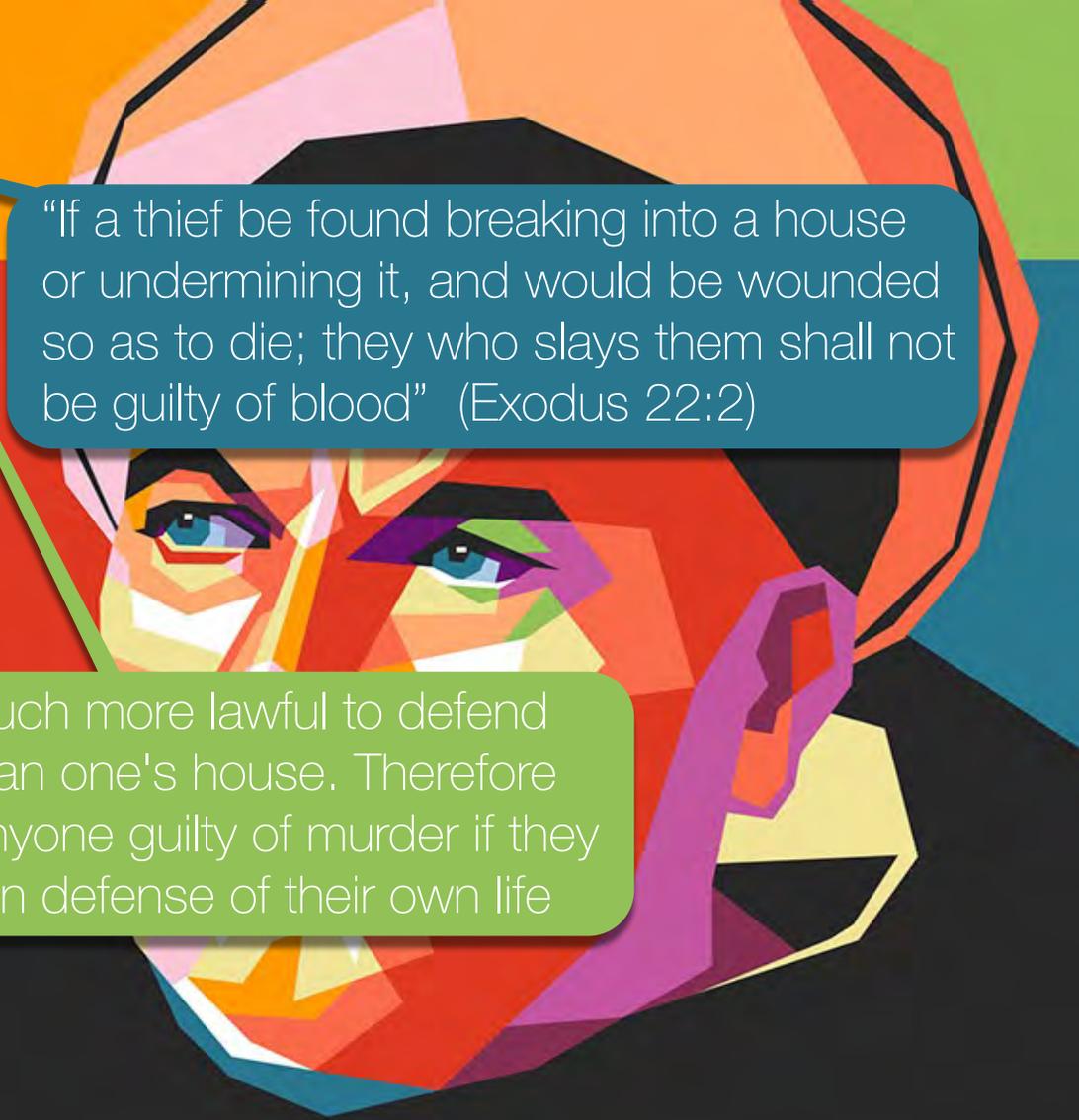
house or undermining it, and be wounded so as to die; he that slew him shall not be guilty of blood. Now it is much more lawful to defend one's life than one's house. Therefore neither is a man guilty of murder if he kill another in defense of his own life.

I answer that, Nothing hinders one act from having two effects, only one of which is intended, while the other is beside the intention. Now moral acts take their species according to what is intended, and not according to what is beside the intention, since this is accidental as explained above (Q. 43, A. 3; I-II, Q. 72, A. 1). Accordingly the act of self-defense may have two effects, one is the saving of one's life, the other is the slaying of the aggressor. Therefore this act, since its intention is to save one's own life, is not unlawful, seeing that it is natural to everything to keep itself in being, as far as possible. And yet, though proceeding from a good intention, an act may be rendered unlawful, if it be out of proportion to the end. Wherefore if a man, in self-defense, uses more than necessary violence, it will be unlawful: whereas if he repel force with moderation his defense will be lawful, because according to the jurists,† it is lawful to repel force by force, provided one does not exceed the limits of a blameless defense. Nor is it necessary for salvation that a man omit the act of moderate self-defense in order to avoid killing the other man, since one is bound to take more care of one's own life than of another's. But as it is unlawful to take a man's life, except for the public authority acting for the common good, as stated above (A. 2), it is not lawful for a man to intend killing another man, except for such as, while intending to refer this to the public authority, a soldier fighting for the minister of the justice, although even the private animosity.

Reply Obj. 1. Augustine refers to the killing of another to the passage quoted above, which is to be understood as to be understood, as he says pointedly, in the intention, whereby he indicates the intention of the act. The Reply to the Second Objection follows from the same.

Reply Obj. 3. Irregularity in the act though sinless of taking a man's life appears in the case of a judge who condemns a man to death. For the cleric, though he kill a man in self-defense, is irregular, albeit he intends not to defend himself.

* Nicolas I. Dist. 1, can. De his clericis. † Cap. Significasti, De Homicidio, volunt



"If a thief be found breaking into a house or undermining it, and would be wounded so as to die; they who slays them shall not be guilty of blood" (Exodus 22:2)

Now it is much more lawful to defend one's life than one's house. Therefore neither is anyone guilty of murder if they kill another in defense of their own life

MURDER

Pt. II-II Q. 64 Art. 7

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SEVENTH ARTICLE

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Reply Obj. 1. Augustinus refer to the killing of another to save his own life. The passage quoted is to be understood as if he says pointedly, I intend to kill another, whereby he indicates the intention. The answer to the Reply to the Second Objection follows.

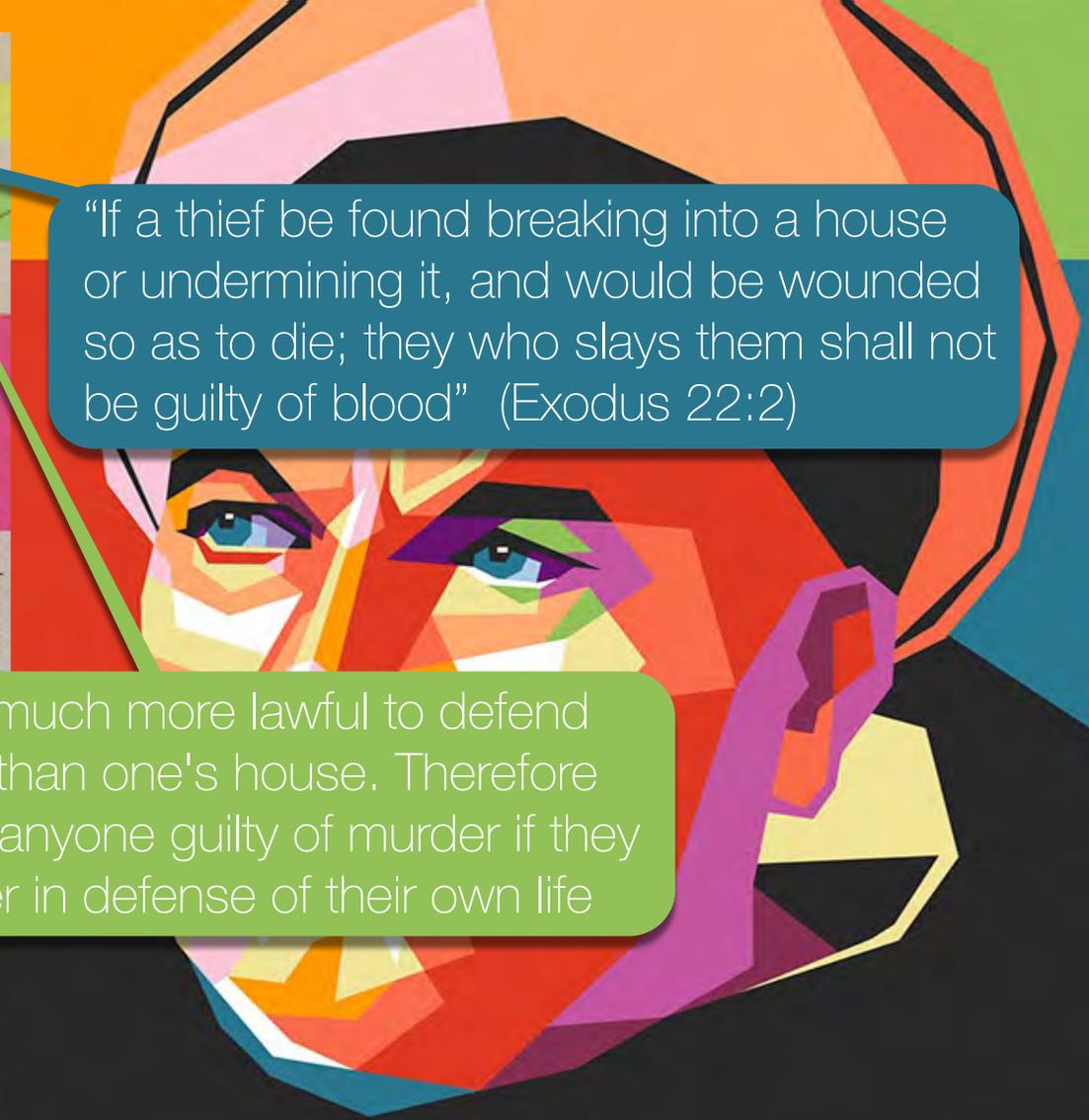
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ABSOLUTISM
Rule
Rule
Principle
Symbolic World

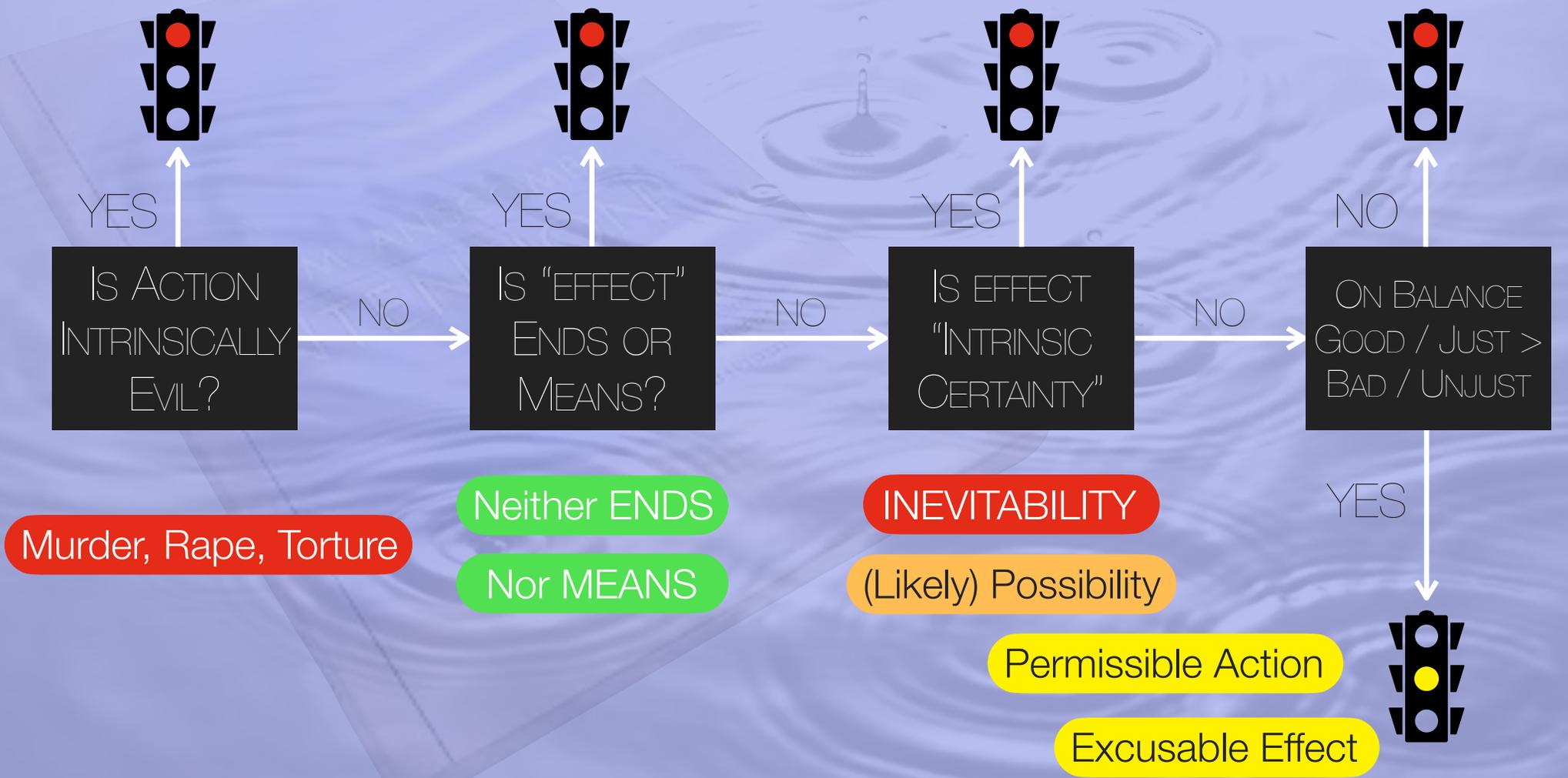
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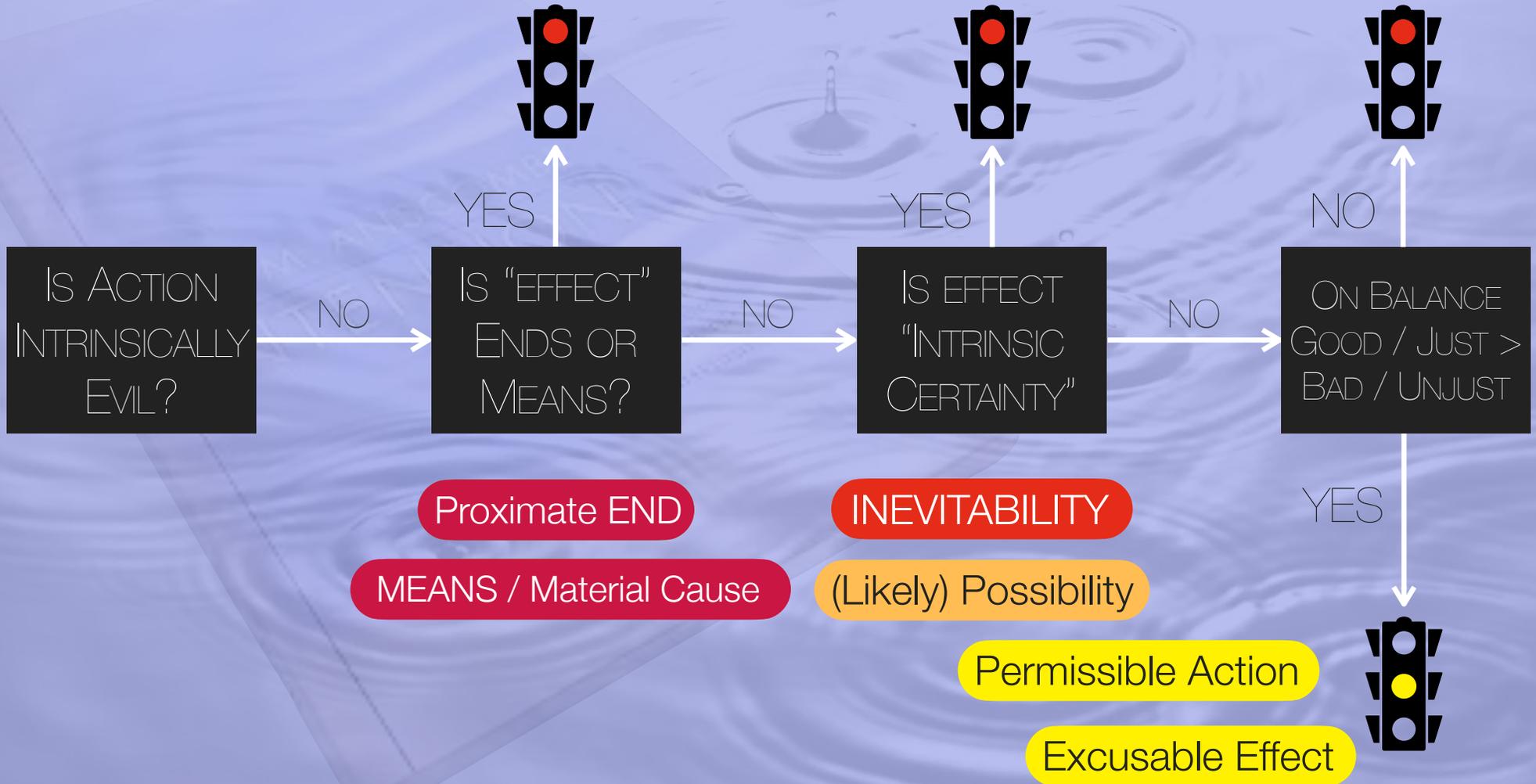
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* Nicolas I. Dial. 1, can. De his clericis.

† Cap. Significasti, De Homicida, volunt





IS ACTION
INTRINSICALLY
EVIL?

NO

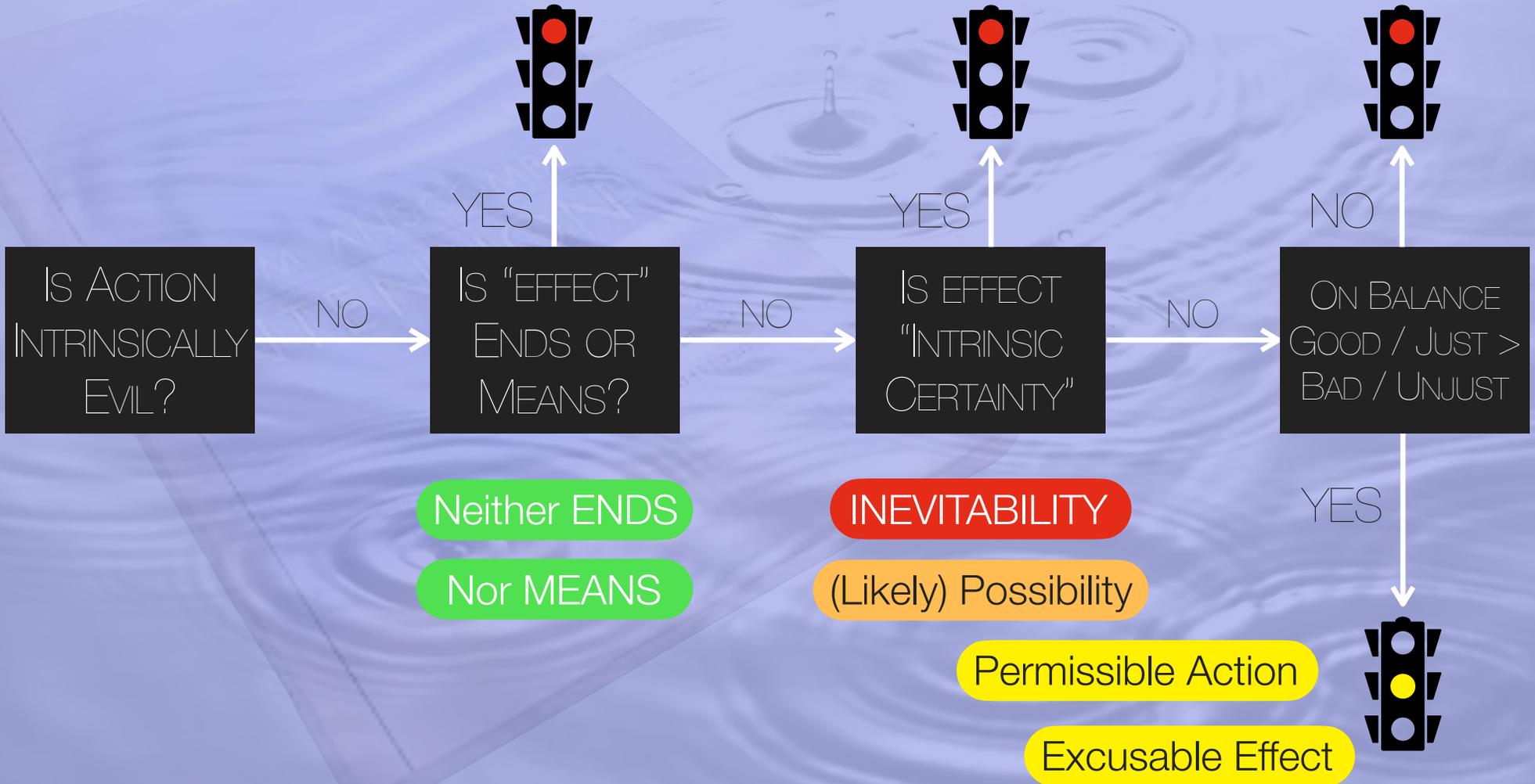
IS "EFFECT"
ENDS OR
MEANS?

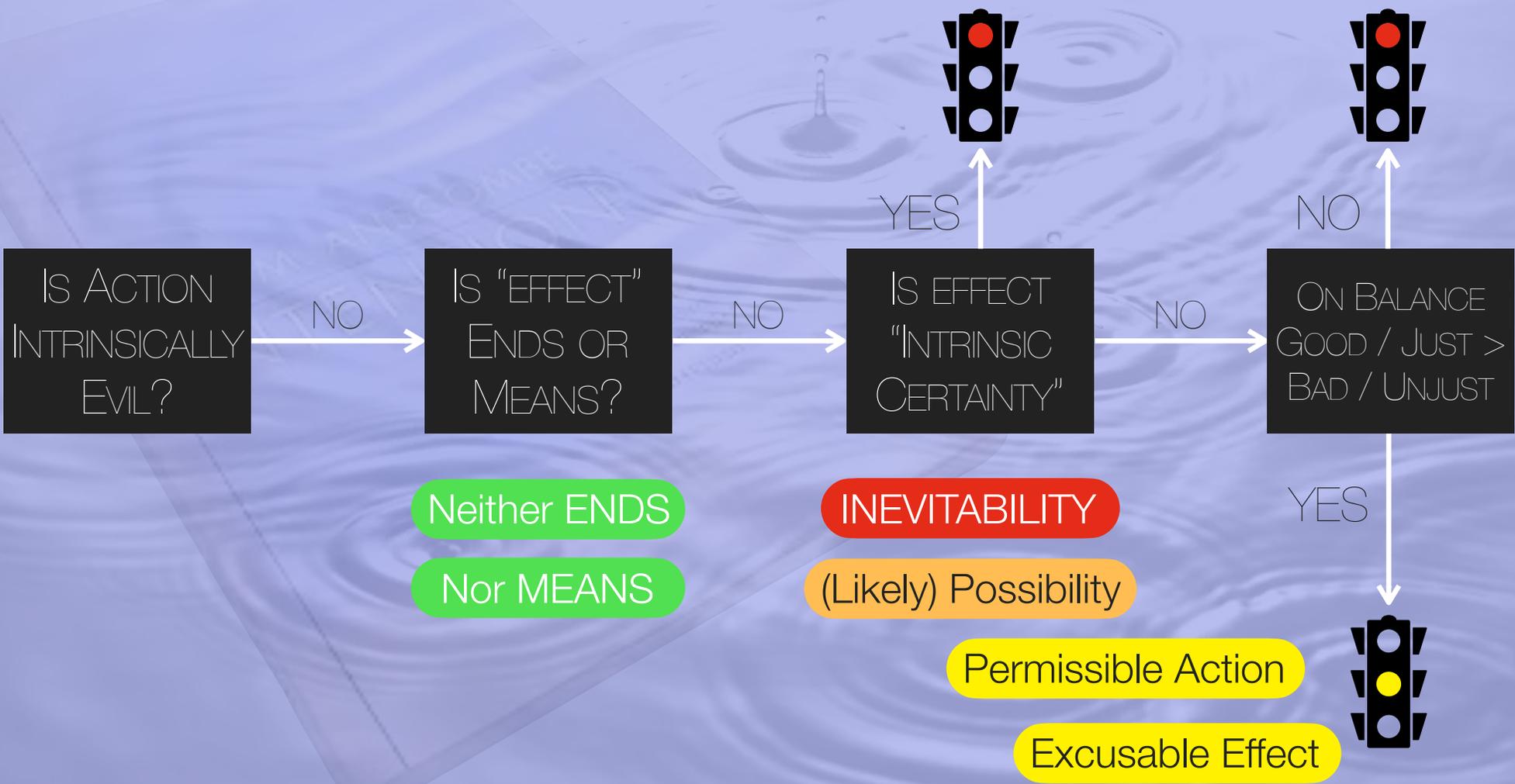
YES



Proximate END

MEANS / Material Cause





IS ACTION
INTRINSICALLY
EVIL?

NO

IS "EFFECT"
ENDS OR
MEANS?

Neither ENDS
Nor MEANS

NO

IS EFFECT
"INTRINSIC
CERTAINTY"

INEVITABILITY
(Likely) Possibility

YES

Permissible Action

Excusable Effect

NO

ON BALANCE
GOOD / JUST >
BAD / UNJUST

YES

NO

IS ACTION
INTRINSICALLY
EVIL?

NO

IS "EFFECT"
ENDS OR
MEANS?

NO

IS EFFECT
"INTRINSIC
CERTAINTY"

NO

ON BALANCE
GOOD / JUST >
BAD / UNJUST

NO



Neither ENDS

Nor MEANS

(Likely) Possibility

Permissible Action

Excusable Effect

YES





WILMA ANN BAILEY

**“YOU SHALL NOT KILL” OR
“YOU SHALL NOT MURDER”?**

The Assault on a Biblical Text

13 OCCURRENCES RETZACH:

- 4x Prohibition Lists (Decalogue)
- Several Times Cities of Refuge

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- Legal Killing (Numbers 35)
- Ahab & Jezebel (1 Kings 21)
- CANNOT be Murder (Proverbs 22)
- CERTAINLY Murder (Hosea 6, Deuteronomy 22, Psalm 94)



13 OCCURRENCES RETZACH:

- Retzach = Murder or Killing
- Retzach = Murder or Killing
- Retzach = Killing
- Retzach = Murder
- Retzach = Killing
- Retzach = Murder



“YOU SHALL NOT KILL” OR
“THOU SHALT NOT KILL”?

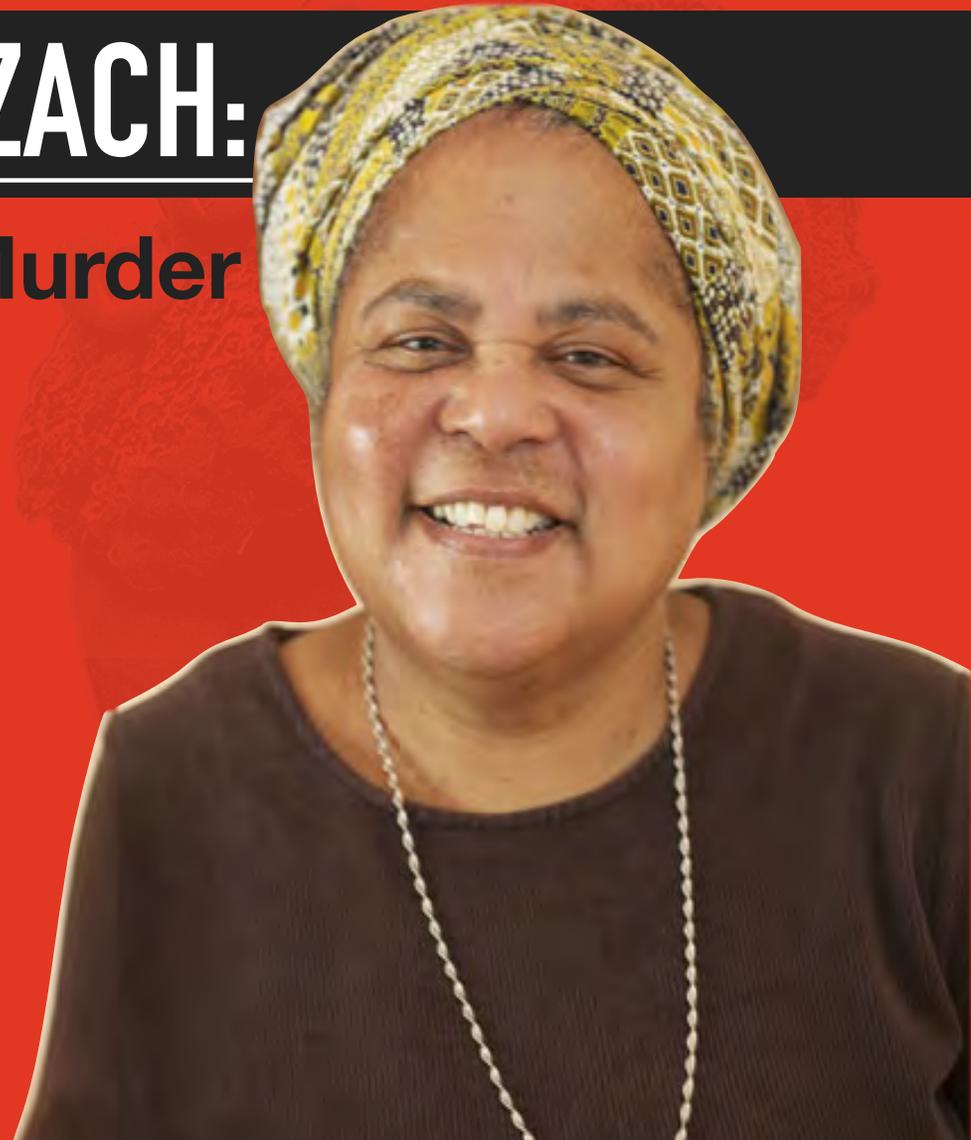
The Assault on a Biblical Text

13 OCCURRENCES RETZACH:

○ Decalogue: Retzach = **Murder**

“YOU SHALL NOT KILL” OR
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MICHAEL WALZER

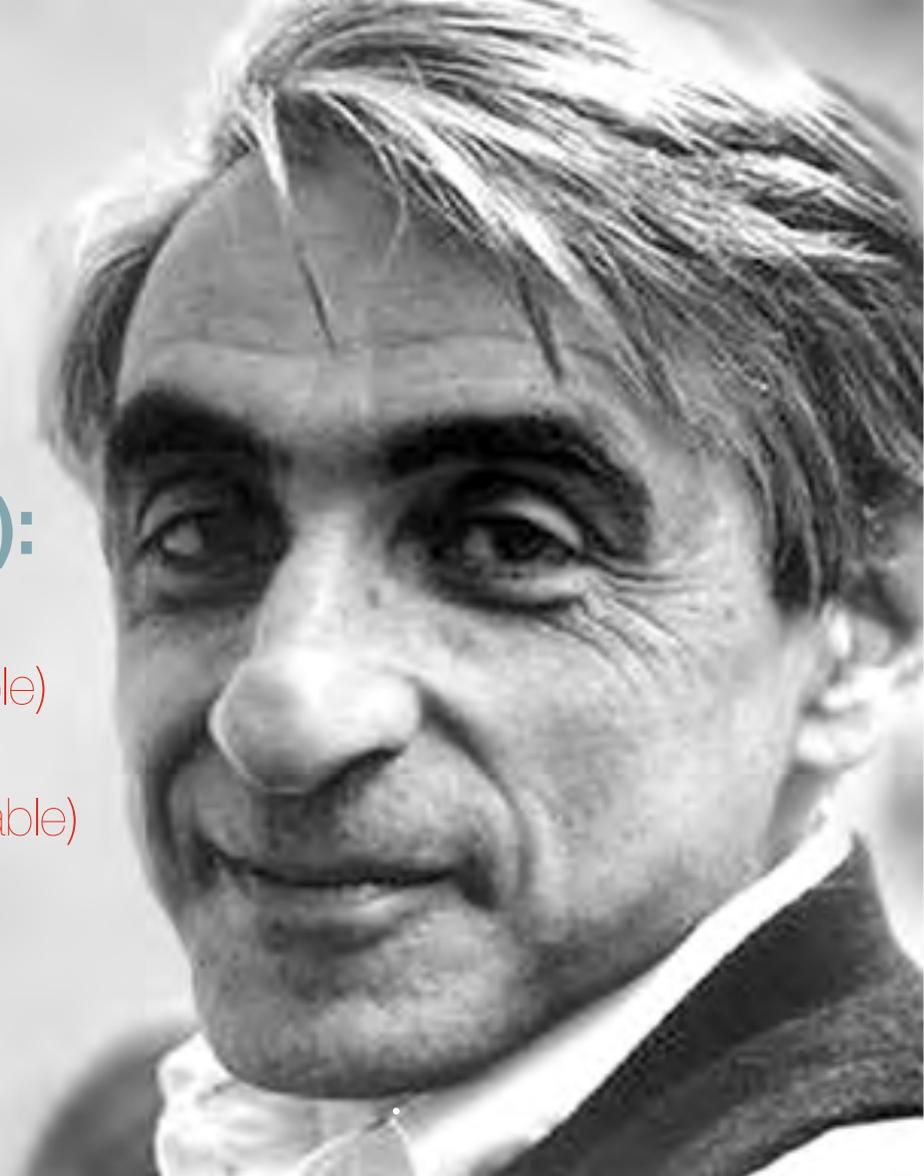
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When they use force, they must do their best not to endanger the people whose lives they exist to protect—including the lives of criminals....Their “best” sometimes involves the acceptance of risks beyond the ordinary risks of battle in order to reduce the risks they impose on enemy civilians.

– Michael Walzer (“Soldiers & Police,” 99)



JUS IN BELLO (“FIGHTING RIGHTLY”):

- Proportionality + Due Care (Least Force Feasible)
- Discrimination + Due Care (Most Risk Reasonable)