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# The Resonance of Christian Political Conceptions within International Humanitarian Law

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# **The Resonance of Christian Political Conceptions within International Humanitarian Law**

by D. Brian Dennison

## **Introduction**

Christian political thought was formative influence in the emergence and development of International Humanitarian Law (IHL). There are numerous examples of Christian figures who have played a role in how we think about war and the laws of war. Augustine of Hippo (C.E. 356-430) was an early contributor to just war theory.<sup>1</sup> Thomas Aquinas (C.E. 1225-1274) made highly influential and systematic contributions to just war theory. Other Christian philosophers such as Thomas Cajetan (C.E. 1480-1547), Francisco de Vitoria (C.E. 1483-1546) and Francisco Suarez (C.E. 1548-1617) built on Thomas' foundation. Modern day scholars esteem Christian philosopher Hugo Grotius<sup>2</sup> (C.E. 1583-1646) as an intellectual father of international law and the rational humanist approach to law.<sup>3</sup>

This paper will not construct chains of thought from Biblical teachings to the present. Nor will it catalogue a list of Christian thinkers who deserve a place in the pantheon of founding fathers of IHL. Instead, this paper presents selected novel conceptions from the Christian tradition that have

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<sup>1</sup> See e.g. O'Donovan at 108 discussing Augustine's "brief but widely influential observations on just war" in Augustine's *Letter to Count Boniface (Letter 189)*; See also Augustine's *Letter to Faustus* where Augustine writes that proper causes for war include the "peace and safety of the community" and wars undertaken out of "obedience to God." *Letter Against Faustus*, Book 22, Paragraph 74, from O'Donovan at page 118.

<sup>2</sup> Ironically a prevalent narrative of intellectual history has cast Grotius as the philosopher responsible for the initial break from a Christian-based conception of natural law to the modern God-free approach to human rights. We can better grasp the the true political philosophy of Grotius by placing the quote that is associated with this perceived rupture in Western intellectual history in context. In his *Right of War and Peace* Grotius writes "These observations would have a place even were we to accept the infamous premise that God did not exist or did not concern himself with human affairs. As it is, however, rational reflection and unbroken tradition combine to inculcate the opposite presumption, which is then confirmed by a range of arguments and by miracles attested in every period of history." *The Right of War and Peace*, Prolegomena, par. 11; O'Donovan at 794.

<sup>3</sup> O'Donovan at pg. 787

resonance within modern IHL. The intent is to provide the reader with a lens to detect the formative influence of unique Christian concepts.

This topic provides limitless opportunities for scholarship, reflection and conjecture. However, limitations of time and space mandate discretion. The paper addresses six conceptions. The paper begins with topics grounded in perspectives of the nature of life on earth. Here the paper takes on an Augustinian flavour as we address the implications of temporal and eternal worlds and a Christian pragmatism rooted in the conception of a fallen world. We then turn to conceptions that engender humanitarian fruit: the Jesusian directive for peace grounded in love and the Jesus' radically inclusive view of community and responsibility. Finally, we consider Christian ideology concerning role specific mores and the historic Christian concerns over outward symbols in the context of armed conflict.

## **I. The Reality of Death and the Augustinian Conception of Human Existence**

In the Christian tradition mankind has two existences; the first is the temporal existence on earth and the second is the eternal existence after death that will take place in heaven or hell. This two-planed conception of life influenced the development of International Humanitarian Law.

The preeminent Christian philosopher concerning the two planes of human existence is Augustine of Hippo. In his monumental work *City of God: Against the Pagans (De civitate Dei)* Augustine writes of two cities: the earthly city and the heavenly city. The earthly city is “created by self-love reaching the point of contempt for God.”<sup>4</sup> This is a perishable city that looks for the glory of men and is corrupted by a lust for power and the subjugation of fellow men. In contrast, the heavenly city is eternal and created by the love of God.<sup>5</sup>

Augustine reasoned that the heavenly city is infinitely more valuable than the earthly city. This imbalance is grounded in both the incalculable discrepancy between the eternal and the temporal as well as the superiority of a realm established by the perfect love and peace of God over a dominion rooted in the lust of imperfect men.<sup>6</sup> For Augustine, the proper perspective for a Christian concerning life on earth is grounded in an appreciation of these severe imbalances. Augustine presents Jesus as the ultimate example of a man who lived as a pilgrim on earth and a citizen of the

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<sup>4</sup> O'Donovan at bottom of 142; *City of God* Book 14, Section 28.

<sup>5</sup> *Id.*

<sup>6</sup> O'Donovan at 146; *City of God*, Book 15, Section 4

city of above.<sup>7</sup> Augustine calls upon Christians to adopt a pilgrim perspective commensurate with the rational appreciation of the infinite value of an eternal existence.

Augustine's pilgrim perspective informs his position on earthly war. This perspective imbues the following passage from Book 22, Paragraph 22 of Augustine's Letter entitled *Against Faustus* :

“What is the moral evil of war? Is it the death of some who will soon die in any case, that others may be subdued to a peaceful state in which they may flourish? This is mere cowardly dislike, not any religious feeling. The real evils of war are love of violence, revengeful cruelty, fierce and implacable enmity, wild resistance, and the lust of power; and such like; and it is generally to impose just punishment on them that, in obedience to God or some lawful authority, good men undertake wars against violent resistance, when they find themselves set in positions of responsibility which require them to command and execute action of this kind.”<sup>8</sup>

Augustine appreciated the brevity of life and the inevitability of death. Moreover, Augustine did not view this earthly life as our only existence. As a result, death was not something to be avoided at all costs. Augustine did not consider the mere prevention of death sufficient basis for the avoidance of war. Instead Augustine looks to limit the evils of war that are rooted in sin and to proscribe war to those undertaken for proper causes.

Augustine's approach to war has strong parallels with the approach to war reflected in modern IHL. Like Augustine, the legal instruments of IHL do not endeavour to halt armed conflict. Instead, IHL's mandate is to lessen the horrors of war and the impact of war on the wider community. IHL is directed at Augustine's “real evils” of war and not at war itself.

## **II. This Fallen World and Utopian Visions**

Augustine's *City of God* presents a partially bifurcated vision of the created order. Augustine's approach enables him to retain his belief in a perfect creator God while living in the reality of an imperfect world. The result is a broken present and a perfect future **DASH\*\*\*\*\*** a fallen world and a promised utopia.

Modern public international law discourse reflects a similar split view. In the context of IHL, there is an appreciation of the state of war as a fallen realm. IHL does not cast a utopian vision. IHL

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<sup>7</sup> O'Donovan at top of 144; *City of God*, Book 15, Section 1

<sup>8</sup> Page 117 of O'Donovan; *Against Faustus*, Book 22, Section 74

operates on the assumption that war happens and that it happens chaotically, cruelly and imperfectly. IHL aspires to the objective of making the broken world of armed conflict more bearable.

The pragmatic approach of IHL stands in contrast with the more utopian vision cast by human rights law. At least on paper, the shared vision of fallen world is retreating to places of armed conflict. Human rights discourse in the since the issuance of the Universal Declaration of Human Rights espouses an optimistic view of what all humans should experience. These rights now include the right to food, shelter, education, culture, time off from work, health care and a clean and healthy environment.

Human rights instruments speak a better, more perfect world into existence. This is a creative approach that has its own obvious Biblical parallels as seen in the first chapter of Genesis and the Gospel according to John. Even where proclaimed rights cannot exist on the ground there is a belief that by announcing such rights that society can hasten their existence. Thus we have a body of law that subscribes to a more utopian vision and its progressive achievement through law.

The current relationship between the utopian vision of modern human rights law and the realism of IHL echoes a Christian world view. In the context of IHL mankind finds itself in the pangs of child birth described in Paul's letter to the Romans. **FOOTNOTE** War remains firmly ensconced within this fallen world. However, at the same time the prophet Isaiah writes of a time when men will turn their swords into plow shears and the lion will lay down with the lamb. **FOOTNOTE** Jesus himself restates this prophecy in \*\*\*\*\*. It is the hope of Christians to see this vision brought to life on earth.

Meanwhile the encroachment of the utopian legal regime of human rights on the pragmatic regime of IHL is ongoing. This is taking place through the emergence of *jus contra bellam*. Under this doctrine the grounds for which one can go to war are limited. This emergent norm is rooted in the United Nations Charter of 1945 which provides *inter alia* that "(t)he members of the Organization shall abstain, in their international relations, from resorting to the threat or use of force." Under the United Nations Charter war is generally prohibited except in the context of selfdefense or in the context where collective action is authorized by the Security Council where combat is a coercive measure aimed at restoring or maintaining peace. This doctrine arguably brings the optimism of human rights law into the context of the law of war.

Does this mean that Augustine's conceptions regarding war are less relevant in the current milieu of public international law? Before we dismiss the Augustinian view as regressive in light of the emergence of *jus contra bellam* we must first consult his writings. Although Augustine is not an optimist about life on earth, he views peace as the ultimate of the social order. According to Augustine "(p)ease is so great a good, that even in ephemeral earthly politics there is no more persuasive appeal, no more popular policy, no more valued achievement."<sup>9</sup> For Augustine political models matter little as long as "they serve the one end of earthly peace, provided that they do not impede the religion which teaches the worship of the one supreme and true God."<sup>10</sup> Moreover, while he is credited as a key progenitor of the just war school of thought<sup>11</sup> Augustine was certainly not hawkish. In Book 19 of *The City of God* Augustine writes "(b)ut the wise man, they say, will undertake just wars. As though just wars will not cause him all the more grief, if he is mindful of his own humanity! If they were not just, the wise man would not have to wage them; and then he would have no wars at all. It is the wrong done by the other side that drives the wise man to just war."<sup>12</sup> Clearly peace is the preferred state. The question then becomes whether the state peace can be achieved in this world without war or the threat of war.

### **III. Peace: Motivations and Means of Realization**

The Christian conceptions referenced above concern a fallen present and a perfect future. However, Christian teachings and doctrines also concern the active realization of peace on earth. As John the Baptist preached to the multitudes before the public ministry of Jesus "(r)epent for the kingdom of heaven is at hand!"<sup>13</sup> Jesus spoke about "the kingdom of heaven" as something that was eminent and possible and not other worldly.<sup>14</sup> Jesus' kingdom of heaven" is not "merely a model of perfection" but is "something we can take part in building here and now."<sup>15</sup> (The Politics of Jesus at pp. 133) Jesus instructs his disciples to pray for God's kingdom to come on earth<sup>16</sup> and to seek first the kingdom of God.<sup>17</sup> Notably, when Jesus speaks about what "the kingdom of heaven is like" his purpose is to set his listeners "on the path of ordering human affairs in accordance with the principles of the 'kingdom.'" <sup>18</sup>

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<sup>9</sup> O'Donovan at 153

<sup>10</sup> O'Donovan at 160

<sup>11</sup> See e.g. Editors F.L. Cross and E.A. Livingston, *The Oxford Dictionary of the Christian Church*, Third Ed., Oxford University Press, 1997., entry "War, Christian Attitude to," p. 1719 ISBN 0-19-211655-x

<sup>12</sup> O'Donovan at 150

<sup>13</sup> The Gospel According to Matthew 4:15

<sup>14</sup> Tod Lindberg, *The Political Teachings of Jesus*, HarperCollins Publishers, 2007. p. 132-134

<sup>15</sup> Id. at p. 133

<sup>16</sup> The Gospel According to Matthew 6:9-13

<sup>17</sup> The Gospel According to Matthew 6:33

<sup>18</sup> Lindberg at p. 133

If this kingdom is realized on earth what will it look like? Certainly a kingdom of heaven would be one of peace. This raises the question: where is this kingdom? The world has yet to achieve a permanent peace since the conclusion of Jesus' ministry on this earth.

This question is at the root of a spirited disagreement expressed in the writings 16th Century theologians Martin Luther (1483-1546 C.E.) and Desiderius Erasmus (1466/69-1536 C.E.). For his part, Luther had low expectations regarding the accomplishment of a kingdom of heaven on earth prior to the second coming of Christ. In *From Temporal Authority: To What Extent Should it be Obeyed* Luther writes that the problem is that there are "few true believers, and still fewer who live a Christian life, who do not resist evil and indeed themselves do no evil."<sup>19</sup> As a result Luther's world would always violence and fear to maintain human relations.

Erasmus embraced a more optimistic and humanistic view. He saw the potential for true Christian practices to meaningful impact political realities within the largely Christian Europe of the his time. In his *Complaint of Peace*,<sup>20</sup> Erasmus quotes the words of Jesus from John 14:27: "I give you my peace, I leave you my peace." For Erasmus this parting gift of Jesus should have currency in the world. Erasmus further references the Gospel of John (Chapter 13:34-35) when he notes that Christians are to define themselves in the public eye by the way they love each other.<sup>21</sup>

Erasmus exhorts Christians to promote peace. He writes "(l)et us all combine against war, all be watch-dogs and speak out against it. In private and public they must preach, proclaim, and inculcate one thing: peace. Then if they cannot prevent a conflict to settle the issue, they must certainly not approve or take part, lest they should be responsible for giving a good name to so criminal or at least to questionable a practice."<sup>22</sup> When peace fails to prevail and war becomes unavoidable, Erasmus writes that "it should be conducted in such a way that the full force of its calamities must fall on the heads of those who gave cause for it."<sup>23</sup> Erasmus asserts that a status quo should be established that will prohibit the standard grounds for warfare in his era. Erasmus writes "(t)here should be agreement between the parties once and for all on what each of them should rule,

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<sup>19</sup> Martin Luther *From Temporal Authority: To What Extent Should it be Obeyed*, Section 257; O'Donovan at p. 587.

<sup>20</sup> Desiderius Erasmus *The Complaint of Peace, translation by Betty Radice* (University of Toronto Press 1986) p. 300 of translation, From O'Donovan at 574

<sup>21</sup> Id. at p. 575 of O'Donovan

<sup>22</sup> Id. at p. 579 of O'Donovan

<sup>23</sup> Id. at p. 578 of O'Donovan

and once territories have been assigned to them, no alliance should extend or diminish these and no treaty tear them apart.”<sup>24</sup>

The ideas of Erasmus are remarkably similar modern beliefs and norms. As mentioned in the previous section, the second half of the 20th Century saw the rise of *jus contra bellam* as an international norm. Moreover, modern nation states, especially within the theatre of Europe, have largely accepted the current borders of existing states.

Erasmus was also prescient in terms of effective paths to peace. For Erasmus peace can be produced through consciousness. Erasmus believed that if people could understand who they are in relation to other people they can see the folly of war and the praiseworthiness of peace. Erasmus saw negotiation and the permanent recognition of borders and nation states as a path to peace. Erasmus also believed that the people who pay the price of war have less desire for war. This position is a justification in the modern movement to universalize democracy.

Even the context of Erasmus’s impassioned call for peace strikes a chord with the modern era of international relations. Like the context that birthed the United Nations, Erasmus’ *Complaint of Peace* came in the wake of terrible warfare.

That said, the official motivation behind the United Nation Charter’s limitations on war are distinctive from Erasmus. The United Nations Charter is grounded in the obligations that all nation states owe each other based on a recognition of shared humanity. **CITE FROM PREAMBLE** There is no mention of love for one’s fellow man as the reason for peace in the United Nations Charter or in any other major human rights document.

Love is an unspoken force within both international human rights law and IHL. International institutions are there in part to build relationships. Human relationships engender common affection and affinity. Many of the programs fostered through the United Nations would appear to be motivated by love. Certainly the birth of the modern IHL movement is grounded in the love that **Henry D???** had for the men that he saw suffering in the wake of the Battle of **Soferino**.

Yet despite the transformative and motivating power of love, we choose to replace references to love with less emotive language such as respect for human dignity, diversity, tolerance and common humanity. If we choose not to speak in terms of love we must recognize that weakness of

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<sup>24</sup> Id.

lesser motivation and weaker words. Christianity enabled Erasmus to speak of the importance of love in the context of armed conflict without reservation. It is unfortunate that the irreligious environment of human rights and IHL discourse does not appear to have a shared philosophy that will allow love to be mentioned by name. This vacuum should be acknowledged and addressed in an open and frank manner at the international level.

#### **IV. The Human Community**

The Christian tradition is a prominent source of the modern world's expansive view of the human community. There are two key aspects of this foundational thread. First there is the concept of the *Imago Dei*; the idea grounded in Chapter 2 of Genesis whereby humanity was created in the image of God. The implications of humanity as special image bearers of God in the context of human rights is a well-trodden topic. The second key aspect is the expansive view of human community found within the teachings of Jesus. We will focus on that second aspect of the Christian tradition in this section.

The teachings of Jesus espouse a radically expansive view of human community. Jesus called upon his followers to “love your enemies.”<sup>25</sup> Jesus noted that there is nothing special about loving those that love you; the challenge is loving those that hate you.<sup>26</sup>

Jesus' expansive approach to community is brought out in the parable of the Good Samaritan found in the Gospel of Luke.<sup>27</sup> The prelude to this parable is a poignant question. A lawyer asks Jesus “who is my neighbour?”<sup>28</sup> Jesus responds with the famous parable where a man who is beaten and left to die is not assisted by the members of his own community. Ultimately it is an outsider, a Samaritan, who aids the injured man. This outsider is motivated to act out of compassion.<sup>29</sup> Jesus shows through this parable that we can define the scope of our community through our actions as opposed to our group identity.

The Good Samaritan parable is about awareness. Are you aware about who your neighbor truly is? The parable foists this awareness on Jesus' listeners who become accountable to the parable's clear moral and social implications. The action of the Samaritan is not just a good deed. It is a moral

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<sup>25</sup> The Gospel According to Matthew 5:43-44

<sup>26</sup> The Gospel According to Matthew 5:54

<sup>27</sup> The Gospel According to Luke 10:30-37

<sup>28</sup> The Gospel According to Luke 10:29

<sup>29</sup> The Gospel According to Luke 10:33

“injunction” that all followers of Christ are called to meet.<sup>30</sup> Once you are aware of who your neighbour is you must alter your actions.

This emphasis on awareness as an agent of moral action is found in other Jesusian teachings on community. Jesus wanted his disciples to understand the purpose of the law and not just the law itself. Those that understand the spirit of the law can also recognize the benefit of adherence to the law to the wider community.<sup>31</sup>

This brings us to a second key element for effecting positive social change. For Jesus the key to societal change through the law was a willingness to act right first.<sup>32</sup> Jesus tells his followers to act with radical generosity toward others regardless of the way others are treating you. We see the call to act first without expectations of reciprocity in the radical teaching to give up one’s cloak when someone asks you for a \* and to walk \* when you are asked to \*\*\*\*\*CITE.

We see the tools of consciousness raising and the importance of acting first within the Golden Rule. Christ tells his followers “(i)n everything, therefore, treat people the same way you want them to treat you.”<sup>33</sup> The Golden Rule is grounded in consciousness because it calls upon people to think about the perspective of others. The Golden Rule is about acting first. Followers are not asked to do unto others as they have done unto you. Instead, a follower is to act in a manner that will benefit others with the hope that other actors will do the same.

The parallels between these two aspects of the Golden Rule and IHL are striking. As discussed in the preceding section IHL is a consciousness movement. The International Committee of the Red Cross (ICRC) seeks to spread knowledge and awareness of IHL in the hope that the knowledge and awareness will improve conduct in the theatre of conflict. Moreover, actors in conflict are asked to act rightly regardless of the conduct of other actors. By following the law parties to an armed conflict hope that their compliance will be reciprocated by adversaries. However, parties follow the law regardless of the conduct of their adversaries. Just as the Golden Rule does not have an exception for instances where the others have behaved badly, there is no exception under IHL based on the noncompliance of adversaries.

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<sup>30</sup> Tod Lindberg, *The Political Teachings of Jesus*, HarperCollins Publishers, 2007. p. 184.

<sup>31</sup> Id. Lindberg at p. 99.

<sup>32</sup> Id. Lindberg at p. 100.

<sup>33</sup> The Gospel According to Matthew 7:12; The Gospel According to Luke 6:31, New American Standard Bible

Like IHL, Christian doctrine on right action also includes the prospect of later accountability. In the \* Chapter of Matthew Jesus speaks of a time when the sheep will be separated from the goats with implications of eternal judgment. **CITE** The grounds by which judgment will be meted out concern the way that people treated certain unfortunate and needy members of society. **CITE** Jesus says that he will recount whether you cared for the sick, visited those in prison **ADD DETAIL** Jesus says that to the extent that you did these things to least of these you did them to Jesus.

The story of the sheep and the goats raises the bar of accountability and community. Now the way one treats one's neighbour is the way that person treats Christ. Here the creative order of man created in the image of God comes full circle. Moreover, one's eternal destiny lies in the balance. At this point the Christian's incentives for right actions towards others goes beyond the incentives that can be posited by the ICRC for compliance with IHL. Nonetheless, the core message is the same: treat others in bad circumstances as you would want yourself to be treated.

## **V. The Concept of Role Morality**

IHL is built on the concept of role based morality; the right actions of an individual are defined by that individual's role and the role of others that the individual comes in contact with in the course of armed conflict. Obligations, protections and limitations under IHL vary depending on whether scenarios involve soldiers, civilians, health care workers, members of the ICRC Delegation, *hors du combat*, spies and/or prisoners of war.

Although Christianity has a universal quality it also has a strain of political pragmatic thought that allows for situational values based on social roles. We see this concept brought out in Augustine's *Letter to Macedonius* where Augustine writes that his role as a bishop is to pardon and seek mercy while Macedonius, a provincial governor, is charged with maintaining order and effecting earthly justice.<sup>34</sup> Augustine writes "surely it is not without purpose that we have the institution of the power of kings, the death penalty of the judge, the barbed hooks of the executioner, the weapon of the soldier, the right of punishment of the overlord, even the severity of the good father."<sup>35</sup> Thus Augustine finds good in the governor's use of violence and severity to achieve tranquility.<sup>36</sup>

Augustine expounds on his role based approach to morality in connection with military service in other writings. In his *Letter to Count Boniface* Augustine recounts the favourable Biblical

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<sup>34</sup> Augustine of Hippo *Letter to Macedonius*, in O'Donovan p. 119-131.

<sup>35</sup> Id. O'Donovan at p. 125

<sup>36</sup> Id. O'Donovan at p. 127

depictions of the warrior David, the Roman Centurion appearing in Matthew Chapter 8 who comes to Jesus seeks healing for his servant and the Roman soldier Cornelius from Acts Chapter 10 who is influential in the decision of the early Church to spread a non-legalistic Gospel to the gentiles.<sup>37</sup> Augustine views Christian soldiers as a category of Christians who as described by the Apostle Paul in 1 Corinthians 7:7 as having “his proper gift of God, one after this manner and another after that.”<sup>38</sup>

This Augustinian line of thought was seconded by Martin Luther in the 16th Century.<sup>39</sup> Per O’Donovan, the Luther saw the Christian “as two persons: a *Christ-person* subject only to Christ’s commands and a *Weltperson* caught up in the network of social obligations.”<sup>40</sup> For Luther the endorsement of role based morality was grounded in the belief that all vocations can serve a Godly purpose. Luther did not believe that God’s work was limited to the work of priests and nuns. It follows that all roles have value in society that add value are proper roles to be filled by Christians. Luther went as far as saying that Christians should seek employment as hangmen as long a “you find that you are qualified.”<sup>41</sup>

Luther did not think that the example of Christ’s own life limited the employment options of his followers. Luther writes:

“Christ pursued his own office and vocation but he did not thereby reject any other. It was not incumbent upon him to bear the sword, for he was to exercise only that function by which his kingdom is governed and which properly serves his kingdom. Now it is not essential to his kingdom that he be a married man, a cobbler, tailor, farmer, prince, hangman, or constable; neither is the temporal sword or law essential to it, but only God’s word and Spirit. And in this office where he also exercised then and still exercises now, always bestowing God’s word and Spirit. And in this office the apostles and all spiritual rulers had to follow him. For in order to do their job right they are so busily occupied with the spiritual sword, the word of God, that they must perforce neglect the temporal sword and leave it to others who do not have to preach, although it is not contrary to their calling to use it, as I have said. For each must attend to the duties of his own calling.”<sup>42</sup>

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<sup>37</sup> Augustine of Hippo *Letter to Boniface (Letter 189)*, O’Donovan p. 134-135

<sup>38</sup> Id. O’Donovan at p. 135

<sup>39</sup> Fellow Reformation era theologian John Calvin also endorsed a pragmatic role based approach to ethics in the interest of a proper functioning earthly society. See O’Donovan at 665 for an overview of Calvin’s social role based approach to morality.

<sup>40</sup> O’Donovan at p. 583

<sup>41</sup> Martin Luther *From Temporal Authority: To What Extent Should it be Obeyed*, Section 253; O’Donovan at p. 588.

<sup>42</sup> Martin Luther *From Temporal Authority: To What Extent Should it be Obeyed*, Section 257; O’Donovan at p. 589.

This Christian tradition championed by Augustine and Luther is consistent with the role driven morality that provides the ethical architecture for modern IHL. The cultural pervasiveness of this line of thinking created an environment open to the pragmatic and situational approach of IHL.

## **VI. The Deep Significance of Symbols and Marks of Distinction**

Another aspect of Christian political thought which has resonance within IHL is the importance of symbols and marks of distinction. Early Christians within the Roman empire struggled with the wearing of the military “chaplet” as ceremonial dress as it raised questions of allegiance.<sup>43</sup>

The prominence of the chaplet dispute in the early Church is reflected in the writings of Tertullian. In his work *The Military Chaplet* Tertullian attempts to provide guidance on an issue of symbolism and military dress that has captured the interest of the Christian community. Although it should be noted that Tertullian writes that the bigger concern is the matter of Christian service in the military he felt compelled to engage the issue of allegiance and symbolism.

Issues of symbolism and identity retain their currency and resonance in modern International Humanitarian Law. This is reflected in the ongoing efforts of the ICRC to sensitize the public to the fact that its red cross symbol does not connote a religious allegiance or affiliation as well as the efforts undertaken to develop special marks of distinction for nations in the Islamic world, Iran, Israel and Eritrea.

This final issue has less philosophical weight than the other conceptual heritages noted above. Nonetheless, the facts that matters of symbols and identity in the context of armed conflict are viable topics within the long-standing Christian tradition gives us added perspective as to why the issue of symbols remain important matters that drive controversy and repeated policy changes.

## **Conclusion**

It would be difficult to overstate the role of Christian ideologies and beliefs in the emergence and development of IHL. From the internal motivations of **Henry Dunant** to just war theory the relevance and resonance of the Christian tradition is pervasive. At the core of the Christian religion are key conceptions about humanity and its functions and purposes on earth that have shaped the laws that we now describe as human and humanitarian. The Christian political imagination has also proven to be fertile ground to the development of a legal regime that differentiates moral

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<sup>43</sup> O'Donovan at p. 3.

obligations based on the roles and pragmatism. Knowledge of Biblical principles and the heritage of Christian political philosophy can meaningfully inform our understanding of IHL and its genesis.