

## A Thomistic Just Rebellion Analysis of the U.S. Capitol Insurrection

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### Abstract

On January 6<sup>th</sup>, 2021 following a ‘Save America’ rally held by President Donald Trump, supporters violently attacked the U.S. Capitol with the aim to stop Congress’ verification of election results certifying President elect Joe Biden. The subsequent press coverage on this tragedy provided a variety of labels for the violence: insurrection, rebellion, riot, protest, etc. To understand what type of act this was, I utilize Thomas Aquinas distinction of ‘sedition’ and ‘rebellion’ as a conceptual model. I argue that the attack on the Capitol was a form of political sedition, which Aquinas held to be an immoral and unjustified attack on proper political authority. In connection with this claim, I discuss Aquinas’ political theory and his criteria of a justified armed rebellion against political tyranny as a way to understand the events at the U.S. Capitol and to help us think clearer about legitimate and illegitimate civilian political violence in the future.

### Keywords

Insurrection. U.S. Capitol. President Donald Trump. Thomas Aquinas. Just War Theory. Just Rebellion Theory

### Introduction

On January 6<sup>th</sup>, 2021 President Donald Trump held a ‘Save America Rally’ in which he accused Democrats (among others) of falsifying the results of the 2020 presidential election thus subverting his re-election and the democratic process.<sup>1</sup> After the rally, Trump supporters’ protesting march to the U.S. Capitol turned into an armed assault.<sup>2</sup> Those

<sup>1</sup> See CNN, ‘Read: Former President Donald Trump’s January 6 speech’, (CNN), <https://www.cnn.com/2021/02/08/politics/trump-january-6-speech-transcript/index.html>

<sup>2</sup> See Tom Dreisbach and Tim Mak, ‘Yes, Capitol Rioters Were Armed. Here Are The Weapons Prosecutors Say They Used’, (*NPR*: March 19, 2021), <https://www.npr.org/2021/03/19/977879589/yes-capitol-rioters-were-armed-here-are-the-weapons-prosecutors-say-they-used>

who participated in the attack aimed to stop politicians from verifying President Biden's election win. The assault resulted in the deaths of five people.<sup>3</sup> Terms such as insurrection, rebellion, riot, protest, etc. were used in subsequent press coverage to interpret the events that occurred. I argue that these terms are not as interchangeable or synonymous as they seem and that correctly labelling this event is important for future discussion of civilian political protest and resistance. To more clearly understand what type of act occurred at the U.S. Capitol, I utilize Thomas Aquinas' distinction of 'sedition' and 'justified rebellion' as a conceptual model. In this essay, I discuss Aquinas' political theory and his criteria of a justified armed rebellion against political tyranny as a way to understand the events at the U.S. Capitol and to help us think clearer about legitimate and illegitimate civilian political violence in the future. Despite possible Trumpian interpretation or rhetoric, the events at the U.S. Capitol fail all of Aquinas' criteria for a justified armed rebellion. Therefore, I argue that the attack on the U.S. Capitol was a form of political sedition (i.e., insurrection), which Aquinas held to be an immoral and unjustified attack on proper political authority. The language of 'insurrection' should be used in referencing the events at the U.S. Capitol since other terms fail to properly highlight the gravity of what occurred.

### Thomistic Political Foundations

In order for Aquinas' views on armed rebellion to be more intelligible, it is necessary to summarize Aquinas' political theory and just war theory as they are the twin foundations for his armed rebellion views. Therefore, I will provide a general summary of his political theory and just war theory before discussing his just rebellion theory.<sup>4</sup> A Thomistic understanding of the purpose of political life is defined as the communal pursuit of the common good built on a virtuous conception of reciprocal rights and duties, which leads to interdependent human flourishing.<sup>5</sup> For further clarity, I define the key concepts of the

<sup>3</sup> Four protestors were killed while one police officer was killed.

<sup>4</sup> The sections entitled Thomistic Political Foundations, Aquinas' Just War Theory, Legitimate Authority, Just Cause, and Right Intention, Aquinas' Just Rebellion Theory, Aquinas on Political Tyranny, and Just Rebellion Criteria contains a truncated version of my fuller articulation found in Nathaniel A. Moats, 'Recovering Aquinas' Common Good Oriented Right of Rebellion', *Nova et Vetera*, forthcoming, 2022.

<sup>5</sup> Gregory Reichberg articulates Aquinas' view of political community in the following way: 'An assembled multitude is more than an atomistic collection of individuals who happen to live in proximity to each other; rather it has the form of a community with ipso facto a shared ('common') good. This good is dynamic. It arises when the manifold activities of the community's individual members over time are conducive to the well-being of the whole, a unitary goodness that in turn redounds upon each of the community's many individual

common good, interdependency, and human flourishing. The common good of the political community is the balancing of order, justice, and peace, which creates a context for interdependent flourishing for individuals and communities as they holistically live in connection with each other.<sup>6</sup> Interdependency is the coordinated and cooperative effort of individuals leveraging their lives and skills with the aim to benefit other individuals and communities.<sup>7</sup> In this conception, individuals are recognized as distinct and unique persons who are deeply interconnected and reliant on other individuals who compose their communities. Given this interdependent construction, individuals cultivate and leverage their skills to support other individuals while simultaneously contributing towards a greater whole (i.e., the common good). Human flourishing is the quality of holistic well-being attached to

members. "Peace" is another name for this dynamic unity', *Thomas Aquinas on War and Peace*, (Cambridge: Cambridge University Press, 2017), p. 131. For more on Aquinas' political theory, see John Finnis, 'Aquinas' Moral, Political, and Legal Philosophy', *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta, ed., <https://plato.stanford.edu/archives/sum2018/entries/aquinas-moral-political/>; John Finnis, *Aquinas: Moral, Political, and Legal Theory*. Founders of Modern Political and Social Thought. (Oxford University Press, 1998); Edgar Scully, 'The Place of the State in Society according to Aquinas,' *Thomist* 45 (1981): pp. 407-429.

<sup>6</sup> I utilize the terms of 'order, justice, and peace' from James Turner Johnson, *Ethics and the Use of Force: Just War in Historical Perspective* (England: Ashgate Publishing, Ltd., 2013), p.9. It is important to note that Aquinas believed that God is the ultimate common good to which political community aims. Aquinas states, 'the common good of the whole is God himself, in whom consists the happiness of all', Thomas Aquinas, *De Perfectione Vitae Spiritualis*, Ch.13. <https://www.pathsoflove.com/aquinas/perfection-of-the-spiritual-life.html>. This theological perspective, however, is not required for his political theory to work. The *Catechism of the Catholic Church* is an important source for defining Roman Catholic beliefs and provides a helpful summary of their understanding of Thomistic concepts. The *Catechism of the Catholic Church* defines the common good as 'the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfillment more fully and more easily', *Catechism of the Catholic Church*, 2nd ed. (Washington, DC: United States Catholic Conference, 2000), p.1906. The common good 'presupposes respect for the person as such', 'requires the social well-being and development of the group itself', and 'requires peace, that is, the stability and security of a just order', *Catechism of the Catholic Church*, pp.1907-1909. See also Richard A. Crofts, 'The Common Good in the Political Theory of Thomas Aquinas'. *The Thomist: A Speculative Quarterly Review*, Volume 37, Number 1, January 1973, pp. 155-173; John Finnis, 'Public Good: The Specifically Political Common Good in Aquinas.' In *Natural Law and Moral Inquiry: Ethics, Metaphysics, and Politics in the Thought of Germain Grisez*. Robert George, ed. Washington, D.C.: Georgetown University Press. 1998: pp. 174-209. David Hollenbach, *The Common Good and Christian Ethics*. Cambridge, UK: Cambridge University Press, 2002; David Hollenbach, 'The Common Good and Issues in U.S. Politics: A Critical Catholic Approach'. *Journal of Religion & Society*, vol. 4, pp. 33-46, 2008; David Hollenbach, 'The Common Good in a Divided Society' (1999). Santa Clara Lectures.; David Hollenbach, 'The Common Good Revisited'. *Theological Studies* 50 (1989): pp. 70-94. See also, Mary Keys, 'Contemporary Responses to the Problem of the Common Good: Three Anglo-American Theories' in *Aquinas, Aristotle, and the Promise of the Common Good* : pp. 29-56.

<sup>7</sup> See *Catechism of the Catholic Church*, p. 1911 for interdependence and common good.

individual, communal, relational, physical, emotional, and psychological well-being.<sup>8</sup> It benefits individuals' intrapersonal and interpersonal well-being.

In a Thomistic construction, citizens and political leaders are defined by a relationship with reciprocal other-regarding obligations. Citizens are given a significant role in determining their political construction (i.e., politicians, polity, laws, etc.) while also establishing and entrusting their leaders to faithfully fulfill their duties.<sup>9</sup> Political leaders are entrusted to serve the community through an other-regarding orientation by providing, preserving, cultivating, and protecting the common good.<sup>10</sup> The community entrusts political leaders to pursue and establish justice to provide relational flourishing between individuals. Laws are established to help protect the community and inculcate virtues that lead to individual and communal flourishing. Therefore, political life has intrinsic worth in the provision of a stable context of order, justice, and peace for individuals to interdependently flourish within their communities.<sup>11</sup>

### Aquinas' Just War Theory

It is with such a political foundation in mind that Aquinas crafts his just war theory and in turn his allowance for a justified armed rebellion. It is important to note that Aquinas' just rebellion theory is not separate from his just war framework. Rather, Aquinas' allowance for an armed rebellion is an expanded form of his just war thinking albeit situated within a context of internal turmoil (i.e., political tyranny) rather than external turmoil (i.e., violence from another nation). Aquinas' just war theory can be defined in the following way: A just war occurs when out of necessity a legitimate political leader authorizes the proportional use of collective armed force on behalf of the common good for a just cause with right moral intention to achieve peace. Aquinas' approach to war was not novel, but rather a systemized and synthesized form of Augustine's and other medieval canonists' thinking.<sup>12</sup> Aquinas utilized Augustine's political foundation of order, justice, and peace as

<sup>8</sup> For Aquinas, flourishing is also deeply tied to living according to God's natural law and becoming more the type of person that God has designed humans to be. Flourishing leads to right orientation and relationship with God, self, others, and the world. For the purposes of this essay, I focus simply on the natural ends.

<sup>9</sup> See 'Responsibility and Participation' in *Catechism of the Catholic Church* on, pp. 1913-1917.

<sup>10</sup> See 'Authority' in *Catechism of the Catholic Church* on, pp. 1897-1904.

<sup>11</sup> I would also note that local communities' interdependent flourishing leads outwardly to its interaction with other communities. In this sense, a local community's flourishing leads to interdependently working with other communities.

<sup>12</sup> James Turner Johnson, *Sovereignty: Moral and Historical Perspectives*. Washington, DC: Georgetown University Press, 2014, pp. 17-18.

corresponding with the three primary just war criteria of legitimate authority, just cause, and right intention.<sup>13</sup> The aim of peace, necessity, and proportionality are also mentioned, but as subcategories of the three primary criteria.

### Legitimate Authority, Just Cause, and Right Intention

Legitimate authority is the first and preeminent criterion which describes the political and moral authority needed to initiate a war.<sup>14</sup> James Turner Johnson states, ‘Just war was and is about the justified use of force by *temporal sovereign authorities for temporal causes—the common good*.’<sup>15</sup> The right to war is reserved for political leaders given that their designated duty is to serve as representatives of their communities in order to protect and care for their citizens. In other words, political authorities can use armed force since they are recognized, entrusted, and empowered to represent and protect their communities.<sup>16</sup> Considering this restriction, Aquinas denies the so-called ‘private right of war’ by distinguishing between war (*bellum*) and defense (*defensio*).<sup>17</sup> In such a view, individuals have a right to self-defense, but not a right to war.<sup>18</sup> Citizens lack proper authority to initiate a war because they are not representatives of their communities nor entrusted with tasks expected of public authorities. Even in situations of internal maleficence, citizens are not allowed to act individually or cooperatively to execute judgment without proper authorization.<sup>19</sup>

Assuming that a community’s political authority is legitimate, authorities must *assess* the justness of the resort to armed force. Political authorities do not maintain an unconditional right to war but are required to determine if there is a just cause ‘of some wrongdoing’ which requires the use of armed force to restore the peace of the community.<sup>20</sup>

<sup>13</sup> Johnson, *Sovereignty*, pp.16-17.

<sup>14</sup> Johnson, *Sovereignty*, pp.19-21.

<sup>15</sup> James Turner Johnson, *Ethics and the Use of Force: Just War in Historical Perspective*. England: Ashgate Publishing, Ltd., 2013, p.51.

<sup>16</sup> Johnson, *Ethics and the Use of Force*, p.51.

<sup>17</sup> Aquinas follows Pope Innocent IV’s terminological distinction, Qtd in Johnson, *Sovereignty*, 46.

<sup>18</sup> For Aquinas on self-defense: Aquinas 1947, *Summa Theologiae IIaIIae* 64. See also Johnson, *Ethics and the Use of Force*, 37 and Martin Rhonheimer, ‘Sins against Justice’ in *The Ethics of Aquinas*. Stephen J. Pope, ed. Washington, D.C.: Georgetown University Press, 2002, p. 296.

<sup>19</sup> Aquinas states, ‘it is not lawful to slay a malefactor except by the judgment of a public authority’, *Summa Theologiae IIaIIae* 64.3 *ad.3*.

<sup>20</sup> Aquinas, *Summa Theologiae IIaIIae* 40.1 *resp.* Johnson states, ‘But the sovereign may use armed force only for a just cause and only with right intention—not to bully or dominate, but to serve the common good by achieving a just and peaceful order’, *Ethics and the Use of Force*, p. 51.

For Aquinas, just cause includes punitive, restitutive, remedial, and defensive measures.<sup>21</sup> In other words, this definition of a just cause entails the moral permissibility of offensive and defensive wars.

The criterion of right intention also adds an extra standard of accountability to restrict the use of armed force.<sup>22</sup> Right intention intertwined with legitimate authority and just cause creates the proper conditions (means and ends) for a moral act. If one's means (authority, proportionality) or ends (cause, necessity, intention, likelihood of success) were immoral, then it would render the act impermissible. Aquinas cites Augustine's understanding of right intention as 'those wars which are waged not out of greed or cruelty, but with the object of securing peace by coercing the wicked and helping the good'.<sup>23</sup> Wrong intention could include: 'The desire to do harm, the cruelty of vengeance, an unpeaceable and implacable spirit, the fever of rebellion, the lust to dominate, and similar things.'<sup>24</sup> Therefore, right intent should aim 'either to promote a good cause or avert an evil.'<sup>25</sup> While any political leader can attempt to offer a carefully worded justification for intention or cause, a proper understanding of these three criteria situated within the larger Thomistic political framework (i.e., the role and responsibilities of a political leader, the combination of moral means and ends, etc.) protects these criteria from inappropriate application or misuse. Further, these three criteria provide a standard of accountability to which leaders can be held. Therefore, I have displayed that Aquinas' just war thinking is based on a political vision, which grounds rights, means, and ends for the use of armed force oriented around criteria of legitimate authority, just cause, and right intention paralleling the common good goals of political order, justice, and peace. Aquinas' just war criteria provides the basis for his more novel approach to armed rebellion.

### Aquinas' Just Rebellion Theory

Aquinas utilizes all of his just war criteria in his approach to armed rebellion. Aquinas' armed rebellion theory can be defined in the following manner: A justified armed rebellion requires a legitimate authority (i.e., held through an authoritative line of succession) who has a just cause (i.e., tyranny, the severe negation of the common

<sup>21</sup> Aquinas cites Augustine's just cause definition: 'A just war is customarily defined as one which avenges injuries, as when a nation or state deserves to be punished because it has neglected either to put right the wrongs done by its people or to restore what it has unjustly seized', *Summa Theologiae IIaIIae* 40.1 resp.

<sup>22</sup> Johnson, *Ethics and the Use of Force*, p. 50.

<sup>23</sup> Aquinas, *Summa Theologiae IIaIIae* 40.1 resp.

<sup>24</sup> Qtd in Aquinas, *Summa Theologiae IIaIIae* 40.1 resp.

<sup>25</sup> Aquinas, *Summa Theologiae IIaIIae* 40.1 resp.

good, culpable negligence, refusal of accountability, etc.) and a right intention (i.e., the restoration of the common good) to use armed force when it is necessary (i.e., intolerable conditions), proportionate, and stood a reasonable chance of success (i.e., not cause worse harm than the current conditions) to restore political order, justice, and peace. To further understand the intricacies of Aquinas' justified armed rebellion, I will discuss his understanding of political tyranny and how the criteria of a justified rebellion is implemented.

### Aquinas on Political Tyranny

Aquinas was deeply conscious of and concerned over political tyranny. Tyranny is one of the most prominent political issues discussed by Aquinas and is the fundamental concern in his just rebellion thinking. Aquinas argues that tyranny stunts communities' growth through limiting material resources and stifling the cultivation of virtue. Tyranny also creates chaos, distrust, and vulnerability by thwarting the community's sense of unity, peace, and stability. Intolerable conditions occur when there is a sustained and significantly pervasive attack on the order, justice, and peace of the community. Aquinas argues that tyrants attempt to protect their power through three means.<sup>26</sup> First, tyrants thwart solidarity and friendship among citizens to prevent unified efforts to challenge their power.<sup>27</sup> Second, tyrants hoard power and wealth from citizens to keep them from having adequate resources to oppose them.<sup>28</sup> Lastly, tyrants stunt the growth of virtues as a way to maintain power and control.<sup>29</sup>

Tyranny is depicted as the worst political polity for a community.<sup>30</sup> Aquinas states, 'what renders government unjust is the fact that the private good of the ruler is sought at the expense of the good of the community. The further it departs from the common good, therefore, the more unjust will the government be'.<sup>31</sup> Tied to the Greek word *τυραννις* translated as 'force', tyrants are described as those who rule by unjust force and who 'oppress with power'.<sup>32</sup> Aquinas argues that a tyrant 'oppresses his subjects in a variety of ways, according to the different passions to which he is subject as he tries to secure whatever goods he desires'.<sup>33</sup> Tyranny was a violation of the leader's role

<sup>26</sup> Aquinas, *De Regimine Principum*, I.IV

<sup>27</sup> Aquinas, *De Regimine Principum*, I.IV and *Summa theologiae Hallae* 42.2 ad.3.

<sup>28</sup> Aquinas, *De Regimine Principum*, I.IV

<sup>29</sup> Aquinas, *De Regimine Principum*, I.IV

<sup>30</sup> Aquinas, *De Regimine Principum*, I.IV.

<sup>31</sup> Aquinas, *De Regimine Principum*, I.IV.

<sup>32</sup> Aquinas, *De Regimine Principum*, I.II

<sup>33</sup> Aquinas, *De Regimine Principum*, I.IV

because it neglected and injured the common good through prioritizing the leader's private good.<sup>34</sup> Proper political leaders are other-regarding in providing, protecting, and cultivating the community for interdependent flourishing while tyrants are self-regarding in hoarding resources, limiting virtues, and thwarting solidarity for personal gain. With all this in mind, Aquinas defines *tyrants as illegitimate political leaders who inhumanely oppress the community through a self-regarding orientation, which leads to the illegitimate use of authority (i.e., force, theft, unjust policies, etc.)*

### Just Rebellion Criteria

At this point, readers may wonder whether Aquinas' views on political tyranny allows citizens to frequently use armed rebellion. While Aquinas certainly allowed for the use of armed force against political tyrants, he greatly restricts its use by utilizing the criteria of legitimate authority, just cause, right intention, necessity, proportionality, and chance of success. At first glance, the criterion of legitimate authority seems problematic and unlikely to be upheld in contexts of political tyranny. For political tyranny typically occurs when a legitimately appointed authority has gone wrong. Rather than grounding the criterion of legitimate authority exclusively in the foremost authority, Aquinas grounds his concept of legitimate authority in the notion of the common good. Ideally, the foremost leader is the typical fulfillment of this criterion as they serve the common good as their communities' appointed representatives. Therefore, while Aquinas typically reserves the right of war for the foremost authorized leader, there is a line of authoritative succession based on a threefold layer of authority if the foremost leader were to falter.<sup>35</sup> This threefold layer of political authority is as follows: the foremost authorized leader, other national and local political leaders, and a united coalition of citizens. On the second level, if the foremost leader is abusive or grossly negligent, other national leaders gain authority presumably according to a previously established hierarchical pattern.<sup>36</sup> The third level allows the right to pass to citizens vis-à-vis a united coalition in extreme cases provided

<sup>34</sup> Aquinas, *Summa Theologica*, 42.2.Reply to Obj.3.

<sup>35</sup> Later Thomistic thinkers such as Francisco de Vitoria added an additional layer by including the legitimacy of other international leaders to address foreign tyranny, 'On the American Indians', 3.5 in *Vitoria: Political Writings*. Pagden, Anthony and Lawrence, Jeremy. Eds. (Cambridge: Cambridge University Press. 1991). See also, D.J.B.Trim, 'If a prince use tyrannic towards his people': interventions on behalf of foreign populations in early modern Europe' in *Humanitarian Intervention: A History*. Brendan Simms and D.J.B. Trim, eds., Cambridge: Cambridge University Press, 2011: pp. 29-66.

<sup>36</sup> For example, the United States has an established line of succession: President, Vice-President, Speaker of the House, etc.



that they can meet other criteria such as necessity, proportionality, and likelihood of success.

To clarify the criterion of just cause, Aquinas differentiates between legitimate and illegitimate political leaders through the terminological distinction of ‘unworthy’ and ‘unjust’ leaders.<sup>37</sup> Unworthy leaders are those who have manifest character flaws or habits of vice, which may lead to infrequent or insubstantial political infractions. Despite unworthy leaders’ wicked character, however, it was still possible for an unworthy leader to serve the common good.

Therefore, the legitimacy of political authority is not based on their moral or political perfection but on their overall care of the common good. If, on the whole, unworthy leaders uphold their central duties to the common good then their legitimacy is maintained. Leaders’ personal and professional failures were worthy of lament and open for accountability, but were not a just cause for armed rebellion. In cases of tolerable abuse of authority, citizens should seek accountability, reparations, or reconciliatory measures through other authorized political authorities.<sup>38</sup> Even in dire tyrannical circumstances, Aquinas believes prudence should guide a community’s application of resistance (i.e., the use of noncompliance, legal measures, or armed force).<sup>39</sup> Aquinas’ political theory revolves around the preservation of order, justice, and peace. Thus, anarchy and civilian armed force have the potential to be more harmful than some forms of tyranny. Again, not utilizing armed force does not equate to capitulating to tyranny. Other forms of resistance and appeals for accountability can and should be made.

Unjust leaders (i.e., tyrannical) are illegitimate by virtue of substantially subverting the common good through the pursuit of personal rather than communal ends. Since compliance is only required when leaders properly fulfil their role, Aquinas allows for and even demands civilian noncompliance in certain cases.<sup>40</sup> In extreme cases of tyranny

<sup>37</sup> He also classifies unworthy as ‘wicked’.

<sup>38</sup> Aquinas advises political communities to create systems of accountability prior to their leaders holding office. He recommends three preventative measures for protecting a community from tyrannical rule. First, political communities should seek leaders with virtuous character who are not likely to abuse authority. Second, legal measures should be put in place to remove leaders if abuses of power occurred. Third, leaders’ power should be limited. In other words, political authorities should not be given unconditional or unaccountable authority. All three elements can be found in Aquinas, *De Regimine Principum*, I.VI

<sup>39</sup> For more on prudence in Aquinas’ just war thinking, see Gregory Reichberg, ‘Thomas Aquinas on Military Prudence,’ *Journal of Military Ethics*, vol. 9, issue 3, 2010, pp. 261-74.

<sup>40</sup> In reference to when authorities command a sinful act, Aquinas states, ‘not only is one not bound to obey the ruler, but one is bound not to obey him’, “*Scripta super libros sententiarum*” II:44:2:2. See also Sally Schols, ‘Civil Disobedience in the Social Theory of Thomas Aquinas,’ *Thomist* 60 (1996): pp. 449-462.

this even allows for the use of armed rebellion. Given how past commentators understood the term, sedition was seen to be immoral in its very essence. Therefore, Aquinas had to supply a way to legitimize armed rebellion in a way that avoided the connotations of sedition. By incorporating his definition of tyranny, Aquinas shows that ‘there is no sedition in disturbing a government of this kind’.<sup>41</sup> Furthermore, Aquinas flips the charge of sedition onto the tyrant. Tyrants are seditious ones who sow ‘discord,’ harm the people and focused exclusively on their ‘private good’.<sup>42</sup> In such cases, Aquinas argues that armed rebellion may be morally permissible. He states, ‘[i]t is lawful to fight, provided it be for the common good’.<sup>43</sup>

The criterion of just cause (and in extension proportionality and aim of peace) also necessitates *sustained or substantial abuse* by the political leader. Aquinas describes conditions as intolerable when ‘the tyranny is so excessive that it ravages the whole community’.<sup>44</sup> In other words, tyranny is that which subverts the very purpose and role of the government (i.e., order, justice, and peace). In today’s terms, mass atrocities, crimes against humanities, and certain human rights violations would qualify as substantially subverting the common good. The criterion of right intention is also displayed in the telos of armed rebellion being restorative rather than retributive. It aims not to get revenge on tyrants, but to restore the common good. Even in dire situations, however, a community must consider whether the armed rebellion will harm the common good more than the tyrant’s abuse (i.e., the criteria of necessity, proportionality, and the likelihood of success). In other words, armed rebellion has to be conducted necessarily in a proportional manner with the aim of peace. Prudentially, a community may be required to allow the abuse to remain if armed rebellion would further disturb the community or worsen conditions. In summary, R.W. Dyson argues that Aquinas’ views on armed rebellion may be best described as an ‘intelligible position of cautious conservatism which recognizes that extreme measures may be justified sometimes but should be avoided if at all possible’.<sup>45</sup> In my own estimation, Aquinas’ position avoids the two extremes of unaccountable tyranny (i.e., quietism) and spuriously initiated rebellion (i.e., frequent rebellion)

<sup>41</sup> Aquinas, *Summa theologiae IIaIIae* Q42. Ad 3.

<sup>42</sup> Aquinas, *Summa theologiae IIaIIae*, Q42. Ad 3.

<sup>43</sup> Aquinas, *Summa theologiae IIaIIae*, Q.42 ad.1.

<sup>44</sup> Aquinas, *De Regimine Principum*, I.V

<sup>45</sup> R.W. Dyson, ‘Introduction’ in *Aquinas Political Writings*. Translated by R W. Dyson. Cambridge Texts in the History of Political Thought. (Cambridge, UK: Cambridge University Press, 2002), p. xxx.

## A Thomistic Analysis of the Events at the Capitol

Having thoroughly defined Aquinas' just war and just rebellion thinking and the political theory on which it rests, what do we make of the events at the U.S. Capitol? Does the event meet Aquinas' primary just war criteria of a legitimate authority, just cause, and right intention? Does it meet the additional criteria of sustained and substantial political tyranny, chance of success, proportionality, and last resort that must be met within the context of a justified armed rebellion? One could claim that historical events are in the eye of the beholder (or interpreter). In other words, certain Trump supporters could interpret the events at the U.S. Capitol as meeting Aquinas primary criteria as President Trump (i.e., legitimate authority) 'authorized' his supporters to be prepared to 'fight' to 'stop the steal' (i.e., just cause) in order to restore democracy (i.e., right intention).<sup>46</sup> I argue, however, that this event violated all three of the primary just war criteria and the other criteria that must be met in conditions of political tyranny making it an unjust act of sedition against the United States Government. In what follows, I display how the events that unfolded at the U.S. Capitol were not justified and failed all the relevant just rebellion criteria.

### Legitimate Authority

Regarding the criterion of legitimate authority, the case at first glance seems more complex and unusual as it involves the possible incitement or support from the highest political authority in the U.S. Government. President Trump was then acting as America's legitimately placed authority. Cases of rebellion typically occur in response to perceived injustices stemming from a country's main political authority. It is not typical for central authorities to incite or lead an armed rebellion against their own government. While there is still significant debate on whether President Trump explicitly incited the crowd to violence or not, some of the supporters believed that they were acting on his behalf or as an extension of his authority. Regardless of whether

<sup>46</sup> See the following poll about how Americans viewed the events at the U.S. Capitol. Thankfully, only a small percentage viewed the actions as justified: Hannah Hartig, 'In their own words: How Americans reacted to the rioting at the U.S. Capitol', (*Pew Research Center*, January, 15, 2021), <https://www.pewresearch.org/fact-tank/2021/01/15/in-their-own-words-how-americans-reacted-to-the-rioting-at-the-u-s-capitol/>. See also, 'National: Majority Back Capitol Riot Commission', (Monmouth University, March, 17, 2021), [https://www.monmouth.edu/polling-institute/documents/monmouthpoll\\_us\\_031721.pdf/](https://www.monmouth.edu/polling-institute/documents/monmouthpoll_us_031721.pdf/) See also, Giovanni Russonello, 'Four in 10 Republicans say the Capitol rioters' anger was justified', (*The New York Times*, March 18, 2021), <https://www.nytimes.com/2021/03/18/us/politics/capitol-riot-polls.html>

Trump's language was deliberately vague to avoid legal consequences, it does seem to be the case that he is at least culpably negligent for using such belligerent and amorphous speech. In any case, President Trump never directly called on his supporters to attack the U.S. Capitol and therefore it seems difficult to uphold that he authorized the violence for his supporters in a way that parallels a declaration of war. One could, however, interpret President Trump's delayed call to 'go home' and remain 'peaceful' as displaying some merit to the claim that his supporters were in some sense acting on his authority. Complicating interpretations that suggest that his followers were given legitimate authorization, President Trump later 'unequivocally' condemned the acts at the U.S. Capitol stating, 'Violence and vandalism have absolutely no place in our country, and no place in our movement.'<sup>47</sup> Given the impending possibility of impeachment, however, it seems far more likely that Trump's delayed condemnation was an attempt to protect himself from future prosecution.

Regardless of Trump's intention, it seems clear that the civilians who violently attacked the U.S. Capitol lacked legitimate authority in several senses. First, while President Trump was the acting President at the time, his call to 'stop the steal' and to overturn the democratic election results was a violation of his authority and superseded his jurisdiction. Even acting Vice President Mike Pence knew that overturning the election results would supersede his jurisdiction and refused to misuse his authority.<sup>48</sup> In other words, even if President Trump or Vice President Pence could have blocked or overturned the election results, it would still be a clear violation of the democratic process and an illegitimate act of authority. In Thomistic terms, civilians would be obligated to reject this unjust act of authority regardless of the president's claim to hold the highest authority in the U.S. government. Second, the legitimacy of using armed force requires several other criteria to be met prior to action. The rather quick turn of events from a rally to a violent attack against the U.S. Capitol does not engender the interpretation that there was sufficient deliberation to warrant such violence. Upon further inspection, it becomes clear that the other criteria were not met as well.

<sup>47</sup> See Kevin Breuniger, 'Trump, facing second impeachment trial, condemns Capitol violence a week after riot' (*CNBC*, January, 13, 2021), <https://www.cnn.com/2021/01/13/trump-condemns-capitol-violence-a-week-after-riot-as-he-faces-second-impeachment-trial.html>

<sup>48</sup> See Pence's response: Tamara Keith, 'Trump Lashes Out After Pence Refuses To Overturn Election Results', (*NPR*, January 6, 2021), <https://www.npr.org/2021/01/06/953616107/pence-faces-his-most-challenging-trump-loyalty-test-yet>

## Just Cause

Those who attacked the U.S. Capitol could claim that their cause was ‘just’ since they were attempting to stop the falsification of election results thwarting the democratic process. The cause, however, was not just because no documented evidence was given to show that election results were falsified. It relied completely on hearsay that resulted from the bitterness of having lost the election. President Trump has also displayed a long standing history of supporting conspiracy theories that sow a lack of trust in the U.S. government’s election process. Prior to his election win in 2016, President Trump predicted that the election would be rigged against him preventing him from winning.<sup>49</sup> He did, however, win the election and immediately silenced his claims of a rigged election. Similar to his first campaign and prior to the 2020 election, President Trump began sowing seeds of doubt of the 2020 election results granting him some future rationale for questioning the results in the event that he lost.<sup>50</sup> In the end, President Trump lost both the popular vote and the electoral college. As anticipated by his skeptical rhetoric, he questioned the legitimacy of the election results albeit in a distinct manner from his first presidential campaign. In the second election, the COVID-19 pandemic required the expanded use of mail-in-ballots. This provided President Trump with a seed of reasonable doubt.<sup>51</sup> Any states, however, in which the election results had been close were recounted and verified.<sup>52</sup> Thus, Trump’s claims of voter fraud required a form of mass conspiracy across state lines. No evidence, however, was ever given for such widespread fraud and therefore the just cause criterion was not met. For the criterion of just cause to be adequately met, there must be evidence beyond conjecture. Even if well-intended conjecture were adequate, the widespread fraud in the 2020 election failed to be the most plausible or persuasive interpretation.

<sup>49</sup> See Patrick Healy and Jonathan Martin, ‘Donald Trump Won’t Say if He’ll Accept Result of Election’ (*The New York Times*, October 19, 2016) <https://www.nytimes.com/2016/10/20/us/politics/presidential-debate.html>

<sup>50</sup> See Grace Panetta, ‘Trump hints that he could refuse to accept the results of the 2020 election if he loses’, (*Business Insider*, July, 19, 2020), <https://www.businessinsider.com/trump-suggests-that-he-wont-accept-the-2020-election-results-if-he-loses-2020-7>

<sup>51</sup> See Nicholas Riccardi, ‘Here’s the reality behind Trump’s claims about mail voting’, (*The Associated Press News*, September 30, 2020), <https://apnews.com/article/virus-outbreak-joe-biden-election-2020-donald-trump-elections-3e8170c3348ce3719d4bc7182146b582>

<sup>52</sup> See Liz Stark and Ethan Cohen, ‘All 50 states and DC have now certified their presidential election results’, (*CNN*, December 9, 2020), <https://www.cnn.com/2020/12/09/politics/2020-election-results-certified/index.html>

## Right Intention

The civilians who attacked the U.S. Capitol could also claim that their intention was right with the aim of preserving and restoring proper democracy. As shown above, however, the criterion of just cause was not met and based on false information. Thus the actions would be invalidated even if done with a right intention. Even if the cause were just, I argue that the violence was not enacted with right intention. It is fairly clear from the videos that have emerged that this was an act of mob violence seeking vigilante justice. Videos have even emerged of violent Trump supporters looking to ‘hang’ Vice President Mike Pence and harm Speaker of the House Nancy Pelosi.<sup>53</sup> These goals cannot in any way be interpreted as attempting to restore proper democracy. Rather, these acts thwart democracy through the use of vindictive violence. It was not an act of restoring democracy through proper accountability, but violating democracy in an attempt to keep their desired leader (i.e., Trump) in place despite election results. The wrong intention was also shown by the fact that they were seeking to attack politicians who were seeking to verify the democratic process. In other words, the politicians were not violating the democratic process, but fulfilling it. They were not superseding their jurisdiction, but properly fulfilling their duties. Therefore, those who attacked the U.S. Capitol failed to meet each one of three primary criteria of legitimate authority, just cause, and right intention.

## Sustained or Substantial Tyranny

In regards to conditions that may justify the use of armed force against one’s own political authorities or government, Aquinas’ standard of sustained and substantial tyranny must also be met. Potentially, falsified election results for the highest political authority could qualify as an act of tyranny that is both substantial (the violation of American voters, the violation of the process of democracy, falsely placing someone in charge of the highest office in the United States, etc.) and sustained (presumably the falsified candidate would be in place for four years). I argue, however, that the criteria of a sustained or substantial tyranny was also not met. Once again, since there was no proof of widespread voter fraud, then the election results should be considered legitimate. If the results are considered legitimate then no tyranny has occurred. Further, even in Trump’s rhetoric it was unclear who exactly was responsible for the falsified election results. The Capitol attackers sought

<sup>53</sup> See ‘The riot was trying to hurt Pelosi, “hanging Mike Pence” in the Capitol siege’ (*Florida News Times*, January 9, 2021), <https://floridanewstimes.com/the-riot-was-trying-to-hurt-pelosi-hanging-mike-pence-in-the-capitol-siege/85738/>

to punish Pelosi and Pence among others for the verification rather than the falsification of election results. These politicians were only attempting to fulfill their duty without having any connection to voter fraud. Therefore, even if some election fraud had occurred, the Capitol attackers were not targeting the properly responsible individuals or structures.

### Chance of Success

It was also clear that there was no reasonable chance of success to block the election results. While the attackers may have delayed proceedings, the results were eventually validated in the early part of the morning.<sup>54</sup> Regardless of whatever limited ‘success’ that the attackers may have initially had in temporarily stalling the verification of the election, it was clear that the government was not going to submit to the violence. In the days that followed, the U.S. Government tracked down and arrested those who participated in the violence that ensued. Trump supporters who acted violently in that moment may have had numbers to successfully storm the U.S. Capitol, but it was clear that they did not in any way express the common will of the American people. If the chance of success criterion were to be met, it would require a much larger following. Given the election results and the response that followed, the majority of citizens of the United States did not consent or affirm the attackers’ actions. This lack of representation and consent also contributes to viewing the Capitol attackers’ actions as sedition rather than a justified rebellion.

### Proportionality

The criterion of proportionality was also not met. Aquinas argues that one must weigh the cost of armed rebellion in the face of severe tyranny. In this case, the violent acts were not proportional since there was no sustained or substantial tyranny. Therefore, any violent acts that occurred were not proportionate to the perceived offense (i.e., falsified election). Further, even if the election results were falsified, it would not have been a proportionate response. In the event of an actual election fraud, it would be considered a non-violent act. Therefore, the proportionate response would not be an act of violence. Rather, citizens should appeal to other appointed political officials to address the

<sup>54</sup> See Dan Mangan, Jacob Pramuk, and Kevin Breuninger, ‘Congress confirms Biden election as president, morning after Trump-fueled mob invades Capitol’ (*CNBC*, January 6, 2021), <https://www.cnbc.com/2021/01/06/electoral-vote-update-congress-resumes-counting-after-pro-trump-rioters-invade-capitol.html>

offense and hold such preparators accountable. As previously mentioned, the Capitol attackers also inappropriately targeted politicians who were not complicated in the election fraud. The Capitol attackers were thus guilty of indiscriminate targeting. In other words, they attacked non-combatants who were not guilty of their purported claims.

### Last Resort

While Aquinas tentatively allows for a justified armed rebellion, he reserves it for extreme situations in which no reasonable accountable or non-violent means exist. I argue that the verification of election results at the U.S. Capitol did not meet this extreme situation which warranted violence. If election results were falsified and evidence was provided, they were still democratic and non-violent means to remove the false winner and to pursue justice against those who falsified the results. In other words, violently rushing the U.S. Capitol at that particular moment was by no means the last resort to stop a supposedly falsified election. Many viewers were horrified by the events that unfolded and classified the attackers' actions as 'Un-American.' What interpreters meant by this claim was the fact that these actions violated the very foundation of America's democratic process. In its history, America has maintained the distinction of peaceful transitions of power based on the electoral process. By using violence, the attackers violated all the democratic values that American has long upheld. Prior to justifying armed rebellion, Aquinas made clear that governments should create standards of accountability that makes the use of violence unnecessary.<sup>55</sup> America certainly has crafted such means of accountability and thus the violence that ensued was not a last resort.

### Sedition or Rebellion?

In regards to the definitional issue I raised at the beginning of this essay, are the events at the U.S. Capitol best described as sedition or rebellion? Does the proper labeling of the events at the U.S. Capitol even matter? Is it not just a matter of semantics? Do not most Americans agree that it was a tragedy and a shameful event within our political history? While I agree that most see the event as a horrible and shameful tragedy, I argue that Aquinas' distinction of sedition and rebellion matters because it allows us to go deeper into what lies behind our understanding of political life and what criteria must be met to justify a civilian led armed rebellion. I have shown that Aquinas' just war and

<sup>55</sup> Aquinas, *De Regimine Principum*, I.VI



just rebellion theory is tied to his broader understand of political life and the reciprocal duties of political authorities and civilians. Further, his theory provides us with guidance and criteria for knowing when to act against political tyranny and when to refrain. For a country that was founded in rebellion against a perceived tyranny, we should care about how the term ‘rebellion’ is used and implemented in our country. The civilians which took up arms at the U.S. Capitol are not those who were rightly stopping a sustained or substantial tyranny. They lacked legitimate authority and did not represent the common good or will of America. They did not act with just cause or right intention. Rather than thwarting tyranny and restoring democracy, they were seditiously opposing proper democratic processes with the aim to impose a tyranny of their own making (i.e., keeping Trump as President despite election results). In the events that followed, more than 400 civilians were arrested and charged with various crimes.<sup>56</sup> Even President Trump was impeached and charged with ‘incitement to insurrection’ just days before he left office.<sup>57</sup> Regardless of whether President Trump willfully or unintentionally incited civilians, I do agree that the events that unfolded are best interpreted as an act of insurrection against the United States Government. In my view, rebellion is too sacred a concept to associate with the events at the U.S. Capitol while terms such as ‘riot’ or ‘protest’ seem too inadequate.

## Conclusion

In conclusion, I argue that the events at the U.S. Capitol did not fulfill any of the criteria of a justified armed rebellion as articulated by Thomas Aquinas. Further, I argue that it was an act of sedition against the order, justice, and peace of the American people. In Thomistic terms, even though President Trump may have been the acting legislative authority at the time, civilians acting in his name attempted an unjust act of insurrection against a legitimate government in an unjust manner by seeking to subvert the process of democracy with ill-intent. Therefore, I argue that we should use the term ‘sedition’

<sup>56</sup> See Clare Hymes, Cassidy McDonald, and Eleanor Watson, ‘What we know about the “unprecedented” U.S. Capitol riot arrests’, (*CNBC*, May 28, 2021), <https://www.cbsnews.com/news/capitol-riot-arrests-2021-05-26/> and ‘Here are some of the people charged since a mob breached the Capitol’ (*The Washington Post Staff*, January 15, 2021), <https://www.washingtonpost.com/politics/interactive/2021/arrests-capitol-riot/>. Per Washington Post Staff report, charges included, ‘trespassing...assaults on law enforcement, theft of national security and defense information, felony murder and more’.

<sup>57</sup> President Trump was impeached, but later acquitted. It remains to be seen if he will face any further prosecution. See Martin Pengelly, ‘Trump still being investigated over Capitol riot, top prosecutor says’ (*The Guardian*, March, 22, 2021), <https://www.theguardian.com/us-news/2021/mar/22/donald-trump-capitol-riot-michael-sherwin>

(or ‘insurrection’) rather than the term ‘rebellion’ in reference to the events at the Capitol least it been given any semblance of a properly oriented political act against tyrannical conditions.<sup>58</sup> Therefore, the U.S. Capitol attackers’ acts were nothing less than a violent and seditious attempt to thwart the process and values of democracy, which is the very bedrock of American polity. The language we use to discuss this event should accurately and adequately reflect this. By accurately rendering this event and thinking through the distinctions and criteria provided by Aquinas, we can better distinguish future civilian acts of violence to determine whether it is or is not justified.

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<sup>58</sup> I treat Aquinas’ term ‘sedition’ as synonymous with ‘insurrection’.

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