

The Way of the Lord Jesus



LIVING A CHRISTIAN LIFE

Chapter 11: Patriotism, Politics, and Citizenship

Question E: How Should Citizens Meet Certain Difficult Civic Responsibilities?

With respect to most matters, the general clarifications already provided will suffice for good citizens to understand their civic responsibilities, including their duty to obey relevant laws. However, the requirements of the criminal justice system, tax laws, and military service in war raise special moral problems, many of which have been treated by Catholic moral theologians. These problems, which often puzzle good citizens, merit special treatment in view of their importance as well as their difficulty.

1. All Citizens Should Cooperate with the Criminal Justice System

All citizens appreciate the importance of the criminal justice system when they need it for their own protection or want it to bring especially odious criminals to justice. At other times, however, people tend to take this system for granted and to think the whole responsibility for making it work rests on public officials: police, district attorneys, judges, and so on. But that view is mistaken. For the sake of the common good, everyone should contribute to the effectiveness of the criminal justice system.

The following treatment assumes that the laws violated are just and that the criminal justice system uses just processes and serves the common good. If criminal laws and/or processes are unjust, citizens' responsibilities might be different, as has been explained (in D.3, above).

a) Citizens should support the primary end of criminal law. The chief purpose of criminal law, and of the entire criminal justice system, is not to apprehend and punish criminals but to forestall crimes, for criminal acts are gravely harmful to the common good, usually by being grave injustices in themselves. In making laws, public authorities seek to prevent these injustices and other harms, and to encourage potential criminals to resolve problems fairly, respect the rights of others, live peaceably, and employ morally acceptable means to seek any benefits they might anticipate from committing crimes. Consequently, the basic way in which every citizen should cooperate with the criminal justice system is by supporting virtuous living and sound community, primarily by giving good example always and sound admonition when appropriate.

Citizens also should support public and private educational efforts to make clear the inherent harmfulness of criminal behavior not only to innocent victims but to criminals themselves. The regular, evenhanded, well-publicized apprehension, trial, and punishment of

criminals is an effective method of moral education, and citizens should urge that the processes of criminal law be conducted for the sake of this end as well as others.

Appropriate action for social justice also contributes to criminal law's purpose, by improving the options available to many people who otherwise would be more severely tempted to commit crimes.

b) Criminals may not use all possible means of defending themselves. If accused of a crime, one should not try to protect oneself by lying; to do so is a grave injustice (see *S.t.*, 2–2, q. 69, aa. 1–2). However, it is not lying for the guilty to plead not guilty, since this plea is not a denial of guilt but only an indication that the accused wishes to exercise the right to stand trial. Similarly, to plead guilty to a lesser crime than that actually committed is not lying, but only an indication of readiness to resolve the case on that basis.

Those accused of crimes of which they are guilty can be morally bound not to exercise their legal right to remain silent, even though confessing guilt will lead to punishment. In many cases, they serve both the common good and their own interests by admitting their guilt, cooperating with the authorities, and seeking mitigation of punishment. In some cases, the common good requires this, for example, when necessary in order to provide the authorities with information they need to halt the ongoing criminal activity of others and/or a prolonged and very costly investigation. Sometimes fairness to others requires a criminal to confess, for example, to prevent an innocent person from being prosecuted and/or punished for the crime, or to put an end to some harm being suffered by its victim. In still other cases, the criminal's own authentic self-interest requires a confession, either to support his or her commitment to reform or to avoid living with anxiety about possible exposure.

c) One ought to report probable crimes to the proper authorities. In general, children understandably consider it a serious betrayal when one member of their group tells parents or teachers about another's misbehavior. For children do not always form a single community with their parents or teachers, since adult authority over them extends to each child for his or her own good, while the group of children forms an independent community for whose common good they cooperate. Like informers in a totalitarian state, tattlers are loathed because they typically act out of self-interest rather than concern for others. However, as people grow up and take their place in adult society, they should put aside children's ways and begin to cooperate under the direction of public authorities for the common good of all. Therefore, if they live under a government which on the whole is just, their general sense of fellowship with one another as subjects of authority should not inhibit them from reporting probable crimes.

Someone who thinks a crime is being planned or committed, or has been committed, should inform the police or other relevant authorities of his or her reasons for believing this (see *S.t.*, 2–2, q. 68, a. 1). In providing this information, the person should take pains to be accurate, neither exaggerating nor understating anything, and distinguishing between conjecture and direct knowledge, and should answer any questions fully and precisely (see a. 3). Indeed, facts supporting even a reasonable suspicion of criminal activity should be reported if this might prevent serious harm to the common good or to some person.

d) This norm admits of exception in four kinds of cases.

First, there is no obligation to provide information if doing so would be pointless, for example, if a criminal law is enforced only when an official notices a violation as it is

occurring or if the authorities make it clear that they cannot or will not act on information regarding a certain kind of violation.

Second, public policy, if not the letter of the law, sometimes allows a crime's victim to decide whether the violator will be prosecuted. In such cases, a victim persuaded that prosecution will not be in the true interests of those concerned need not inform authorities of the crime, and others aware of the crime also have no responsibility to report it.

Third, upright people aware of illegal activities by members of their own families, friends, and so on often put off informing the public authorities while admonishing the criminal to repent, make amends, and abide by the law in the future. This seems justifiable provided all the goods at stake are adequately safeguarded. In many cases, though, either the common good, fairness to others, or the criminal's own true self-interest requires that he or she confess the crime, and no exception to the duty to report criminal activity is justified if the criminal ought to confess but refuses. Moreover, if private admonition proves ineffective, indefinite delay in reporting criminal activity is unjustifiable, since the goods at stake must be safeguarded.

Fourth, special duties of confidentiality, among which the seal of confession holds a unique place, sometimes conflict with the duty to report criminal activities. (On solving conflicts of duties, see 5.K.3.)

Still, when officials seek a citizen's help in resolving a criminal case, he or she has a special duty to cooperate with the investigation, and exceptions are harder to justify. Moreover, concealing relevant evidence and lying to protect a criminal not only are morally wrong in themselves but generally are legal offenses.

e) Sometimes one should testify in court. Courts often require individuals to testify. But even if not required, one should offer to testify, unless prevented by some overriding responsibility, if doing so seems likely to contribute to a just verdict. Witnesses sometimes have just grounds for declining to answer certain questions, but they should never misrepresent facts for the sake of bringing about what they happen to think would be the right outcome. They should testify not only truthfully but with care to be accurate and to provide relevant information.

f) If called upon, a citizen should serve conscientiously on a jury. If serving on a jury would conflict with some other important responsibility or involve great hardship, a person may have adequate grounds to be excused, and those grounds should be presented honestly to the officers of the court. Plainly it is wrong to evade jury duty by exaggerating possible grounds in hopes of being excused or by dishonestly trying to provoke dismissal as unsuitable or undesirable; it is doubly wrong to omit registering to vote in order to evade jury duty.

When serving on a jury, one should attend carefully not only to the evidence presented but also to the judge's instructions about the law and its proper application to the case. During the jury's deliberations, one should be open to the arguments of other jurors, but should never agree to a verdict one considers unsound.⁹⁸

g) The preceding responsibilities constitute grave matter. Lying which impedes the working of the criminal justice system seriously harms the common good and sometimes also seriously harms individuals. Moreover, none of the preceding specific norms (in b

through g) ever is clearly relevant unless something important is at stake. Thus, if aware of one of these responsibilities and tempted to evade it by lying or to omit fulfilling it without a sufficient reason, one should not regard the matter as light.⁹⁹

Confessing one's own crime, reporting the probable crime of another, cooperating in a criminal investigation, testifying in court, or serving on a jury regularly involve certain burdens and inconveniences, but that is not a sufficient reason to neglect these responsibilities. Nor, generally, is fear of possible retaliation by criminals, since everyone should make substantial personal sacrifices for the sake of the common good. However, if the authorities do not take reasonable measures to protect citizens who try to do their part, the latter sometimes can reasonably judge that their responsibilities in these matters are limited. Even so, they may not evade them by lying, and should do what they safely can, for example, by anonymously providing the authorities with information.

h) Christians should support the view that crime involves guilt. As deterministic theories of human behavior have become dominant in psychology and the social sciences, some people, including many involved in administering the criminal justice system, have come to deny that anyone ever freely chooses to break the law. Crime is reduced to the broad category of *antisocial behavior*, all of it attributed to psychological and/or social determining factors, which inevitably render those who misbehave more or less dysfunctional. This reductionistic view is based on the denial (not necessarily self-conscious, of course) of the truth which faith teaches concerning the dignity of human persons as self-determining beings, made in the image of God (see *CMP*, 2.B). Christians should oppose it, while upholding the distinction between crime and its guilt, on the one hand, and guiltless dysfunctional behavior, on the other.

Lawbreakers who lack moral responsibility for their misbehavior should not be treated as criminals, but as handicapped or mentally ill persons. If possible, they should be helped to overcome their handicap or recover from their illness; if necessary, they should be restrained to protect others and for their own good. But those who choose to violate the law should be treated as free and responsible persons, who bear guilt for their crimes. Of course, the guilt of some criminals is mitigated by factors limiting their capacity to deliberate and/or their options for choice, and such mitigating factors should be taken into account, either in specifying their crimes—for example, the distinction between premeditated and nonpremeditated homicide—or in imposing penalties.

i) Christians should support just retributive punishment of criminals. Those who take revenge are motivated by anger or hatred to answer evil with evil. Retributive punishment, however, is not revenge, but the restoration of justice. Since crime is not merely antisocial behavior but freely committed injustice, it calls for retribution. For, besides whatever substantive harm they do, criminals freely prefer their own interests to the rights of others and the common good, and in doing so they seize more than their fair share of the liberty to do as one pleases. This overreaching requires steps to restore a just balance between criminals and law-abiding people.¹⁰⁰ Therefore, it is right that criminals be made to suffer what does not please them by being deprived of some of the liberty to do as one pleases which law-abiding citizens enjoy. This deprivation is the essence of punishment as retribution. That is why governments, as means of punishment, use fines, prison terms (see *S.t.*, 2-2, q. 65, a. 3), and other measures which more or less limit convicted criminals' freedom to pursue their own interests. In suffering punishment, criminals lose their

advantage over law-abiding citizens who have restrained themselves and limited their self-interest for the sake of the common good and out of respect for others' rights.¹⁰¹

If criminals were no different from those who engage in guiltless antisocial behavior, punishing them to prevent social harms, even if effective, would not be justifiable. Given that retributive punishment is just, however, it also can rightly serve to prevent future social harms, by deterring the criminal and others from committing additional crimes, providing an opportunity for the criminal to reform, and so on. Therefore, Christians can support punishment for such purposes provided it does not exceed the limits of just retribution. However, they should oppose punishments which demean criminals as persons or intentionally attack the basic human goods instantiated in them.

The factors which determine how severely various crimes are punished are not always rationally defensible. Partly that is because people find certain kinds of crimes more repugnant than others, and most are less upset by the kind of crimes typically committed by members of the community considered more respectable. Such prejudices, and the differences in punishment to which they lead, are unjust, and Christians should support reforms to eliminate that injustice.

j) Christians should oppose the use of the death penalty. While acknowledging that “Catholic teaching has accepted the principle that the state has the right to take the life of a person guilty of an extremely serious crime,” the bishops of the United States hold that “there are serious considerations which should prompt Christians and all Americans to support the abolition of capital punishment.”¹⁰² Among these considerations, the bishops explain, are certain values:

We maintain that abolition of the death penalty would promote values that are important to us as citizens and as Christians. First, abolition sends a message that we can break the cycle of violence, that we need not take life for life, that we can envisage more humane and more hopeful and effective responses to the growth of violent crime. . . .

Second, abolition of capital punishment is also a manifestation of our belief in the unique worth and dignity of each person from the moment of conception, a creature made in the image and likeness of God. . . .

Third, abolition of the death penalty is further testimony to our conviction, a conviction which we share with the Judaic and Islamic traditions, that God is indeed the Lord of life. It is a testimony which removes a certain ambiguity which might otherwise affect the witness that we wish to give to the sanctity of human life in all its stages. . . .

Fourth, we believe that abolition of the death penalty is most consonant with the example of Jesus, who both taught and practiced the forgiveness of injustice and who came “to give his life as a ransom for many” (Mk 10.45).¹⁰³

These are cogent reasons.

Indeed, grounded in moral and Christian principles, as they are, these reasons point beyond the bishops' expressed purpose of supporting the abolition of capital punishment, and they tend to show that Catholic teaching no longer should accept “the principle that the state has the right to take the life of a person guilty of an extremely serious crime.”¹⁰⁴

Of course, many arguments against capital punishment are misleading, even fallacious. They may involve the denial of criminal guilt and just retribution, overlook the opportunity to repent which capital punishment offers to habitual criminals, manipulate inadequate statistics regarding the effects of various forms of punishment, and/or manipulate feelings of

sympathy by focusing on the sufferings of criminals while ignoring those of their innocent victims.

Moreover, provisions of the law recorded in the Old Testament authorized the death penalty for many crimes and mandated it for some (especially see Gn 9.6; cf. *CMP*, 8.H.7); St. Paul speaks of the divine basis of governmental authority in terms which, on their face, include authorization of capital punishment (see Rom 13.1–7); and the Church required reconverting Waldensians to make a profession of faith which included the affirmation: “The secular power can without mortal sin carry out a sentence of death, provided it proceeds in imposing the penalty not from hatred but with judgment, not carelessly but with due solicitude” (DS 795/425).

Nevertheless, since New Testament teaching abrogated many provisions of the law recorded in the Old Testament, its stipulations regarding capital punishment cannot be presumed to pertain to divine revelation (see *CMP*, 8.H). The Israelites’ understanding of what justice requires in regard to punishment seems to have been imperfect: Jesus not only personally prevented the carrying out of the death penalty in a case for which the law of Moses prescribed it (see Jn 8.3–11), but radically criticized the law of retaliation: “eye for eye, tooth for tooth” (see Mt 5.38–41; cf. Ex 21.23–25, Lv 24.19–20, Dt 19.21). St. Paul offers a like critique immediately before speaking of the divine source of human rulers’ penal power (see Rom 12.17–21).¹⁰⁵ And Pius XII teaches that

the words of the sources [of revelation] and of the living teaching power do not refer to the specific content of individual juridical prescriptions or rules of action (cf. particularly Rom 13.4 [where Paul speaks of the sword borne by public authority]), but rather to the essential foundation itself of penal power and of its immanent finality.¹⁰⁶

In the past, capital punishment sometimes may have seemed justified as a defensive measure which public officials, lacking an alternative such as a prison system, felt compelled to use against current, imminent, or habitual violations of public order. Today, however, this defensive function plainly can be served in other ways. Thus, it is hardly possible to see how the use of the death penalty can be reconciled with Christian conceptions of human dignity and the sanctity of every human life.¹⁰⁷

It is arguable whether the profession of faith required of reconverting Waldensians constitutes a solemn definition, but if it does, it concerns only the subjective morality of the act of capital punishment.¹⁰⁸ Moreover, the position that capital punishment can be just does not seem to have been proposed infallibly by the ordinary magisterium, for, unlike moral teachings on actions most Christians might do, the received position on this matter seems to have been taken for granted in theology and catechesis rather than proposed universally as a truth to be accepted as certain by the faithful.¹⁰⁹ Therefore, it seems that Catholic teaching on capital punishment can develop, just as Catholic teachings on coercion in matters of religion and on slavery have.¹¹⁰

Even if capital punishment is considered morally acceptable in principle, however, no truth of faith or morals requires Christians to support its use. The considerations which the American bishops articulate seem adequate to show that Catholics should oppose it in practice.

2. Citizens Ought to Pay Their Taxes

The government needs material resources to carry out its essential services for the common good and to contribute to various private activities—such as education, health care, and aid to the poor—which also serve the common good. Fairness requires that citizens contribute to supplying what the government needs in proportion to their own financial resources, and just taxes exact that fair contribution. Consequently, the responsibility to pay just taxes is both real and serious, and it has been explicitly included in Christian moral instruction from New Testament times down to the present day (see Rom 13.7; cf. Mt 22.21, Mk 12.17, Lk 20.25; see DH 11, GS 30).¹¹¹

Yet many Christians do not take this responsibility as seriously as they should. Moreover, certain questions about the obligation deserve consideration.

a) One may not lie to evade taxes, even if they are unjust. Since lying is always wrong (see 7.B.6), and a bad means may never be used even to attain a good end (see *CMP*, 8.H), lying is excluded even when it is the only way of avoiding unjust taxes. All the more, lying to evade just taxes is morally wrong and, since the lie facilitates a serious violation of law, gravely so. One therefore should be honest in answering official questions and filling out forms on which taxes are based, and if the authorities lawfully require that relevant records be produced, they should not be concealed or altered.

In some jurisdictions, nevertheless, the letter of some tax laws must be interpreted in the light of a virtually universal custom of not reporting property or income on which certain taxes are assessed. Almost all citizens who are familiar with the custom will understate their tax basis to the customary extent. Since public officials are aware of the custom but do nothing to change it, they obviously take it into account in setting tax rates and in interpreting citizens' statements regarding their tax liability. Consequently, in such cases, it is neither violating the law's spirit nor lying to understate one's tax basis in accord with the custom.

b) Lawful methods of minimizing the tax burden may be used. There is nothing inherently wrong in taking advantage of loopholes and shelters provided in tax laws.¹¹² Nor is it wrong to seek expert advice about lawful ways to minimize one's taxes.

Sometimes the tax laws are so complex that even people who make a reasonable effort to find out how to apply them, using available sources of information, cannot tell whether or not something is taxable income or how large a tax to pay. For example, the law might not make it clear how certain income should be classified, and so leave it doubtful whether tax is due on it. If it seems no more likely that the law requires paying the tax than not, one is not morally required to pay it, since rules of law which remain doubtful after reasonable effort to discover what they require do not bind in conscience (see D.1.b, above).

Using lawful methods to minimize the tax burden sometimes leads to a dispute with tax officers. Those who know, or come to realize, that their position is unsound should not prolong the dispute, but those convinced they are in the right may use all morally acceptable means, such as appeals, to obtain a favorable resolution. In any case, assuming the tax law is just and the process is fair, citizens should be prepared to pay any additional tax, interest, and/or penalty owing if the dispute is resolved unfavorably.

c) Bartering must be distinguished from gratuitous exchanges. Family members, friends, and neighbors often provide various services and goods to one another,

and in some cases do so very regularly, on a genuinely gratuitous basis: the service is done or the good loaned or given without counting its economic value, and no accounts are maintained. While some degree of reciprocity is common and even expected in such relationships, it is based on family solidarity, friendship, or neighborliness, not on the market value of the goods and services exchanged. It is a sign of this that those who can give more tend to do so.

Bartering is similar to gratuitous exchange insofar as both activities involve trading goods and/or services without the exchange of money. However, the parties to bartering do count the economic value of the goods and/or services each provides; if their relationship is a continuing one, reciprocity on the basis of market value is expected, and accounts (at least unwritten ones) are maintained. And nobody involved expects the parties to provide goods and services gratuitously and without reciprocation.

Often, either the law's letter or its customary interpretation exempts gratuitous exchanges from sales and/or income taxes, but taxes bartering on the same basis as economic activity in which money is exchanged. Obviously, where such legal provisions obtain, nobody is morally required to report gratuitous exchanges or pay taxes on them, and people may rightly take care to avoid making a gratuitous exchange appear to be bartering. But those who do engage in bartering should not evade the application of just tax laws to their activity, despite its similarities to gratuitous exchange. Trying to make their bartering look like gratuitous exchange is deception, a lie; while evading taxes on bartering is no less serious a moral offense than other tax evasion, even though it might be less obvious, and so less easily detected and more easily rationalized.

d) Taxation to finance public aid to the poor can be just. Some more or less well-to-do people rationalize tax evasion by arguing that the tax they evade is unjust because it will fund public programs to aid the poor. To be sure, particular tax laws and particular programs for the poor may be unjust, but the general argument is not sound. People with surplus wealth should use it to aid the poor, and their obligation is a grave one in strict justice (see 10.E.5.b–d). Therefore, taxing surplus wealth to fund public welfare programs not only can help meet the needs and vindicate the rights of the poor but can help those with surplus resources to fulfill their grave responsibilities toward those in need.¹¹³

e) Citizens usually should comply with more or less unjust tax laws. Many people argue, on diverse grounds, that various tax laws are unjust. For example, sales or value added taxes are criticized as regressive, that is, as imposing heavy burdens on those least able to bear them. Similarly, income taxes often are criticized as insufficiently progressive, that is, as requiring too little from the most affluent, perhaps by allowing them various loopholes and shelters, and thus imposing unfair burdens on the middle class. The unfair distribution of certain public subsidies also is cited, for example, public funding of schools which denies assistance to parents who send their children to religiously sponsored schools. Such arguments often are plausible and sometimes are sound. But even so, it does not follow that citizens in a position to evade taxes can rightly do so.

Many people of modest incomes cannot evade taxes, while many who can—professionals, owners of small businesses, independent contractors, landlords, and so on—enjoy greater than average incomes. Such people may well be taxed less than justice requires, even allowing for those injustices which affect them as well as others. Moreover, if those able to

evade taxes do so, people of modest income who cannot evade taxes are likely to suffer greater injustice by being required to pay higher taxes, being deprived of public subsidies, suffering the bad economic consequences of public debt, or some combination of these. Thus, tax evasion by those capable of it hardly is likely to serve the common good by making the government's taxing and spending as a whole more just.

Consequently, either the common good or the duty to avoid unfairly harming others, or both, usually will require a citizen to comply with a tax law which either is more or less unjust in itself or is a means of raising public funds which are more or less unjustly distributed.¹¹⁴

f) Misuse of some public funds usually does not justify nonpayment of taxes. Even in those nations which have generally just governments and laws, some public funds are likely to be used for bad purposes, such as abortion or armaments with no possible just use. In such cases, some conscientious citizens think it justified, or even obligatory, not to pay taxes or, at least, not to pay the portion which, in their judgment, would be misused. Sometimes, of course, nonpayment could be chosen as an act of civil disobedience, and as such might be justified under the conditions previously explained (in D.6.a). Apart from civil disobedience, however, the prospective misuse of some public funds does not justify, much less morally require, nonpayment of all or any part of the taxes which otherwise ought to be paid. For, since citizens cannot designate the purposes for which their tax payments will be used, nonpayment will withhold support from all the good uses of public funds, to which they owe support, as well as from any misuses. Moreover, like any other evasion of taxes, this one will hurt fellow citizens of modest means who cannot evade taxes.

3. Citizens Can Be Morally Obligated to Fight in a Just Defensive War

Catholic teaching and practice make several points clear. On the one hand, nations should seek their own security and world peace by diplomacy and international collaboration rather than constant preparations for war, which always involve an arms race, often accompanied by universal conscription.¹¹⁵ On the other hand, military service can be a morally acceptable profession for a Christian; nations may justly require military or other public service of citizens even in peacetime; and Christians may rightly volunteer to serve in a just war. The present treatment will not deal with these points, but only with a citizen's responsibility regarding required service in a just war.

Every decent person detests war insofar as it causes much death, injury, and suffering, along with extensive destruction, damage, and dissipation of material goods. However, Christians should be even more concerned about the injustice war involves and the many moral evils to which it leads.

Any just war must be defensive, but not every defensive war is just, since other conditions also must be met. Still, in principle just war remains possible. Moreover, neither magisterial teachings on conscientious objection, nor those condemning violence and calling for an end to war, nor pacifist elements in the Christian tradition exclude the possibility that a Christian might be morally bound to participate in a just war. At the same time, particular wars often are unjust, and most ways of cooperating even materially in an unjust war are likely to be immoral. Christian citizens therefore should inquire whether their nation's military actions are justified, and should refuse to participate insofar as such refusal is necessary to avoid not only formal cooperation but all morally unacceptable cooperation.

a) No war can be just unless several conditions are met. Wars include myriad

actions of individuals and various groups, all with their own moral responsibility. But each belligerent power also is engaged in a single, great social act, for which that power as a unified moral agent bears moral responsibility. While that social act's justice or injustice is not the sole determinant of a citizen's responsibility to participate or not participate in a war, it is a very important one. Hence, while officials contemplating or directing a war may not be concerned about relevant moral requirements, it is important to articulate the moral norms which should shape the choice to wage war.¹¹⁶

Wars often are unjust simply because those planning or directing them ignore relevant implications of the Golden Rule. They may unfairly harm the enemy by choosing means which are cruel and wantonly destructive, in the sense that they cause more death, damage, and suffering than necessary to achieve military objectives. They may take unfair advantage by treachery, for example, prepare the way for a surprise attack by pretending to negotiate to prevent war or insincerely agreeing to an armistice.¹¹⁷ They may unfairly bring about harm not only to the enemy but to their own people by initiating or continuing a war with no reasonable hope of success or by initiating a war which could be avoided by alternatives short of war, such as negotiation and nonviolent action.¹¹⁸ They may initiate or carry on a war with a bias in favor of those who stand to benefit and against those who stand to lose from it, thus unfairly bringing about destruction of life and other goods, on either or both sides, which any fair-minded person would consider either entirely unreasonable or more extensive than reasonable.¹¹⁹

Those planning or directing a war sometimes consider it necessary or useful to choose as means acts which are evil in themselves, such as "taking no prisoners" or torturing or killing prisoners, taking and abusing hostages, directly attacking noncombatants, and engaging in indiscriminate destruction.¹²⁰ The choice of such means is not only wrong in itself but incompatible with love of enemies and, specifically, with the will to secure just and lasting peace with them. Thus, while unauthorized wrongdoing by some or many participants in a war does not by itself render the war as such unjust, no war can be just if those responsible for initiating or conducting it include intrinsically evil acts in their general strategy.¹²¹

Nations sometimes take the initiative in using military force, or carry on a war, in order to resolve an international dispute or promote some national purpose. Pius XII teaches that such aggressive wars cannot be just.¹²² War can be just only if defensive military action is necessary to prevent, halt, or limit others' unjust use of force.¹²³ So, for a war to be just, its objective cannot include the enemy's total destruction or unconditional surrender, and any war directed to such an objective is unjust throughout its course.¹²⁴

A private group such as a gang might start or carry on a war, or someone lacking the necessary authority might order a nation's military forces into war. Such a private or unauthorized war cannot be just; indeed, it is not a war in the sense relevant here, for it is not the social act of a nation. That also is the case if war is authorized only within certain limits as to methods, place, or time, and an unauthorized extension beyond those limits changes the real character of what is going on, so that it no longer is the sort of thing that can be a just war.¹²⁵

b) Pius XII's exclusion of aggressive war develops Christian tradition. St.

Thomas, following St. Augustine, does not think only defensive warfare can be just. The two doctors indicate that nations can rightly wage war in order to punish outlaw nations, just as

they rightly use their police power within their jurisdiction to bring criminals to justice (see *S.t.*, 2–2, q. 40, a. 1). If that view were correct, just wars, rather than always countering an enemy’s unjust use of force, sometimes would attempt to achieve retributive justice. For example, a superpower might rightly make war on a small power to punish it for attacking and annexing its even smaller neighbor, despite the fact that the neighbor, ruled by an oppressive regime, deserved no defense. Hence, one might wonder whether Pius XII’s statements that only defensive war can be just express a judgment contingent on contemporary problems or, instead, propose a doctrine solidly grounded in Christian tradition. At least three considerations support the latter view.

First, contemporary problems were a factor, but traditional principles also were in play. In obvious respects, modern war is very different from any war Augustine and Thomas could have imagined. By the end of the nineteenth century—well before atomic, bacteriological, and chemical weapons became available—modern technology and industry had greatly increased war’s carnage and devastation. The intertwining of industry with military power, together with the new weapons and new strategies for using them—climaxing in the terror bombing of World War II and the subsequent development of nuclear deterrence strategies and systems—somewhat blurred the line between combatants and noncombatants, made discrimination increasingly difficult, and made it more and more likely that virtually any aggressive war would be or become indiscriminate. Thus, the idea of using military power to rectify injustices no longer seemed plausible, and the analogy between military power and domestic police power no longer seemed valid. Increasingly, too, combatants were no longer professionals but citizens forced to fight, sometimes at gunpoint, so that it more and more was the case that aggressive war punished most severely those who had little or no responsibility for the policies and actions of the political and military leaders of a nation considered outlaw. These modern developments called for a fresh application of traditional principles, drastically limiting the situations in which military action could be morally justified. Indeed, many people began to say, with reason, that war had changed its very nature, and the magisterium shared this view. John XXIII teaches: “In this age which boasts of its atomic power, it no longer makes sense to maintain that war is a fit instrument with which to repair the violation of justice.”¹²⁶ Noting John’s point, Vatican II, explains how “the horror and perversity of war are immensely magnified by the addition of scientific weapons,” and draws the conclusion: “All these considerations compel us to undertake an evaluation of war with an entirely new attitude” (GS 80, with n. 2 [n. 258 in Abbott]).

Second, there is another way, less obvious but more profound, in which nondefensive war in modern times differs in nature from what Augustine and Thomas had in mind.¹²⁷ Because in their days there was, at least in theory, a supreme, worldwide authority—the Roman emperor, the pope—to whom every other human ruler was subject, they could think about nondefensive war on the analogy of law enforcement within a nation. However, the development of the modern state robs this idea of whatever plausibility it may have had in earlier times. In a world of independent states, each jealous of its sovereignty and none recognizing any legitimate authority higher than its own, war is something like the self-help measures to which individuals and families resort in the absence of public authority capable of maintaining law and order. In such a situation, however, any self-help beyond that strictly necessary for self-defense provokes reprisals and endless feuds. Those involved may not always be subjectively guilty of vengefulness and murder, but objectively their feuding is wrong. In the absence of public authority, their real duty is, not to do their best to do justice

without it, but to establish the commonly recognized authority they obviously need.¹²⁸ The same thing plainly is true of the modern world, and, beginning with Leo XIII, the popes have come, step by step, to this conclusion.¹²⁹ Thus, aggressive war must be excluded as unjust, not only because such war no longer can be carried on justly but because in principle it is not the right way to deal with international injustice and pursue world peace.¹³⁰ Modern history, if not the whole of history, makes it clear that aggressive war not only leads to endless and total strife but is a side effect of the nations' collective evasion of their common responsibility to establish real world community.

Third, insofar as wars intended to punish outlaw nations seemed justifiable by analogy with capital punishment, the arguments which the American bishops propose for discontinuing the use of capital punishment point to the injustice in principle of such aggressive wars, just as they point, without the bishops' intending it, to capital punishment's unacceptability in principle (see 1.j, above).

c) If all the conditions are met, war can be just. Vatican II first recalls "the permanent binding force of universal natural law and its all-embracing principles" (GS 79), condemns as criminal all actions which violate those principles, and insists that international agreements making war less inhuman should be honored and strengthened. Then the Council goes on to teach:

As long as the danger of war remains and there is no competent and sufficiently powerful authority at the international level, governments cannot be denied the right to legitimate defense once every means of peaceful settlement has been exhausted. Government authorities and others who share in public responsibility have a duty, therefore, to protect the safety of the peoples for whom they are responsible, while acting with seriousness in such serious matters. But it is one thing to undertake military action for the just defense of the people, and something else again to seek the subjugation of other nations. Nor does the possession of war potential make every military or political use of it lawful. Neither does the fact that war has unhappily begun mean that everything becomes permissible between the warring parties. (GS 79)

Thus, though not all defensive wars are just, since other conditions also must be met, defensive war remains in principle justifiable, and in some circumstances can be a nation's duty.¹³¹

d) If a war is just, one should participate insofar as law requires. Having taught that war to defend against unjust attack can be justified, Pius XII draws the conclusion that, in the event of such a war, a Catholic citizen would be morally obliged to serve as law requires:

If, therefore, a body representative of the people and a government—both having been chosen by free elections—in a moment of extreme danger decides, by legitimate instruments of internal and external policy, on defensive precautions, and carries out the plans which they consider necessary, it does not act immorally. Therefore a Catholic citizen cannot invoke his own conscience in order to refuse to serve and fulfill those duties the law imposes.¹³²

If a defensive war is just, the defense of the common good makes it not only permissible but required for a nation to go to war, and so all citizens have a grave responsibility to cooperate. Those designated by law for military service should fulfill their duty, despite personal inconvenience and jeopardy to their lives. It would be a grave matter to invoke conscience in order to evade the duty to serve one's country in a just defensive war. (Still, if called on to

fight, one should judge whether the war is just: see g, below.)

e) The magisterium and tradition do not support the contrary view. Certain elements of magisterial teaching might be thought to support conscientious objection to military service even in a just war.

First, Vatican II teaches that “it seems right that laws make humane provisions for the case of those who for reasons of conscience refuse to bear arms, provided however, that they agree to serve the human community in some other way” (GS 79). However, this teaching says nothing about the objective morality of conscientious objection to bearing arms in some or all wars. Rather, considering that some people, including some Christian pacifists, sincerely believe themselves obliged to refuse military service in all or in some wars, the Council expresses the opinion (“it seems”) that it is only fair that they be given the option of some other form of service instead of being coerced into taking up arms contrary to their conscience.¹³³

Similarly, Vatican II teaches “that the arms race, to which so many countries have recourse, is not a safe way to preserve a steady peace” (GS 81). But the magisterium’s teaching against the arms race, often repeated by the popes from Leo XIII to John Paul II, articulates the common responsibility of nations to develop better ways of resolving disputes, so that war can be completely outlawed and international justice maintained without it (see GS 82). Until the nations fulfill that common responsibility, a particular nation and its citizens can be morally required to fight a defensive war.

Likewise, passionate papal statements against war must be understood, not as excluding the possibility of a just defensive war, but as appeals to the nations to fulfill their common responsibility to work for peace.¹³⁴ Again, when John Paul II unqualifiedly condemns violence as “not the Christian way” and calls for its replacement with “peace and forgiveness and love; for they are of Christ,” he must be understood as rejecting any unjustified resort to arms, not as excluding the possible just use of military power.¹³⁵

Admittedly, the Christian tradition includes significant pacifist elements, that is, either or both of two closely related positions: that war always is sinful and that the gospel allows Christians to use only nonviolent methods of defense.¹³⁶ However, since the magisterium, in accord with the far greater part of the Christian tradition, continues to teach clearly and firmly that there can be just defensive wars in which citizens should serve, pacifist elements in the tradition provide no adequate theological ground for contradicting that teaching but only point to the need that it be complemented with other truths, often overlooked or even denied, to which pacifists call attention.

Among these truths are that mercy can require Christians as individuals to suffer injustice instead of fighting back, that nonviolent methods of resolving disputes often can be effective and always should be preferred, that no aggressive war can be just, that many defensive wars are unjust, that participants in any war are tempted to hate their enemies and do various wicked things, that in any war some participants succumb to those temptations, and that choosing to kill or harm any person is incompatible with loving that neighbor as oneself.¹³⁷

f) Participants in a just war should not choose to kill or harm anyone. Obviously, if a war is just, participants need never choose to do most of the wicked acts often done in war, and upright participants never will so choose. Loving their enemies, they will not

be moved by hatred or expediency to cause them more harm than necessary or treat them treacherously, to refuse to allow them to surrender or abuse them if they do, to make war on noncombatants or engage in indiscriminate attacks, and so forth.

The point here, however, is not obvious: if a war is just, participants need never choose to kill or harm even enemy military personnel. Both pacifists and proponents of just war assume that in combat such choices are inevitable; given this common assumption, their views are irreconcilable, since pacifists hold that choices to kill or harm enemies are incompatible with loving them, while proponents of just war, in maintaining that defensive military action can be morally obligatory, are compelled to maintain that loving enemies does not exclude choosing to kill or harm them. Nevertheless, as has been explained in a previous chapter (8.B.1), a person can knowingly cause someone's death without intending it, that is, without willing it as an end or means; so, sometimes people can rightly defend themselves and/or others with deadly force, accepting as a side effect the death thus caused, but not seeking it as an end or choosing it as a means (see 8.C.1.d; cf. *S.t.*, 2–2, q. 64, a. 7).

Since upright participants in a just war will engage in military action only insofar as necessary to prevent, limit, or halt some unjust use of force by the enemy, they will employ military force only against those who pose an imminent and morally unavoidable threat of grave harm to themselves, their comrades, compatriots, or cobelligerents. Therefore, in each and every military act participants in a just war can choose precisely to counter the unjust threat confronting them; they need never choose precisely to destroy or harm either the lives or other basic human goods of enemies. Often, of course, they will foresee that their military acts, if successful in countering the unjust threat, also will bring about death and destruction; but they will accept these evils as side effects, not choose them as means.¹³⁸

Since just warriors need not choose precisely to destroy or harm their enemies' lives or other basic human goods, they should never make that precise choice. If they do, their will toward their enemies will not be loving, and truly just warriors love their enemies. Indeed, as soon as enemy personnel cease to pose an unjust threat, an upright participant in a just war will stop using force against them, will treat them humanely, and even will do what is possible to mitigate their suffering.

Someone might argue that if the leaders and members of an armed force chose only to counter unjust threats confronting them, they could take action only against an enemy actually engaged in the use of force; and this would put them at such great disadvantage that they could not win—thus making just war impossible, since it certainly is not just to bring about the bad results of war without reasonable hope of winning. However, the unjust threat in such a case is posed not only by enemy personnel actually engaged in the use of force but by those being brought into position, held in readiness, or trained for combat; it continues to be posed by enemy personnel in retreat if they are unwilling to surrender, since presumably they will return to fight another day; it includes not only weapons in use by the enemy force but all the bases, depots, and war plants which now support and supply it or will do so in the future. Therefore, while choosing only to counter unjust threats confronting them, the leaders and members of an armed force can do everything militarily possible—subject to the limitation of not using means which are evil in themselves—to prevent, limit, or halt the enemy's unjust use of force, comprehensively understood.

g) If called on to fight, one should judge whether the war is just. It might seem

that Pius XII's teaching that "a Catholic citizen cannot invoke his own conscience" to refuse required military service forbids Catholics called to participate in a war to inquire whether it is just or, at least, frees them from the responsibility to do so. But that is not so. For only after specifying several conditions does Pius exclude conscientious refusal to obey a legal requirement to participate in military action, and he makes it clear that he intends the specified conditions to imply all the conditions for a just war, for he says that under those conditions the regime authorizing war "does not act immorally."

Therefore, Pius should be understood as teaching only that Catholics should not invoke conscience to evade their moral responsibility to serve in a just war; his teaching does not mean anyone should or may blindly carry out orders commanding actions contrary to a judgment of conscience derived from principles of natural law—something the whole Christian tradition, including Vatican II, emphatically warns against (see GS 79).

As with any other legal requirement, if the law requires citizens to fight in a war, they should presume that they ought to comply. However, blind compliance is excluded and investigation is morally required whenever there is a definite reason to think complying would be morally wrong. But people required to fight in a war do have a definite reason for thinking compliance would be wrong: it will involve killing and causing grave harm to others, and that hardly will be morally acceptable unless the war is just; no war is just, however, unless several conditions are met; and history makes it clear that these conditions often are not met, either from a war's outset or from some point in its course. Therefore, if called on to fight, a person should judge whether the war is just, and if engaged in military action, he or she should remain alert for evidence that it no longer is just.¹³⁹

Still, as with any other case in which blind compliance with a law is excluded, the mere fact that investigation is required does not at once overturn the presumption in favor of complying. Mere doubts do not justify refusal to serve. The state of affairs always is complex, and citizens generally lack much relevant information. But if not morally bound to comply with the law, one certainly is morally bound not to comply, since what is at stake is no mere personal preference. Sometimes, too, official statements of policy, declarations by military leaders, unchallenged reports about the war's conduct or course, or other factors strongly indicate that a war is not, or has ceased to be, just. In such cases, if citizens consider everything—the possibility that they are being misled by propaganda, the limitations of their access to relevant information, the grounds of the presumption in favor of the law's requirement, their possible moral responsibility to engage in certain forms of material cooperation in a war even if it is unjust, and so on—and judge it more probably wrong to comply with the law and participate or continue participating in the military action, then they ought not to comply.

h) A nation's deterrent strategy can make its military actions unjustifiable.

Since a potential enemy often can be deterred by threats which could be justly carried out ("We have superior forces and are prepared to defend our freedom, so if it comes to war, we will defeat you in battle"), deterrence as such need not be immoral. Moreover, referring to nuclear deterrence, John Paul II has stated: "In current conditions 'deterrence' based on balance, certainly not as an end in itself but as a step on the way toward a progressive disarmament, may still be judged morally acceptable."¹⁴⁰ However, this general statement does not mean that actual ways of exercising nuclear deterrence are morally acceptable.¹⁴¹ Indeed, examination of the facts and analysis of relevant concepts show that the nuclear

deterrence which the United States, Britain, and France maintained for years against the Soviet Union included threats of final retaliation and city swapping, and that those threats expressed real choices to kill many innocent persons if certain conditions ever were fulfilled.¹⁴² The same was true of the deterrence policy of the Soviet Union and other nuclear powers.

Whether now or in the future, deterrence by similar threats—whether by the same or other nations, and whether based on nuclear or other capabilities of mass destruction—will involve choices of the same kind. Plainly, any such choice (that is, to kill the innocent under certain conditions) is gravely immoral, and nobody may formally cooperate in any action carrying it out. Moreover, within the limits of their other responsibilities, citizens should oppose their nation's acquiring or maintaining such a deterrent; no citizen ever should support doing so.

The responsibility to avoid formal cooperation has implications for many policies and acts—not only military but political, economic, and other—of any nation with a morally unacceptable deterrent. For the deterrent will affect other things the nation does, so that without its deterrent it would be unable rationally to retain, plan, or carry out certain other policies and acts. But nobody can rationally will the attainment of an end without willing all the means necessary to it. Therefore, the willing of any policy or act with an immoral deterrent as its underpinning will include the choice expressed by that threat. It follows that such a nation's military actions, even if otherwise entirely justifiable, will be unjustifiable if they presuppose and rely on the balance of power maintained by a morally unacceptable deterrent. Except for morally necessary material cooperation, citizens should not participate in or support such military actions, or any other of their nation's policies or acts relying on a morally unacceptable deterrent.

i) Four considerations tell against material cooperation in an unjust war. As explained in a previous chapter (7.F), while one may never cooperate formally in an immoral action, sometimes one may, or even should, cooperate materially. Since citizens often are strongly motivated, whether by emotions or reasons, to participate in various ways in unjust wars, one wonders: To what extent may Christians materially cooperate in a war they judge unjust? Like other questions about material cooperation, this one admits of no simple answer. However, the following four considerations should be helpful.

First, an unjust war, with its combination of great moral evil and vast human misery, is a paradigmatic instance of the fallen human condition. As such, it calls in a special way for effective witness to God's redemptive truth and love. To those choosing the darkness of violence and thereby deepening the shadow of death, Christians should point out the way of Christ: self-sacrifice, reconciliation, and life in peace. But they cannot do this by words alone; their deeds must exemplify and confirm what they say. However, if the intentions hidden in the hearts of material cooperators in evil were not upright, they would be formal cooperators. So, to the degree that Christians materially cooperate in an unjust war, they are impeded from exemplifying the truth and love they proclaim and confirming them by their deeds, since, despite their good intentions, those deeds in fact contribute to the very way of evil opposed to the gospel. Therefore, if Christian citizens judge that their nation is waging an unjust war, their responsibility to bear witness to the gospel argues that they should take an unambiguous stand for justice, love, and peace by avoiding even material cooperation.

Second, an unjust war is a terrible disaster for the nation waging it. Both the war's moral evil and all the human misery it brings on the nation's own people gravely wound the common good. Patriotic citizens should do what they can, not only to avoid contributing to the disaster, but to prevent or put an end to it. Not only does material cooperation in an unjust war always contribute to it, however, but many forms of material cooperation are inconsistent with working to oppose it. This is so partly for the same reason that material cooperation undercuts Christian witness: to oppose the war, citizens must speak out, yet their argument will ring hollow if their deeds seem to belie it. But there also is another reason. Citizens very often have no other way or, at least, none more effective, of compelling a regime to consider the question of the justice of a war it is initiating or waging, than to withhold their legally required cooperation and provoke governmental enforcement action. They then can use any available legal processes to make their case against the war and to call into question the regime's case for it. Especially in a democratic society, if large numbers of conscientious citizens do this, their action is likely to bring about a rectification of national policy.

Third, an unjust war wrongly inflicts terrible harm on the enemy nation and its people, and this is so even if, as often happens, the war is unjust on both sides. Anyone suffering that harm will wish that citizens of the enemy nation who consider the war unjust would withhold most forms of cooperation from it and do what they can to prevent or end the harm it is inflicting. But the Golden Rule requires those who would materially cooperate in the war to put themselves in the place of its victims among the enemy. Therefore, fairness forbids most forms of material cooperation in an unjust war and requires citizens to do what they can to oppose so grave an injustice.

Finally, participating in an unjust war often is an occasion of sin for citizens who materially cooperate, and some forms of material cooperation are likely to be proximate occasions of grave sin. Of itself war is a social act; participants become dependent on one another. So, involvement in war tends to elicit commitment, if not to the nation's cause, at least to one's compatriots and, especially, one's more immediate comrades. But the immediate welfare of compatriots and comrades often will depend heavily on the success of the war effort, unjustifiable though it is, and that success will require that others do actions which, objectively, are gravely wrong. Hence, this commitment to compatriots and comrades will tempt those who initially participate in an unjust war by cooperating materially to will that others do things which, objectively, are gravely wrong. But to will this would be to cooperate formally, and so certainly sinfully, in the war's immorality. Therefore, material cooperation in an unjust war often occasions the sin of formal cooperation.

j) Material cooperation in an unjust war often is immoral. In view of the preceding considerations, Christians plainly should not materially cooperate in a war they judge unjust unless confident that some moral responsibility requires them to do so. For example, an engineer employed in reducing air pollution should not set to work making poison gas simply because the war work pays better.

Nevertheless, some upright Christians will judge that they should materially cooperate in an unjust war. Chaplains and medical personnel, for example, may well judge that, while their care of the souls and bodies of military personnel will contribute to the war effort, the needs of those they serve morally require them to exercise their ministries.

Also, many on the home front who do the same work during war as in peacetime—

farmers, bankers, utility workers, many civil servants, and so forth—may well judge that, while doing their usual jobs will help the war effort, they should continue to do them in order to fulfill their responsibilities both to support their families and to serve noncombatants and even the nation's common good, insofar as it remains intact despite the unjust war. And, as explained above (in 2.f), citizens usually should pay their taxes even if some public funds are used for bad purposes, and so upright citizens usually will materially cooperate in an unjust war by helping to pay for it.

Although, in many wars, most members of the armed services never engage in combat, those who do can hardly avoid formally cooperating in the war. But even if they could, engaging in combat in a war one judged unjust surely would be wrongful material cooperation, since one would be accepting grave harms to the enemy not as side effects of a choice to counter an unjust threat to the common good of one's nation, but of some other choice, such as doing what is necessary to avoid punishment.

But would blameless material cooperation in a war judged unjust be possible for someone cooperating only to the extent of serving in the armed forces in some role—for example, personnel, communications, or food service—which did not involve engaging in any actual combat? In view of the four general considerations stated above, it hardly seems possible, especially because anyone serving in the armed forces (with some exceptions such as chaplains and medical personnel) might in some circumstances be reassigned and called on to engage in combat, and then be subject to very great pressure to do so. Moreover, even if a government does not recognize the legitimacy of conscientious objection, the penalty imposed on those who refuse to serve in the armed forces usually is not so grave as that imposed on those who refuse to obey orders after having undertaken to serve.

k) Christians almost always should refuse to serve in an unjust war. If, as has now been argued, only certain special groups such as chaplains and medical personnel can blamelessly serve in an unjust war, all other Christians should either evade the requirement to serve (for example, by hiding or fleeing to a place of refuge) or refuse service in the armed forces in any war they judge more probably unjust than just. Moreover, those already in the armed forces should not engage in combat when they judge that a war is unjust. If already engaged, they should surrender to the enemy or refuse to go on fighting. If not engaged in combat, they should desert, seek a discharge, or in some other way ensure that they do not go into combat; they also should avoid materially cooperating in the war effort in any way they judge probably wrong.

Anyone judging he or she should not comply either with the law's requirement to serve in a war or with some particular order—for example, to attack noncombatants—should be prepared to suffer the consequences: being required to do morally acceptable alternative service, however difficult or hazardous, or to undergo punishment, however severe. The alternative is to violate conscience, and in this situation Christians say: “We must obey God rather than any human authority” (Acts 5.29; cf. DH 11; *S.t.*, 2–2, q. 104, a. 5).¹⁴³

The law of most nations either does not allow for the legitimacy of conscientious objection to military service or does so only within narrow limits. If the limits are too narrow to cover one's case, one of course may not lie to obtain the benefit which the law provides to others. Catholics should support laws which adequately provide for every conscientious objector by allowing all of them to carry out some kind of service to society which they can do

in good conscience (see GS 79).

D) Christians should pray for peace. Peace is the fruit of that justice which includes mercy (see 6.F.7). Even if Christians work to promote justice and encourage mercy, they know that peace, like every good, depends primarily on God's kindness and, in this fallen world, on his mercy, which alone can overcome hatred and reconcile enemies. Therefore, Christians should pray earnestly and persistently for peace, and should perfect their prayers with penitential works, especially works of mercy, which directly contribute in some small way to reconciliation and peace, but whose greater efficacy lies in their being humble offerings united with Jesus' sacrifice. For the fruit of that sacrifice is the risen Savior's gift of the reconciling Spirit and his peace (see Jn 20.19–23).

Still, as long as this world remains sinful, peace will be imperfect and fragile. The peace the world seeks will be granted only when Jesus returns in glory and hands over his kingdom to his Father (see GS 38–39). Therefore, we must pray not only that the Lord bless us and protect us from all evil, but that he bring us to everlasting life.

“Come, Lord Jesus!” (Rv 22.20).

98. People called to testify or to serve on a jury in civil cases have the same responsibilities as those in criminal cases.

99. On false testimony, see *S.t.*, 2–2, q. 70, a. 4.

100. See *S.t.*, 1–2, q. 87, a. 6; *S.c.g.*, 3.140, 146; cf. Pius XII, Address to the Italian Association of Catholic Jurists (5 Dec. 1954), *AAS* 47 (1955) 60–71, *Catholic Mind* 53 (June 1955): 364–73.

101. See Finnis, *Natural Law and Natural Rights*, 260–64.

102. National Conference of Catholic Bishops, “Statement on Capital Punishment” (Nov. 1980), 1.4, 9, in *Pastoral Letters*, ed. Nolan, 4:428, 430.

103. National Conference of Catholic Bishops, “Statement on Capital Punishment” (Nov. 1980), 2.10–13, in *Pastoral Letters*, ed. Nolan, 4:430–31.

104. Also see Commission Sociale de l'Episcopat Français, “Éléments de réflexion sur la peine de mort,” *La documentation catholique*, 75 (1978), 108–15, which also opposes the use of the death penalty with a theological argument which points to its unacceptability in principle.

105. Also see John Paul II, *Dives in misericordia*, 12, *AAS* 72 (1980) 1216, *PE*, 279.121.

106. Pius XII, Address to the Italian Association of Catholic Jurists (5 Feb. 1955), *AAS* 47 (1955) 81, *Catholic Mind* 53 (June 1955): 381. By denying that Rom 13.4 refers to a specific rule of action, Pius is able to insist on the perennial necessity of retribution for a just system of criminal law without thereby seeming to criticize Italy's policy (save during the period of fascist government) on the death penalty, which Italy had renounced in 1889, reintroduced in 1928, and abolished in 1944.

107. Unlike most theologians, St. Thomas confronts this problem. However, although he holds that sinners should be loved with charity insofar as they remain human beings capable of beatitude (see *S.t.*, 2–2, q. 25, a. 6), when he faces the objection that it is evil in itself to kill human beings and that the end does not justify the means, he fallaciously argues that killing criminals does not violate their human dignity because they have fallen from that dignity by sinning, and that they can be killed for the sake of the common good just as diseased parts of the body can be cut off for the good of the whole (see *S.t.*, 2–2, q. 64, a. 2, c. and ad 3). Also see Germain Grisez, “Toward a Consistent Natural-Law Ethics of Killing,” *American Journal of Jurisprudence* 15 (1970): 66–73; however, John Finnis, *Fundamentals of Ethics* (Washington, D.C.: Georgetown University Press, 1983), 129–30, argues that capital punishment need not be regarded as an attack on human life; he holds that only justice, not the criminal's death, need be intended.

108. The profession affirms explicitly only that officials need not commit a *mortal sin* when they carry out a death sentence; similarly, there was a time when Christians, unaware of the objective morality of their acts, need not have committed a mortal sin when they coerced a heretic

into recanting or marketed a slave's child. On coercion in religious matters, compare DH 2–7 with *S.t.*, 2–2, q. 10, a. 8; q. 11, a. 3; on slavery, compare GS 27 and 29 with *S.t.*, 2–2, q. 57, a. 3, ad 2, and a. 4 (but see, too, 2–2, q. 104, a. 5, where Thomas invokes the principle, “all human persons are by nature equal,” to set some absolute limits to a master's dominion over a serf).

109. A general historical-theological survey: M. B. Crowe, “Theology and Capital Punishment,” *Irish Theological Quarterly* 31 (1964): 24–61, 99–131.

110. See Commission Sociale de l'Episcopat Français, “Éléments de réflexion sur la peine de mort,” 115; “Editoriale: Riflessioni sulla pena de morte,” *La civiltà cattolica* 132 (1981): 417–28.

111. On the conditions for justice in taxation, see Pius XII, Address to the International Association for Financial and Fiscal Law (2 Oct. 1956); *Discorsi e radiomessaggi* 18 (1956–57): 507–10; *The Pope Speaks* 4 (1957–58): 77–80. A study of the various theological theories regarding the duty to pay taxes: Martin T. Crowe, C.Ss.R., *The Moral Obligation of Paying Just Taxes* (Washington, D.C.: The Catholic University of America Press, 1944).

112. While those favored may take advantage of even those provisions of tax law which they judge to be plainly unjust, they should make just use of such tax savings, as of all their wealth, and should do what they can to rectify the injustice.

113. For this reason, National Conference of Catholic Bishops, “Economic Justice for All,” 202, in *Pastoral Letters*, ed. Nolan, 5:440, states the following principles which should guide the moral evaluation of the tax system: “First, the tax system should raise adequate revenues to pay for the public needs of society, especially to meet the basic needs of the poor. Second, the tax system should be structured according to the principle of progressivity, so that those with relatively greater financial resources pay a higher rate of taxation. . . . Third, families below the official poverty line should not be required to pay income taxes.” Earlier in the same document (sec. 183–85, pp. 434–36), the bishops show the vast inequalities in the distribution of wealth and income in the United States, explain that some degree of inequality is both justifiable and desirable for economic and social reasons, but find the actual inequalities unacceptable, because they are both unfair to the poor and detrimental to social solidarity and community.

114. Many classical moralists take for granted that if tax laws are unjust, the taxes need not be paid, and some, while arguing for a strong presumption for laws generally, argue for a presumption against the justice of tax laws. D. F. O'Callaghan, “Theology: Duty to Pay Income Tax,” *Irish Ecclesiastical Record* 104 (1965): 302–6, in a generally sound treatment, errs by overlooking the impact of tax evasion on many people of modest means, and so fallaciously argues that a certain level of tax evasion is justified. Some arguments for a stricter view: Philip S. Land, S.J., “Evading Taxes Can't Be Justified in Conscience,” *Social Order* 5 (1955): 121–25.

115. See Wright, *National Patriotism in Papal Teaching*, 177–92.

116. The choice to engage in war includes both the choice to conduct it (which not only is made at the outset but repeatedly reaffirmed) and the choice of means (which not only is made after the war starts but is presupposed by preparations for war). Sometimes the conditions required for justly going to war (*ius ad bellum*) are distinguished from the conditions required for justly engaging in military action (*ius in bello*); see, for example, National Conference of Catholic Bishops, “The Challenge of Peace: God's Promise and Our Response,” 80–110, in *Pastoral Letters*, ed. Nolan, 4:515–23. However, neither that distinction nor the precise list of conditions has deep roots in Catholic tradition; “Challenge of Peace” draws on works by Ralph Potter and James Childress, two contemporary Protestant theologians (see n. 35, pp. 516–17), who sum up the results of the nonsystematic reflections of various modern theologians. Most of the substance of those reflections, which is rooted in Catholic tradition, is incorporated in the present analysis; however, here the conditions are drawn systematically from moral principles.

117. While deceptions involving lying and breaking promises are wrong, in warfare ambushes (and, by implication, other stratagems) are morally acceptable, as St. Thomas points out (*S.t.*, 2–2, q. 40, a. 3), since in such cases enemies are deceived only by what is concealed from them.

118. John Paul II, *Centesimus annus*, 25 and 51–52, AAS 83 (1991) 822–23 and 857–58, OR, 6 May 1991, 9 and 14, commends nonviolent action as an alternative to warfare. On nonviolent action, see the works of P. Régamey and Gene Sharp, cited in a note to D.6.c, above.

119. St. Thomas does not state but takes for granted the requirements of fairness in warfare (see *S.t.*, 2–2, q. 40, a. 1). Like many modern treatments of the conditions for a just war, National Conference of Catholic Bishops, “Challenge of Peace: God's Promise and Our Response,” 92–94

and 96–100, in *Pastoral Letters*, ed. Nolan, 4:518–20, sets out several requirements of fairness (comparative justice, last resort, probability of success, and proportionality) without articulating their underlying common principle. However, this document does make it clear (sec. 105, p. 522) that proportionality must be understood in terms of fairness: “We know, of course, that no end can justify means evil in themselves, such as the executing of hostages or the targeting of noncombatants. Nonetheless, even if the means adopted is not evil in itself, it is necessary to take into account the probable harms that will result from using it and the justice of accepting those harms. It is of utmost importance, in assessing harms and the justice of accepting them, to think about the poor and the helpless, for they are usually the ones who have the least to gain and the most to lose when war’s violence touches their lives.”

120. Vatican II explicitly deals with the paradigmatic example of the last: “Any act of war aimed indiscriminately at the destruction of entire cities or of extensive areas along with their population is a crime against God and man himself. It merits unequivocal and unhesitating condemnation” (GS 80; see also GS 79).

121. To choose intrinsically evil acts as means is to will contrary to the good of the persons whom those acts are meant to harm; such a will is inconsistent with love of neighbor and excludes what St. Thomas calls “right intention,” which he clarifies, following St. Augustine, as conducting war for the sake of peace and excluding various forms of hatred—the desire for harm, revenge, and so on (see *S.t.*, 2–2, q. 40, a. 1). Moreover, in and of themselves, intrinsically evil acts, such as attacking noncombatants, cannot counter others’ unjust use of force, but can at best only motivate or facilitate other acts which can directly affect combat; so, the choice of any intrinsically evil act as part of a general strategy indicates a defective intention: the injustice either of the war’s objective, or of the political policy it implements, or of both.

122. Pius XII, Christmas Message (24 Dec. 1944), *AAS* 37 (1945) 18, *Catholic Mind* 43 (Feb. 1945): 72, teaches that there is a duty to ban “wars of aggression as legitimate solutions of international disputes and as a means toward realizing national aspirations”; in Christmas Message (24 Dec. 1948), *AAS* 41 (1949) 12–13, *Catholic Mind* 47 (Mar. 1949): 184, Pius XII also teaches: “Every war of aggression against those goods which the Divine plan for peace obliges men unconditionally to respect and guarantee, and accordingly to protect and defend, is a sin, a crime, and an outrage against the majesty of God, the Creator and Ordainer of the world.”

123. Pius XII, Christmas Message (24 Dec. 1948), *AAS* 41 (1949) 13, *Catholic Mind* 47 (Mar. 1949): 185, teaches that some human goods are so important that their defense against unjust aggression can be fully justified and even obligatory: “A people threatened with an unjust aggression, or already its victim, may not remain passively indifferent, if it would think and act as befits Christians”; in Address to the Eighth Congress of the World Medical Association (30 Sept. 1954), *AAS* 46 (1954) 589, *Catholic Mind* 53 (Apr. 1955): 244, he teaches that under certain conditions even atomic, bacteriological, and chemical war could be justified “where it must be judged as indispensable in order to defend oneself” and with “limits on its use that are so clear and rigorous that its effects remain restricted to the strict demands of defense”; in Christmas Message (23 Dec. 1956), *AAS* 49 (1957) 19, *Catholic Mind* 55 (Mar.–Apr. 1957): 178, he teaches that under certain conditions “every effort to avoid war being expended in vain, war—for effective self-defense and with the hope of a favorable outcome against unjust attack—could not be considered unlawful.”

124. Any nation aware that its enemy seeks its total destruction or unconditional surrender faces different and harder options than it would if its enemy sought only to counter some particular use or uses of force by it, and a nation facing harder options must be expected to fight not only longer but more ferociously and tenaciously from the outset.

125. St. Thomas, *S.t.*, 2–2, q. 40, a. 1, states as the first condition for a just war the authorization of the sovereign, who is responsible for the common good; private parties should call on the public authorities rather than conduct private wars.

126. John XXIII, *Pacem in terris*, *AAS* 55 (1963) 291, *PE*, 270.127.

127. See Augustine Regan, C.Ss.R., “The Worth of Human Life,” *Studia Moralia* 6 (1968): 242–43.

128. John Paul II, *Centesimus annus*, 52, *AAS* 83 (1991) 857–58, *OR*, 6 May 1991, 14, exhorts: “No, never again war, which destroys the lives of innocent people, teaches how to kill, throws into upheaval even the lives of those who do the killing and leaves behind a trail of resentment and hatred, thus making it all the more difficult to find a just solution of the very problems which

provoked the war. Just as the time has finally come when in individual States a system of private vendetta and reprisal has given way to the rule of law, so too a similar step forward is now urgently needed in the international community.”

129. Leo XIII, “Nostis errorem,” *Acta Leonis XIII*, vol. 9 (Rome: 1890), 48, having pointed out the futility of the arms race, adds significantly (translation supplied): “And so there should be sought for peace foundations both firmer and more in keeping with nature: because, while it is allowed consistently with nature to defend one’s right by force and arms, nature does not allow that force be an efficient cause of right. For peace consists in the tranquillity of order, and so, like the concord of private persons, that of rulers is grounded above all in justice and charity.” Still, the popes were slow to draw the obvious conclusion that the nations should establish a real world government, and when John XXIII finally draws it explicitly, he suggests that the need for an effective international authority has only recently emerged: *Pacem in terris*, AAS 55 (1963) 291–94, *PE*, 270.130–38.

130. Thus, Pius XII explains his sharp distinction between the absolute condemnation of aggressive war and his qualified approval of defensive war in the context of his articulation of the concept of Christian peace: see Christmas Message (24 Dec. 1948), AAS 41 (1949) 11–13, *Catholic Mind* 47 (Mar. 1949): 183–85. Also see “Editoriale: Coscienza cristiana e guerra moderna,” *La civiltà cattolica* (6 July 1991): 3–16; trans. William Shannon, “Modern War and Christian Conscience,” *Origins* 21 (19 Dec. 1991): 450–55.

131. John Paul II, Message for the Celebration of the Day of Peace (1 Jan. 1982), 12, AAS 74 (1982) 336–37, *OR*, 4 Jan. 1982, 7, teaches: “Christians, even as they strive to resist and prevent every form of warfare, have no hesitation in recalling that, in the name of an elementary requirement of justice, peoples have a right and even a duty to protect their existence and freedom by proportionate means against an unjust aggressor (cf. Constitution *Gaudium et Spes*, 79).” Cf. Pius XII, Christmas Message (24 Dec. 1948), AAS 41 (1949) 12–13, *Catholic Mind* 47 (Mar. 1949): 184–85.

132. Pius XII, Christmas Message (23 Dec. 1956), AAS 49 (1957) 19, *Catholic Mind* 55 (Mar.–Apr. 1957): 179.

133. This opinion is closely related to Vatican II’s teaching that “in religious matters no one is to be forced to act against conscience” (DH 2), because, while bearing arms is not a religious matter, conscientious objection to doing so often is deeply rooted in religious faith. United States Catholic Conference, “Declaration on Conscientious Objection and Selective Conscientious Objection” (21 Oct. 1971), 11, in *Pastoral Letters*, ed. Nolan, 3:285, asserts: “In the light of the Gospel and from an analysis of the Church’s teaching on conscience, it is clear that a Catholic can be a conscientious objector to war in general or to a particular war ‘because of religious training and belief.’” However, this declaration also reaffirms the obligation of citizens to serve the common good and the possibility of a just war (see sec. 4–7, p. 284). Thus, unless the bishops meant that, due to a blameless error of conscience, an upright Catholic can object to war in general, their statement was internally inconsistent, as well as at odds with the teaching of Pius XII.

134. See, for example, Paul VI, Address to the General Assembly of the United Nations (4 Oct. 1965), AAS 57 (1965) 881, *The Pope Speaks* 11 (1966): 51, 54: “Never again one against the other, never, never again! . . . Never again war, never again war!” But the whole situation and context makes the meaning clear.

135. Compare John Paul II, Address at Drogheda (Ireland), 10, AAS 71 (1979) 1082, *OR*, 8 Oct. 1979, 10, which includes the quoted phrases, with the passage previously quoted from his subsequent Message for the Celebration of the Day of Peace (1 Jan. 1982).

136. See National Conference of Catholic Bishops, “Challenge of Peace: God’s Promise and Our Response,” 111–21, in *Pastoral Letters*, ed. Nolan, 4:523–25; cf. Louis J. Swift, *The Early Fathers on War and Military Service*, Message of the Fathers of the Church, 19 (Wilmington, Del.: Michael Glazier, 1983); David G. Hunter, “A Decade of Research on Early Christians and Military Service,” *Religious Studies Review* 18 (Apr. 1992): 87–94.

137. Most Catholic theologians have denied the last proposition, which excludes intentional killing not only of innocents but of anyone under any conditions. For the argument for this proposition, see *CMP*, 8.H, 26.K.

138. For another statement of this view of just war, see Regan, “The Worth of Human Life,” 240–43.

139. Administrative Board of the United States Catholic Conference, "Statement on Registration and Conscription for Military Service" (14 Feb. 1980), 6, in *Pastoral Letters*, ed. Nolan, 4:361, states: "While acknowledging the duty of the state to defend society and its correlative right to use force in certain circumstances, we also affirm the Catholic teaching that the state's decision to use force should always be morally scrutinized by citizens asked to support the decision or to participate in war." Also see J. M. Cameron, "Obedience to Political Authority," in *Problems of Authority*, ed. John M. Todd (London: Darton, Longman and Todd, 1962), 199–214.

140. John Paul II, Message to Special Session of the United Nations Organization for Disarmament (7 June 1982, delivered by Cardinal Casaroli, 11 June 1982), 8, AAS 74 (1982) 879, OR, 21 June 1982, 4.

141. Thus, Cardinal Agostino Casaroli, Address at University of San Francisco, 12, OR, 28 Nov. 1983, 7, after quoting John Paul II's statement on deterrence, nonofficially explains: "This statement is of a general nature, and, with regard to the actual ways of exercising this deterrence, one has to have recourse to the familiar principles of moral teaching: taking into due consideration what is at stake, that is to say the values that may be endangered and which have to be protected."

142. See John Finnis, Joseph M. Boyle, Jr., and Germain Grisez, *Nuclear Deterrence, Morality and Realism* (Oxford: Oxford University Press, 1987), 3–174; on John Paul II's statement on deterrence: 97–98, 103.

143. See Gordon C. Zahn, *In Solitary Witness: The Life and Death of Franz Jägerstätter*, rev. ed. (Springfield, Ill.: Templegate, 1986).