

Roman Catholic Teachings on the Use of Force: Assessing Rights and Wrongs from World War I to Iraq

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Introduction

THIS ESSAY addresses the magisterial teaching of the Catholic Church on the use of force in modern times. In particular, it concentrates on the teachings from Pope Benedict XV (World War I) forward. While a survey of the Church's magisterial teachings on the use of force—the just war theory, if you will—extends beyond the scope of this essay, my hope here is to address the elements of these normative teachings that have responded to the use of modern weapons (including weapons of mass destruction) and the use of force, both of which have influenced just war theory and ideas about what is right and wrong about the use of force in particular historical contexts. We recall the words of Pope Benedict XV, who understood the classic “just war theory” but found it necessary to condemn many aspects of the use of military force expended in the First World War as “senseless slaughter.”¹ Of course these words addressed the particular cruelties of a war that had evolved into the stalemate of a pointless conflict that consumed millions of civilian and military lives. As the twentieth century progressed, the early weapons of mass destruction—the poisonous and asphyxiating gases used in World War I—were succeeded by nuclear and biological weapons. The development and proliferation of these disproportionate and non-discriminating weapons have provided a catalyst for the Church to re-examine just war theory for recent times.

¹ Benedict XV, Exhortation, *Dès les Début* (To the Belligerent Peoples and to Their Leaders), August 1, 1917.

Moreover, the development of international organizations dedicated to the use of peaceful means of resolving disputes has further contributed to the Church's thinking regarding the rightness and wrongness of the use of force in most contexts. Thus, the Church's contemporary teachings on the use of force in the age of modern weaponry emphasize, based on right reason, reliance on juridical means for relieving tensions and problems rather than the use of force.

In order to examine the issues relating to the Church's assessment of the modern developments in the use of force—the rights and wrongs associated with actual conflicts—I shall consider the following temporal groupings and thematic categories:

1. Pius X, Benedict XV, and Pius XI: the First World War and the Era of the League of Nations;
2. Pius XII: the Second World War and the Beginning of the Cold War;
3. John XXIII and Paul VI: the Deepening Cold War Era and the potential for nuclear conflict;
4. and, John Paul II and Benedict XVI: the Conflicts of Contemporary Terrorism and the 2003 Military Incursion into Iraq.

The conclusion of this essay reiterates that the Church prefers the use of peaceful means of resolving disputes through the mechanisms of international organizations and their juridical means rather than the use of military force. However, the possibility must not be excluded that the use of force may be required in specific circumstances if exercised in accordance with specific conditions regulating its use.

I. Pius X, Benedict XV, and Pius XI: The First World War and the Era of the League of Nations

During the early years of the twentieth century, Church teachings began to present the view that military force must only be used in the name of legitimate self-defense or the defense of others and never employed to further the interests of aggression. Any use of force that constitutes a war of aggression (sometimes referred to as the crime against peace) is considered illegitimate, is intrinsically immoral, and would conflict with the first principles of the Church's teachings. The history of aggressive warfare in the twentieth century demonstrates that it inevitably leads to tragedy for all concerned—it often depletes the resources of the aggressor nation and subjugates, by devastation and humiliation, the nation or region that is

the aggressor's target. The thoughts of both Pius X and Benedict XV offered these perspectives as the events leading to the outbreak of the First World War developed.

The growth in the destructive force of modern weapons was commented on by Pope Pius X (1903–14) in his brief but notable exhortation to the apostolic delegate in the United States in June of 1911.² This pope noted that any labor for peace is a vital antidote to war in the modern age because “the advanced state of military science portend[s] wars which must be a source of fear even for the most powerful rulers.”³ The work of Pope Benedict XV (1914–22) presented a major exposition of the Church's thoughts on the use of force in the modern world. Benedict XV was pope during most of the First World War—the war that was supposed to end all wars. His first encyclical letter, *Ad Beatissimi Apostolorum*, was issued on November 1, 1914—the first year of his pontificate, which coincided with the outbreak of war in Europe. In it, he referred to the European conflagration as a “the saddest and most mournful spectacle” that would bring about an “enormous slaughter.”⁴ He concluded this encyclical with an exhortation that he vigorously held until his death in 1922: “we implore with our most earnest prayers the end of this most disastrous war for the sake of human society and for the sake of the Church; for human society, so that when peace shall have been concluded, it may go forward in every form of true progress; for the Church of Jesus Christ, that freed at length from all impediments it may go forth and bring comfort and salvation even to the most remote parts of the earth.”⁵ Pope Benedict recognized that the ability to forgive one's adversaries was crucial to maintaining stability and peace in a world filled with recurrent tensions between and among states, especially those most powerful in temporal matters. He saw that averting war was not the only challenge to civil leaders because the use of force might be necessary for legitimate self-defense. If the use of force were necessary, then it was incumbent on civil leaders to ensure that those who suffered as a result would be cared for upon the immediate cessation of hostilities. The exercise of charity in post-conflict theaters would promote reconciliation that

² Pontifical Brief on International Peace, June 11, 1911, from Pope Pius X to the Apostolic Delegate in the United States of America, reprinted in *The American Journal of International Law* 5, no. 3, Supplement: Official Documents (July 1911): 214–16.

³ Letter *Libenter abs Te* to Archbishop Falconio, Apostolic Delegate to the United States, June 11, 1911, reprinted in *Principles for Peace: Selections from Papal Documents* (Milwaukee: Bruce Publishing, 1943), §266.

⁴ *Ad Beatissimi Apostolorum*, §3.

⁵ *Ibid.*, §30.

he considered essential to avoiding or minimizing the likelihood of war in the future.

After the conclusion of hostilities in 1918, Benedict concentrated his efforts on promoting the peaceful means of resolving disputes among the sovereigns of the world. The brutality of the Great War had convinced him of this necessity. His outspokenness against reliance on military power was manifested in his 1920 encyclical *Pacem, Dei Munus Pulcherrimum*. In this letter he emphasized the need to replace the enmity that promotes the violent means of addressing disputes with a forgiveness that inculcates the pardoning of offenses and the promotion of the means of bringing aid to those who have suffered from war.⁶ The “war” that the pope encouraged was that which targeted “enmity and hatred.”⁷ Benedict astutely understood that wars usually have some underlying causes; however, wars can be averted if nations concentrate on friendly relations that promote “the rights of justice” among peoples.⁸ The catalyst for war is often some injustice or lingering perception of injustice. Consequently, the temporal authorities have the responsibility to put aside mutual suspicion and “unite in one league, or rather a sort of family of peoples” that respects the independence of nations while at the same time safeguards order throughout the world.⁹ Crucial to achieving these goals was the need to use this league to either abolish or reduce the crippling expenditures that nations felt compelled to expend for armaments.¹⁰ If pursued in good faith, these steps would be a key means of assuring peace and the independence of states within just borders.

Benedict XV's immediate successor, Pope Pius XI (1922–39) found himself thrust into the renewed, emerging conflicts of Europe and the rest of the world that would culminate in the Second World War. In his 1930 Christmas Eve allocution to the College of Cardinals, *Benedetto il Natale*,¹¹ Pius XI acknowledged that the growing tensions that were emerging would inevitably lead to another world conflict. In this address the pope acknowledged that the Peace of Christ must not be confused with “a sentimental, confused, unwise pacifism.”¹² Pius XI saw that the root of conflict between or among states was not “a true and genuine love of country” but “selfish nationalism” where hatred and envy replace

⁶ Pope Benedict XV, *Pacem, Dei Munus Pulcherrimum*, §13.

⁷ Ibid.

⁸ Ibid., §14.

⁹ Ibid., §17.

¹⁰ Ibid.

¹¹ Reproduced in *Principles for Peace*, §§913–22.

¹² Ibid., §916.

the desire for the good of all.¹³ Cooperation is to be promoted, but hegemony is to be eschewed. The pope cautioned against reliance on a false sense of peace that failed to maintain “sufficient measures” for legitimate self-defense.¹⁴ But, as late as 1930, he thought it unbelievable that any state would precipitate another global conflagration, since the world was still reeling from the aftermath of the “Great War.”

II. Pius XII: The Second World War and the Beginning of the Cold War

With the death of Pius XI in 1939, the then Secretary of State Eugenio Cardinal Pacelli was elected to the papacy and became Pope Pius XII (1939–58). Within months of his election, he issued a major encyclical, *Summi Pontificatus*, addressing the impending world conflict and the legitimate and illegitimate uses of force.¹⁵ In this landmark document, the papal prose reflected the mind and pen of the skilled and discreet diplomat. Following the path charted by his twentieth-century predecessors, he conveyed the sturdy message that Catholic teachings favored diplomacy and peaceful means of resolving disputes. Like Benedict XV, he presented the case for an international organization that could serve as the guarantor of peace that would eliminate the need for—and, therefore, the legitimacy of—the use of force.

Nonetheless, he perceived the sufferings of peaceful peoples at the hands of aggressors—for example, Poland at the hands of the Nazis. As he said in the 1939 encyclical, “The blood of countless human beings, even noncombatants, raises a piteous dirge over a nation such as Our dear Poland, which, for its fidelity to the Church, for its services in the defense of Christian civilization, written in indelible characters in the annals of history, has a right to the generous and brotherly sympathy of the whole world.”¹⁶ While prepared to condemn the use of force by the aggressor, he did not criticize the self-defense which the Poles tried to muster against an unjust invasion. In fact, he praised the Poles and their resistance to Nazi aggression. His was in the position not of a pacifist but of the skilled diplomat reminding the world that the use of force can be justified if that is the only way to repel the aggressor. Pius XII always turned to God when war was threatened and exhorted prayers and penance when the world, but especially Europe in 1939, faced the aggression of National Socialism. In doing so, he did not forget the “courageous profession of the

¹³ Ibid., §920.

¹⁴ Ibid., §921.

¹⁵ *Summi Pontificatus* (Pius XII, October 20, 1939).

¹⁶ Ibid., §106.

Faith" and the "heroic sacrifices" made by the "suffering and agonizing members of the Church."¹⁷

In gauging the position of Pius XII vis-à-vis the use of military force, one needs to take account of the fact that, while the pope favored peaceful means of resolving conflicts, he commended those who were willing to make the necessary and ultimate sacrifice in responding to the duty of defending, with force if necessary, the righteous position. He praised heroism in the trials of dangerous times; moreover, he admired the virtuous who conquered the evil-doer in the hope of converting him to more "amiable" ways. Nevertheless, the juridically minded pope reminded all that the principles of "international natural law" regulate the international relations and activities of all peoples.¹⁸ These principles demand respect for corresponding rights to independence, to life, and to the possibility of continuous development in the paths of civilization; furthermore, they necessitate fidelity to compacts agreed upon and sanctioned in conformity with the principles of the law of nations.

In *Nei Tesori*, his April 20, 1941, allocution to Italian university students who were members of the movement Catholic Action, he acknowledged the existence of "a truly just war" in which honor and the commendable efforts to save one's country from the aggressor-adversary combined in a noble enterprise.¹⁹ Nevertheless, he cautioned that the virtuous warrior was forbidden to employ means of "cruelty against innocent persons" or "punish the guilty beyond the limits of justice."²⁰ In this regard, he foreshadowed Pope Paul VI, who coined the expression "if you want peace, work for justice."²¹ But Pius was pragmatic enough to understand that laboring for justice that ensures peace may come at great expense. As he noted in his Christmas Message of 1942: "Mankind owes that vow to the countless dead who lie buried on the field of battle: The sacrifice of their lives in the fulfill-

¹⁷ Ibid., §113.

¹⁸ Ibid., §74.

¹⁹ Allocution *Nei Tesori* to Italian University Students in Catholic Action (1941), in *Principles for Peace*, §1670.

²⁰ Ibid. The pope's words on these points needed to be seen more completely: "These virtues of humility and charity . . . are not enemies, nor are they out of keeping with human dignity. They do not lessen one's love of country. They do not diminish courage or impede a citizen who, in a truly just war, struggles for the defense, honor and salvation of his country, fights with full fortitude against an adversary armed to overcome him. But beneficent charity finds no pleasure in iniquity, not even on the battlefield nor in the most difficult vicissitudes; it forbids those who fight with cruelty against innocent persons or who punish the guilty beyond the limits of justice."

²¹ Pope Paul VI, Message for the Celebration of the Day of Peace, January 1, 1972.

ment of their duty is a holocaust offered for a new and better social order.”²² It is clear that his abhorrence of war energized him to state that the Second World War was a “crumbling process” that was built upon the insecure foundation of a social order whose mortal weakness resided in “an unbridled lust for gain and power.”²³ Foreseeing the need for humanitarian instruments such as the Geneva Conventions of 1948, he called for international agreements that would mandate that any war be between legitimate combatants, thereby avoiding occupations and imprisonments that place undue burdens on the innocent.²⁴ Another notable element of this 1942 message was his pointed criticism of the use of aerial combat, which placed particular afflictions on innocent civilian populations.²⁵

As a diplomat who understood well that the law of nations reviles any war of aggression, he recognized that aggression may require a “war on war,” as he explained in his Christmas Message of 1944.²⁶ While war itself is an outmoded means of resolving international conflict, the prevention of aggressive war may well necessitate the use of force. As Papa Pacelli noted, the peace to be established at the end of the Second World War might entail mutual guarantees, economic sanctions, and “even armed intervention.”²⁷ However, one thing was certain for this pope: it was essential for the survival of humanity that a durable international arrangement or organization be established for securing and maintaining international peace and for sanctioning acts of aggression or their threat. To emphasize this point, Pius XII stated, “No one could hail this development with greater joy than he who has long upheld the principle that the idea of war as an apt and proportionate means of solving international conflicts is now out of date.”²⁸ In his view, the best response to the immorality of aggressive war would be “judicial intervention” by an organization that represents the will of civilized nations through the infliction of “chastisements” that would not only stigmatize but reform the aggressor.²⁹ Such an institution would lead mankind “from the dark night in which it has been so long submerged.”³⁰

²² Reproduced in *Principles for Peace*, §1861.

²³ *Ibid.*, §1859.

²⁴ *Ibid.*, §1860.

²⁵ *Ibid.*, §1861.

²⁶ Available at www.papalencyclicals.net/Pius12/P12XMAS.HTM, §60.

²⁷ *Ibid.*, §61.

²⁸ *Ibid.*, §63.

²⁹ *Ibid.*, §66.

³⁰ *Ibid.*

III. John XXIII and Paul VI: The Deepening Cold War and the Potential for Nuclear Conflict

Pius XII's immediate successor, Pope John XXIII (1958–63), another seasoned diplomat who had spent decades in the papal diplomatic service, penned and promulgated the famous encyclical *Pacem in Terris*, Peace on Earth, a few months before he died. In the time of his pontificate, mankind was imperiled by the escalation in the arms race between the superpowers (primarily the United States and the Soviet Union), which produced growing arsenals of thermonuclear weapons. The situation was made all the more urgent by the Cuban Missile Crisis of 1962. For Blessed John XXIII, it was patent that “justice, right reason, and the recognition of man’s dignity cry out insistently for a cessation to the arms race.”³¹ Thus, nuclear arms had to be eliminated—if not immediately, then by piecemeal disarmament through juridical instruments. Moreover, the acquisition of arms for the purpose of deterrence was highly dubious. As Pope John argued, “even though the monstrous power of modern weapons does indeed act as a deterrent, there is reason to fear that the very testing of nuclear devices for war purposes can, if continued, lead to serious danger for various forms of life on earth.”³² Even if they were never used in combat, these weapons posed disproportional threats through their testing.

As one considers the words of John XXIII, it becomes apparent that the pope was alarmed not so much about justifiable self-defense as about the profligate spending invested in the arms race, which had detrimental effects on the development not only of peoples in the countries that were participants in this race but across the globe as well.³³ He astutely acknowledged the justification (the need for nuclear parity) given by those who pursued the development of nuclear weapons, but he noted that the arms race roused a “competitive spirit” that only accelerated the growth in numbers of these devastating weapons that destabilized the maintenance of international peace and authentic security.³⁴

Ultimately, a three-part argument based on justice, right reason (a pillar of Catholic social thought), and the recognition of the dignity of the human person necessitated a cessation of the arms race and the banning of nuclear weapons.³⁵ The pope became a stalwart advocate for the conclusion of a juridical instrument conducive to nuclear disarmament

³¹ *Pacem in Terris*, §112.

³² *Ibid.*, §110.

³³ *Ibid.*, §109.

³⁴ *Ibid.*, §110.

³⁵ *Ibid.*, §112.

based on “an effective system of mutual control.”³⁶ In presenting this view, he may well have had in mind the fact that the Holy See was a charter member (1957–58) of the International Atomic Energy Agency, whose primary objective is to provide for the peaceful development of nuclear energy and the elimination of its use as a weapon of mass destruction. In this context he relied on the wisdom of his immediate predecessor who said during the last great conflict of World War II, “Nothing is lost by peace; everything may be lost by war.”³⁷

Like his predecessors Benedict XV and Pius XII, John XXIII held great hope in the establishment and continuation of a universal international organization dedicated to the establishment and maintenance of international peace and security. While noting its limitations and inclination to be abused by internal and external forces, this pope saw that the United Nations and its family of organizations offered much promise, when he said: “It is therefore Our earnest wish that the United Nations Organization may be able progressively to adapt its structure and methods of operation to the magnitude and nobility of its tasks. May the day be not long delayed when every human being can find in this organization an effective safeguard of his personal rights; those rights, that is, which derive directly from his dignity as a human person, and which are therefore universal, inviolable and inalienable.”³⁸

It naturally followed that Blessed John XXIII's immediate successor would travel to the United Nations a little more than two years later (1965), to make clear the appeal for this organization's work and the pledge for its success, for he had been succeeded by another prelate who had spent a considerable number of years as a papal diplomat, Pope Paul VI (1963–78).

During his pontificate, Pope Paul was confronted with the increasing tensions between the East and West that were manifested in the conflict in Vietnam. As another papal emissary trained in the art of diplomacy, Paul VI traveled to the United Nations headquarters in New York in October of 1965 to meet the nations of the world and to endorse the United Nations and its work. As the institution was preparing to enter its third decade of existence, the pope conveyed his profound respect for those who pursue diplomacy in resolving the conflicts that emerge in the world. During his address to the General Assembly, he proclaimed the essence of his robust message: “No more war, war never again. It is peace, peace which must guide the destinies of peoples and of all mankind.”³⁹

³⁶ Ibid.

³⁷ Ibid., §116.

³⁸ Ibid., §145.

³⁹ Address to the General Assembly of the United Nations, October 4, 1965, §5.

During this historic address, the pope offered his “moral and solemn ratification of this lofty institution.”⁴⁰ Knowing that the Holy See is not a temporal sovereign, he declared that it was as an “expert in humanity” that he recognized the United Nations as “the obligatory path of modern civilization and of world peace.”⁴¹ Echoing sentiments raised by John XXIII in the latter’s encyclical letter *Pacem in Terris*, Pope Paul offered that the United Nations provides and must continue to provide the forum in which the relations between the peoples of the world are regulated by reason, justice, law, and negotiation and not by brute force, the threat of violence, fear, or deceit.⁴² One must inevitably ask, however, if Paul VI would offer such an embracing endorsement of the United Nations in its present manifestation.

In emphasizing the imperative of pursuing peace and eschewing military force, the pope relied on the words of a person then regarded as the leader of the free world and the political head of one of the superpowers, President John F. Kennedy, who had said, “Mankind must put an end to war, or war will put an end to mankind.”⁴³ To put his own touch on these words of President Kennedy, Pope Paul reminded his distinguished audience that the objectives of the United Nations to secure peace and international security were marred by the tragic destruction of human life and its frequent companion, “unprecedented suffering.” Perhaps recalling the words of Benedict XV delivered during the First World War, he employed the phrase of his predecessor who almost a half century earlier referred to global conflict as a “useless slaughter.”⁴⁴ He challenged his audience, which included many world leaders as well as their delegates, to put aside the “selfish and bellicose mentality” that had tragically characterized so much of human history, including modern times.⁴⁵ But the pope was not satisfied with simply challenging his audience, because he also showed them that the way to the salvation of the planet and its peoples was through disarmament—another lofty goal but within reach because the problem at its source was of human manufacture. In the estimation of Paul VI, what man had made, he could just as easily unmake. His words in this regard must stand for themselves:

If you wish to be brothers, let the weapons fall from your hands. One cannot love with offensive weapons in his hands. Those weapons, espe-

⁴⁰ Ibid., §1.

⁴¹ Ibid.

⁴² Ibid., §2.

⁴³ Ibid., §5.

⁴⁴ Ibid. See note 1 above for the reference to Benedict XV.

⁴⁵ Ibid.

cially the terrible weapons that modern science has given you, long before they produce victims and ruins, cause bad dreams, foster bad feelings, create nightmares, distrust and somber resolves; they demand enormous expenditures; they obstruct projects of solidarity and useful work; they falsify the very psychology of peoples. As long as man remains that weak, changeable and even wicked being that he often shows himself to be, defensive arms will, unfortunately, be necessary.⁴⁶

Here, it is essential for the reader to take stock of the concluding work of the Second Vatican Council. Two months after his U.N. address, the Council issued the Pastoral Constitution of the Church in the Modern World, *Gaudium et Spes* (Joy and Hope).⁴⁷ In this comprehensive text, the Council noted that the cause of peace was not only the task of political and military leaders but also that of each person, who must be devoted “to the cause of peace with renewed vigor.”⁴⁸ Peace is not the absence of war, nor is it a stalemate in the balance of power, but it is the “enterprise of justice” reflecting the order essential to human society ordained by its Maker.⁴⁹ Of course, characteristic of this order is the free desire of peoples to share and provide from their talents in a genuine spirit of fraternity.⁵⁰ The Council asserted that this is the true war, the authentic battle to which all are called.⁵¹ In expressing these sentiments, the Council—and Pope Paul—reached the conclusion that it was not only the tension between superpowers and their arsenals of weapons capable of destroying the world several times over, but it was also guerrilla warfare and “new methods of deceit and subversion”—including terrorism—that posed new and subtle threats to the peace that mankind must have in order to survive.⁵²

But the Council further emphasized that, as long as there remained the danger of war and that there was “no competent and sufficiently powerful [international] authority” to prevent war and cultivate mandatory peaceful means for resolving all disputes, governments could not be deprived of the “right” to a legitimate self-defense if the means of peaceful settlement have been exhausted.⁵³ In short, the Council did not abandon the longstanding doctrine of the right of legitimate self-defense;

⁴⁶ Ibid.

⁴⁷ Promulgated on December 7, 1965.

⁴⁸ *Gaudium et Spes*, §77.

⁴⁹ Ibid., §78.

⁵⁰ Ibid.

⁵¹ Ibid., §79.

⁵² Ibid.

⁵³ Ibid.

however, this right and responsibility could not be confused with any nefarious plan for subjugating other peoples and their governments.⁵⁴ In this regard, the Council asserted during an especially tense time of the Cold War that those who are called to provide legitimate self-defense in accord with the juridical principles that guide the use of force are themselves agents of peace, security, and freedom of peoples.⁵⁵

However, in just three years' time, Paul VI expressed sentiments different from the core of his U.N. address (and different from *Gaudium et Spes*) when he issued the first World Day of Peace message (an annual message continued by John Paul II and Benedict XVI). In the inaugural address, issued in 1968, he stated that the ideal of peace was not to be an excuse for cowardice in those who have the responsibility to defend their nations. As he put it, those called to this important duty are defenders of "justice and liberty."⁵⁶ He asserted with clarity that the pursuit of peace must not be confused with pacifism. Rather, peace is the quest for "truth, justice, freedom, and love," and this search may require those who pursue it seriously and with honor to sacrifice themselves so that others may live. If he had been viewed as a pacifist when he spoke before the United Nations in October of 1965, Pope Paul clearly expressed the concern that he, who favored peace, could not favor the cowardice of those who would avoid the duty of self-sacrifice in the service to their fellow citizens and to their country when offered "in the defense of justice and liberty."⁵⁷ To remove any doubt of the tenor of his message, he argued: "Peace is not pacifism; it does not mask a base and slothful concept of life, but it proclaims the highest and most universal values of life"—that is, truth, justice, freedom, and love—the four pillars of social life identified by John XXIII in *Pacem in Terris*.⁵⁸

⁵⁴ Ibid.

⁵⁵ Ibid. In its concluding thoughts, the Council presented its plan for the states of the world to proceed on the use of force: "It is our clear duty, therefore, to strain every muscle in working for the time when all war can be completely outlawed by international consent. This goal undoubtedly requires the establishment of some universal public authority acknowledged as such by all and endowed with the power to safeguard on the behalf of all, security, regard for justice, and respect for rights. But before this hoped for authority can be set up, the highest existing international centers must devote themselves vigorously to the pursuit of better means for obtaining common security. Since peace must be born of mutual trust between nations and not be imposed on them through a fear of the available weapons, everyone must labor to put an end at last to the arms race, and to make a true beginning of disarmament, not unilaterally indeed, but proceeding at an equal pace according to agreement, and backed up by true and workable safeguards . . ." *ibid.*, §81.

⁵⁶ World Day of Peace Message, 1968.

⁵⁷ Ibid.

⁵⁸ *Pacem in Terris*, §§35–36.

IV. John Paul II and Benedict XVI: The Subsidence of the Cold War and the Emergence of Terrorism and the 2003 Military Incursion in Iraq

The papacy of Pope John Paul I lasted a short thirty-three days. As a result, he was unable to issue any pertinent statement regarding just war and the use of force. His successor, by contrast, served in the Petrine Office for more than a quarter of a century. Thus John Paul II (1978–2005) contributed immensely to the discussion and debate on just war and the use of military force. As one who was familiar with the oppressive measures of Nazi Germany and Soviet-sponsored totalitarianism in his native Poland, he urged caution, knowing that armed force may be necessary to combat corrupt or evil political institutions and the states they control. He took the opportunity in his 1991 encyclical letter *Centessimus Annus* to express his evaluation of the post–World War II era, in which a type of shadow of peace was characterized by growing distrust among the great powers that led to the appropriation of scientific advances to generate new weapons of overwhelmingly destructive capacity. In his estimation, these advances, which could have been better used to bring peoples together and solidify peace, were being used to drive them apart. Legitimate self-defense must not be an excuse for intensifying mistrust and prolonging conflict as was the case with the Cold War. John Paul II would sometimes refer to the wisdom of Pius XII who stated: “The danger is imminent, but there is yet time. Nothing is lost with peace; all may be lost with war. Let men return to mutual understanding. Let them begin negotiations anew.”⁵⁹

Early in his papacy (1983), he saw three important bishops’ conferences and the Cardinal Archbishop of Westminster address the climax of the Cold War, which would begin to disappear with the collapse of the Soviet Union within the same decade. The first of these texts to be considered, *The Challenge of Peace*, is that of the United States Conference of Catholic Bishops, issued in May of 1983.

In their letter *The Challenge of Peace*, the American bishops expressed their concern with several issues pertinent to the use of armed force: the arms race; the means of contemporary warfare; the development of modern weapons systems; and the negotiating positions and strategies of the civil and military authorities who were concerned with and oversaw the use of military force. They noted that not all their words carried the same moral authority; however, they further stated that their letter would address specific contexts where the use of military force may or may not

⁵⁹ Radio Message of Pope Pius XII, August 24, 1939, in *Principles for Peace*, §1377.

be in accord with the moral principles that must regulate any use of military force.⁶⁰

Their letter acknowledged the existence of “the range of strongly held opinion in the Catholic community on questions of war and peace.”⁶¹ They further recognized the validity of traditional moral principles that justify a nation’s use of military force in legitimate self-defense.⁶² But they identified what they then believed to be “the presumption against war which stands at the beginning of just-war teaching”; moreover, no state should ever conclude, when using or contemplating using force, that it has “absolute justice” on its side.⁶³ This latter position necessitates careful study for the case of a nation which has exhausted all peaceful means in dealing with a belligerent power that threatens its integrity or existence.

Once a military conflict begins, the traditional principles of proportionality and discrimination must guide the use of force. The American bishops were clear that, under no circumstances, could they perceive of “any situation in which the deliberate initiation of nuclear warfare, on however restricted a scale, can be morally justified.”⁶⁴ Even if a nation were targeted by an adversary’s nuclear arsenal, the target nation would not be morally justified to reciprocate in the same way; therefore, it was incumbent upon all states, including those with nuclear capabilities, to resist the use or the threat of the use of nuclear weapons with a non-nuclear defense.⁶⁵ But the bishops did not offer details about what such a non-nuclear defense would include.

Several European bishops’ conferences also provided some substantive insights on these issues. The first to be examined is the German bishops’ text.⁶⁶ Acknowledging the German state’s responsibilities for two world wars, the bishops recalled that the Church has “always adhered to the necessity of protecting the innocent against brutality and oppression, combating injustice and defending justice and righteousness.”⁶⁷ To emphasize the continuing vitality of this doctrine for these bishops, at least in 1983, the renunciation of this principle could promote violence against peoples or political blackmail that would lead to violence.⁶⁸ With this point in mind, they firmly held that civil society, the state, and even the

⁶⁰ *The Challenge of Peace*, §9.

⁶¹ *Ibid.*, §10.

⁶² *Ibid.*, §§85–100.

⁶³ *Ibid.*, §93.

⁶⁴ *Ibid.*, §150.

⁶⁵ *Ibid.*, §150.

⁶⁶ German Bishops’ Pastoral Letter, *Gerechtigkeit schafft Frieden*, April 18, 1983.

⁶⁷ *Ibid.*, §104.

⁶⁸ *Ibid.*

Church must rely on those in military service to perform their responsibilities “with expert skill and personal courage.”⁶⁹ They also noted that military personnel have the calling to contribute to peace by constantly remembering that their service necessitates vigilant awareness of the incumbent moral responsibility of their office.⁷⁰

The second episcopal conference document requiring attention in this study is that from a nuclear power, France.⁷¹ While non-violence and forgiveness remain important elements of Christian teaching, the French bishops recalled that states must retain the power to respond to violence by means of force, because states have the incumbent responsibility to defend peace, and meeting the duties of this charge may require the use of appropriate force.⁷²

In considering nuclear deterrence, the French bishops observed that the “logic” associated with this defense scheme is one of distress and is flawed.⁷³ The flaw exists in the notion that, even though a nation is not conducting war, it periodically demonstrates its capacity to rely on the use of force that includes unleashing its devastating nuclear arsenal. But the French bishops also acknowledged that peace may be served when the would-be aggressor is restrained by “an appropriate fear” of the nation that is the object of the attack, if the aggressor considers the target’s own nuclear arsenal: the threat of force is not itself the exercise of force.⁷⁴ This component of the nuclear deterrent is shared with all other military deterrents, such as maintaining a standing military force. However, the proof of the pudding, so to speak, is that if the deterrence fails, the force that stands behind it needs to be used—and this is the inherent flaw of the nuclear deterrent.

The French bishops candidly asserted that there is another great flaw, which is especially problematic in the context of Catholic teachings: the use of nuclear weapons typically violates the proportionality and discriminating norms that justify the use of force; consequently, their use would be a crime against God and man, as had been noted in *Gaudium et Spes*.⁷⁵

But the French bishops conceded that threat is not use, and the threat by itself does not share in the immorality of the use.⁷⁶ The concept of

⁶⁹ Ibid., §203.

⁷⁰ Ibid.

⁷¹ French Bishops’ Pastoral Letter, *Gagner la paix*, November 8, 1983.

⁷² Ibid., §12.

⁷³ Ibid., §26.

⁷⁴ Ibid.

⁷⁵ Ibid., §27.

⁷⁶ Ibid., §29.

nuclear deterrence, while a vice, is not an evil of the same magnitude as the use of nuclear weapons, which the Council condemned.⁷⁷ Although the lesser evil is not synonymous with a moral good, it remains a lesser evil nevertheless; consequently, the practitioner of the nuclear deterrent has the unavoidable responsibility to “pursue a constructive policy in favor of peace.”⁷⁸

Toward the end of the same year in which three national bishops’ conferences addressed the use of military force, the Archbishop of Westminster, Basil Cardinal Hume, issued a pastoral letter that presented his views on these substantial issues.⁷⁹ One novel matter that he introduced into the debate on the use of force, including the nuclear deterrent, was the point that disarmament and its attending concerns cannot be a one-sided enterprise. He identified the peril of pressuring only the democratic governments of the West while leaving undisturbed those of the Soviet bloc.⁸⁰ He shared the views of the three bishops’ conferences that have been previously indicated regarding the moral questions that accompany any consideration of the use of force, but he joined the pragmatic assessment that the state has both the right and the duty to provide a legitimate self-defense for the peoples it exists to protect.⁸¹ As he said, “Although nothing could ever justify the use of nuclear arms as weapons of massive and indiscriminate slaughter, yet to abandon them without adequate safeguards may help to destabilize the existing situation and may dramatically increase the risk of nuclear blackmail.”⁸²

In short he acknowledged, like the French bishops, that the threat of force is not synonymous with its use. In Cardinal Hume’s view, the acceptance of a strategy of nuclear deterrence must be on strict conditions, and it would be only a temporary component of a nation’s defense strategy, remaining in place only as long as it took for the states possessing nuclear weapons to abandon them.⁸³

John Paul II saw that, regardless of the type of weapons being considered (including the plague of small arms and anti-personnel mines), problems are never solved by weapons, because, whatever their nature, they generate tensions between and among peoples. What is crucial to a durable and just peace is not the presence of and reliance on arms, even

⁷⁷ Ibid., §30.

⁷⁸ Ibid.

⁷⁹ *Towards Nuclear Morality*—letter of Basil Cardinal Hume, November 17, 1983.

⁸⁰ Ibid., §5.

⁸¹ Ibid., §6.

⁸² Ibid.

⁸³ Ibid., §12.

if they are intended for self-defense, but an understanding and acceptance of the reality that there can be no peace without justice, and that there can be no justice without forgiveness.⁸⁴ This statement garnered additional significance in a world where nuclear deterrence as a mutual strategy between superpowers has, for the time being, become a relic of the past; however, new threats—especially terrorism—now threaten the stability of peace and order.

While terrorism is without doubt an evil that plagues the world of the early twenty-first century, the solution, for John Paul II, became a clarion call: the pillars of true peace are justice and that form of love which is forgiveness.⁸⁵ For him, true peace and justice cannot reign in resentment and revenge but only in forgiveness. Blessed John Paul astutely noted that the new weapon used by the modern terrorist is his own person; the terrorist is convinced that his own destruction and the destruction of those in whose company he finds himself will lead to “justice.” This is not justice but its corruption. The antidote, for Blessed John Paul II, is not hatred responding to hatred but forgiveness. But until such time as forgiveness becomes the foundation of a just world order, the innocent may respond with that necessary force that constitutes a legitimate self-defense, which must include in its arsenal “respect for moral and legal limits in the choice of ends and means, including correct and precise identification of only those persons who are guilty.”⁸⁶ The force that is used in legitimate self-defense against terrorism and those who practice terrorism must not be the blind application of violence against the hatred that fuels terrorism. Though it appears to some to be a fatal weakness, forgiveness is the crucial weapon in combatting terrorism, because it reinforces those noble human qualities that are far more apt to eradicate the hatred that fuels terrorism without annihilating those who become repositories of this hatred.⁸⁷

In this regard, John Paul II explained that the legitimate fight against terrorism cannot be restricted to repressive or punitive operations.⁸⁸ Any use of military force to combat terrorism must always take stock of the reasons given to justify acts of terrorism. Thus, education and economic and social assistance can be more effective than guns, bullets, and explosives in dealing with terrorists. Once the root causes of unrest that often serve as the catalyst for terrorism are identified, addressing the needs of a

⁸⁴ Message for the Celebration of the World Day of Peace, January 1, 2002, §10.

⁸⁵ *Ibid.*, §2.

⁸⁶ *Ibid.*, §5.

⁸⁷ *Ibid.*, §10.

⁸⁸ World Day of Peace Message, 2004, §8.

desperate or frustrated people who are surrounded or consumed by this unrest may be more effective in annihilating terrorism than the use of military force.

Here one needs to take stock of the connection between terrorism and the recent exercise of military force in the Middle East, in particular, Iraq. Pope John Paul II had the occasion to address twice the emerging conflicts in Iraq. The 1991 war was short lived and largely guided by broad international consensus. That same consensus was not present in the second armed conflict, which took place in Iraq beginning in March of 2003. Just prior to the outbreak of that conflict, the pope addressed the Diplomatic Corps accredited to the Holy See on January 13, 2003, and asserted that war is not simply a means for resolving international disputes; rather, it is the means of last resort, “the very last option,” to be used “in accordance with very strict conditions.”⁸⁹ For this force to be permissible, stock must be taken of its effect on the well-being of civilian populations that will be affected.

The pope’s plea against renewed hostilities in Iraq was made by the Holy See’s Permanent Observer to the United Nations, Archbishop Celestino Migliore, before the Security Council on February 19, 2003. The Permanent Observer stressed that, because the “peaceful tools provided by the international law” were still viable, the “resort to force would not be a just one.”⁹⁰ In many ways, his words reflected the sentiments expressed by Popes Benedict XV and Pius XII, which they had presented at the outsets of the First and Second World Wars respectively. The Permanent Observer of the Holy See expressed at the outset of his intervention that the Secretary General, Mr. Kofi Annan, had met with Pope John Paul II in Rome the previous evening.

The fundamental point presented by Archbishop Migliore was that the resort to the use of force at this stage would not be just, in that not all peaceful means for resolving the tensions in Iraq, as provided for under international law, had been exhausted. As Pope John Paul II pointed out in his 2004 World Day of Peace Message, “Peace and international law are closely linked to each another: law favors peace.”⁹¹ Of course the Holy

⁸⁹ Address of Pope John Paul II to the Diplomatic Corps, January 13, 2003, §4.

⁹⁰ Intervention of Archbishop Celestino Migliore, Permanent Observer of the Holy See to the United Nations, before the Security Council, February 19, 2003.

⁹¹ World Day of Peace Message, 2004, §5. The pope continued his promotion of the authentic role of international law by calling attention to a fundamental precept, *pacta sunt servanda*—the agreement must be obeyed—when he stated, “It is appropriate to recall this fundamental rule, especially at times when there is a temptation to appeal to the law of force rather than to the force of law.” Ibid.

See did not take a passive approach to its recommendation regarding the 2003 situation in Iraq; it had recently sent delegations to Washington, DC and to Baghdad to search for a means of concluding a durable peace to the attending problems between these two capitals.

In the present day, there is much discussion about whether preventive war can be justified. This subject, the use of military force justified on the theory of “preventive war,” raises grave moral and serious juridical questions; however, it may be possible for the competent public authority to demonstrate that the use of force to prevent further bloodshed is justified for self-defense or the protection of others and preservation of the common good. Nonetheless, the burden of complying with this benchmark is stringent. Typically, preventive war would not comply with the traditional understanding of the first principle (i.e., legitimate self-defense) of Catholic thinking on the use of force. However, there could be a narrow justification for initiating the use of force where it is essential to effectuate the duty to protect or defend.

John Paul II offered further thoughts on the matter. In his World Day of Peace Message for 2000, he identified and explained the case for humanitarian intervention. Here he noted that it is legitimate, perhaps even obligatory, to use necessary force to disarm an aggressor who threatens an innocent civilian population and who is not dissuaded by political and diplomatic efforts relying on non-violent methods.⁹² The caveat the pope added to this was that the force used must be precise and only that which is necessary; moreover, it must be done in accord with the approval of the authority of the international community.⁹³ In this context, the pope clearly expressed that the international authority could be the U.N. organization.

It is at this stage of the essay that one must now consider the address given by Pope Benedict XVI (2005–present) to the General Assembly of the United Nations on April 18, 2008, in which he dwelt at length on the “responsibility to protect”—the primary duty of every state to protect its own population.⁹⁴ But, if a state is incapable or unwilling to respond in the affirmative to this duty, then the obligation is transferred to the international community via juridical means, as the pope further noted.⁹⁵ But the question remains, what happens if the international community is also incapable of responding in a timely manner to some

⁹² World Day of Peace Message, 2000, §11

⁹³ *Ibid.*

⁹⁴ Address of Benedict XVI to the General Assembly of the United Nations, April 18, 2008.

⁹⁵ *Ibid.*

humanitarian crisis? What then? These situations generate the need to pause and consider whether the use of force may be required to contend with a human agent that threatens the security and peace of innocents. As His Holiness suggested, it is indifference or failure to intervene that can compromise their safety, and this is where “real damage” follows.⁹⁶ What is needed in these circumstances is a deeper search for ways of preempting and managing conflicts by exploring every possible diplomatic avenue, and giving attention and encouragement to even the faintest sign of dialogue or desire for reconciliation.⁹⁷

But reason still necessitates consideration of the use of force, particularly in those instances where an aggressive agent uses the slowness of diplomacy and negotiation to accomplish an attack on innocents. Indeed, there are entities in the world for which diplomacy and juridical mechanisms mean little or nothing. Pope Benedict acknowledged that “natural reason [can be] abandoned” by those for whom peaceful resolution of disputes means little or nothing and, as a consequence, “freedom and human dignity [are] grossly violated.”⁹⁸ In such cases, must sovereign states and the international community stand by and allow the aggressor who does not abide by the instruments of peace erase from the face of this earth the aggressors’ victims? I do not believe so, for that is why there has remained in Catholic teaching the duty to use that force which is necessary, carefully directed, and proportional to protect those who *must* be defended and protected.

Conclusion

From the beginning of the twentieth century to the present day, Catholic teaching regarding the legitimate use of force recognizes the necessity for the existence of an armed force that is the servant of those who are to be protected by it. The sole justification for the existence of a standing military force is legitimate defense or protection; therefore, the fundamental mission of this force is to preserve the peace by affording protection from the aggressor without provoking or prolonging conflict. The authentic mission of the defensive armed force is to protect the innocent and to promote peace and justice, the counterpoints to conflict, by arresting the unlawful aims and actions of any aggressor who threatens innocents, peace, or security. Those who direct or serve in the armed forces are never permitted to perpetrate infractions of the laws of war recognized

⁹⁶ Ibid.

⁹⁷ Please see the Appendix at the end of this essay for two interventions by Archbishop Celestino Migliore.

⁹⁸ Address of Benedict XVI to the General Assembly of the United Nations, April 18, 2008.

by civilized peoples or to violate the humanitarian principles that must guide their every action. If they do, they must be held accountable, be accorded due process of law, and be given the opportunity to defend their actions in accordance with objectively reasoned legal principles.

Ecclesiastical and public international law authorities have acknowledged that the predilection for peaceful means of dispute resolution does not always prevail, especially when some nations honor the prescription that favors peaceful means of resolving disputes but others do not. It is also necessary to recognize that in the present age, both ecclesiastical and civil authorities have found it imperative to address the activities of non-government agents, such as terrorist organizations, that rely on violence in the pursuit of their misguided objectives. In these circumstances, the use of force may be permissible, even necessary, under prescribed conditions when it becomes clear that peaceful means are not only ineffective but may further endanger innocents.

It is pivotal to acknowledge the further point that in the age of weapons of mass destruction, “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.”⁹⁹ The modern means of massive devastation represent a particularly serious threat to humanity, and those entities that possess these weapons have an enormous responsibility before God and all of humanity.¹⁰⁰

The Catholic Church recognizes, in accord with established legal principles accepted in the international order,¹⁰¹ that nations (peoples) reserve the right to use that force which is necessary to muster self-defense that is permissible and lawful. To suggest that there is a strong presumption against the use of force would be inaccurate in view of the fact that there is, in reality, a presumption that civil authorities must act justly because of their responsibility to protect those whom they are called to serve—another principle that the Church and the international order respect.

The responsibility to protect has expanded as developments in recent years have demonstrated that some of the subjects of this protection, that

⁹⁹ *Pacem in Terris*, §127.

¹⁰⁰ *Gaudium et Spes*, §80. As a result of the saturation or obliteration bombing used by the Allies in World War II, the Rev. John Cuthbert Ford, S.J., published his famous 1944 article, “The Morality of Obliteration Bombing,” *Theological Studies* 5 (1944): 261–309. In his important article, Fr. Ford, a well-respected moral theologian, proffered the important distinction between precision bombing of definite, limited military targets and the bombing of a much larger area that could be an entire city or a very large section of a developed area that would include residential districts.

¹⁰¹ Charter of the United Nations, Article 51.

is, natural persons, may not have governments of their own to protect them. Their government may be incapable of rendering assistance, or it may be the very agent of their persecution and responsible for jeopardizing the welfare of these innocents. Nothing can ever justify acts against innocent civilians, such as were carried out in Rwanda and Dafur; therefore, it becomes the duty of the competent public authority (or associations of public authorities) to protect the innocent by using proportionate and discriminating force to repel or contain aggressive acts directed against innocents. It is becoming increasingly important to recognize that this duty to protect includes offering assistance to those who become refugees from their homeland in order to escape victimization by aggressor forces. The principle of national sovereignty cannot be relied upon to prevent a military intervention whose sole purpose is to defend innocent victims.¹⁰²

What is increasingly alarming in the early twenty-first century is that weapons of mass destruction are beginning to proliferate once more, even though the competition between the superpowers has largely come to an end. While superpowers have agreed to reduce their stockpiles of such devastating weaponry, these weapons are now finding their way into the hands of smaller states and, quite possibly, non-state entities. It has become a perverse “badge of honor” for even the poorest of countries to possess such means of destruction. It is claimed that the possession of weapons of mass destruction makes smaller states the equal of larger, more powerful states. But this view of the world order is fallacious and filled with peril.

The Church has been accustomed to assisting those who are or stand to be harmed by such perils. Mr. Stalin was correct when he implied that the pope has no military power. What he did not take into account was the moral force of the Church expressed in her voice, her teachings, and her arduous advocacy for alternatives to the unnecessary and avoidable use of military force.

Appendix

In his intervention during the General Debate of the General Assembly on September 29, 2008, Archbishop Celestino Migliore, the Permanent Observer of the Holy See to the United Nations, had these further thoughts on the matter of the “responsibility to protect”:

For his part, Pope Benedict XVI, in his address to the General Assembly of the United Nations last April, also recognized that from the very

¹⁰² Cf., Pope John Paul II, Address to the Diplomatic Corps accredited to the Holy See, January 16, 1993, §13.

ancient philosophical discourses on governance to the more modern development of the nation-state, the responsibility to protect has served and must continue to serve as the principle shared by all nations to govern their populations and regulate relations between peoples. These statements highlight the historical and moral basis for States to govern. Likewise, they reassert that good governance should no longer be measured simply within the context of “state’s rights” or “sovereignty” but rather, by its ability to care for those who entrust leaders with the grave moral responsibility to lead. Despite the growing consensus behind the responsibility to protect as a means for greater cooperation, this principle is still being invoked as a pretext for the arbitrary use of military might. This distortion is a continuation of past failed methods and ideas. The use of violence to resolve disagreements is always a failure of vision and a failure of humanity. The responsibility to protect should not be viewed merely in terms of military intervention but primarily as the need for the international community to come together in the face of crises to find means for fair and open negotiations, support the moral force of law and search for the common good. Failure to collectively come together to protect populations at risk and to prevent arbitrary military interventions would undermine the moral and practical authority of this Organization. The “we the peoples” who formed the United Nations conceived the responsibility to protect to serve as the core basis for the United Nations. The founding leaders believed that the responsibility to protect would consist not primarily in the use of force to restore peace and human rights, but above all, in States coming together to detect and denounce the early symptoms of every kind of crises and mobilize the attention of governments, civil society and public opinion to find the causes and offer solutions. The various agencies and bodies of the United Nations also reaffirm the importance of the responsibility to protect in their ability to work in close proximity and solidarity with affected populations and to put into place mechanisms of detection, implementation and monitoring.

In his October 14, 2008 intervention at the 63rd Session of the U.N. General Assembly on “The Rule of Law at the National and International Levels,” Archbishop Migliore further addressed the “responsibility to protect” in the context of the “rule of law” and had this to say:

The rule of law is a vital component for assisting States in their responsibility to protect. While this responsibility entails the States’ primary and legal obligation to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, it also provides for the international community to intervene when a State is unable or unwilling to exercise this fundamental responsibility. This capacity to intervene should not be seen, however, only in the form of actions

taken by the Security Council or use of force. It is also the cooperation of the international community to help States with the necessary capacity and legal expertise in the field of protection. The building up of national legal structures will help States to avert atrocities by establishing mechanisms that promote justice and peace, ensure accountability and recourse under the law, provide for the foundation of a stable economy and protect the dignity of every person. . . . One area in which the United Nations serves as a forum for enhancing the rule of law is in the making of international treaties and conventions. Indeed, it has been the ability of the United Nations to bring people together and give greater attention to international norms. Hence, it is of great importance that when implementing and enforcing these norms, the United Nations' agencies and monitoring bodies respect the intent and desire of States. A treaty body system which moves away from the original intent of the parties and expands its mandates beyond the power given by States, risks undermining its own credibility and legitimacy and can discourage States from joining conventions.

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