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## Norms of war in Roman Catholic Christianity

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### Introduction: Four approaches to war and ethics

Over the course of two millennia, several different approaches to the ethics of war have been propounded within the confines of Catholic Christianity. At the risk of excessive generalization, these may be characterized as four in kind: pacifism, just war, perpetual peace and regular war.

#### *Pacifism*

Pacifism<sup>1</sup> appears to have been the dominant viewpoint within the Church in its first three centuries. It must be said, however, that during this period the renunciation of armed force was more of a lived reality than a theological position.<sup>2</sup> This renunciation had four main sources of inspiration:

- (1) Statements by Jesus, for instance Matthew 5:39, “If anyone strikes you on the right cheek, turn to him the other also.”
- (2) The example of Jesus, who expressly forbade his disciples to use force in his defence (to Peter he said, “Put your sword into its sheath”, Matthew 26:52), and thereby willingly endured a martyr’s death. That Jesus *freely* went to his death and in so doing redeemed the world is a central truth for Catholic Christianity; this, combined with the example of the early Church martyrs, lent credence to the idea that evil could efficaciously be combated by the purely spiritual

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“arms” of love and patient suffering. Within the developing tradition, this would serve as an important counterweight to the just war idea; sometimes it would be cited as an argument against any resort to armed force (principled pacifism), at other times it would be advanced as a method of resistance to evil that could be applied in tandem with armed force.<sup>3</sup>

- (3) Detestation of the idolatrous practices associated with Roman military life.
- (4) A belief that the end of the world was near, such that participation in worldly practices (soldiering, lawsuits, etc.) was deemed inappropriate for Christians intent on achieving salvation in the next world.

On this fourfold basis, strong reservations against things military were expressed by some early Christian writers, most notably Justin Martyr, Tertullian, Origen and Lactantius. With the end of the Roman empire and the rise of Christian civilization under Constantine, this early pacifism lost much of its appeal for the mainstream church. And indeed, up until very recently, pacifism would endure in Catholicism mainly as a foil against which the just war doctrine would be compared. With the exception of Catholic authors of the Reformation era such as Erasmus (1466–1536), few would adopt it as a viable alternative, and some would even characterize it as a heretical viewpoint, identified as it were with the “excesses” of Protestantism.<sup>4</sup>

Pacifism nevertheless saw something of a renewal in the second half of the twentieth century among Catholic thinkers and activists such as Dorothy Day, Gordon Zahn and James Douglas.<sup>5</sup> Moreover, the pacifist emphasis on the efficacy of non-violent resistance to injustice has received endorsement in Church documents, for instance the 1993 pastoral letter on war and peace issued by the US Catholic Bishops.<sup>6</sup> The Church has been particularly insistent on the importance of implementing non-violent strategies within the context of intra-state struggles against injustice and abusive authority. Although admitting that “armed struggle” may be permissible as “a last resort to put an end to an obvious and prolonged tyranny which is gravely damaging the fundamental rights of individuals and the common good”, it has nonetheless asserted that *passive resistance* is “a way more conformable to moral principles and having no less prospects for success”.<sup>7</sup> The downfall of Communist totalitarianism in Eastern Europe during the pontificate of John Paul II is often cited as evidence of the efficacy of non-violent means of resistance.

### *Just war*

The just war idea emerged in Christianity at a time (the fourth century) when Christians began to assume positions of leadership within the

temporal sphere. No longer could they view the political order solely from the standpoint of critical outsiders. The defence of homeland from attack, the repression of criminality and protection of the innocent were now contemplated as live issues for Christians in positions of power, thus requiring a reappraisal of Christ's example and teaching in the light of these changed historical circumstances.

Spearheading this reappraisal were two bishops who were keenly aware of the new political role that Christians had begun to assume in the waning years of the Roman empire: St Ambrose (c. 339–397) and St Augustine (354–430). Neither wrote a treatise or even a section of a treatise on the moral problem of war, but the theme was nevertheless addressed by them in numerous passages, including some quite long digressions, where the justifiability of engagement in war was clearly enunciated.

The emergent just war doctrine was oriented around two key presuppositions. On the one hand, peace, not war, was viewed as the normative, baseline condition of humanity. In line with the Christian belief in the inherent goodness of creation, Ambrose and Augustine held that God had intended human beings and their respective communities to live together harmoniously, bound together by ties of mutual assistance and friendship (first presupposition). This condition of harmony was represented by the biblical narration of the Garden of Eden (Genesis 2:8–25), where inter-human violence had no place.

Yet Ambrose and Augustine also worked from the complementary idea that God's original plan for humanity had been contravened by human sin (second presupposition). The biblical story of humanity's fall from grace (Genesis 3) was summed up in the dogma of "original sin", according to which the transgression of Adam and Eve has had an enduring effect on their descendants (the universality of human beings), all of whom are born with a susceptibility to evil. Although war is not specifically mentioned, Cain's killing of his brother Abel (Genesis 4:1–16) and related stories, such as the Tower of Babel (Genesis 11:1–9), were meant to illustrate how violence and related forms of evil are endemic to our "fallen" world.

Although it was believed that restoration was possible through the redemptive action of Jesus Christ, it was also recognized that evil would endure in this world until his "second coming" at the end of time. Baptism did not entirely remove the tendency to sin, which would persist in Christians as a result of the original fall. Nevertheless, as agents cooperating in God's governance of a fallen world, Christians, especially those charged with the duties of public authority, were expected to resist evil actively, especially when grave injustice was directed against the weak and defenceless. At the limit, this would entail using armed force against those, whether internal malefactors or external enemies, who had disrupted the

peace. This was famously summed up by Augustine when he wrote that “[i]t is iniquity on the part of the adversary that forces a just war upon the wise man”.<sup>8</sup> On this understanding, “just war” (*bellum iustum*) was derived from the more fundamental concept of “peace” (*pax*). Armed force could be viewed as having a positive value (thereby warranting the designation “just”) insofar as it contributed toward restoring a peace that had been violated by prior wrongdoing. By extension, since injustice could be expected to occur on a regular basis, officers of the law (police and soldiers) were deemed necessary in order to hold it in check. In line with our postlapsarian condition, the preservation of peace thus required just war as its unavoidable counterpoint.

Quite familiar to us today, this conceptualization of war as a derivative concept was not the standard understanding in the ancient world, where war was often viewed as a primordial reality that required no special justification, no addition of the adjective “just”, to be accepted as a legitimate practice.<sup>9</sup> It was not uncommon for war to be considered the more primordial reality, such that peace could be defined negatively as the absence of war.<sup>10</sup> In this vein, several ancient writings testify to what one might term an “agonistic conception of life”,<sup>11</sup> as for example in Plato’s *Laws*, where the character Clinias boldly states that “the peace of which most men talk . . . is no more than a name; in real fact, the normal attitude of a city to all other cities is one of undeclared warfare”.<sup>12</sup> Like the oscillation of day and night, or the change of seasons, endemic warfare was thought to have a vital role to play in the maintenance of cosmic and human order: “all things happen by strife and necessity,” wrote Heraclitus (sixth century BCE), adding that “war is the father of all and the king of all”, since it is from war that the differentiation of gods and humans, slaves and freemen arises.<sup>13</sup>

At the heart of the emerging Christian idea of *bellum iustum* was accordingly the conviction that war could be waged only for the maintenance of a just peace. Peace was viewed as the chief normative concept against which any resort to war would have to be measured. As a result, motives of personal gain, territorial aggrandizement and the like were vigorously excluded from the list of justifiable causes of war. But, despite the richness of this early teaching (articulated most fully by Ambrose and Augustine), it did not yet represent a theory of just war. Such a theory did not in fact arise until many centuries later, when the canon lawyers of the Middle Ages sought to organize earlier materials on war and violence – passages from the Bible, statements by Augustine and other Church fathers, enunciations of Church councils, and formulations from ancient Roman law – into an articulated body of thought, i.e. a *doctrine*. The key figure in this process was the early canonist Gratian (twelfth century), whose influence will be discussed below.

The dominant school of thought within Catholicism from the Middle Ages to the present,<sup>14</sup> the just war idea has undergone significant transformation and development over the course of its history. The main burden of this chapter will be to outline the parameters of this idea within Catholic teaching.

### *Perpetual peace*

Alongside the idea of just war, two related but distinct normative approaches to war have found representation within the Catholic tradition, both with roots in the Middle Ages. In the twelfth century, reflection on the practice of papal arbitration, whereby the popes would seek to prevent war by mediating disputes between rival princes, led some authors to postulate that recourse to war could be altogether eliminated within Christendom if all princes were obliged to submit their disputes to the pope's binding mediation.<sup>15</sup> A different version of this idea was later proposed by Dante Alighieri (1265–1321) in his political treatise *Monarchia*, this time with an emphasis on the adjudicating power of a (hypothetical) universal emperor, who would function as the supreme early judge. Possessed of full enforcement powers, his decisions would be imposed without further appeal, thereby preventing serious disputes from disrupting the peace. Now designated under the heading of “perpetual peace”, thinkers with this outlook “typically hold that the just war view is at once too optimistic in thinking that war can effectively be regulated by moral norms and values, and too pessimistic in presupposing that war is an inexpugnable part of the human condition. Instead, they advocate a new set of political structures (notably an international body to adjudicate disputes between states), which, if effectively implemented, will one day render war obsolete.”<sup>16</sup> Resurfacing in the eighteenth century with secular writings by authors such as Abbé de Saint-Pierre, Rousseau and Kant, the perpetual peace idea would gain currency in twentieth-century Catholic thought. Expressions of the idea may be found in papal documents and pronouncements, as for instance when Pope Paul VI famously declared at the United Nations (4 October 1965), “Never again war!”<sup>17</sup>

### *Regular war*

It has already been noted that just war was the dominant approach to the ethics of war in the Christian Middle Ages, and it has remained so in Catholicism generally. This account is founded on the notion of just cause, which signifies, in substance, that war is a proceeding whereby a belligerent is empowered to punish a wrong done to it by another party. Understood as a response to prior wrongdoing, the notion of just cause is

*unilateral* in character, for, if one party is entitled to apply a sanction or to enforce its rightful claim, the other party must be in the wrong. Strictly conditioned by its underlying cause, the legal effects of a just war could benefit only the righteous belligerent. The unjust adversary had no right to fight or even to defend itself.

Yet alongside the unilateralist conception of the just war tradition another approach was followed by some late medieval Christian authors. Legal theorists (termed “Romanists” since their work focused on applying the civil laws of ancient Rome to the Christian culture of Europe) such as Raphaël Fulgosius (1367–1427) and Andreas Alciatus (1492–1550) viewed war as a contest between equal belligerents, which both, owing to their sovereign status, enjoyed a similar capacity to wage war, regardless of the cause that had prompted the conflict. The whole problematic of just cause was thereby set aside in favour of *bilateral* rights of war.<sup>18</sup> As in a lawsuit or a duel, the opposing belligerents could enforce the same legal prerogatives against each other and were expected to abide by the same *in bello* rules. Much of the chivalric literature, in authors such as Honoré Bonet (c. 1340–1410) and Christine de Pizan (c. 1364–1431), was written from this perspective (although usually set in conjunction with just war elements). To underscore how the same set of rules (rights and duties) would apply to all sovereign belligerents, regardless of the justice or injustice of their cause, this would later be referred to as the idea of *regular war* (“guerre réglée”).<sup>19</sup>

Subsequently developed by Gentili, Wolff, Vattel and other Protestant thinkers, the regular war approach would later find expression in international law (e.g. the Hague Rules of Land Warfare). But it has also had proponents among twentieth-century Catholic thinkers. Openly endorsed by Carl Schmitt,<sup>20</sup> an echo of this conception may be found in some recent documents of the Catholic Magisterium, for instance the US Bishops, who add “comparative justice” to the traditional list of just war criteria.<sup>21</sup> Moreover, during some periods the regular war viewpoint was reflected in the diplomatic engagements of the Holy See. During World War II, for example, attempting to maintain a stance of official neutrality in the face of a conflict that had engaged Catholics on the two opposing sides, Allied and Axis, Pope Pius XII and other high Vatican officials often used language reminiscent of the regular war approach. The faithful on both sides were urged to remain obedient to their respective governments by serving in the military, regardless of which belligerent might be thought to possess the just cause. The pope’s moral admonitions focused mainly on urging the parties to observe the international laws of armed conflict.<sup>22</sup>

As was noted above, the following elucidation of Roman Catholic teaching on the ethics of war will concentrate mainly on the just war

approach. In proceeding thus, it must be borne in mind that this approach has not developed in isolation from the three other approaches mentioned above. Elements of pacifism, perpetual peace or regular war have frequently been integrated into the outlook of Catholic thinkers who proceed primarily from within the perspective of just war. In fact, it is this intermingling that accounts for much of the complexity (and richness) of the just war idea within the Catholic tradition.

### Sources and historical phases of the Catholic teaching on just war

The Catholic teaching on just war is ordinarily traced to the seminal writings of St Augustine. Although this is doubtless true, it must nevertheless be emphasized that the tradition as it emerged in the Middle Ages did not result from a direct reading of Augustine's disparate passages on war in the original texts. The articulation of a just war theory in the thirteenth century was based rather on reading Augustinian passages that had been organized into compilations, the most famous of which was the *Decretum Gratiani* (c. 1140).<sup>23</sup> In this work, the Italian canon lawyer Gratian devoted an entire chapter (*causa 23*) to problems associated with force and armed coercion from a Christian perspective. Based almost entirely on citations, with brief interjectory comments by Gratian, *causa 23* brought together the building blocks that succeeding generations of Church lawyers and theologians would use to erect their own theoretical constructions on the ethics and legality of war. In addition to passages from Augustine, the *causa* included numerous citations from scripture (both the Old and New Testaments), other early Church theologians, e.g. Ambrose and Isidore of Seville, as well as Church councils and papal statements.

Gratian himself engaged in little independent theorizing. However, having become the main textbook for the emerging law schools of the Latin West, his *Decretum* gave rise to commentaries in which important new views on war and coercion were put forward, usually by reference to Roman law. The thinkers who wrote these commentaries were called Decretists, and among their writings we find the first explicit normative theories on topics such as the scope of self-defence and legitimate war-making authority. Around the middle of the thirteenth century, the interest of Church lawyers shifted to the newly gathered collections of papal legislation (called "decretals"); hence those who commented upon them were termed Decretalists. Among the most famous of these commentators was Pope Innocent IV (1180–1254), who carefully distinguished war from other forms of licit violence (self-defence by private individuals and

internal police action by princes), thereby carving out the *ius ad bellum* as a distinctive sphere of normative reflection. Alongside Innocent, another Decretalist, the Dominican Raymond of Peñafort (1180–1275), wrote a treatise (the *Summa de casibus poenitentiae*<sup>24</sup>) that was intended to serve as a guide for confessors. By virtue of their power to absolve penitents from their sins, confessors exercised a role akin to judges, and were expected to apply the law within a special jurisdiction: the inner domain of conscience. Since many of the individuals who came to confession had contact of one sort or another with problems relating to war, this theme would receive careful treatment within Raymond's work. We thereby find him offering significant comments on a wide range of topics, including the five conditions that cumulatively must be fulfilled if a war is to be considered just, legitimate self-defence, the seizure of booty and civilian immunity.

Concurrently with the work of the Decretalists, theologians in the thirteenth century also began to write on problems associated with war. Most famous among them was undoubtedly St Thomas Aquinas (c. 1224–1274), whose division of just war criteria into legitimate authority, just cause and right intention has served as the basic armature for Western moral reflection on war down to the present day. Aquinas elaborated his account of just and unjust war against the backdrop of a normative theory of peace, which could be achieved at different levels. Defining "war" as violence done by one independent nation against another (in contrast to "sedition, whereby violent acts are committed against the internal order of a single nation"), he brought into Western reflection the idea that the nations of the world together constitute a *community*, for which there is a corresponding condition of *inter-national* peace.<sup>25</sup>

From the sixteenth century onward, Aquinas's *Summa theologiae* became the main textbook for Catholic students of theology in the Latin West. His question 40 "De bello" (in the part of the work known as the *Secunda-secundae*) became the principal locus for theological discussions on war.<sup>26</sup> Several commentaries were written on the "De bello", but the most influential was produced by the Dominican Cardinal Thomas de Vio (1468–1534), who is better known by the name Cajetan.<sup>27</sup> Central to Cajetan's account was the distinction (not explicitly formulated by Aquinas) between two kinds of war, defensive and offensive. Defensive war required no special appeal to legitimate authority; political leaders of lower status, or even private individuals, were permitted by natural law to resort to such force in case of urgent need. Offensive war, by contrast, was more a matter of choice than of necessity. This mode of warfare Cajetan equated with the administration of punitive justice. No political community could be deemed self-sufficient (a "perfect commonwealth") if it did not possess the power to exact just retribution against

its internal and external foes. The authority to wage war against *external* wrongdoers, in particular, he viewed as the distinctive mark of a fully independent commonwealth. Despite the medieval cast of his work, in it we can already detect a glimmer of the new European system of independent sovereign states. Cajetan's commentary represented one of the most detailed discussions up to its time on the issue of legitimate authority, and the distinction that he drew between defensive and offensive war (both of which were deemed legitimate) became a mainstay in the subsequent literature. The idea that offensive war requires permission from the highest level of legitimate authority is still with us today, albeit under a different vocabulary, when it is maintained for example that "enforcement action" may be carried out only by the Security Council of the United Nations, although defensive action still falls under the initiative of individual states.

Catholic reflection on war was dramatically stimulated by Spain's colonization of the Americas at the beginning of the sixteenth century. Reports of indiscriminate killing, forced labour and confiscation of land had raised doubts about the fast-growing colonies. Since it was by resort to arms that Spain had come to exercise dominion over the indigenous peoples of the Americas, the theologians who were then debating this involvement would have to assess, *inter alia*, whether religious motives – for instance, a desire to convert the Amerindians to Christianity – could provide moral warrant for the employment of these coercive measures. It was in this period that one of the first full-fledged theological treatises on the problem of war between nations appeared in the Latin West: the *Rellectio de Indis* by Francisco de Vitoria (c. 1492–1546).<sup>28</sup>

Of particular importance in Vitoria's treatment of war was the establishment of a tight conceptual linkage between the moral problem of conquest and war, on the one hand, and the norms of natural law, on the other. The latter designated a set of unwritten moral imperatives that are rooted in a source antecedent to human deliberation and choice, namely God, yet which do not depend on a special religious revelation (a holy book) and thus are applicable to all men, in whatever culture they may find themselves. Vitoria's emphasis on natural law would have a formative influence on the development of the modern Catholic conception of resort to armed force, which henceforth would be framed in terms of secular ("natural") rather than specifically religious (revealed) principles. Moreover, Vitoria was one of the first Christian thinkers to discuss war and peace with explicit reference to the common good, not only of an individual nation or people but of "the whole world" (*bonum totius orbis*). In a famous passage he similarly suggested that just war was akin to an act of policing to be undertaken by the authority of the international community (*totius orbis auctoritate*).<sup>29</sup> His allusions to this effect

would likewise inform later thought, as elaborated for instance by the US Bishops, who invoked the idea of a “global common good” as the main referent for any legitimate war-making authority.<sup>30</sup> And more generally, building on Vitoria’s insight, twentieth-century Church documents would affirm that “[i]nternational solidarity is a necessity of the moral order. . . . World peace depends on this to a great extent.”<sup>31</sup>

Vitoria’s line of thought was further developed by two fellow Spaniards, both Jesuits. The first, Luis de Molina (1535–1600), was instrumental in reformulating the notion of just cause so that it no longer presupposed personal guilt on the part of the adversary.

This he termed “material injury”. Such an injury would arise if the offender carried out a wrongful act while in a state of “invincible ignorance”<sup>32</sup>. If the injury was of sufficient gravity, the offended party could have just cause to seek redress through resort to armed force. This resort would count as an instance of offensive war, yet, since it was not predicated on the culpability of the adversary, it could not be waged in view of punishment.<sup>33</sup>

By distinguishing war from punishment, Molina thereby established one of the central premises on which the modern *ius in bello* came to be built.

The second of the two Jesuits, Francisco Suarez (1548–1617), wrote a systematic treatise, *De bello*, which covered in some detail (and with numerous original arguments of his own) many of the points earlier treated by Vitoria. In a famous passage, he asserted that human beings are not condemned to settle their disputes by war since God has provided us with other means – including arbitration – to resolve controversies between commonwealths.<sup>34</sup> He insisted, likewise, that political and military leaders have obligations not only toward the well-being of their own polity but vis-à-vis the enemy commonwealth as well. Before declaring war, such leaders must make their grievances known to the enemy commonwealth, providing it an opportunity to avoid war by offering satisfaction for the wrong done.<sup>35</sup> Suarez is also noteworthy for the very careful treatment that he gave to the problem of side-effect harm in war (collateral damage), which he applied by reference to what has since become known as the “principle of double effect”.<sup>36</sup>

Despite its vigour and the new perspectives that it opened up, the “golden age” of Spanish theorizing on war came to a close toward the middle of the seventeenth century. During the next three centuries, the Catholic teaching on war would enter a period of sterility. Apart from a few bright spots, for example the work of Luigi Taparelli d’Azeglio (1793–1862), who updated just war theory to deal with problems such as preventive war, and whose strong endorsement of international society, arbitration and arms reduction would contribute toward the papacy’s

later embrace of these ideas, most authors merely repeated points made by earlier just war theorists such as Aquinas, with few attempting to apply these ideas to current events. This was the heyday of *raison d'état* (classical international law), when it was generally assumed that individual sovereign states had full discretion in waging war to serve their interests. Matters of ethics were relegated to the private conscience of political leaders, and were not thought to be a fit topic for public discourse.

The normative landscape began to change dramatically, however, when journalists began to report on the large casualties associated with the Crimean (1854–1856) and Franco-Prussian (1870–1871) wars.<sup>37</sup> A wave of pacifist sentiment rose, making inroads among some Catholic organizations. World War I, in particular, made abundantly manifest how the consequences of an unbridled *ius ad bellum* could be truly disastrous. The League of Nations Covenant (1920) sought to remedy this state of affairs by establishing a system of obligatory arbitration, with the aim of preventing states from resorting to force to resolve their differences.

The legal regime established by the League stood in a somewhat ambiguous relation to the just war outlook of the Catholic tradition. On the one hand, in its underlying supposition that “the normal state of international relations is one of peace, with war permitted only as an exceptional act requiring affirmative justification”,<sup>38</sup> the League represented a rejection of *raison d'état* and a return to the classic just war point of view. Likewise, in its strong endorsement of arbitration as a method for limiting resort to war, the League renewed ties with an approach that had traditionally been advocated by the popes and leading theologians such as Suarez. On the other hand, the League showed discontinuity with the earlier tradition of just war to the extent that it largely excluded the problematic of just cause from its deliberations. Built up around a set of rules that dictated what *procedural* conditions (chief among them the submission of disputes to arbitration) had to be met before a resort to force could be deemed lawful, the League could side-step the question “as to which side had legal right on its side”.<sup>39</sup>

This change in outlook from the just war idea to the legal regime of the Covenant presented an obvious challenge to Catholic thinkers, who engaged in two lines of response. Some sought to minimize the difference between the two outlooks by arguing that the normative conception underlying the League was in fundamental continuity with the outlook of the traditional just war theorists (Vitoria, etc.). This argument was typically made in historical studies,<sup>40</sup> where the main tenets of earlier just war thinking were explained in some detail. The other, more common, approach was to call for a reformulation of Catholic teaching on war and peace, to render it more consistent with the contemporary outlook.<sup>41</sup> Emphasis on arbitration, arms reduction, non-violent peace-making strat-

egies, proportionality, last resort and the global common good would outflank the earlier preoccupation with just cause and legitimate authority.

Pivotal to the new trend in Catholic just war thinking were the speeches of Pius XII (pope from 1939 to 1958). Seeking to bring the traditional just war doctrine into continuity with the UN Charter and other developments in international law, the pope emphasized two points that would have a lasting effect on subsequent Catholic teaching.

First of all, in his various statements on war and peace Pius XII endorsed the long-term goal of establishing a system of governance for the international society of states. Taking inspiration from his predecessor, Benedict XV, who expressed the desire that “all States, putting aside mutual suspicion, should unite in one league, or rather a sort of family of peoples, calculated both to maintain their own independence and safeguard the order of human society”,<sup>42</sup> Pius viewed such an organized international community as constituting the ideal setting for decision-making about resort to armed force. Recognizing that such a system of governance (as reflected for instance in the UN Charter) was still embryonic, in continuity with the doctrine expounded a century earlier by Taparelli,<sup>43</sup> he suggested that the establishment of a centralized international authority could be viewed as an exigency of the natural law.<sup>44</sup> The guiding idea was that each individual state would possess the right to use armed force as long as international society lacked a unified structure of governance. But, with the inception of the requisite juridical and executive functions at the international level, resort to armed force (for the maintenance of justice and peace) would become the prerogative of this international body; just war would henceforth take the form of international police action.<sup>45</sup>

Secondly, the pope moved away from the classic distinction between defensive and offensive wars, preferring instead to characterize just cause exclusively in terms of “legitimate defence”. This stood in contrast to the earlier tradition, which had recognized three justifiable just causes of war: defence from attack, recuperation of goods wrongly seized and punishment of wrongdoing. Although some have criticized the pope for unduly restricting the scope of just cause to defence against ongoing attack,<sup>46</sup> it would seem that his divergence from the earlier tradition is in some respects more verbal than substantive. For instance, the pope’s denial, in the Christmas discourse of 1944, that recourse to armed force can be “a legitimate solution for international controversies and a means for the realization of national aspirations” was meant to target the idea of *raison d’état*; as such it should not be read as a repudiation of the notion of offensive war as it may be found in traditional Catholic authors such as Cajetan, Vitoria and Suarez.<sup>47</sup>

Moreover, unlike the traditional nomenclature of offensive versus

defensive war, wherein the latter term was conceptualized narrowly as a reaction to armed attack, Pius seems to have thought of defence in somewhat broader terms, as encompassing the protection of persons and society not only from a cross-border armed attack but from other forms of “grave injustice”. Hence we can find in his teaching an opening for humanitarian intervention and other limited uses of armed force, which, in the traditional terminology, would have been placed under the heading of *bellum offensivum*.<sup>48</sup> It remains true, however, that Pius’s transition away from the traditional terminology did have the effect of moving subsequent Catholic teaching toward a considerably more restrictive conception of justifiable armed force than had been articulated in earlier ages, especially since many did not grasp the hermeneutical context described above and simply took his statements at face value.

The spread of nuclear arms after World War II further intensified calls for a major revision of Church teaching on just war. Symptomatic of this trend was the claim, enunciated with vigour by Pope John XXIII in his Encyclical *Pacem in Terris* (1963), that, “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”.<sup>49</sup> In line with this, the US Catholic Bishops published a pastoral letter in 1983, *The Challenge of Peace: God’s Promise and Our Response*, which dealt specifically with the morality of nuclear deterrence.<sup>50</sup> Widely read, in both religious circles and the secular policy community, the letter opened with a summary of principles in which the Catholic teaching was described as implying “a presumption against war”. Particularly noteworthy was the rejection of any kind of offensive war, which signalled a significant departure from the traditional just war doctrine of Aquinas, Vitoria and Suarez.

Moreover, further complicating this historical picture was the increasing recourse to humanitarian interventions and other limited military engagements in the post-Cold War period. This led some Catholics to call into question the “presumption against war” view, as articulated by the US Bishops and the Catholic Magisterium generally, on the grounds that it would paralyse the will to engage in forcible military action in precisely those cases where such action was needed (e.g. to halt ethnic cleansing and other atrocities). In its place, they have argued for a return to the traditional just war view, which is founded on “a presumption against injustice”.<sup>51</sup>

### Religious rationales for resort to armed force

It is quite striking that some of the earliest Christian treatments of just war were set within the context of “holy war”, namely an employment

of armed force in relation to specifically religious ends. This surfaces for instance in Augustine's polemical writings against the Donatists, a schismatic sect, in which he asserts that, if loving persuasion fails to bring straying Church members back into the fold, they should be forcibly compelled "by fear of punishment or pain" to return to the true faith.<sup>52</sup> A similar approach may be found in Gratian, whose treatment of armed force in *causa* 23 takes as its point of departure "a case of heresy into which certain bishops had lapsed, and its repression by their Catholic counterparts, acting upon orders from the pope".<sup>53</sup> Gratian likewise considers, in question VI of the same *causa*, whether "the Church may compel the wicked to the good", to which he answers in the affirmative, and then, by extension, argues in question VII that heretics may rightly be despoiled of their goods.<sup>54</sup>

The above reasoning of Augustine and Gratian applied only to Christians who were deemed to have deviated from the authentic teaching of the faith – heretics, schismatics and apostates. It did not apply to Jews, Muslims and other unbelievers who had never been received, by baptism, into the Christian faith. The former, as baptized Christians, stood permanently under the Church's spiritual jurisdiction. Hence, it was believed that the Church had the legitimate power to administer penalties for their deviation from the acceptable line of belief. These penalties could include excommunication or removal from office. But, in circumstances where the civil order was thought to be threatened by religious dissent, coercive sanctions such as confiscation of property, imprisonment or even execution could result, as carried out by the relevant civil authorities. This employment of temporal sanctions by the Church (acting through the mediation of civil authorities) was largely abandoned by the eighteenth century, but in some isolated cases, such as Spain, persisted up until the nineteenth century. The practice depended on an understanding of Church–state relations whereby "the welfare of the Commonwealth came to be closely bound up with the cause of religious unity".<sup>55</sup> Such a view is no longer operative within Roman Catholic Christianity, as evidenced for instance by the current *Code of Canon Law*, which includes no provisions for the administration of coercive civil sanctions against persons deemed guilty of heresy and other grave "sins against the faith".<sup>56</sup> It is now recognized in the official Church teaching that no state, even one where there is a majority of Catholics, can require a profession of faith on the part of its citizens.<sup>57</sup> Religious plurality and religious freedom are now deemed fully acceptable conditions within the modern state.

Historically, and from the earliest times, "non-believers" (in this category would be placed Jews, Muslims and pagans) were accorded a status different from that of dissident Christians. The mainstream view, from

Augustine forward, was that, in the words of Pope Innocent IV (c. 1250), “infidels ought not to be forced to accept the faith, since everyone’s free will ought to be respected, and this conversion should [come about] only by the grace of God”.<sup>58</sup> A similar, even more emphatic formulation may be found some 20 years later in a text by Thomas Aquinas, when he wrote (c. 1270) that “unbelievers . . . who have never received the faith, such as . . . heathens and the Jews . . . are by no means (*nullo modo*) to be compelled to the faith . . . because to believe depends on [a free act of] the will”.<sup>59</sup> Alternative views did, however, find voice within the Catholic tradition. The influential jurist Hostiensis (c. 1200–1271) famously held that true dominion (ownership of land and self-rule) could be exercised only by Christians; hence force could be used against infidels, to seize their lands or even, in some circumstances, to compel them to the faith.<sup>60</sup> Likewise, the medieval theologian Duns Scotus (c. 1266–1308) argued that under certain conditions the children of unbelievers (Jews and Muslims) might be forcibly baptized (for their own good) against the wishes of their parents, a view echoed by some later authors as well.<sup>61</sup> Nevertheless, what was described above as the “mainstream view” finally won the day and has been enshrined in major Church documents such as the Declaration on Religious Freedom (*Dignitatis Humanae*), promulgated by Pope Paul VI in 1965. That this is the Church’s canonical teaching has been reaffirmed on numerous occasions, notably by Pope Benedict XVI in his (now famous) lecture at the University of Regensburg, where he asserted (quoting from a medieval source) that “spreading the faith through violence . . . is incompatible with the nature of God and the nature of the soul”.<sup>62</sup> Given the historical background of theological vacillation on the permissibility of using force to promote religion, an unequivocal statement, by the Church’s highest authority, condemning any such practice is not without significance.

As the tradition evolved, normative treatments of war were progressively detached from an explicit reference to the propagation or protection of the Christian faith. For example, in Aquinas’s famous discussion of just war in *Summa theologiae* II-II, q. 40, a. 1 (written circa 1270), no reference is made to either heresy or the Crusades, and the aims of war (described in terms of “just cause”) were enunciated in terms that could be readily understandable and even endorsed by non-Christians. War, he wrote, can rightly be waged “to protect the common weal against external enemies”, to “rescue the poor”, to “avenge wrongs” or to “restore what has been unjustly seized”. It is not that specifically religious rationales were entirely absent from Aquinas’s comments on war, but that these arise not so much with respect to the reasons for waging war, but rather apropos of what persons might legitimately take part in armed fighting. Priests, for instance, were excluded, precisely because of their

sacramental function. As ministers standing in the place of Christ during the celebration of the holy mass, they were meant to imitate, symbolically, his voluntary sacrifice on the cross. Hence, “it is unbecoming for them to slay or shed blood. And it is more fitting that they should be ready to shed their own blood for Christ, so as to imitate in deed what they portray in their ministry.”<sup>63</sup> A similar reasoning may be found in many authors of the same period.

The process of detaching reasoning about war from premises of faith exclusively available to Christians was especially visible in the account given by Suarez in the early seventeenth century. Section IV of his *De bello* is entitled “What is a just title for war, on the basis of natural reason?” To dispel any doubt that specifically religious rationales should be excluded from the *ius ad bellum*, in the following section Suarez asks whether “Christian princes have any just title for war beyond that which natural reason dictates”. In this context, “natural reason” designates an employment of the human mind that is not inherently dependent on data from positive divine revelation. In contrast to teachings such as the divinity of Jesus Christ or papal infallibility, which are wholly unknowable to human beings apart from a special divine instruction given in the New Testament, the truths of “natural reason” can be known by virtue of the mind’s fundamental (“created”) capacity.

In applying this teaching on “natural reason” to decision-making about armed force, Suarez excluded a number of rationales that had been advanced by earlier thinkers, but which by his time the mainstream tradition had set aside as inappropriate grounds for war: refusal to accept the “true”, i.e. Christian, religion, offence given to God by idolatrous practices, the alleged incapacity of non-believers to exercise dominion (self-government or ownership of property), and the alleged universal jurisdiction of the pope or the Christian emperor. On this basis, Suarez concluded that “there is no title for war so exclusively reserved for Christian princes that it has not some basis in, or at least some due relation to, natural law, being therefore also applicable to princes who are unbelievers”.<sup>64</sup>

Nevertheless, Suarez did recognize one notable exception to his general rejection of what today is termed “holy war”. This was a case in which a people, subject to a non-Christian prince, wished to accept Christianity against his will. Should the prince forcibly prevent this acceptance, say by prohibiting the entry of missionaries, then Christian princes ruling over other lands would have the right to defend (*ius defendendi*) those innocent people against their prince, and even punish offences committed by his regime against them. Suarez will not concede, however, that this line of argumentation would be generally available to other religions: if a people wished “to submit to the law of unbelievers – for example the Mohammedan [law] – and its prince is opposed to this submission, then

an infidel Turkish prince would not have a similar right of war against that other prince". To hinder the preaching of (or conversion to) Christianity – the "true law" in Suarez's eyes – would constitute a serious injustice, "whereas there is no injury at all in prohibiting the acceptance of another [religious] law".<sup>65</sup>

In thus according a special status to Christianity as the rationale for a religiously based right of humanitarian intervention, Suarez was merely following the well-worn path of his predecessors. Vitoria, Thomas Aquinas, Innocent IV and Gratian had each advanced similar arguments. Defence of fellow Christians against religious persecution was in fact one of two principal grounds on which theological and canon law arguments for the medieval Crusades had rested.<sup>66</sup> (The other ground was the belief that Muslims had unjustly seized Jerusalem and the surrounding "holy lands", which had previously belonged to Christians; as a result, Christians were entitled to use military force to get their lands back.<sup>67</sup>)

Since the end of World War II, the Catholic Church has progressively detached its teaching on humanitarian military intervention from its original religious setting – the limited case of Christians under attack. One manifestation of this development was the 1948 Christmas message of Pope Pius XII, in which he spoke of "an obligation for the nations as a whole, who have a duty not to abandon a nation that is attacked".<sup>68</sup> No special mention was made of Christians; the supposition was that this obligation to defend victims of aggression would arise irrespective of their nationality or religious affiliation. This was reaffirmed by Pope John Paul II in his message of 1 January 2000: "Clearly, when a civilian population risks being overcome by the attacks of an unjust aggressor and political efforts and non-violent defence prove to be of no avail, it is legitimate and even obligatory to take concrete measures to disarm the aggressor."<sup>69</sup> This teaching had found concrete expression the year before when Cardinal Sodano, then the Vatican Secretary of State, justified as legitimate the use of force in Kosovo to protect civilians (the majority of whom were Muslims) from attack by Serb militias.<sup>70</sup> Despite some claims that John Paul had left entirely undefined the parameters of this duty of humanitarian intervention,<sup>71</sup> it may be noted that he did at least clarify how such measures "must be limited in time and precise in their aims. They must be carried out in full respect for international law, guaranteed by an authority that is internationally recognized."<sup>72</sup>

## Conclusion

The preceding analysis of the ethics of war in the Roman Catholic tradition has mainly focused on the resort to armed force between states (*ius*

*ad bellum*). It may be noted, in conclusion, that the tradition has seen important developments in other areas as well.

The normative issues raised by civil war have certainly not gone unstudied. John of Salisbury's twelfth-century discussion of tyrannicide, the treatment of insurrection (sedition) by Thomas Aquinas in the thirteenth century, and, in our own time, the articulation of liberation theologies, have had a significant impact. The involvement of Catholics in intra-state conflicts such as the Spanish Civil War, class struggle in Latin America or sectarian violence in Northern Ireland has further fuelled reflection on this topic. In response to these trends, an important Church document, written under the direction of Cardinal Ratzinger (now Pope Benedict XVI), took care to assert that "systematic recourse to violence put forward as the necessary path to liberation has to be condemned as a destructive illusion and one that opens the way to new forms of servitude".<sup>73</sup>

The rules to be observed in armed conflict (*ius in bello*) constitute another area in which the Catholic tradition has made important contributions. The medieval peace movements of the early Middle Ages (tenth to twelfth centuries), the penitential casuistry of the thirteenth century, the chivalric literature of the fourteenth and fifteenth centuries, and the work of Spanish theologians such as Vitoria and Suarez in the sixteenth and seventeenth centuries have produced an important body of literature on non-combatant immunity, proportionality and side-effect harm.<sup>74</sup> In our own day, this has been applied to problems as diverse as nuclear deterrence and arms control, force protection, terrorism,<sup>75</sup> and ethnic cleansing. Fundamental to this teaching is the conviction not only that a just social, political or international order is the goal toward which all armed struggle must be directed, but also in addition that "[j]ustice must already mark each stage of the establishment of this new order".<sup>76</sup> In other words, "there is a morality of means"<sup>77</sup> that must always be respected in even the most just of wars.

## Notes

1. The term is here taken to designate the renunciation of armed force in the face of violent attack (non-resistance to evil), or, more generally, opposition to war or violence of any kind. It may be noted, however, that, during the late nineteenth and early twentieth centuries (up to World War I), "pacifism" had a somewhat different meaning in Catholic literature. It then designated "a firm belief in the obligation to resort first to all possible means of peaceful settlement of disputes", hence "advocacy of ... arbitration, disarmament, and some kind of international organization to prevent war" (Robert John Araujo, S.J. and John A. Lual, S.J., *Papal Diplomacy and the Quest for Peace*. Naples, FL: Sapientia Press, 2004). This latter sense of "pacifism" was in fact promoted by thinkers who situated themselves within the just war framework, for instance Alfred

- Vanderpol, who in 1911 founded the International League of Catholic Pacifists. In his articulation of just war theory, Vanderpol sought to show how the tradition viewed armed force as a justifiable last resort that would be permissible only after non-violent means of conflict resolution (arbitration, etc.) had first been conscientiously attempted. See Alfred Vanderpol, *La doctrine scolastique du droit de la guerre*. Paris: Pedone, 1919.
2. See James Turner Johnson, "Christian Attitudes toward War and Military Service in the First Four Centuries", in James Turner Johnson, *The Quest for Peace*. Princeton, NJ: Princeton University Press, 1987, pp. 3–66. For a more recent discussion of this theme, see Alan Kreider, "Military Service in the Church Orders", *Journal of Religious Ethics*, 31(3), 2003: 415–442.
  3. See Jacques Maritain, *Freedom in the Modern World*, trans. Richard O'Sullivan. New York: Gordian Press, 1971 [1936], pp. 168–188, "spiritual and secular means of warfare".
  4. See, for example, Francisco de Vitoria, *Political Writings*, ed. Anthony Pagden and Jeremy Lawrance. Cambridge: Cambridge University Press, 1991, p. 296.
  5. For a survey of these Catholic pacifists, and their break with the mainstream just war tradition, see George Weigel, *Tranquillitas Ordinis: The Present Failure and Future Promise of American Catholic Thought on War and Peace*. Oxford: Oxford University Press, 1987.
  6. National Conference of Catholic Bishops, "The Harvest of Justice Sown in Peace", *Origins*, 23(26), 1993: 449–464; see especially section I.B, "Two Traditions, Nonviolence and Just War" (pp. 453–454).
  7. Congregation for the Doctrine of the Faith, *Instruction on Christian Freedom and Liberation*. Washington, DC: United States Catholic Conference, 1986, pp. 47–48, §79.
  8. *The City of God*, book 19, 7, in Augustine, *Political Writings*, trans. Michael W. Tkacz and Douglas Kries, ed. Ernest L. Fortin and Douglas Kries. Indianapolis: Hackett, 1994, p. 149.
  9. See Martin Ostwald, "Peace and War in Plato and Aristotle", *Scripta Classica Israelica*, 15, 1996: 102–118.
  10. See the pseudo-Platonic *Definitiones*, 413a6, cited by Ostwald, "Peace and War in Plato and Aristotle", p. 103, fn 7.
  11. The agonistic conception of life does represent the sole orientation of the ancient world. Plato himself gave voice to a pacific orientation when, in a famous passage of the *Gorgias*, he has Socrates assert that "wise men . . . say that the heavens and the earth, gods and men, are bound together by fellowship and friendship, and order and temperance and justice, and for this reason they call the sum of things the 'ordered' universe, my friend, not the world of disorder or riot" (507e–508a11); Plato, *The Collected Dialogues*, ed. E. Hamilton and H. Cairns. New York: Pantheon Books, 1963, p. 290. A similar orientation may also be found, even earlier, in the Confucian tradition of China, where the political implications were explicitly deduced. See Stephen C. Neff, *War and the Law of Nations*. Cambridge: Cambridge University Press, 2005, pp. 31–34.
  12. *Laws*, I, 626a; translation in Plato, *The Collected Dialogues*, p. 1227.
  13. Cited in G. S. Kirk, J. E. Raven and M. Schofield, *The Presocratic Philosophers*, 2nd edn. Cambridge: Cambridge University Press, 1983, p. 193.
  14. The special place accorded to just war ethics in official Catholic teaching has recently been affirmed in the *Catechism of the Catholic Church* (promulgated by Pope John Paul II in 1993, revised edition 1997), which assesses the permissibility of armed force by reference to "the traditional elements of what is called the 'just war' doctrine". The Holy See, *Catechism of the Catholic Church. Corrigenda*. Oxford: Family Publications, 1997, §2309.
  15. On this, see Araujo and Lucal, *Papal Diplomacy and the Quest for Peace*, pp. 20–22.

16. From the preface to Gregory Reichberg, Henrik Syse and Endre Begby (eds), *The Ethics of War: Classic and Contemporary Readings*. Oxford: Blackwell Publishing, 2006, p. xi.
17. For the full text of his speech, see “Discours du Pape Paul VI à l’organisation des Nations Unis à l’occasion du 20ème anniversaire de l’organisation”, 4 October 1965; available at [http://www.vatican.va/holy\\_father/paul\\_vi/speeches/1965/documents/hf\\_p-vi\\_spe\\_19651004\\_united-nations\\_fr.html](http://www.vatican.va/holy_father/paul_vi/speeches/1965/documents/hf_p-vi_spe_19651004_united-nations_fr.html) (accessed 10 October 2008).
18. For a fuller account of the regular war view, see Gregory M. Reichberg, “Just War and Regular War: Competing Paradigms”, in David Rodin and Henry Shue (eds) *Just and Unjust Warriors: The Moral and Legal Status of Soldiers*. Oxford: Oxford University Press, 2008, pp. 193–213.
19. The term was coined by Emer de Vattel in his treatise *The Law of Nations* (1758) – see Reichberg, Syse and Begby, *The Ethics of War*, pp. 514–516. In line with its French equivalent, the English adjective “regular” is here taken to designate what is “conformable to some accepted or adopted rule or standard; made or carried out in a prescribed manner; recognized as formally correct” (*OED*, 5th sense of *regular*). By extension it is said of a “properly and permanently organized” military force of a state (7th sense), as in “regular army” or “regular soldiers”.
20. Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus publicum Europaeum*, trans. G. L. Ulmen. New York: Telos Press, 2003.
21. National Conference of Catholic Bishops, *The Challenge of Peace: God’s Promise and Our Response*, A Pastoral Letter on War and Peace. Washington, DC: Office of Publishing Services, United States Catholic Conference, 1983, p. 29, §92.
22. See Guenter Lewy, *The Catholic Church and Nazi Germany*. London: Weidenfeld & Nicolson, 1964, pp. 242–251, “Pope Pius XII: Dilemmas of Neutrality”.
23. *Decretum Magistri Gratiani*, in E. Friedberg (ed.) *Corpus Iuris Canonici*, pars prior. Leipzig: Tauchnitz, 1879. For a translation of some passages on war, see Reichberg, Syse and Begby, *The Ethics of War*, pp. 104–124.
24. Raymundus de Pennafort, *Summa de poenitentia, et matrimonio, cum glossis Ioannis de Friburgo*. Rome, 1603. For a translation of some sections on war, see Reichberg, Syse and Begby, *The Ethics of War*, pp. 131–147.
25. See *Summa theologiae*, II-II, q. 42, a. 1, in Reichberg, Syse and Begby, *The Ethics of War*, pp. 183–185. The novelty of Aquinas’s conception of international order is discussed by Peter Haggemacher, *Grotius et la doctrine de la guerre juste*. Paris: Presses Universitaires de France, 1983, pp. 122–125.
26. In *Summa Theologica*, trans. Fathers of the English Dominican Province, 1920; revised edition, Benziger Bros., 1948; reprinted 1981 by Christian Classics, pp. 1353–1357.
27. In *Sancti Thomae Aquinatis Doctoris Angelici Opera Omnia iussu impensaue Leonis XIII, cum commentariis Thomae de Vio Caietani Ordinis Praedicatorum*, vol. 8. Rome: Editori di San Tommaso, 1895, pp. 313–314. For a translation, see Reichberg, Syse and Begby, *The Ethics of War*, pp. 131–147.
28. For a discussion of the main points covered in the work, see the texts and commentary in Reichberg, Syse and Begby, *The Ethics of War*, pp. 288–332.
29. Vitoria, *On the Law of War*, in Vitoria, *Political Writings*, pp. 304–306; see Peter Haggemacher, “La place de Francisco de Vitoria parmi les fondateurs du droit international”, in A. Truyol Serra et al. (eds) *Actualité de la pensée juridique de Francisco de Vitoria*. Brussels: Bruylant, 1988, pp. 27–80.
30. National Conference of Catholic Bishops, “The Harvest of Justice Sown in Peace”.
31. Congregation for the Doctrine of the Faith, *Instruction on Christian Freedom and Liberation*, p. 53, §91.
32. The term is originally from Thomas Aquinas. It refers to an erroneous belief that results

- from an interplay of factors that are beyond an agent's voluntary control (see Reichberg, Syse and Begby, *The Ethics of War*, p. 317).
33. Reichberg, Syse and Begby, *The Ethics of War*, p. 332.
  34. Francisco Suarez, *De bello*, section VI, §5, in Reichberg, Syse and Begby, *The Ethics of War*, p. 358.
  35. *De bello*, section VII, §3 ff, in Reichberg, Syse and Begby, *The Ethics of War*, pp. 361 ff.
  36. *De bello*, section VII, §§15–19, in Reichberg, Syse and Begby, *The Ethics of War*, pp. 364–366. For a general treatment of double-effect reasoning in the context of war, see Gregory M. Reichberg and Henrik Syse, “The Idea of Double Effect – in War and Business”, in Lene Bomann-Larsen and Oddny Wiggen (eds) *Responsibility in World Business: Managing Harmful Side-Effects of Corporate Activity*. Tokyo: United Nations University Press, 2004, pp. 17–38.
  37. In 1870, the difficulty of “trying assess the ‘mass-homicide’ of modern war in nicely balanced terms of cause and intention and method . . . prompted forty Catholic Bishops . . . to petition the Pope himself” for a revision of the Church’s teaching on just war. A. C. F. Beales, *The Catholic Church and International Order*. New York: Penguin Books, 1941, p. 108. It was hoped, in particular, that this revision could be carried out at the Vatican Council (being held that same year), but the issue was never formally taken up by the assembled bishops. For a historical account of this proposal, which appears to have been undertaken originally at the initiative of the Armenian Synod, see Joseph Joblin, *L’Église et la guerre*. Paris: Desclée de Brouwer, 1988, pp. 218–223.
  38. Neff, *War and the Law of Nations*, p. 279.
  39. *Ibid.*, p. 293.
  40. The two most notable works in this genre were Vanderpol, *La doctrine scolastique du droit de la guerre*, and Robert Regout, *La doctrine de la guerre juste de saint Augustin à nos jours d’après les théologiens et les canonists catholiques*. Paris: A. Pedone, 1935.
  41. For a discussion of this trend in Catholic thought, see René Coste, *Le problème du droit de guerre dans la pensée de Pie XII*. Paris: Aubier, 1962, pp. 148–163, “Faut-il une révision de la doctrine traditionnelle?”; and Joblin, *L’Église et la guerre*, pp. 207–263. See also the comments on Pope Benedict XV in Araujo and Lucal, *Papal Diplomacy and the Quest for Peace*, ch. 4, “The Holy See and the Founding of the League of Nations: 1940–1920”, pp. 91–129.
  42. “*Pacem, Dei Munus Pulcherrimum*: Encyclical of Pope Benedict XV on Peace and Christian Reconciliation”, 23 May 1920, §17; available at [http://www.vatican.va/holy\\_father/benedict\\_xv/encyclicals/documents/hf\\_ben-xv\\_enc\\_23051920\\_pacem-dei-munus-pulcherrimum\\_en.html](http://www.vatican.va/holy_father/benedict_xv/encyclicals/documents/hf_ben-xv_enc_23051920_pacem-dei-munus-pulcherrimum_en.html) (accessed 10 October 2008).
  43. See Luigi Taparelli d’Azeglio, *Essai théorique de droit naturel base sur les faits*, translated from the original Italian. Tournai: H. Casterman, 1875 [1840–1843], vol. II, pp. 290–294 (book 8, ch. 6, propositions 12–18).
  44. See, for example, Pius XII’s Discourse of 6 November 1955, cited by Coste, *Le problème du droit de guerre*, p. 183. On the relationship between Catholic teaching on natural law and the establishment of world government, see Robert P. George, “Natural Law and International Order”, in David R. Mapel and Terry Nardin (eds) *International Society: Diverse Ethical Perspectives*, Princeton, NJ: Princeton University Press, 1998, pp. 54–69.
  45. See Coste, *Le problème du droit de guerre*, pp. 56–58, who indicates how Taparelli’s conception of international society and armed force influenced Popes Benedict XV, Pius XI and Pius XII.
  46. For instance, James Turner Johnson, “Toward Reconstructing the *Jus ad Bellum*”, *The Monist*, 57, 1973: 461–488, p. 480.
  47. See Coste, *Le problème du droit de guerre*, pp. 159–160.

48. See Charles Journet, *Church of the Word Incarnate*, vol. 1, *The Apostolic Hierarchy*, trans. A. H. C. Downes. London and New York: Sheed & Ward, 1955 [1941]; and Gregory M. Reichberg and Henrik Syse, "Humanitarian Intervention: A Case of Offensive Force?", *Security Dialogue*, 33, 2002: 220–233. Similarly, in National Conference of Catholic Bishops, "The Harvest of Justice Sown in Peace", it is asserted that "legitimate political authorities are permitted as a last resort to employ limited force to rescue the innocent and establish justice" (p. 453).
49. "*Pacem in Terris*: Encyclical of Pope John XXIII on Establishing Universal Peace in Truth, Justice, Charity, and Liberty", 11 April 1963, §127; available at [http://www.vatican.va/holy\\_father/john\\_xxiii/encyclicals/documents/hf\\_j-xxiii\\_enc\\_11041963\\_pacem\\_en.html](http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html) (accessed 10 October 2008).
50. National Conference of Catholic Bishops, *The Challenge of Peace*.
51. The phrase is from James Turner Johnson, who has used it as a polemical point of contrast with the "presumption against war" view – see James Turner Johnson, "The Broken Tradition", *The National Interest*, No. 45, 1996: 27–36. Johnson is himself a Protestant, but his articulation of this theme has found support among influential Catholic thinkers ("theocons", to borrow a term coined by Damon Linker, *The Theocons*. New York: Doubleday, 2006) such as Michael Novak and George Weigel. On the debate between these two conceptions, see Gregory M. Reichberg, "Is There a 'Presumption against War' in Aquinas's Ethics?", in H. Syse and G. M. Reichberg, *Ethics, Nationalism, and Just War: Medieval and Contemporary Perspectives*. Washington, DC: Catholic University of America Press, 2007, pp. 72–98. For an application to contemporary Church teaching, see Drew Christiansen, "Peacemaking and the Use of Force: Behind the Pope's Stringent Just-War Teaching", *America Magazine*, 15 May 1999. This debate was reopened by the invasion of Iraq; see Gregory M. Reichberg, "Pre-emptive War: What Would Aquinas Say?", *Commonweal*, 131(2), 2004: 9–10, [http://www.commonwealmagazine.org/article.php?id\\_article=831](http://www.commonwealmagazine.org/article.php?id_article=831) (accessed 10 October 2008); and George Weigel, "Iraq, Then & Now", *First Things*, April 2006, available at [http://www.firstthings.com/article.php3?id\\_article=115](http://www.firstthings.com/article.php3?id_article=115) (accessed 10 October 2008).
52. Augustine's letter 185 to Boniface, in Reichberg, Syse and Begby, *The Ethics of War*, p. 88. See Phillip W. Gray, "Just War, Schism, and Peace in St. Augustine", in H. Syse and G. M. Reichberg (eds) *Ethics, Nationalism, and Just War: Medieval and Contemporary Perspectives*. Washington, DC: The Catholic University of America Press, 2007, pp. 51–71.
53. Cited in Reichberg, Syse and Begby, *The Ethics of War*, p. 109.
54. Reichberg, Syse and Begby, *The Ethics of War*, pp. 121–122.
55. Joseph Blötzer, "Inquisition", *The Catholic Encyclopedia*, vol. VIII. New York: Robert Appleton Company, 1910; available at <http://www.newadvent.org/cathen/08026a.htm> (accessed 10 October 2008). For a more elaborate treatment, see Journet, *Church of the Word Incarnate*, pp. 193–330.
56. See *Code of Canon Law*. Vatican: Libreria Editrice Vaticana, 1983. Revised translation of *Codex Iuris Canonici*, prepared under the auspices of the Canon Law Society of America, 1999; available at [http://www.vatican.va/archive/ENG1104/\\_INDEX.HTM#fonte](http://www.vatican.va/archive/ENG1104/_INDEX.HTM#fonte) (accessed 10 October 2008). Book VI, "Sanctions in the Church", Canon 1311, states: "The Church has the innate and proper right to coerce offending members of the Christian faithful with penal sanctions." Canon 1312, §2, adds: "The law can establish other expiatory penalties which deprive a member of the Christian faithful of some spiritual or temporal good and which are consistent with the supernatural purpose of the Church." Among the ecclesiastical sanctions mentioned are excommunication (Canon 1331), suspension or removal from power or office (Canons 1333 and 1336), or prohibition (of priests or members of religious orders) from residing in a certain place or

- territory (Canon 1337). No provision is made for the administration of punishment by civil authorities as a sanction for offences against the faith (heresy, etc.).
57. See Pope Benedict XVI's comments to this effect in his discourse to the Roman Curia, 22 December 2005, section entitled "Le difficile dialogue entre Église et modernité". Benedict XVI, "Réflexions sur une année de la vie de l'Église et le monde", Discours à la Curie romaine (22 December 2005), in *La documentation catholique*, No. 2350, 15 January 2006, pp. 56–63, pp. 60–62.
  58. From his commentary "On Vows and the Fulfilling of Vows" to the decretal *Quod super his*; text translated in Reichberg, Syse and Begby, *The Ethics of War*, p. 154.
  59. *Summa theologiae* II-II, q. 10, a. 8; Reichberg, Syse and Begby, *The Ethics of War*, p. 193.
  60. See John Muldoon, *Popes, Lawyers and Infidels: The Church and the Non-Christian World, 1250–1550*. College Park: University of Pennsylvania Press, 1979, pp. 5–18.
  61. For discussion and references, see Journet, *Church of the Word Incarnate*, vol. 1, *The Apostolic Hierarchy*, pp. 228–231.
  62. Benedict XVI, "Faith, Reason and the University: Memories and Reflections", lecture at the University of Regensburg, 12 September 2006; available at <[http://www.vatican.va/holy\\_father/benedict\\_xvi/speeches/2006/september/documents/hf\\_ben-xvi\\_spe\\_20060912\\_university-regensburg\\_en.html](http://www.vatican.va/holy_father/benedict_xvi/speeches/2006/september/documents/hf_ben-xvi_spe_20060912_university-regensburg_en.html)> (accessed 10 October 2008), third paragraph.
  63. *Summa theologiae* II-II, q. 40, a. 2; cited in Reichberg, Syse and Begby, *The Ethics of War*, p. 179.
  64. *De bello*, section V, §6, cited in Reichberg, Syse and Begby, *The Ethics of War*, p. 355.
  65. *De bello*, section VI, §7, in Reichberg, Syse and Begby, *The Ethics of War*, p. 356. Suarez attenuates this Christian exceptionalism in the passage that follows, when he notes that the reasoning in question could even apply to infidels who wished to forgo idolatry, "worship the one God and observe the law of nature" but were impeded from doing so by their rulers. Should another infidel ruler, "guided solely by natural reason", come to their aid, his resort to armed force would constitute a "just defense of the innocent" (*ibid.*).
  66. A selection of relevant passages from these authors may be found in Reichberg, Syse and Begby, *The Ethics of War*, pp. 114–115 and p. 124 (Gratian), pp. 154–155 (Innocent IV), pp. 191–193 (Thomas Aquinas), pp. 304–305 (Vitoria). For an analysis of rationales for the Crusades, see Benjamin Z. Kedar, *Crusade and Mission: European Approaches toward the Muslims*. Princeton, NJ: Princeton University Press, 1984.
  67. See Innocent IV's juridical formulation of this position in "On Vows and the Fulfilling of Vows", in Reichberg, Syse and Begby, *The Ethics of War*, pp. 152–155. Pope Innocent gave two reasons for the Christian claim to ownership of the Holy Land: (i) this land was "consecrated" by the birth, life and death of Jesus Christ, such that Christians were entitled to worship there, not Muslims; (ii) this land was justly conquered by the Roman emperor after the death of Christ, a jurisdiction that passed to the later Christian emperors.
  68. Text quoted by the National Conference of Catholic Bishops, *The Challenge of Peace*, p. 24, §76.
  69. "Message of His Holiness Pope John Paul II for the Celebration of the World Day of Peace", 1 January 2000, §11; available at <[http://www.vatican.va/holy\\_father/john\\_paul\\_ii/messages/peace/documents/hf\\_jp-ii\\_mes\\_08121999\\_xxxiii-world-day-for-peace\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_08121999_xxxiii-world-day-for-peace_en.html)> (accessed 10 October 2008). The obligation in question is of a piece with the more general obligation, enunciated clearly by the revised English edition of the *Catechism of the Catholic Church* (1997), that "legitimate defense can not only be a right but a grave duty for one who is responsible for the lives of others" (§2265, p. 16).
  70. See Christiansen, "Peacemaking and the Use of Force".

71. George Weigel, "Pope John Paul II and the Dynamics of History", the 2000 Templeton Lecture on Religion and World Affairs, *Foreign Policy Research Institute Newsletter*, 1(6), April 2000, section III; available at <http://www.fpri.org/ww/0106.200004.weigel.popehistory.html> (accessed 10 October 2008).
72. "Message of His Holiness Pope John Paul II for the Celebration of the World Day of Peace", §11.
73. Congregation for the Doctrine of the Faith, *Instruction on Christian Freedom and Liberation*, p. 46, §76.
74. See, for instance, The Holy See, *Catechism of the Catholic Church*. Mahwah, NJ: Paulist Press, 1994, which affirms "the permanent validity of the moral law during armed conflict" (§2312). The same text also enunciates specific *in bello* prohibitions, for example: "the extermination of a people, nation, or ethnic minority must be condemned as a mortal sin. One is morally bound to resist orders that command genocide" (§2313).
75. For instance, the revised English edition of the *Catechism of the Catholic Church* (1997) includes an unambiguous condemnation of terrorist tactics: "*Terrorism* threatens, wounds and kills indiscriminately; it is gravely against justice and charity" (§2297, p. 18). For a summary of contemporary Catholic teaching on actions prohibited in war, see Pontifical Council of Justice and Peace, *Compendium of the Social Doctrine of the Church*. London and New York: Burns & Oats, 2005, ch. 11, part III, "The Failure of Peace: War", pp. 249–257.
76. Congregation for the Doctrine of the Faith, *Instruction on Christian Freedom and Liberation*, p. 47, §78.
77. *Ibid.*