Review of Preventing Unjust War: A Catholic Argument for Selective Conscientious Objection

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Jesus Christ, it is commonly observed, gave us an example of peace. He proclaimed: “Blessed are the peacemakers.” He embodied this philosophy in his dealings with others. Jesus sought to change hearts and minds, but he did so through his words, and deeds, and vivid displays of his closeness to his Father’s kingdom. There are no accounts of Jesus or his followers bullying his opponents, or coercing those who decided to go another path. And in the end, Jesus submitted peacefully to the political authorities who desired his death. He went to his humiliating death on a cross without rousing his followers to some futile last act of resistance. He died as he lived, as someone committed to non-violence and peace. Jesus was the Prince of Peace, after all, not the God of War.

One would think that Catholic Christianity would therefore be committed to an entirely pacifist understanding of the faith. In that, one would be wrong. By the fourth and fifth centuries, Roman emperors converted to Christianity, and saw the advantage to adopting Christianity as a kind of state religion. It was in this matrix that the Catholic theory of the just war was born. The Roman state, after all, had to see to its defense. St. Augustine imparted to the just war theory its classic formulation. The true Christian, he asserted, should he or she be assaulted by another, ought to submit, just as Christ had done. Alone, in one’s private capacity, one remained bound by the ethic of non-violence.

But the state had other obligations. The state had to ensure the safety and well-being of those committed to its care. In these circumstances, it was appropriate for the state to call upon its members to assist in the common defense. And those who answered the call, St. Augustine insisted, ought to do so with their interior disposition formed by Christian love. After all, they were being summoned to face death and risk laying down their lives so that others might live.

Still, if this was the just war theory, it was also the case that states might behave unjustly. A given state might engage in war not to defend those who have been unjustly attacked, but to seize another nation’s territory or treasure. Wars, after all, might be fought equally for plunder as for righteousness. As early as the sixteenth century, the Spanish lawyer Francisco de Vitoria – considered by many the founder of the modern law of nations – articulated a theory of conscientious objection to unjust war that made sophisticated use of this distinction.

In his treatise De Bello, which was an extended reflection on Thomas Aquinas’ theory of the just war, Vitoria defended the primacy of the individual conscience. Where one has concluded that a war is unjust, then that individual must refrain from fighting. Aware that he was addressing primarily the leadership class of the state, he reminded them that they even had the duty affirmatively to admonish the king that he has embarked on a wrongful course of conduct. Common soldiers were not expected to inform the king of the wrongness of the war but even they
had the obligation to refrain from fighting where they were certain the war was immoral. Thus Vitoria produced the first modern handbook of civil disobedience.

Roger Bergman’s book stands very much in a line of scholarship that began with Vitoria but plainly did not end there. He has proposed a multi-faceted and systematic justification for the continued vitality of selective conscientious objection in today’s world. The first layer of Bergman’s argument is historical. It is a fact – a very recent and joyous fact – that the Catholic Church now has a saint canonized precisely because of his objection to service in an unjust war. Franz Jägerstätter was a devout Catholic of humble origins, living in rural Austria at the time of Hitler’s Anschluss. The future saint refused induction into the German Wehrmacht specifically because of his objections to the character of the Nazi regime, and paid for it with his life, being executed in August, 1943. Jägerstätter, Bergman makes clear, was on sound historical and theological footing. Reviewing the tradition from St. Augustine to the Second Vatican Council, Bergman establishes that Catholic teaching on just war and on conscience not only permitted believers to object to service in unjust wars, but practically commanded them not to participate if the moral case against the war was overwhelming.

Bergman then turned from history to the experiential. Persons who participate in war suffer what he calls “moral injury.” Bergman recites the case of Christopher Aaron, who assisted in targeting operations for drone strikes in Afghanistan and elsewhere in the months and years following the September 11, 2001, attacks. Keenly aware that the information he was providing was being used to kill fellow human beings, cognizant that drones killed both combatants and the totally innocent, Aaron found himself in the throes of an emotional breakdown. Moral injury – the psychological and emotional wounding that accompanies the act of killing – is a reality in all forms of warfare. But it becomes especially acute when one understands the cause to be unjust. American veterans returning home from Iraq, Bergman notes, were frequently overcome with feelings of revulsion and shame when they apprehended that the deeds they performed and the sacrifices that they made were done in the service of something ignoble and wrong.

Bergman follows this discussion with an “excursus” – his word – on the tragedy of war. I choose the word “tragedy” to describe this part of Bergman’s book precisely to capture the ancient Greek sense of that word. Tragedy, in other words, as a web of evil that ineluctably unfolds even from a decision properly made and that wraps all before it in a curtain of hideousness and despair. The decision to go to war, even a just war, envelopes one in tragic choices. How do I reconcile the doing of evil in the name of a good cause? People will suffer, die, bear the scars of my decisions all of their lives. How do I live with this, even if I am in the right? The chapter is a meditation, really, on texts like St. Augustine’s “‘dark parable’ of the wise judge” (p. 90) and Bill Edmonds’ book, God Is Not Here: A Soldier’s Struggle with Torture, Trauma, and the Moral Injuries of War (p. 96). Even a war waged for all the proper reasons leaves its participants faced with “horrible choices” (pp. 97-100) and “burdened virtue” (pp. 102-103).

Given these predicates, Bergman next asks, what role should the Catholic Church play in the context of modern war, and answers that question by saying that, first of all, the Church should
bring its good offices to bear to prevent war, particularly unjust war, from occurring. Regrettably – and this is my only criticism of the book – Bergman does not make mention of the importance papal diplomacy plays in the decision to go to war. Pope John Paul II famously, forcefully – albeit futilely – sought to prevent the American war on Iraq. Pope Francis has enjoyed somewhat better success in mitigating the violence in South Sudan’s continuing time of troubles. And time will tell whether Pope Francis has success in brokering peace between Russia and Ukraine.¹

I do understand, however, why Bergman may have opted to elide over this history, and that is because his argument is a taut and focused one, that places primacy on the formation of the individual’s conscience when faced with the choice whether to participate in war. As a tool for sharpening one’s conscience, Bergman adapts an argument from Jeff McMahan’s essay, “The Prevention of Unjust Wars.”² The problem McMahan contends with is that of the average soldier’s participation in a wrongful war. Traditionally such participation is excluded from moral culpability, but McMahan calls for the creation of public institutions, such as courts, that have the power to condemn a nation’s plans for war, perhaps legally, perhaps only morally. But even where the Court lacked the jurisdiction or the authority to stop the war, McMahan stressed, its pronouncements would still possess the power to persuade soldiers not to go along with their government’s plans. Bergman hopes that the Catholic Church might at least partially fulfill the role McMahan has prescribed for his international court of peace. “To Blessed Franz’s ancient church of the martyrs could be added a modern court of Catholic moral authority” (p. 113).

Bergman concludes his volume with a lengthy and sophisticated treatment of the ways in which an individual might form her or his conscience on this fundamental question of responsibility, and he identifies the types of accommodations the state might make for the selective objector. Bergman notes the regrettable fact that the United States offers little in the way of such accommodations, even though the U.S. does permit pacifists who object to all forms of war to enjoy exemption from military service. Bergman also gives the interesting example of Germany, which seems to be alone among nations in the world to permit individuals selectively to object to participate in war. The German doctrine of Innere Führung – which may be best translated as “internal sovereignty” or “personal sovereignty” – gives decisive weight to the well-formed conscience. Quoting Jürgen Rose, Bergman writes: “A German who is confronted with a moral conflict and is able to explain it in a serious and credible manner need not obey orders, if, by executing them, he or she would be involved in legally ‘grey area’ activities” (p. 127).³

Roger Bergman has written a book that is not only important but timely. It is fair to say that the world seems balanced on a precipice. Europe is at war and there is the grim prospect of war engulfing other corners of the world. Christians – those who follow in the footsteps of the Prince of Peace – may not wish to kill at all, or even to have killing done in their name. Still, there are other Christians, who recognize the tragic necessity of states and their self-defense. They might
acknowledge that war, while presumptively wrong, and the last resort in any dispute, may sometimes nevertheless prove inescapable. This book speaks first to that audience. It tells them that yes, you are right to have misgivings, here is how you form your conscience, and here are the risks you may incur if you choose to withhold your support from an unjust war. But this book speaks to a larger audience as well. It reminds Christians and non-Christians alike that war truly is dreadful, and that the best wars are the ones that are never fought. It is lucid, tightly-argued, and significant.

Endnotes

1 Dawson, B. (2023). Pope Francis Warns that the War in Ukraine is Powered by Competing ‘Empires’ and ‘Arms Industry.’ Business Insider March 11.
