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3. SCHOLASTIC TEACHING ON JUST WAR (1952)

Thesis: Bellum non est intrinsece inhonestum (I) determinatas tamen condiciones exigit tum ad eius liceitatem, quae rarissime nostris temporibus aderunt (II), tum ad eius conductionem (III).

I. "justificari potest:

- a) bellum defensivum ex parte repellentis iniustam aggressionem;
- b) bellum defensivum, si alia natio ordinem graviter laesum restaurare renuit;
- c) bellum interventionis, quo aliqua societas aliam amicam sociam, iniuste aggressam, adiuvat."

II. CONDITIONES BELLI IUSTI

- 1. Ut ab auctoritate legitima et suprema declaretur.
- 2. Ut detur causa bona, publica, certa.
- 3. Ut causa sit malis e bello eventuris proportionata.
- 4. Ut prius omnia media pacificae solutionis fuerint tentata.
- 5. Ut spes moraliter certa adsit boni successus.
- 6. Ut recta intentione indicatur.

III. Requisite servanda in bello ex iure internationali.

ante bellum	
in bello	(Philosophiae Scholasticae
post bellum	Summa III, Madrid 1952,
	pp. 864-875).

IV. JOHN XXIII. PACEM IN TERRIS (1963)

Signs of the Times.

126. Men are becoming more and more convinced that disputes which arise between states should not be resolved by recourse to arms, but rather by negotiation.

127. It is true that on historical grounds this conviction is based chiefly on the terrible destructive force of modern arms. and it is nourished by the horror aroused in the mind of the very thought of the cruel destruction and the immense suffering which the use of these armaments would bring. And for this reason it is hardly possible to imagine that in the atomic era war could be used as an instrument of justice.

V. VATICAN II. GAUDIUM ET SPES. (1965)

Curbing the Savagery of War.

79. In spite of the fact that recent wars have wrought physical and moral havoc on our world, conflicts still produce their devastating effect day by day somewhere in the world. Indeed, now that every kind of weapon produced by modern science is used in war, the fierce character of warfare threatens to lead the combatants to a savagery far surpassing that of the past.

Furthermore, the complexity of the modern world and the intricacy of international relations allow guerilla warfare to be drawn out by new methods of deceit and subversion. In many cases the use of terrorism is regarded as a new way to wage war.

Contemplating this melancholy state of humanity, the Council wishes to recall first of all the permanent binding force of universal natural law and its all-embracing principles. Man's conscience itself gives ever more emphatic voice to these principles. Therefore, actions which deliberately conflict with these same principles, as well as orders commanding such actions are criminal. Blind obedience cannot excuse those who yield to them. Among such must first be counted those actions designed for the methodical extermination of an entire people, nation, or ethnic minority. These actions must be vehemently condemned as horrendous crimes. The courage of those who openly and fearlessly resist men who issue such commands merits supreme commendation.

On the subject of war, quite a large number of nations have subscribed to various international agreements aimed at making military activity and its consequences less inhuman. Such are conventions concerning the handling of wounded or captured soldiers, and various similar agreements. Agreements of this sort must be honoured. Indeed they should be improved upon so that they can better and more workably lead to restraining the frightfulness of war.

All men, especially government officials and experts in these matters, are bound to do everything they can to effect these improvements. Moreover, it seems right that laws make humane provisions for the case of those who for reasons of conscience refuse to bear arms, provided however, that they accept some other form of service to the human community.

Certainly, war has not been rooted out of human affairs. As long as the danger of war remains and there is no competent and sufficiently powerful authority at the international level, governments cannot be denied the right to legitimate defense once every means of peaceful settlement has been exhausted. Therefore, government authorities and others who share public responsibility have the duty to protect the welfare of the people entrusted to their care and to conduct such grave matters soberly. But it is one thing to undertake military action for the just defense of the people, and something else again to seek the subjugation of other nations. Nor does the possession of war potential make every military or political use of it lawful. Neither does the mere fact that war has unhappily begun mean that all is fair between the warring parties.

Those who are pledged to the service of their country as members of its armed forces should regard themselves as agents of security and freedom on behalf of their people. As long as they fulfill this role properly they are making a genuine contribution to the establishment of peace.

TOTAL WAR

80. The horror and perversity of war immensely magnified by the multiplication of scientific weapons. For acts of war involving these weapons can inflict massive and indiscriminate destruction far exceeding the bounds of legitimate defense. Indeed, if the kind of instruments which can now be found in the armories of the great nations were to be employed in their fullest, an almost total and altogether reciprocal slaughter of each side by the other would follow, not to mention the widespread devastation which would take place in the world and the deadly after-effects which would be spawned by the use of such weapons.

Sept Oct Nov Dec

All these considerations compel us to undertake an evaluation of war with an entirely new attitude. The men of our time must realize that they will have to give a sombre reckoning for their deeds of war. For the course of the future will depend largely on the decisions they make today.

With these truths in mind, this most holy Synod makes its own the condemnations of total war already announced by recent Popes, and issues the following declaration:

Any act of war aimed indiscriminately at the destruction of entire cities or of extensive areas along with their population is a crime against God and man himself. It merits unequivocal and unhesitating condemnation.

The unique hazard of modern warfare consists in this: it provides who possess modern scientific weapons with a kind of occasion for perpetrating just such abominations. Moreover, through a v certain inexorable chain of events, it can urge men on to the most atrocious decisions. That such in fact may never happen in the future, the bishops of the whole world, in unity assembled, beg all men, especially government officials and military leaders, to give unremitting thought to the awesome responsibility which is theirs before God and the entire human race.

THE ARMS RACE

81. Scientific weapons, to be sure, are not amassed solely for use in war. The defensive strength of any nation is considered to be dependent upon its capacity for immediate retaliation against an adversary. Hence this accumulation of arms, which increases each year, also serves, in a way heretofore unknown, as a deterrent to possible enemy attack. Many regard this state of affairs as the most effective way by which peace of a sort can be maintained between nations at the present time.

Whatever be the case with this method of deterrence, men should be convinced that the arms race in which so many countries are engaged is not a safe way to preserve a steady peace. Nor is the so-called balance resulting from this race a sure and authentic peace. Rather than being eliminated thereby, the causes of war threaten to grow gradually stronger.

While extravagant sums are being spent for the furnishing of ever new weapons, an adequate remedy cannot be provided for the multiple miseries afflicting the whole modern world. Disagreements between nations are not really radically healed. On the contrary other parts of the world are infected with them. New approaches initiated by reformed attitudes must be adopted to remove this trap and to restore genuine peace by emancipating the world from its crushing anxiety.

Therefore, it must be said again: the arms race is an utterly treacherous trap for humanity, and one which injures the poor to an intolerable degree. It is much to be feared that if this race persists, it will eventually spawn all the lethal ruin whose path it is now making ready.

Warned by the calamities which the human race has made possible, let us make use of the interlude granted us from above and in which we rejoice. In greater awareness of our own responsibility let us find means for resolving our disputes in a manner more worthy of man. Divine providence urgently demands of us that we free ourselves from the age-old slavery of war. But if we refuse to make this effort, we do not know where the evil road we have ventured upon will lead us.

THE TOTAL BANNING OF WAR, AND INTERNATIONAL ACTION FOR AVOIDING WAR.

82. It is our clear duty, then, to strain every muscle as we work 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 effective power to safeguard, on the behalf of all, security, reard 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. Peace must be born of mutual trust between nations rather than imposed on them through fear of one another's weapons. Hence everyone must labor to put an end at last to the arms race, and to make a true beginning of disarmament, not indeed a unilateral disarmament, but one proceeding at an equal pace according to agreement, and backed up by authentic and workable safeguards.

VI. SYNOD OF BISHOPS: JUSTICE IN THE WORLD (1971)

It is absolutely necessary that international conflicts should not be settled by war, but that other methods better befitting human nature should be found. Let a strategy of non-violence be fostered also, and let conscientious objection be recognised and regulated by law in each nation.

VII. CARDINAL ROY: REFLECTIONS ON P A C E M I N T E R R I S (1973)

43. It is also this passage of the Encyclical (part III, 109-119 and 126-129) that was taken as a point of reference by a large number of movements or initiatives aimed at calling into question war, recourse to military action or the sale of arms.

44. It served and still serves as a basis, together with the already quoted chapter V of Gaudium et Spes (79,3), for movements or legal statutes in favour of conscientious objection.

96. Today, there are appearing (is it a "fact of the times" or a "sign of the times?") a certain number of behavioural patterns which aspire to become new rights to be written into laws and constitutions (Pacem in Terris, 75, 77). This is the case with military conscientious objection, which now has legal status in a very large number of countries. But one notices after a while a civil variety of conscientious objection. This is also tending to find a certain juridical existence and to be invoked in different places under the name of "the right to dissent" as a part of the right to freedom of opinion, which is recognized in the Universal Declaration of Human Rights (article 19). We shall meet this problem again a little later.

97. When this civic quality of dissent in the face of unjust oppression refuses to have anything to do with corporal violence, it takes on the name, in some cases, at least, of non-violence. This is a problem that Pacem in Terris did not ^{yet} deal with, and is another difference from the present day, when the spirit and strategies of non-violence are becoming more and more widespread.

113.

It is in this spirit and with reference to these cultural currents of today that one may quote here and there certain formulations of new rights to be ratified by laws: the right to dissent, that is, the theoretical and practical ability of the citizen to practise conscientious objection of the civil type. Military conscientious objection invokes the Ten Commandments ("Thou Shall Not Kill"); social dissent, on the other hand, invokes the right and duty not to agree with totalitarian ideology of one's group, and also, when all recourse to legal means has been exhausted, to practise civil disobedience to certain laws by invoking the principle which has always been recognized: "It is better to obey God than Men". This right to dissent is the right to "non-alignment" with the teaching and the acts of a totalitarian regime; it is a right determined by a physical or ideological abuse of power; it is moral resistance to unjust and qualified oppression, such as religious, moral, civic or racial intolerance. It is not the undetermined or unlimited right of an individual or group systematically to reject any society - a fortiori, if there is a refusal at the same time to substitute the rejected "pattern" with some other. It would no longer be a case of opposition or dissent, but of nihilism, which is so contrary to reason and to the common good.

VIII. SACBC. CATHOLIC COMMITMENT ON SOCIAL JUSTICE(1977)

PART III. CONSCIENTIOUS OBJECTION

This matter arose in the Plenary Session separately from the matter of the three day study on Social Justice and Reconciliation. But it touches so nearly on the matters already recorded that is included here.

Plenary Session - February 1977

In the armed struggle that is developing on our borders and could easily spread internally a grievous situation arises for all who are concerned about the use of violence. On the one side the conviction grows in a significant sector of the oppressed majority that only violence will bring liberation. On the other, the minority in power sees itself threatened by indiscriminate violence supported by international Communism.

In these agonising circumstances we can only promise with God's help to give leadership in an ongoing Christian examination of this tragic situation. We intend to publish reflections from time to time as incentives to Christian prayer, thought and commitment and we hope to be able to do this with the representatives of other Christian churches and organisations. In the meantime we have resolved to say something about conscientious objection.

According to the teaching of the second Vatican Council, "it seems just that laws should make humane provision for the case of conscientious objectors who refuse to carry arms, provided they accept some other form of community service". (Constitution: "The Church in the modern World" No. 79.).

In order to understand the issue of conscientious objection, a careful distinction between should be made between universal conscientious objection (the pacifist) and selective conscientious objection (e.g.) on the grounds that a particular war is unjust); between combatant military service (carrying arms) and non-combatant military service (e.g. in the medical corps) and between military service (combatant or non-combatant) and national service (which could include service to the community, like social welfare, education, housing).

In South Africa the Defence Force Act (section 67, 3)

- a) makes no provision for any conscientious objector (universal or selective) to do non-military/national service.
- b) provides for universal conscientious objectors (those who belong to pacifist denominations) to do non-combatant military service;
- c) makes no provision for selective conscientious objectors even to do non-combatant military service.

Such provisions are made in some way or another by almost every other non-communist country in the world which has conscription.

It should also be noted that objectors are sometimes accommodated, despite the lack of legal provision for it, by being given non-combatant tasks but never by being given non-military national service.

Consequently in South Africa the selective objector and the universal objector refusing to do non-combatant military service are liable to a fine/ and or imprisonment (Section 126, 127 (c).)

In this matter of conscientious objection we defend the right of every individual to follow his own conscience, the right therefore to conscientious objection both on the grounds of universal pacifism and on the grounds that he seriously believes the war to be unjust.

In this, as in every other matter, the individual is obliged to make a moral judgement in terms of the facts at his disposal after trying to ascertain these facts to the best of his ability.

While we recognise that the conscientious objector will have to suffer the consequences of his own decision and the penalties imposed by the State, we uphold his right to do this and we urge the State to make provision for alternative forms of non-military national service as is done in other countries in the world.

IX.

JOHN PAUL II (1979)Address at Drogheda..

"peace cannot be established by violence, peace can never flourish in a climate of terror, intimidation and death. It is Jesus himself who said: "All those who take the sword will perish by the sword" (Mt 26:52). This is the word of God, and it commands this generation of violent men to desist from hatred and violence to repent.

I join my voice today to the voice of Paul VI and my other predecessors, to the voices of your religious leaders, to the voices of all men and women of reason, and I proclaim, with the conviction of my faith in Christ and with an awareness of my mission, that violence is evil, that violence is unacceptable as a solution to problems, that violence is unworthy of man. Violence is a lie, for it goes against the truth of our faith, the truth of our humanity. Violence destroys what it claims to defend: the dignity, the life, the freedom of human beings. Violence is a crime against humanity, for it destroys the very fabric of society. I pray with you that the moral sense and Christian conviction of Irish men and women may never become obscured and blunted by the lie of violence, that nobody may ever call murder by any other name than murder, that the spiral of violence may never be given the distinction of unavoidable logic or necessary retaliation. Let us remember that the word remains forever: "All who take the sword will perish by the sword".

10. There is another word that must be part of the vocabulary of every Christian, especially when barriers of hate and mistrust have been constructed. This word is reconciliation.

12. I appeal to young people who may have been caught up in organisations engaged in violence. I say to you, with all the love I have for you, with all the trust I have in young people: do not listen to voices which speak the language of hatred, revenge, retaliation. Do not follow any leaders who train you in the ways of inflicting death. Love life, respect life; in yourselves and in others. Give yourselves to the service of life, not the work of death. Do not think that courage and strength are proved by killing and destruction. The true courage lies in working for peace. The true strength lies in joining with the young men and women of your generation everywhere in building up a just and human and Christian Society by the ways of peace. Violence is the enemy of justice. Only peace can lead the way to true justice.

My dear young people; if you have been caught up in the ways of violence, even if you have done deeds of violence, come back to Christ, whose parting gift to the world was peace. Only when you come back to Christ will you find peace for your troubled consciences, and rest for your disturbed souls."

X. CONSTITUTIONS AND RULES OF O.M.I. (1979)

12. FIRST THE KINGDOM

We are called by the Lord to proclaim the Kingdom and to seek it above all else (cf Mt 6.33). Our communities are a sign that, in Jesus, God is everything for us. Together we await Christ's coming in fullness of his justice so that God may be all in all (cf 1 Cor 15.28).

Because we, believe, we hope in God;
Because we hope in him we commit ourselves to be a
leaven of the Beatitudes at the heart of the world.

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