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PERSONAL PACIFISM

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CONSCIENTIOUS OBJECTION to military service is most commonly based on one of two principles. The first, absolute pacifism, holds that it is always wrong to wage war. The practical implication of this view is general conscientious objection to participation in all wars. The second principle, the just-war theory, holds that at least some wars are morally wrong. The practical implication of this view is selective conscientious objection to participation in those wars that fail to meet the criteria of the just-war theory.[1] In either case, the citizen refuses to fight because he believes that to do so (for him or for anyone else) would be immoral.

But those are not the only reasons that someone might give for refusing to fight. This article will explore another kind of justification for such refusal, namely the existence of a personal vocation or option that commits those who act on it to refrain from waging war even though waging war (or even this war) is not per se immoral. In the case of this personal pacifism, the claim is only that, given who one is, or what one has decided to become, it would be wrong to fight. The decision to be that kind of person may be a response to a vocation in the etymological sense, i.e. a calling, presumably from God, or it might be an individually made life-choice. In either case, it is a vocation which only some have, or a vocation or option to which only some respond.

One important contemporary source for the moral permissibility of personal pacifism is the American Catholic Bishops' pastoral letter *The Challenge of Peace: God's Promise and Our Response*.[2] In that document, the bishops attempt to accommodate both the just-war theory, which has been the dominant approach to Catholic thought on the question since the fourth century, and Catholic pacifism, which traces its roots to early Christian writers (preeminently Tertullian Origen, and Lactantius) and which has become increasingly prominent in the last thirty years.[3] The first of the two views endorsed by the bishops, the just-war theory, is founded in the following thesis:

[1] See Kenneth W. Kemp, "Conscientious Objection," *Public Affairs Quarterly* 7 (1993) 303–24.

[2] Washington: United States Catholic Conference, 1983; and *Origins* 13 (1983) 1–32.

[3] There were Catholic pacifists in World War II. The most articulate were Gordon Zahn (see his *War, Conscience and Dissent* [New York: Hawthorn, 1967] or *Another Part of the War: The Camp Simon Story* [Amherst: University of Massachusetts, 1979]) and Dorothy Day (see her *By Little and By Little* [New York: Knopf, 1983] or *The Long Loneliness: The Autobiography of Dorothy Day* [New York: Harper 1952]). But the movement first gained prominence in American Catholic thought as a result of the policy debates on the Vietnam War in the 1960s and on nuclear strategy in the early 1980s. A

J1: Killing other human beings (and waging war) is not always wrong.

In other words, killing is not wrong with respect to its object. Any individual act of killing would still have to be evaluated with respect to its end and circumstances. Is the particular act of homicide defensive (as in self-defense and war) or punitive (as in capital punishment)? Is the agent a public official (as in war and law enforcement) or a private individual (as in vigilantism)? Philosophers have differed over the exact conditions of permissibility for homicide. The just-war theory can be characterized as adding to J1 the following account of what is necessary and sufficient for war to be justified:[4]

J2: Only certain wars would be justified, namely those which are
(a) declared by a legitimate authority,
(b) waged for a just cause (i.e. to right a wrong), for the vindication of which war is both proportionate and the last resort, and
(c) rightly intended (i.e. aimed at justice and peace).

J3: Only certain actions would be justified even in a justified war, namely those which are
(a) approved by the legitimate authority,
(b) discriminate, proportionate, and militarily necessary, and
(c) rightly intended.

Analogous theories could be advanced for the other cases of justifiable defensive violence, namely public use in law enforcement, revolutionary use, private use (whether in defense of others or in self-defense).

Although the bishops rejected the absolute pacifist condemnation of all war as morally wrong, they did recognize the permissibility of individual refusal to fight on the grounds of a personal vocation or option. This view could be called personal pacifism, though that term might not be readily accepted by all those who refuse to fight for this reason. The first problem with the term is the wide use of the term "pacifism" to refer to the political-moral claim that all war-fighting is wrong, a position that some of those who practice personal pacifism reject. For them, it is not a political or moral principle, but a practice, or an interpretation of certain virtues. The second problem is that the term is unclear about whether the abstention is limited to war or is

general history is Patricia McNeal's *Harder than War: Catholic Peacemaking in the Twentieth Century* (New Brunswick, N.J.: Rutgers, 1992).

[4] The bishops summarize the just-war theory by citing the standard list of necessary conditions for a just war (and adding, idiosyncratically, "comparative justice"). The case for the formulation used here (which, if it differs substantively from that used by the bishops, does not do so in ways relevant to this paper) is made in my "Just-War Theory: A Reconceptualization," *Public Affairs Quarterly* 2 (1988) 57–74.

extended to any use of violence in self-defense. Many Mennonites, for example, prefer to refer to themselves as "nonresistant" or "defenseless" (*wehrlos*).

The concept of personal pacifism itself is not new. Both Origen, in the third century, and Thomas Aquinas, in the thirteenth, advanced versions of it. Origen's view (as I interpret it), while accepted by a few of the historical "peace" churches, has been rejected by most Catholic, Orthodox, and Protestant Christians. A form of St. Thomas's view has been incorporated into Roman Catholic Canon Law.

This article will conduct a historical and philosophical exploration of the increasing recognition which the American Bishops give to personal pacifism. I will try to determine the extent to which permitting personal pacifism is consistent with accepting the truth of the just-war theory. In other words, I want to ask whether one can consistently defend both the correctness of the just-war theory and the validity of the personal option of refusing to fight.

THREE VERSIONS OF PERSONAL PACIFISM

This question will be applied to vocational (clerical) pacifism, to general Christian pacifism, and to lay pacifism (whether vocational or optional).

St. Thomas and Vocational (Clerical) Pacifism

Thomas defends a kind of personal pacifism, but one restricted in scope to the clergy: "Clerics and bishops are forbidden to take up arms, not as though it were a sin, but because such an action is incompatible with their state."[5] He gives two reasons for this position, both grounded in the claim that "certain occupations are so inconsistent with one another that they cannot be fittingly exercised at the same time." The first inconsistency is between the secular nature of warlike pursuits and the rest required for "the contemplation of Divine things, the praise of God, and prayers for the people, which belong to the duties of a cleric." Thomas illustrates this prohibition by comparing it to the prospect of a priest being a businessman, which would be bad for the same reason. The second inconsistency is between the shedding of blood (even accidentally!) and the ministry of the altar. "It is more fitting that those in orders should be ready to shed their own blood for Christ, so as to imitate in deed what they portray in their ministry." Nevertheless, "carnal wars should be considered as having for their end the divine spiritual good." Consequently, though clerics may not themselves fight, since they have other, more pressing, obligations, "it

[5] *Summa theologiæ* 2-2, q. 40, a. 2 (transl. Fathers of the English Dominican Province [New York: Benziger, 1947] unless otherwise noted), which is the source for the subsequent quotations in this paragraph as well. For scriptural foundations of this, see 1 Tim 3:3 and Titus 1:7.

is the duty of clerics to dispose and counsel other men to engage in just wars."

The position Thomas defends in these passages is not entirely original. Already by the fourth and fifth centuries disciplinary canons prohibited clerics from undertaking military service[6] and prohibited the ordination of those who, after their baptism, entered military service.[7] The concern that clerics not be in the position of having to serve two masters is clear. Less clear is whether war-fighting (i.e. the shedding of blood, as opposed to military service) impedes ordination.

The proscription on clerics doing military service was not universally respected in practice even in the Middle Ages. In the century before Aquinas wrote, Frederick Barbarossa's Italian armies were led at the battle of Tusculum by Rainald van Dassel and Christian van Buch, archbishops of Cologne and Mainz respectively. In 1506, Pope Julius II led the papal armies into battle against Perugia and Bologna.[8] No doubt the medieval office of prince-bishop, giving the same man both ecclesiastical and secular responsibilities, did not help the recognition of St. Thomas's concerns about the special status of the priesthood.[9]

That the proscription was nevertheless taken seriously by others is shown by an incident, indeed the final incident, in the lives of the Portuguese missionaries Blessed Ignatius Azevedo, S.J., and his companions. One historian provides this story of their last days:

> The band which Father Azevedo enlisted [for work in the Brazilian missions] set out on June 5, 1570 . . . on a merchant vessel, the *Santiago*. . . . When within a few miles of [the Canaries,] the *Santiago* was overtaken by a French privateer, commanded by James Soury, an implacable Huguenot, who directly he heard of the convoy of Jesuits going to Brazil had set out in chase from La Rochelle. The *Santiago* put up a good fight, and the missionaries helped in every possible way, *short of actually bearing arms and shedding blood;* after she was boarded, there was a fierce hand-to-hand struggle, but on the death of her captain she was constrained to strike her flag. Thereupon

[6] *Apostolic Constitutions* 81 and 83 (Franciscus Xavierius Funk, ed., *Didascalia et Constitutiones Apostolorum* [Paderborn: Schöningh, 1905] 588–91); Council of Chalcedon, canon 7, in Henry Joseph Shroeder, O.P., *Disciplinary Decrees of the General Councils: Text, Translation, and Commentary* (St. Louis: Herder, 1937) 96.

[7] St. Siricius, Letter 5 (To the Bishops of Africa), in J. P. Migne, *Patrologia latina* 13.1153–62, at 1158–59: "Si quis post remissionem peccatorum, cingulum militiae secularis habuerit, ad clerum admitti non debet." St. Innocent I, Letter 3 (To the Council of Toledo), in Migne, *PL* 20.485–94, at 491–92: "Ne quispiam, qui post baptismum militaverit, ad ordinem debeat clericatus admitti." Whether these impediments apply to all who enlisted subsequent to their baptism or only to those Christians who were currently enlisted is not entirely clear from the texts.

[8] Other examples are cited in John Beeler, *Warfare in Feudal Europe 730–1200* (Ithaca: Cornell University, 1971) 219–21, and Philippe Contamine, *War in the Middle Ages* (Cambridge, Mass.: Blackwell, 1984) *passim.*

[9] For a summary of medieval discussion on this issue, see Frederick H. Russell, *The Just War in the Middle Ages* (Cambridge: Cambridge University, 1975).

Soury demonstrated his hatred of the Catholic religion by sparing the remainder of the crew and passengers but ordering the death of the missionaries.[10]

Until the promulgation of the Code of Canon Law in 1917, it appears that even clerics drafted into military service incurred an irregularity *ex defectu lenitatis* (i.e. from a lack of lenience) which would have to be dispensed by the appropriate ordinary.[11] The 1917 and 1983 Codes only require that clerics not volunteer for military service and take advantage of any lawful exemptions. The current code states:

> Since military service is hardly consistent with the clerical state, clerics and candidates for sacred orders are not to volunteer for military service. . . . Clerics are to make use of those exemptions from exercising duties and public civil offices alien to the clerical state which laws . . . grant in their favor.[12]

Neither the old nor the new code makes military service a cause of irregularity.[13] The prohibitions of the current code cannot be interpreted as indicative of the general moral wrongness of waging war. First, many other, clearly permissible, actions—e.g. taking an active role in political parties or labor unions (c. 287), conducting business or trade (c. 286), and exercising civil power (c. 285)—are also closed to the clergy. Second, the priest's bishop may permit him to do military service.

Origen's General Christian Pacifism

Some Christians have seen in St. Thomas's exemption of clerics from the duty (or right) to perform military service a basis for extending this exemption to all Christians. Deemphasizing the distinctiveness of the ministry of the altar (for the point at issue, though not necessarily in general) in favor of the more general Christian obligation to live as Christ lived might suggest that all Christians should refrain from the meritorious act of fighting in just wars in favor of the "works more meritorious still,"[14] namely representing Christ to non-Christians.

At the end of the second century, the pagan philosopher Celsus objected that Christians failed to fulfill their civic duty to help defend the empire against its enemies.[15] In a third-century defense of Christians

[10] Herbert Thurston, S.J., and Donald Attwater, *Butler's Lives of the Saints* (Westminster, Md.: Christian Classics, 1990) 3.112–13; emphasis added.

[11] *De clericis a militia redeuntibus* (S. C. Consist. 25 October 1918), *Acta Apostolicae Sedis* 10 (1918) 481.

[12] Canon 289.

[13] Though the 1917 Code does make taking active part in imposing or executing a capital sentence a bar to the priesthood *ex defectu lenitatis* (canon 984.6–7).

[14] St. Thomas, *ST* 2-2, q. 40, a. 2 ad 4.

[15] Celsus's work, which he called *The True Discourse*, is now lost, though most of it can be reconstructed from Origen's critique. Whether Celsus is in fact correct that Christians avoided military service, and, if they did, why they did so, continues to be a topic of debate. For a good introduction to the debate, see David G. Hunter, "A Decade of Re-

against this charge, Origen argued that Christians could and did help, even though they could not fight. His views seem to presuppose that one can distinguish just from unjust wars and that, for pagans at least, waging war is not always wrong:

> In wartime you [pagans] do not enlist your priests. If this is a reasonable procedure, how much more so is it for Christians to fight as priests and worshippers of God while others fight as soldiers. Though they keep their right hands clean the Christians fight through their prayers to God on behalf of those doing battle in a just cause and on behalf of an emperor who is ruling justly in order that all opposition and hostility toward those who are acting rightly may be eliminated.[16]

Can this position, prescinding from the chronology, be seen as just an extension of the position Thomas took with respect to the clergy? I believe that it cannot. Thomas advanced a division-of-labor argument.[17] Different tasks were assigned to different people—warriors should conduct the community's defense; priests should conduct the ministry of the altar. Origen's argument is similar—pagans should do the fighting; Christians should do the praying. But the extension will not work. Thomas would not have permitted most people to become clerics, for the same reason he would not have permitted most to become contemplatives. There is other work that also needs to be done. Food must be produced, business must be transacted, and the community must be defended if it has foreign enemies. So some people must become farmers, others businessmen, and still others soldiers. If any of those lines of work are incompatible with becoming a cleric, then some of the citizenry must remain lay.

Unlike Aquinas's argument for a restricted, vocational pacifism based on the distinctive feature of the priesthood, the version in which those called to pacifism are all (but only) Christians leads Origen into a nearly inconsistent triad:

O1: Everyone should become a Christian.[18]

O2: No Christians should defend their community by force of arms.[19]

O3: Some people should defend their community by force of arms.

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search on Early Christians and Military Service," *Religious Studies Review* 18 (1992) 87–94.

[16] *Contra Celsum* 8.73.

[17] This line of thought finds its origin in Eusebius' *Demonstration of the Gospel* (ca. 314).

[18] "As far as they are able, Christians leave no stone unturned to spread the faith in all parts of the world" (*Contra Celsum* 3.9, trans. Henry Chadwick [Cambridge: Cambridge University, 1980]).

[19] At one point Origen says that the lawgiver of Christians forbade entirely the taking of human life and later adds, "Christians have been taught not to defend themselves against their enemies" (*Contra Celsum* 3.8).

Origen's O2 is stronger than Thomas's version ("No priest should defend his community by force of arms"), but not as strong as "No one who should become a Christian should defend his community by force of arms," the weakest proposition sufficient to generate an actual contradiction. How can Origen permit pagans, but not Christians, to fight? In either of two ways. First, by distinguishing subjective and objective obligation. For example, he could interpret the prohibition on war-fighting as a divine-law injunction knowable by, and hence subjectively applicable to, only Christians. Pagans, not knowing the impermissibility of the means, would believe they should, and hence, subjectively speaking, should, answer the call to arms. Alternatively, he could interpret the refusal to bear arms as something that is mandatory only once one has become a Christian. Christians, having other duties (representing Christ to their neighbors) and having other means of defense (namely, prayer) at their disposal, should not serve. Pagans, not having that duty, nor those means available, are not similarly precluded from service. But each of these ways is implicitly universalist, not personal.

But even if Origen's view avoids contradiction, it faces a serious challenge. Who, in a mostly Christian community, should "do battle in a just cause"? Perhaps, as seems implicit in some pacifist writings, O3 does not hold in exclusively Christian communities.[20] But what about communities that merely have a substantial number of Christians? Won't Christian refusal to fight leave the pagan minority in such communities with insufficient means of defense? Origen replies only that if *everyone* became a Christian pacifist, there would not be any aggressors to resist.[21] But that is not really the question. The question is about the responsibility of Christians to defend their community against those who do not want to live peaceably with their neighbors. Defenders of Origenist pacifism can emphasize the power of prayer, the uncertainty of military defense, and the importance of trust in providence, exactly the answer any Christian moral absolutist would give when challenged about the undesirable consequences of refusal to perform a prohibited act. Origen's critics (Christian as well as pagan) deny that military means are in fact closed to Christians.

The American Catholic Bishops and Lay Pacifism

A third version of personal pacifism occurs in *The Challenge of Peace*.[22] This version might be seen as a middle ground between Thomas's restriction of it to the clergy and Origen's extension of it to all Christians. For in their letter, the American bishops attempt to make

[20] Such a view is suggested by arguments advanced in John H. Yoder, " 'What Would You Do If . . . ?' An Exercise in Situation Ethics," *Journal of Religious Ethics* 2 (1974) 81–105.

[21] *Contra Celsum* 8.68.

[22] See especially nos. 71–79 and 111–21.

room for a kind of personal commitment to nonviolence as an option[23] for the extragovernmental laity,[24] while continuing to teach the validity of the just-war theory and the duty of governments to resort to war when no nonviolent means of securing justice are available.

As historical precedent for such an exemption, the bishops turn to the 13th century.[25] In 1208, Pope Innocent III added to the *Propositum* that guided the life of the Poor Catholics, a lay group of reconciled Waldensians, that they should not be required to bear arms against their fellow Christians.[26] Early versions of the rule of the Franciscan tertiaries, published only slightly later, included a more comprehensive statement: "They will not take up lethal arms against anyone nor will they carry them about."[27] Public officials sometimes protested against this exemption on the grounds that (whether in a just cause or not) they needed all the military personnel they could get. The popes of the mid-13th century were insistent that the civil communities in which these groups lived should respect their refusal to bear arms.[28] But in 1289, Nicholas IV, the first Franciscan pope, formalized the tertiaries' rule about not bearing arms in a slightly different way in the bull *Supra montem*: "They do not carry arms about except to defend the Roman Church, the Christian faith, or their own land, or with the permission of their ministers."[29]

The exemption from the civic duty to bear arms did not indicate a belief that waging war in general was wrong. First, although some Franciscans, particularly in Lombardy, objected to Nicholas IV's exceptions to the rule against bearing arms, it was only to the obligation to carry arms in defense of the state to which they objected: "That it not be put into the rule that the Brothers of Penitence ought to, or may, bear arms in defense of their land, not even with the permission of their ministers."[30] It is perhaps noteworthy that this exception is not

[23] Henceforward, for simplicity, I will refer to this version of personal pacifism as optional pacifism. For, even with vocations, acceptance of the vocation is, in one sense, an option.

[24] The restriction of this option to individuals (as opposed to governmental officials) is explicit in nos. 75 and 119.

[25] No. 115. Good introductions to this period are: G. G. Meersseman, *Dossier sur l'ordre de la pénitence au xiii^e siècle* (Fribourg: Editions Universitaires, 1961); Herbert Grundmann, *Religious Movements in the Middle Ages* (Notre Dame: Notre Dame University, 1994); and John Moorman, *A History of the Franciscan Order from its Origins to the Year 1517* (Oxford: Oxford University, 1968). Several popular sources are less reliable, e.g. Ronald G. Musto, *The Catholic Peace Tradition* (Maryknoll, N.Y.: Orbis, 1986) chap. 6; and Peter Brock, *Freedom from Violence: Sectarian Non-resistance from the Middle Ages to the Great War* (Toronto: Toronto University, 1991) chap. 1.

[26] Innocent III, Bk. 11, letter 198, in Migne, *PL* 215.1514.

[27] *Regula antiqua* (1221) no. 16; text in Meersseman, *Dossier* 92–112, at 101.

[28] Meersseman, *Dossier*, 1^e Partie, reprints many of the relevant documents.

[29] *Supra montem* VII (1289); text in Meersseman, *Dossier* 75, 128–138, at 133.

[30] For a discussion of the controversy, see G. G. Meersseman, "Premier auctarium au

explicit in a contemporary rule for Dominican tertiaries: "Brothers are not to carry weapons except in defense of the Christian faith or for other good reason and with the permission of their prelate."[31]

Second, as a part of their reconcilation with the Church, the Poor Catholics were required to make a profession of faith, which included explicit rejection of the proposition that the state was not entitled to shed blood.[32] While the direct issue seems to be capital punishment—their critics continued to accuse them of holding that no earthly power could execute a criminal without committing a mortal sin[33]—the statement suggests that they did not claim that waging war, either, is always wrong.

Third, St. Elzear of Sabran, an early-13th-century Franciscan tertiary from Provence, fought for his lord, King Robert II of Naples, when called upon to do so. Similarly, St. Ferdinand, King of Castille and León was a Franciscan tertiary, but fought to liberate Spain from the Moors. St. Louis IX, King of France, was a tertiary but participated in two Crusades. There is no suggestion that any of these saints violated the principles of Franciscan tertiary life in these actions.[34]

Finally, their rule required the Penitents to abstain from more than just bearing arms. It was a single aspect of a more comprehensive way of life. Meersseman describes the tradition of penitence on which St. Francis drew in the following terms:

> The expression [sc., *incipere facere poenitentiam*, which Francis uses in his spiritual testament] . . . signified the voluntary acceptance of the ascetic regime imposed by the Church on reconciled public sinners. This way of life comprised the preliminary righting of wrongs committed, exchange of clothes that were too colorful for the "religious" habit, a retired life either in one's own house or in some solitary place, renunciation of public functions, of carrying arms, of commercial and financial activities, of plays and of public festivals.[35]

The privilege of setting aside other civic duties as well as the privilege to abstain from swearing oaths are also distinctive features of the Franciscan life of penitence.[36]

If the tertiaries' unwillingness to bear arms is not grounded in the principle that waging war is always wrong, what is the reason for their

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dossier de l'ordre de la pénitence au xiii[e] siècle: Le manuel des pénitents de Brescia," *Revue d'histoire ecclésiastique* 62 (1967) 5–48, esp. 17–18, 45.

[31] Rule of Munio de Zamora, canon 14; in Meersseman, *Dossier* 150.

[32] Innocent III, Book 11, Letter 196; in Migne, *PL* 215.1510–13, at 1512.

[33] Grundmann, 113; cf. Migne, *PL* 216.75–77, at 77.

[34] Biographies of each are provided by Cecily Hallack and Peter F. Anson, *These Made Peace: Studies in the Lives of the Beatified and Canonized Members of the Third Order of St. Francis* (Paterson, N.J.: St. Anthony Guild, 1957), and by Marion Alphonse Habig, *The Franciscan Book of Saints* (Chicago: Franciscan Herald, 1959).

[35] Meersseman, *Dossier* 1.

[36] Meersseman, *Dossier* passim, but esp. in the 1[e] Partie.

seeking and being granted this privilege? Several interpretations of the practice are possible. One is that it is part of a general withdrawal from secular life in order to devote themselves more fully to the work of the Lord. This interpretation makes particularly appropriate the citation of 2 Tim 2:4—"No one serving in the army gets entangled in everyday affairs" (New RSV)—in papal letters insisting that public officials respect these privileges.[37] Another is that the penitents believed it to be difficult to bear arms (and to wage war), or to swear an oath, without committing a sin. In the latter case, one might only aggravate the offense of lying without increasing the likelihood of making oneself tell the truth. Or, one might swear to something false by mistake. Bearing arms might lead one to resort to them too readily. Even in war, one might kill the wrong people, or come to kill with relish. Better, perhaps, to stay away from such activities altogether. This interpretation is supported by a line in the profession of faith made by Bernard Prim, lead of the Poor Lombards, in his reconciliation with the Church: "Even though, to avoid perjury, we prefer not to swear oaths, we nevertheless do not fault those who deliberately, out of necessity, and with truth and justice do swear them."[38] It must not, however, be neglected that the *proposita* that proscribe taking oaths emphasize not so much this possibility of swearing falsely as the Dominical injunctions against swearing.[39] Determination of the extent to which each of these considerations plays a role in the tertiaries' commitment to nonviolence, refraining from oaths, and the like awaits further research.

The fact that penitential nonviolence was embedded in a larger way of life prevents its use as a close historical precedent for the contemporary choice of a nonviolent lifestyle. Nevertheless, the bishops' justification of a choice of a nonviolent lifestyle suggests that they share the medieval concerns: through such a life the Christian can "give personal example of Christian forbearance as a positive, constructive approach toward loving reconciliation with enemies."[40]

Nearly everyone, I believe, admits that it would be permissible to refuse to exercise one's own right of self-defense. St. Ambrose wrote: "Any man wins a glorious reputation for himself if he strives for universal peace at personal risk to himself."[41] And everyone agrees that no one may renounce his obligation to come to the aid of the victims of aggression. Pacifists rightly complain when the practical implications of their view are misrepresented, as in the following passage: "The rest

[37] Honorius III (in 1226–27) and Gregory IX (in 1227) both cite this passage; see Meersseman, *Dossier* 42–43 and 46–47.

[38] Quoted by Innocent III in his bull *Cum inaestimabile* (Book 13, letter 94, in Migne, *PL* 216.289–93, at 292).

[39] See e.g., no. 2 of the *Propositum* approved by Innocent III for the Humiliati; in Meersseman, *Dossier* 276–82, at 277–78.

[40] *Challenge of Peace* no. 73.

[41] *De officiis* 3.3.23.

of us meanwhile wonder what has become of that supposed right to peace which we thought the pacifist was allowing us when we see him standing by, protesting at the top of his lungs, to be sure, but not *doing* anything about it, in the presence of violence by others."[42]

The controversy over the permissibility of personal refusal to use violence centers on three questions. First, is violence sometimes necessary (i.e., is it indispensable as the only effective means of resistance)? Second, would violence be permissible if it were necessary to resist aggression? And third, assuming that violence is sometimes both necessary and permissible, is it permissible to refuse to use violence on behalf of the victims of aggression? This is especially urgent when no one else is in a position to come to the aid of the victim of aggression. The bishops speak with sympathy of the option of refraining from violence as an alternative tradition. That there are Christians of good will who have chosen this option cannot be doubted. But whether it is ultimately consistent with our obligations of charity and justice to the victims of aggression is a question which requires further discussion.

LAY PACIFISM: NONVIOLENCE AS A WAY OF LIFE

What we need to explore, then, is the claim that one may choose a life of complete abstention from war-fighting (or violence in general)[43] and then claim from the state an exemption from military service.[44] To say that undertaking such abstention is required of all is to accept absolute pacifism, and to reject J1 of the just-war theory, namely, that it is sometimes permissible to kill other human beings at least in war. Is it possible to ground such a choice in a principle that does *not* entail rejection of the just-war theory?

Resolution of this question is facilitated by reducing the act of de-

[42] Jan Narveson, "Is Pacifism Consistent?" *Ethics* 78 (1968) 148–50, at 150.

[43] If it were only a commitment to avoid violence when nonviolent solutions are available, there would be no conflict between the just-war theory and the nonviolent way of life. For the just-war theory requires nonviolence in this sense. That kind of commitment is a rather more modest undertaking than people usually have in mind when they say that someone has committed himself to the nonviolent way of life. Another, weaker, commitment would be to abstain from violence, not in all circumstances, but at least in many circumstances in which violence is permitted by the just-war theory. But which circumstances? And why is it proper to refuse to fight in those circumstances but not in others?

[44] The bishops' call for such an exemption is implicit in several passages. At one point they say, "As Catholic Bishops it is incumbent on us to stress . . . the significance of this support for a pacifist option for individuals in the teaching of Vatican II ['It seems right that laws make humane provisions for the case of those who for reasons of conscience refuse to bear arms . . . ' *Gaudium et spes* no. 79] and the reaffirmation that the popes have given to nonviolent witness since the time of the council" (no. 119). Later they call for "respect for and legislative protection of the rights of both [general and selective] conscientious objectors" (no. 233). Selective conscientious objection is a just-war position. Their concerns about general conscientious objectors could be construed as protection for the erring consciences of absolute pacifists, but is more plausibly read as a call for respect for personal pacifists.

fense from the case of war to the case of individual defensive acts[45] and by making two distinctions.

Distinctions

The first distinction is among the various situations in which defensive homicide might be justified. These situations share a common basic description: A malefactor attacks a victim in a way that will result in serious injury (or death) to the victim. The attack can be stopped most effectively by killing the attacker.

Situations which fit that basic description may vary in morally relevant ways. Assuming (1) that a given situation is one in which violence is the most efficient[46] way of frustrating the attack (if it is not, then the situation is not an instance of the type under consideration) and (2) that the use of violence by the rescuer is morally permissible (many Christian thinkers, beginning with Ambrose, but including Augustine and Thomas,[47] have argued that only a public official can authorize the use of lethal violence), there are three questions on the basis of which various situations may be distinguished.

The first question is whether the victim is willing to be rescued by violent means.[48] Some victims might reject any violent intervention on their behalf. Others might want to be rescued even if that meant that their attackers would have to be killed in order to stop the attack.

The second question is whether the rescuer is willing to use violence. Some rescuers might be willing to do so. In other situations, the only available rescuer might be someone who was attempting to lead a life of complete abstention from violence.

The final question is whose risk is increased by implementation of a less efficient nonviolent solution. Although one could ask whether the increased risk falls on the rescuer or on the victim, the better division of the question comes from asking whether it falls on the one who chose the restriction to nonviolent strategies only or on some other affected party (whether principal or bystander) as well?

Those considerations create six analytically distinct situations in which nonviolence might be considered. The first is self-defense, where there is no distinction between victim and rescuer. The other five are versions of intervention. All require that either the victim or the rescuer, if not both, prefer a nonviolent rescue strategy (even though, *ex hypothesi,* that increases the risk on someone). The second kind of

[45] This does not presume a non-Augustinian account of the permissibility of violence, for individual defensive acts are not ipso facto without public authority; e.g., the acts of individual policemen are themselves individual acts.

[46] Efficiency is to be understood here as maximal prospect of success with minimal risk to victim, rescuer, and, other things being equal, attacker. If the nonviolent solution is *more* efficient, then there is no question that it is preferable—indeed, obligatory—to choose it.

[47] *ST* 2.2, q. 64, a. 3.

[48] A practical complication is this: What should we presume to be the preferences of the victim when those preferences are not known?

situation is thus one in which both prefer the nonviolent strategy. The last four kinds include two in which the victim prefers a nonviolent rescue (requests for nonviolent intervention) and two in which the rescuer does (nonviolent interventions). Both requests and nonviolent interventions can be distinguished on the basis of whether they increase risk to the one who prefers the restriction to nonviolence (risk-accepting requests or interventions) or whether they increase the risk to someone who is willing to use the most efficient (i.e. violent) alternative (risk-imposing requests or interventions).

The categories of risk-accepting and risk-imposing requests for nonviolent intervention raise interesting questions. Do people committed to a life of nonviolence have a right to refuse an offer of rescue by violent means, or, to put it differently, do rescuers have a right to use violence to rescue those who don't want violence used on their behalf? Do victims have a right to assistance in a way that creates more risk to the rescuer than is morally necessary? These are important questions, but they are not directly relevant to the questions at hand. So, although distinguishing all six of the situations identified above is important to conceptual clarity, the topic at hand requires further attention only to two—risk-accepting and risk-imposing nonviolent interventions.

The second distinction is among various kinds of supererogation. Without attempting to be exhaustive, or even systematic, we can distinguish three kinds of supererogatory act, each of which could form the basis of a way of life. The three kinds are the ascetic, the heroic, and the exemplary.

The ascetic act of supererogation is one in which a person chooses to forgo some good in order to secure some greater good for others. For example, Mother Teresa and her Missionaries of Charity have chosen to forgo the goods of marriage and wealth in order to help the poor.

The heroic act is one in which someone takes extraordinary risks to secure a good for someone else. Heroic rescues are paradigmatic here. The hero enters a burning building to save someone trapped inside; he is not obligated to do so, but he risks his own good in an attempt to secure some good for others. An example is offered by St. Maximilian Kolbe, the Franciscan priest who volunteered to serve as a Nazi hostage (and to be starved to death) in place of Sgt. Francis Gajowniczek, a married man. Father Damien de Veuster's service to the leper colony at Molokai would be another example of this kind of supererogation.

The exemplary supererogatory act is one in which someone refuses to secure a good or exercise a right in the belief that this refusal will inspire others to care less about having the good or exercising the right in question. In a situation in which society has veered dangerously to one extreme, such actions of supererogatory abstention can perhaps return society to a middle course. The Humiliati of the twelfth and thirteenth centuries provide a good example of such a life. The simplicity of their life was intended to be a counterweight to medieval

consumerism, which was taking its toll even among those in religious life. A modern example would be the teetotaller who does not believe that the consumption of alcohol is wrong, but who believes that his abstention will help others to realize that people can have a good time at parties without getting drunk.

Compatibility of Just-War Theory and Optional Pacifism

With these distinctions made, we can finally answer the questions (1) whether one can accept the just-war theory, i.e., believe that J1–3 are true and still believe that it is permissible to commit oneself to a life of complete abstention from violence, and (2) if so, in what sense.

There are certain choices which the just-war theorist can clearly accept. Refusal to use violence in self-defense, or adoption of a nonviolent, risk-accepting intervention strategy rather than a violent one that is safer for the rescuer, are clearly permissible under the just-war theory. Such actions could be understood either as heroic or exemplary acts of supererogation. On the former interpretation, the self-defender or intervener acknowledges that the life and health of the malefactor are goods. The self-defender refuses to place his own good above that of others, even though, at least according to J1 (with appropriate supplements), he would be entitled to do so in this case. The intervener takes extraordinary risks. He fulfills his duty to the victim in a way that is costly to himself rather than to the malefactor. These actions would be cases of exemplary supererogation if they were undertaken in order to emphasize to society how dangerously it has veered in the direction of a too ready resort to violence.

What is harder to permit is a risk-imposing nonviolent intervention. Risk-imposing interventions differ from risk-accepting ones in that the intervener, though he is lowering the probability that harm will come to the victim, is not lowering it as much as he could. This is not a case of heroic supererogation, since the intervener is not accepting increased risk *himself* in order to protect the good of others. What he is doing is deciding to respect the good of the malefactor at the cost of the victim. Is this nevertheless permissible?

The just-war theory (and its analogues) is usually formulated as a set of *permissions* to resort to violence, not as a set of obligations ever to do so. There is no inconsistency between J1–3 above and

P: No one is ever required to use violence in fulfillment of any other duty.

Thus there is no inconsistency in holding the just-war theory and accepting the legitimacy of optional pacifism.

Optional Pacifism and the Duty to Rescue

This is not, however, the end of the story. For many just-war theorists also believe

J4: There are cases in which it is obligatory to use violence to protect the victims of unjust attack.

Thomas Aquinas, for example, wrote: "Not to resist evil . . . in the sense of tolerating patiently the wrongs done to others . . . is an imperfection, or even a vice, if one can suitably resist the wrongdoer."[49] The context (a discussion of whether a religious order can be directed to soldiering) makes it clear that the use of violence is not per se unsuitable, a point which St. Thomas argues explicitly elsewhere.[50] Pope Pius XII, in his Christmas Message of 1948, said: "Among the goods of humanity some are of such importance for society, that it is perfectly lawful to defend them against unjust aggression. Their defense is even an obligation for the nations as a whole, who have a duty not to abandon a nation that is attacked."[51] And the Fathers of the Second Vatican Council wrote: "Government authorities and others who share public responsibility have the duty to protect the welfare of the people entrusted to their care."[52] It is clear from the context that they mean by resort to war, if that is the only effective means of providing this protection.

The bishops quote both of the latter two remarks with approval and even go on to say: "Catholic teaching does not question the right in principle of a government to require military service of its citizens provided the government shows that it is necessary. A citizen may not casually disregard his country's conscientious decision to call its citizens to arms."[53]

J4 may not, strictly speaking, be a tenet of the just-war theory, but if it is true, optional pacifism is in for some rough sailing. For although J1–3 do not rule out optional pacifism, a strong interpretation of J4 would. It would, for example, limit the extent to which states must grant a legal right of conscientious objection to war. P, on the other hand, allows one to say about the use of lethal violence that, though others may resort to it if they will, there is nevertheless a right of nonviolence of those who choose to be pacifist. Is J4 in fact true? If so, what are those cases, and who has the duties?

The first step in answering this question is to determine whether the use of lethal violence to effect a rescue that cannot be accomplished by other means is the duty of *anyone*. The answer is that, as long as lethal violence is morally licit, its use is a duty for some, namely for those who have promised (whether explicitly or implicitly) to use it. For example, the soldier, having taken the king's shilling during peacetime, has an obligation to serve in a just war when called upon to do so. Similarly, a policeman, having agreed to protect citizens from violence,

[49] *ST* 2-2, q. 188, a. 3 ad 1 (my translation).
[50] *ST* 2-2, q. 64, aa. 1–3.
[51] "Christmas Message of 1948," *Acta Apostolicae Sedis* 41 (1949) 5–15.
[52] *Gaudium et spes* no. 82.
[53] *The Challenge of Peace* no. 232.

has the obligation to use lethal force when the public safety requires it. It is, arguably, the duty of public officials in general.

The second step is to determine whether this is the duty of everyone. If the clerical, vocational pacifism defended by Thomas is a permissible commitment, then clearly the use of lethal violence is not everyone's duty. Some people are permitted to abstain. Can a person opt out of the use of violence for reasons not having to do with the priestly vocation?

Three problems arise. First, if too many people adopted this principle of action, some who are unable to defend themselves might be left to the mercy of the unscrupulous and powerful. The bishops' concern on this point is expressed in the following passage:

> Even when speaking of individuals, however, the council is careful to preserve the fundamental *right* of defense. Some choose not to vindicate their rights by armed force and adopt other methods of defense, but they do not lose the right of defense, nor may they renounce their obligations to others. They are praised by the council as long as the rights and duties of others or of the community itself are not injured.[54]

Second, even if only a few adopted the principle, they would have to answer the charge that they were failing to make their contribution to the carrying out of an unpleasant and sometimes dangerous duty. This problem can be met. The bishops rightly emphasize the duty of those who refuse to perform military service to undertake some other, comparably burdensome project of public service.[55]

Third, even if there are only a few people who make the choice of personal pacifism, there is still a possibility that someone who does make this choice will be uniquely situated to help the victims of violence. This problem, of course, confronts the defenders of clerical pacifism as well. Is this why canon law is less restrictive than the prohibition defended by Thomas? Canon law not only allows clerics to do military service with the permission of their bishop, but is silent about the permissibility of individual defense of others.[56]

Provided that the three foregoing concerns are met, the choice of complete abstention from lethal violence could be defended as consistent with J1 of the just-war theory, in either of two other ways.[57] In each of these ways, the choice of nonviolent means would have to be seen as a kind of act of double effect. The bad aspect of the action (the suffering of the victim) is foreseen but not intended, and there is a sufficient reason for going ahead with the action (viz. choice of the

[54] Ibid. no. 75.

[55] Ibid. no. 233.

[56] On this point, note that Thomas forbids any private individual to intend the death of the attacker, though he does allow the use of foreseeably lethal force (*ST* 2-2, q. 64, a. 7).

[57] The absolute pacifist, who stands outside the just-war theory, of course, has another line of defense: that nonviolent resistance is the best morally available alternative, since the only alternative is the intrinsically objectionable resort to violence.

nonviolent alternative) even though it has a bad aspect. The defender of personal pacifism would have to go on to justify the sufficiency of this reason.

One approach to the question of sufficiency is to interpret the action as one of exemplary supererogation. On this view, nonviolent resistance would be defended on the grounds that the obligation to save the victim by resort to violence is outweighed by the obligation to give witness to the importance of avoiding violence. Whether such witness can be effectively given in situations in which the burden falls not (or not primarily, or not exclusively) on the witness (or *martyr*), but on someone else, is dubious. But we do sometimes allow people to do less than they could for the benefit of someone whom they could help on the grounds that they are fulfilling other important commitments. For example, we do not expect medical researchers to forgo family life until they have figured out how to cure whatever disease is the object of their research. An historical example of such a limit can be found in the life of Blessed Clare of Pisa, prioress of a Dominican convent, whose family was deeply involved in local politics. At one point, a biographer writes,

> [Her father], in the midst of his efforts to maintain peace in the city was treacherously slain by Giacomo Appiano . . . ; two of [her brothers] were done to death by the miscreant's supporters, whilst a third escaped, closely followed by the enemy, to the doors of Blessed Clare's convent, at which he knocked for admission. Recognizing that her first duty was to protect her daughters from the mob, the prioress refused to break the enclosure.[58]

Although it might have been physically possible for Blessed Clare to save her brother, it was not possible for her to do so without violating her stricter duty to ensure the safety of her convent. Blessed Clare's act is not one of exemplary supererogation, but it illustrates the point that there can be morally important reasons for refusing to do some good actions that are physically possible. Applying this to personal pacifism, the question is how important can the commitment to be a witness to the power of nonviolence (or to the dangers of violence) become?

A second approach is by appeal to Bernard Williams's account of integrity.[59] Williams's critique of consequentialism centers on his concern that people be given some space to pursue projects they believe to be important, that they not be held fully responsible for things they did not prevent by extraordinary measures.[60] Although J4 does not commit one to consequentialism, it does commit one to limiting the scope

[58] Thurston and Attwater, *Butler's Lives* 2.118.

[59] In J. J. C. Smart and B. A. O. Williams, *Utilitarianism: For and Against* (Cambridge: Cambridge University, 1973) esp. 108–118.

[60] In Aquinas's terms, one does not cause what happens as a result of omitting to do acts which one had no ability or no obligation to do. And one does not have obligations to help everyone in every way (cf. *ST* 1-2, q. 6, a. 3).

of Williams's concerns about integrity-protecting rights not to do certain kinds of things. For J4 implies that there are certain circumstances in which the use of violence is a moral requirement. Consequently, it limits the extent to which a person is entitled to make a life of complete abstention from violence against others into a personal project. We do, of course, limit people's rights in this respect. We would not, I think, approve a life of unswerving (we should probably say obsessive) promise-keeping. For sometimes promises not only may, but should, be broken because of pressing emergent obligations that could not have been anticipated at the time they were made. That fact does present problems for this line of defense, though there may be some reason for thinking that the requirement to use violence to rescue the victims of unjust attack is different from other aspects of our duty to help those in need. On the other hand, this second account of why one might ask to be excused from the use of violent means does have one advantage over the first: it forces us to think about just how much J4 demands of a person committed to the strongest possible respect for the principle "Do harm to no one."

CONCLUSION

The bishops state that pacifism and the just-war theory have "a complementary relationship."[61] At another point, they say: "The 'new moment' in which we find ourselves sees the just-war teaching and nonviolence as distinct but interdependent methods of evaluating warfare."[62] The bishops cannot mean by these statements that both the just-war theory and pacifism (in the sense that war is always wrong) are true. Those two positions are contrary, since the former asserts, and the latter denies, J1. It is logically possible that both are partly true and partly false (since the just-war theory asserts also J2–3, and pacifism might also be taken to be more than just the denial of J1). If that is what the bishops meant, however, what we need is not a creative tension between two half-truths, but a new theory taking just what is true from each of the older views. There is no hint in the document that that is what the bishops had in mind.

It would, however, be entirely consistent to maintain that the just-war theory is true, that J4 is an obligation of communities that can fairly be met without imposing the duty to use violent means on those whose reluctance to do combatant military service is grounded in a general commitment to be a witness against the excesses of violence. Such an accommodation of personal moral preferences may not be possible in every society or at every time. But when accommodation is possible, it is appropriate, not just as a concession to erring consciences, but in appreciation of an important witness.

[61] *Challenge of Peace* no. 74.
[62] Ibid. no. 120.