

WHEN RELIGION AND POLITICS MEET--JUST WAR IN THE 80'S

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We live in a country that does not establish a particular religion. Yet, religion has strongly influenced morality and politics in the United States. One religious doctrine that has been influential in our thinking is the just war doctrine traceable to Saints Augustine and Thomas Aquinas (hereinafter referred to as "the doctrine"). One of the latest events in the development and application of the doctrine is the 1983 American Catholic Bishops' Pastoral letter The Challenge of Peace: God's Promise and Our Response approved on May 3, 1983 (hereinafter referred to as the "Pastoral").<sup>1</sup> The Bishops clearly spell out the implications of the just war doctrine for those people who might consider participating in nuclear war or preparing for nuclear war.

The doctrine operates within at least two intellectual tensions. The first results from the fact that the doctrine is developed within the context of Christian moral theology. There are varied interpretations of Christian moral theology. I see the doctrine as a half-way house between the pacifism of the Sermon on the Mount and the holy war of the Crusades.

A second tension, vividly demonstrated in the twentieth century, is that between the demands of the Christian faith and the demands of political leaders. The life and death of Dietrich Bonhoeffer, as well as the debates around liberation theology are cases in point.

Given that the doctrine is uniquely Christian in origin, why would leaders of a nation like ours that does not establish religion be anxious about the teachings in the Pastoral? First, because a significant percentage of the population either belongs to this religion or is influenced by its thinking. For instance, approximately fifty percent of the students at the Naval Academy identify themselves as Roman Catholic. Those students who are not Roman Catholic but who consider themselves Christian, might also be influenced by the teachings in the Pastoral. Recall the concerns in the 1960 presidential campaign about U. S. policies being controlled from the Vatican if John F. Kennedy were elected. Second, some policy makers are Roman Catholic and might have a crisis of conscience if the teachings of the church deviate too far from the policies of the nation.

One argument that I will not consider within this paper is that the concept of justice is unintelligible.<sup>2</sup> Investigating this argument would be an additional paper. Therefore, I shall assume for the purposes of my argument here that the concept of justice is meaningful to the extent that we can understand and apply the criteria of the doctrine.

These criteria divide into two parts: jus ad bellum criteria and jus in bello criteria. The former concern the justness of engaging in war at all, and include the following: just cause; just intention; probability of success; last resort; competent authority; proportional objectives.<sup>3</sup> The latter concern the morality of one's conduct during a war, and involve two important

criteria for the purposes of this paper: discrimination and proportionality.<sup>4</sup>

The remainder of this paper will have three parts. First, a summary of the position of the Pastoral. Second, a statement of criticisms of that position by Raymond A. Shulstad in his book Peace is My Profession: A Soldier's View of the Moral Dimension of US Nuclear Policy. Third, my reflections on this controversy, particularly my criticisms of Shulstad.

The Pastoral attempts to apply just war criteria to the conduct of nuclear war. The following five points are central.<sup>5</sup> First, the Pastoral stresses that defense against aggression is the only just cause for war. Christians are called by Jesus to be peacemakers, establishing peace based on justice. Peace is not an end in itself, but a means to developing a truly humane society. The Bishops recognize that in a world of sovereign states, the resort to armed conflict may be unavoidable. However, the development of an international authority empowered to resolve peacefully the disputes between nations would be preferable. Nonviolence is perceived as a stance adoptable by individuals but not open to states because states have a moral responsibility to defend their citizens.

Second, on the use of nuclear weapons, the Bishops use the doctrine's criteria of proportionality and discrimination to utter a resounding "no" to forms of warfare employing weapons of mass destruction to wipe out civilian populations. We can also look back to Vatican Council II which concluded, "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." <sup>6</sup>

Third, the logical contradictions inherent in the doctrine of deterrence, wherein we prepare and threaten to do what is immoral in order to prevent that very act, bothers the Bishops. Basically, their claim is that the deterrence doctrine is both illogical and immoral. Yet, they accept deterrence conditionally, with uses that are very limited.

Fourth, on weapons, arms control and disarmament, the bishops oppose the arms race on two grounds: 1) its danger; and 2) the use of resources that could be better used for social justice (care of the poor and hungry).

Fifth, on relations between the US and the USSR, they point out that although we threaten each other, we have a common interest in preventing nuclear war. To this end, negotiations for arms control and disarmament are encouraged. (In January 1990 some might argue that the Soviet and Warsaw Pact threat is significantly reduced.)

In summary, the Pastoral condemns participation in and preparation for nuclear warfare.

## PART II: SHULSTAD'S RESPONSE TO THE PASTORAL

So, what are the possible responses to the Pastoral? Several prominent Catholic laymen became very anxious just

thinking about the possibilities of the Pastoral being published. They attacked it in its formative stages and tried to influence the final product. Some of them held influential positions in the Reagan administration and felt that the dissemination of the Pastoral would somehow weaken the USA's resolve to prepare for and threaten nuclear war.

The other end of the response spectrum, where I locate myself, sees the Bishop's position as a logical consequence of the Doctrine. If logic is the same for everyone, that is, if we agree on the criteria for valid arguments, then anyone who adheres to the doctrine (i.e., takes it for her premises), must adhere to the consequences that can be validly deduced from the doctrine.

Raymond A. Shulstad, in his volume Peace is My Profession, provides a detailed, reasoned and systematic criticism of the Pastoral from within the military community. I will state and analyze some of his arguments.<sup>7</sup>

Shulstad first questions whether the American Catholic Bishops have the authority to write their conclusions. He bases this challenge on a distinction among three kinds of statements: 1) universal moral principles, 2) official church doctrine and 3) prudential judgments. The first are binding on all moral people and the second on all Catholics. Prudential judgments are not binding at all. They result from applying universal moral principles or official church doctrine to specific situations and issues. Shulstad identifies in the Pastoral two cases of each of

the first two kinds of statements. The universal moral principles are the two jus in bello rules of the doctrine, namely discrimination and proportionality. The two official church doctrines are: 1) the Second Vatican Council condemnation of total war and attack on cities (cited above, p. 4); and 2) "Catholics are bound to apply and satisfy the just war criteria in the resort to and use of armed force."<sup>8</sup> [Please note that Shulstad holds that these two items are binding on all Catholics.] Shulstad claims that prudential judgments lack the authority of universal moral principles or official church doctrine, so Catholics can disagree with the prudential judgments of the Pastoral and draw their own conclusions. It turns out on Shulstad's interpretation that all the Pastoral's conclusions about specific features of U. S. nuclear policy are prudential judgments and not binding principles, including the Bishops' overall "NO" to nuclear war. Thus, Shulstad is assuming the intriguing moral and logical position that individuals can reach different conclusions about how to act from the same universal moral premises. Further, the examples that Shulstad actually criticizes are those of individual bishops that he says go way beyond the limits of the Pastoral. Such criticisms leave the prudential judgments of the Pastoral unscathed. For instance, consider the following two quotes, the first by Archbishop Quinn and the second by Father Winters.

Catholic military personnel should refuse even a Presidential order to detonate a nuclear weapon because such an order would be morally wrong and would exceed the President's authority.<sup>9</sup>

Catholic officials in the US Government who hold responsibility for our nuclear deterrent policy are now seemingly put in an unsupportable dilemma because they have by oath of office, political or military, assumed a constitutional obligation to execute and/or articulate, as required by political circumstances or official directives, our nuclear deterrent policy...Catholics...are now forbidden by conscience from meeting these constitutional responsibilities under pain of serious sin. Resignation of office is their only morally viable option.<sup>10</sup>

Criticisms of these statements do not touch the prudential judgments in the Pastoral. It seems reasonable to ask who is better qualified to apply universal moral principles and official church teachings to specific situations than the Bishops?

Shulstad's next criticism is that the Bishops are idealistic and commit perceptual errors. Those who use the charge of "idealism" as a criticism seem to mean it in the sense of "irrelevance". I find it hard on the face of it to see how that charge can be a criticism in this context. Shulstad's alternative is to focus on "what must be done"<sup>11</sup> --i.e., the doctrine of military necessity. It would appear to me that almost any atrocity could be justified with this doctrine, for instance Hiroshima and Nagasaki. Granted that we do not live in an ideal world, why should Christians morally cripple themselves for the sake of a world that is so fleeting and unimportant. Recall Christ urging that one should not lay up treasure on earth (I assume that also means in the silos under the earth), and that his kingdom is not of this world.<sup>12</sup> As I interpret the New Testament, most of the major figures including Jesus expected the



world to come to an end during their generation.<sup>13</sup> On the view that this world is not valuable and is fleeting anyway, and that there is a much more valuable world, why shouldn't one be idealistic and not commit moral atrocities if those acts are going to possibly bar him or her from the more valuable kingdom. From the perspective of Christian nomotheism, nationalistic and militaristic doctrines constitute a form of idolatry. In fact, the very formulation of the doctrine may be the fundamental idolatry! On this interpretation of the Christian message, religion and politics would scarcely meet at all. The Christians would turn their backs on politics in keeping with injunctions to turn the other cheek, love one's enemies and not lay up for oneself treasure on earth.

The perceptual errors laid at the feet of the Bishops involve facts and historical precedents, especially the causes of war. Shulstad describes as "history's uncontested lesson" that weakness (actual or perceived) has encouraged wars rather than prevented them. This statement implies that the Bishops are intentionally recommending that the US become a militarily weak nation. However, saying that we cannot justly use nuclear weapons is a far cry from saying that we should weaken the nation. A more serious problem with Shulstad's attack here is summarized in Einstein's celebrated remark, "The unleashed power of the atom has changed everything save our modes of thinking, and thus we drift toward unparalleled catastrophe."<sup>14</sup> Shulstad seems to embody this unchanging way of thinking that does not

recognize that nuclear doctrine has rendered traditional military doctrine obsolete.<sup>15</sup> In traditional military doctrine the slogan "peace through strength" may have made sense, because if you went to war you could win by exhausting the enemy's resources and ability to fight. In the nuclear age this is not a possibility. Both the US and the USSR will be destroyed many times over before either has exhausted the other's nuclear resources. If we have an overkill factor of ten, we could reduce our nuclear arsenal by 90% and still not be a weak nation when it comes to nuclear war.

The most xenophobic part of Schulstad's criticisms come under the heading of the failure to consider the threat of the USSR. Outworn shibboleths appear, including that we can't trust treaty relationships to solve our conflicts with the Soviets, that a freeze would lock in current military imbalances, and that the Soviets have seldom responded to our peaceful overtures. Even if all these questionable views were correct, the question remains what they have to do with our doing what is right. Is it idealistic to act in a moral way even if your opponents are not doing so? Is it preferable to become morally like your enemy in order to defeat him? What sort of defeat is that if your opponent has turned you into a moral copy of himself?

Following on the charge of being idealistic comes the criticism that the Bishop's position approaches absolutism. There are at least three components to this criticism: 1) failure to use a "contextualist approach"; 2) failure to consider consequences (to be utilitarians?); and 3) failure to take into

account the hierarchies of values that we hold. Shulstad, uses numerous quotations to develop a position critical of taking human life as the highest value in our scale of priorities. He holds that surrendering the entire world to Soviet tyranny and repression could be an evil worse than war (interestingly, he does not say "an evil worse than NUCLEAR war"). The implication of the quotes he strings together is that the annihilation of the entire human race is preferable to surviving under Soviet communism, i.e., "Better dead than red". I fail to see the moral value inherent in a position that is willing to sacrifice on the altar of a limited political ideology not only the entire human race now living, but the prospect of all future generations. The critics of the Pastoral are apparently willing not only to consider but to commit global genocide rather than live under a regime that would give us time and hope for change (witness what is happening in the Soviet Union and Eastern Europe in late 1989 and early 1990).

The preface of the book implies that Shulstad is a Roman Catholic. Therefore, the next position is most puzzling. He attacks the Pastoral for failing to consider the consequences of its recommendations. How can one want to employ the Bishops' moral reasoning (i.e., use non-consequentialist reasoning) and yet not want to employ the Bishops' moral reasoning (i.e., use consequentialist reasoning)?<sup>16</sup> This charge seems tantamount to urging them to abandon their fundamental ethical assumptions, i.e., to be themselves no longer. The more sensible approach

would seem to be to grant the style of their moral reasoning and then see what follows (what one's options are within those limits). Shulstad comes across as having been in the Bishops' camp until the implications of his employment as a nuclear weapons specialist intersected the teaching of the Pastoral and created an intolerable tension. His way out seems to have been to abandon the Roman Catholic church's moral theology/rather than resign his commission. He is particularly critical of those Bishops who, interpreting the Pastoral for themselves, have urged those responsible for nuclear policy or the use of nuclear weapons to resign their positions.<sup>17</sup> Of course the Bishops' position approaches absolutism and of course the Bishops did not put consequences first. That is who they are and what they do.

### PART III: REFLECTIONS ON THE CONTROVERSY

My concluding comments will focus on the following areas: peace and our image of the enemy, the logic of deterrence, and the logical relations of religious morality to politics.

Shulstad and I agree that there will always be conflict. Those who are working for peace are not working for a world without conflict. Rather, we are working for a world that employs the non-violent resolution of conflict. Some of my differences with Shulstad arise because I think that he has a very narrow view of how to approach and resolve the present conflict between the USA and the USSR. He seems to have a view that would regard the USSR as the enemy no matter what. His writing gives me the feeling that if we did not have this

particular enemy, we would need to invent such an enemy to justify current policies. One major question that JSCOPE should consider and an important issue for the application of just war doctrine to US policy is whether or not our current military establishment can adjust to a world of cooperation between the USA and the USSR. If "peace is breaking out" as the papers seem to indicate, what are the implications for our policy of nuclear deterrence? I see Shulstad using an ideological rather than biblical image of the enemy. An "ideological image of the enemy" is delineated by J. Glenn Gray as follows:

In this the enemy is conceived to be not merely a loathsome animal, below the human level, but also above it in being a devil or at least demon-possessed and, as such, an enemy of God....The enemy in trying to destroy the only revealed truth, the only moral order, the chosen nation, embodies the very essence of evil, which is the devil, or at best he is possessed of some demonic power which renders him incapable of perceiving what is plain as day to the faithful. The enemy, in short, is in revolt against God, interpreted as modern political religions understand God, namely, their highest value.<sup>18</sup>

I take the biblical view of the enemy to be someone to be loved and prayed for.<sup>17</sup> This certainly is absolute and idealistic as we popularly use those words. What is the meaning and value of the injunction to love one's enemies? Is it different for individuals than for states? If the pacifism counseled in the Sermon on the Mount is only for individuals and not for states, as Shulstad alleges, then I see two problems. First, morality becomes irrelevant for policy-making and current policies become basically amoral. But surely this goes against our moral

intuitions in that we want to be able to morally evaluate these policies. We certainly morally evaluate the policies of other nations. Second, the role of Christian Chaplains in the military becomes problematic. Is that role to salve the consciences of individual soldiers while having nothing to say to the policy makers? If so, we REALLY see religion becoming the opiate of the people, in this case, military people. The Chaplains lose their prophetic voice and the opportunity of speaking truth to power.

Another issue is our policy of deterrence. There are both logical and practical arguments about this policy. I will mention one of each. One practical argument in favor of deterrence, which Shulstad apparently accepts,<sup>18</sup> is that during the past forty-five or so years nuclear deterrence has worked to keep nuclear peace (and avoid annihilation) and therefore it will continue to do so. Philosophically it also confuses correlation with causation. That the period of nuclear deterrence has correlated with a period of the absence of annihilation does not establish that the former causes the latter. Rather, this is a sheer coincidence. That practical argument overlooks consideration of both technical failure and human failure. The nuclear industry in the Soviet Union proclaimed that it had a good safety record shortly before the Chernobyl incident. NASA proclaimed a very low probability of accident in the shuttle program not long before the explosion of the Challenger. On the side of human failure we have had the examples of Stalin and Hitler being or going crazy by ordinary human standards in terms

of the policies they pursued and the actions they performed. This is not a problem only for totalitarian states. In our own country we have the example of Secretary Forrester in a very influential policy-making position who suffered severe depression and eventually committed suicide. Therefore, I conclude that we stand under great threat of annihilation at any moment from either technical failure or human failure. The practical argument for deterrence has a huge flaw.

The logical and moral problem with the policy of deterrence is that it is contradictory. The ultimate irrationality is that we are preparing for annihilation in order to prevent annihilation.<sup>19</sup> In other words, the doctrine of deterrence is circular. We must mean to do what we categorically must never do, that is, extinguish ourselves.<sup>20</sup> I agree with Jonathan Schell's claim that the nuclear doctrine of deterrence obliterates traditional military doctrine in that nuclear doctrine demands that we abandon the military defense of our nation. "The policy of deterrence does not contemplate doing anything in defense of the homeland; it only promises that if the homeland is annihilated the aggressor's homeland will be annihilated, too."<sup>21</sup>

My conclusion from the above reflections is that IF nuclear war is total war (and I think it necessarily is) THEN, according to the just war doctrine, it is unjust (for states) and immoral (for individuals). The Bishops, standing within the just war tradition, have condemned participation in nuclear war because it

is a case of total war and total war is not a just form of warfare. Looking at their position, I conclude that our options are either to abandon the just war doctrine or to abandon preparations for nuclear war.

1. National Conference of Catholic Bishops. The Challenge of Peace: God's Promise and Our Response: A Pastoral Letter on War and Peace. (Washington, DC: US Catholic Conference, 3 May 1983).

2. Kaufmann, Walter, Without Guilt and Justice (New York: Dell Publishing Co., Inc., 1973), 35-64.

3. Raymond A. Shulstad, Peace is My Profession (Washington, DC: National Defense University Press, 1986), 26-27.

4. Ibid., 27-28.

5. The following points occur in Shulstad, 72-80.

6. Ibid, 69.

7. The following points occur in Shulstad, 80-101.

8. Ibid, 69.

9. Ibid., 84.

10. Ibid., 85.

11. Ibid., 87.

12. The reference to treasures is in the Sermon on the Mount, Matthew 6:19. The references to the Kingdom are in John 18:36 and Luke 12:31.

13. Examples of this would include Jesus in Matthew 16:28 and Peter in I Peter 4:7.

14. David P. Barash, and Judith Eve Lipton, The Caveman and the Bomb (New York: McGraw-Hill Book Company, 1985), ix.

15. Jonathan Schell, The Fate of the Earth (New York: Alfred A. Knopf, 1982), 190.

16. Frederick Copleston, S.J., A History of Philosophy (London: Burns Oates & Washbourne Ltd., 1959), vol. 2, Medieval Philosophy: Augustine to Scotus, 398-411. Copleston describes Aquinas' moral reasoning as focusing on eternal and natural law. One of the primary precepts of natural law, which are unchangeable, is the