

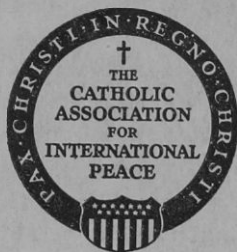
Emanuel, Cyprian
- The Morality of...
ADN 9235

ADN 9235
Pamphlet No. 30
788854

The Morality of Conscientious Objection to War

Reverend Cyprian Emanuel, O.F.M., Ph.D.
and
The Committee on Ethics

A Report of the Ethics Committee



PRICE 10 CENTS

THE CATHOLIC ASSOCIATION FOR
INTERNATIONAL PEACE

1312 Massachusetts Avenue, N. W.
Washington, D. C.

1941

APPRECIATION is expressed to Niagara University, Niagara Falls, New York, for sponsoring the publication of this pamphlet, thereby helping to promote that condition and aim of peace described by His Holiness, Pope Pius XII:

“The more Christian justice, fraternity and charity animate and guide individuals and groups, so much more also is established among nations, a spiritual atmosphere making possible, indeed easy, the solution of many problems which today appear, or really are insoluble.”

The Morality of Conscientious Objection to War

Reverend Cyprian Emanuel, O.F.M., Ph.D.
and
The Committee on Ethics

A Report of the Ethics Committee

THE CATHOLIC ASSOCIATION FOR
INTERNATIONAL PEACE

1312 Massachusetts Avenue, N. W.
Washington, D. C.

THE PAULIST PRESS
401 West 59th Street
New York, N. Y.

THIS is a Report of the Committee on Ethics of the Catholic Association for International Peace and is being issued as a Study from this Committee. It was presented and discussed at the regular annual meeting of the organization. The Committee co-operated in the final form of the Report and it was presented to the Executive Council which ordered it published. As the process indicates, this Report is not a statement from the whole Association.

ETHICS COMMITTEE

Chairman, RIGHT REV. MSGR. JOHN A. RYAN

Rev. Edward F. Angluin, O.S.B.	Rev. Donald A. MacLean
Rev. J. C. Bartley, O.S.A.	Francis E. McMahon
Rev. Harold Bolton	Very Rev. James H. Moynihan
Emmanuel Chapman	Kathleen E. Murphy
Right Rev. Alcuin Deutsch, O.S.B.	Rev. Carroll J. Noonan, S.S.
Rev. Cyprian Emanuel, O.F.M.	Rev. J. A. O'Brien
Rev. Gregory Feige	Rev. Wilfrid Parsons, S.J.
Rev. Adolph D. Frenay, O.P.	Robert Pollock
Rev. Leo C. Gainor, O.P.	Miriam T. Rooney
Right Rev. Msgr. Michael Grupa	Rev. John K. Ryan
Rev. Linus A. Lilly, S.J.	Right Rev. Msgr. Fulton J. Sheen

TABLE OF CONTENTS

	PAGE
FOREWORD	5
I	
PRELIMINARY OBSERVATIONS	7
II	
CONSCIENTIOUS OBJECTORS	13
1. DEFINITION	13
2. CLASSIFICATION	13
III	
THE MORALITY OF CONSCIENTIOUS OBJECTION....	20
1. CERTAINTIES	20
(a) The Objector's Conscience	20
(b) The Objector's Objection	27
2. UNCERTAINTIES	32
IV	
SUMMARY	41

TABLE OF CONTENTS

FOREWORD 1

1. INTRODUCTION 2

2. THE PROBLEM 3

3. THE DATA 4

4. THE ANALYSIS 5

5. THE RESULTS 6

6. THE CONCLUSIONS 7

7. SUMMARY 8

FOREWORD

The general and fundamental principles of conscientious objection are clear and certain. Peter and the Apostles struck the keynote of the entire question when they countered the "commanding we commanded you" of the Sanhedrin with, "We must obey God rather than men" (Acts v. 28, 29). It is the application of these principles to individual, concrete instances that constitutes the vexing problem. It is clear and certain, for example, that if a war has been justly initiated and is being justly waged, the citizens have no choice in the matter—they are obliged in conscience to respond to their country's call to arms. The opposite is equally undeniable. If the war is unjust either in its dominant purpose or in its general methods, the individual is obliged, without choice or hesitancy, to refrain from participating. But is this specific war just or unjust? Have all the conditions, demanded prior to the declaration of war, been conscientiously observed? Are they being observed in the conduct of the war? Is it possible to justify any war at the present time? These, and others of a like nature, are the perplexing questions.

To make a difficult situation more difficult still, prejudices and selfish interests have a way all their own of distorting views and warping judgments. There are, in the first place, the false philosophies. One disassociates war entirely from morality; another proclaims the helplessness of men to stem the tide of oncoming factors that make for war; a third extols war as "the blood-and-iron cure for weakness and idleness"; a fourth, with a flagrant disregard for true values and proportions, grossly exaggerates the glories of the battlefield, while woefully belittling the importance of peace-time achievements; and so on.

Following closely on the heels of false philosophies, there are other biasing factors scarcely less consequential in stifling sound reasoning. Public opinion (mob psychology), organized propaganda, economic and financial interests, uncontrolled emotions, misguided sympathies, and misplaced loyalties, are undoubtedly the most potent and insidious.

It is through the maelstrom of these conflicting influences that the conscientious citizen and patriot must chart his reasoned course, no less alert to the danger of being drawn into the

Charybdis of peace-fanaticism on the right than careful to avoid the Scylla of exaggerated militarism on the left.

But withal the situation is by no means hopeless. Even at the present time when Europe is drenched with blood, it is gratifying and exceedingly encouraging to note that serious and thoughtful persons and groups in ever-increasing numbers, both within the Church's pale and beyond, are awakening to the realization that war involves moral issues. It is a healthy and auspicious phenomenon. It augurs well of ushering in the dawn of a new day—the day when men and nations will honestly strive to liberate themselves from the entangling and throttling meshes of prejudicing influences and, in consequence of earnest study and sound reasoning, will come to possess rightly-informed consciences on the all-important question of the lawfulness and unlawfulness of war.

The Conscientious Objector

I

PRELIMINARY OBSERVATIONS

Before entering upon the discussion of the validity and the morality of conscientious objection to war, it is essential that we clarify certain basic points which have a necessary bearing on the entire question and without which all discussion must needs be mere intellectual shadow-boxing.

1. MORALITY AND FREEDOM.—It goes almost without saying that objection to war on conscientious grounds necessarily presupposes, before all else, the existence of an essential difference between moral good and moral evil and, just as necessarily, man's physical ability freely to choose between the two. Were it not for the former fact, there could exist no rational basis of conscientious objection to the performance of any particular action or complexus of actions, since all without distinction would belong to the same moral, or rather amoral, category. As for the latter, if man were not master of his own actions, but, on the contrary, were a mere machine—a puppet, an automaton, or a robot—or an irrational animal, devoid of all freedom of choice, compelled to act this way or that in mechanical response to some master control or in blind, necessary, unreasoned obedience to his inherited instincts, his habits, or his environment, conscientious objection to certain acts would be as utterly meaningless as, for example, conscientious objection to the operation of the physical laws of condensation and rarefaction.

2. MORALITY NOT MAN-MADE.—Conscientious objection demands the acknowledgment that morality is not man-made. It demands the conviction that morality has deeper roots than mere personal likes and dislikes, individual emotions, personal persuasions subjectively arrived at, private well-being and convenience, and human reason alone; deeper than customs and conventionalities of social groups; deeper even than public welfare and civil laws. If morality were merely the resultant of one or more of these human factors, conscientious objection only too frequently would be nothing more than a flimsy pretext and shallow subterfuge serving the convenient purpose of veiling selfishness and cowardice. Moreover, if conscientious objection

rested merely upon a man-made morality, the same human factors that made it, whether individual, group, or civil, could just as readily undo it, and conscientious objection would needs collapse with its foundation. Again, the points at issue—public welfare, peace and war, obedience to civil authority, and, in the last analysis, the entire social order—are, in the very nature of things, far too momentous to be rooted in nothing more stable and enduring than an ever-changing and whimsical man-made morality.

3. MORALITY AND GOD.—Conscientious objection necessarily involves the admission that ultimately all morality, and specifically, in so far as we are here concerned, the morality of war, is based on the very essence of God. Before objection to war on grounds of conscience can have sense or force, it must be admitted that God is the Creator and Supreme Master of the entire universe and that man, the creature, must do the bidding of his Creator and Supreme Master in all things, at all times, and at any cost, and that he is rigidly accountable to Him for all his actions, whether he perform them as a private individual or as a member of a social group. Remove God from the province of morality and the very concept of morality becomes a misconception, a contradiction. Only a believer in a Lawgiver above all civil lawgivers can reasonably formulate a conscientious objection and assume the position that "we must obey God rather than men" (Acts v. 29) whenever their respective laws come into conflict; and only a theistic state can rationally acknowledge and respect such objection and position. This is not pure theory. As a matter of concrete and actual practice, it is clearly evident that conscientious objection in an atheistic state, for example, in Russia today, is grossly absurd—wholly without foundation in fact.

4. WAR AND MORALITY.—As is already implied in the preceding, conscientious objection necessarily involves the acceptance of the truth that war in all its phases—in its aims, its inception, its progress, and its peace terms—falls within the controlling and guiding scope of moral principles. It is clearly nonsensical, and even contradictory, to object on grounds of conscience to the performance of actions that do not involve morality and, hence, do not specifically fall within the domain of conscience.

5. CONSCIENCE, LAW, AND LAWGIVER. — Conscientious objection, to be reasonable, requires that the true relation-

ship of conscience with the moral law and through it with the will of God, be correctly understood and properly appreciated. Conscience is the human intellect—man's spiritual faculty of cognition—in so far as it is the medium by which man comes into the knowledge of the legislator's will—his commands and his prohibitions—as expressed in his law, and applies this law to his individual concrete actions. We can also correctly say that conscience is the dictate of practical reason, telling me in the light of the law what is morally right and what is morally wrong in individual concrete instances. The law, for example, forbids theft; I realize that the taking of these ten dollars is an act of theft; my conscience now tells me that the taking of these ten dollars is forbidden by the law, is morally wrong, and consequently must be avoided. I can take the money under these conditions only in violation of my conscience. And, I must not forget, the same action that is performed in violation of my conscience, simultaneously violates both the law and my legitimate superior's (*i. e.*, the legislator's) will. By violating my conscience, therefore, I incur culpable moral guilt and make myself amenable to the law's sanction, *i. e.*, to the punishments threatened by the lawgiver for the law's transgression.

We must further note the following in regard to conscience: (a) Conscience presupposes the existence of the lawgiver as my legitimate superior (God or human legislator), possessing over me the jurisdiction requisite to bind my will in such a manner that I become, in consequence, morally bound to do his bidding as set forth in his law. (b) As soon as the lawgiver has enacted his law and has done his part in bringing it to the notice and knowledge of his subjects, I am strictly obliged to apply all reasonable diligence to learn to know the law, not as I, perhaps, should like to understand it, but according to the true meaning and intent of the legislator. (c) As soon as I have acquainted myself with the law, I become morally bound through the medium of conscience to conform my actions to it, *i. e.*, to do whatever the law commands and to refrain from doing whatever the law forbids. (d) In spite of all good will and requisite diligence on my part—hence, without even a vestige of culpable negligence—it can happen, and does happen, that I remain in complete or partial ignorance of the law or misunderstand its true meaning, with the natural result that my actions are at variance, either completely or partially, with the aim and will of the lawgiver. I have now what is technically known as an invincibly

erroneous conscience. I am obliged to obey the dictates of such a false conscience just as rigidly as though it were in perfect accord with the law and with the intention and will of the lawgiver. These ten dollars, for example, are mine as a matter of fact, but I am convinced they belong to you; if I were to pocket them without ascertaining the true status of things, I should be violating the dictates of my conscience and sinning against the law. Or, to cite another illustrative instance, my friend, let us suppose, is guilty of murder and I know it, but my convictions concerning the exactions of the law of charity are so distorted, through no fault or negligence on my part, that I recognize it as my bounden duty to come to the defense of my friend and to save him from conviction at any cost, even at the price of perjured testimony. So long as my false, but sincere, conviction prevails, I have no choice—I must obey the dictates of my conscience. In these and in all instances of an invincibly erroneous conscience, I am strictly obliged to obey my false conscience, not because it is false, but because I am convinced in good faith that it is in accordance with the law and, hence, also with the will of the lawgiver.

Conscience, then, is not merely a subjective emotional mood or mental state or inner persuasion, disassociated from all actual and objectively existing law and legislator; nor is it an inborn mysterious and inexplicable voice, emanating from instinct, from the subconscious mind, or from some other unexplored recess of the human soul.¹ It is my intellect forcing upon me the reasoned conviction that my legitimate superior, the lawgiver, divine or human as the case may be, through his law either commands or forbids the performance of this or that individual action and holds me strictly accountable to him for my obedience or my disobedience.

6. CONSCIENCE AND PUBLIC WELFARE.—How can I ever possibly be morally obliged, or even be permitted, to prefer the dictates of my individual conscience to the demands of public

¹ Many false conceptions of conscience are current. As one of many at hand, I cite the following: "The dictates of conscience are intuitive. They are inspired by apprehensions which are as incisive as those of logic but which lie at deeper levels than dialectic. They grow out of an integration of experience and a synthesis of knowledge which are sub-conscious. A conscientious objector, seeking to trace the sources of his own conviction, realizes that many of the significant accretions of underlying experience have been forgotten and that their significance was never sharply understood. . . . One who goes to war or refuses to go to war for reasons of conscience must say simply in the last analysis, 'I could do no other.' . . . Although the rightness of a moral conviction cannot be proved or disproved by rational means, it is conditioned of course by reason, historical study and interpretation of relevant social phenomena." Vincent D. Nicholson, "Religion and Repudiation of All War," *Fellowship* (New York, Vol. IV, December, 1938), pp. 3, 4.

welfare? The answer is very simple. That to which I object on grounds of conscience, even though it be postulated in the name and under the guise of public welfare, either is, as a matter of objective reality, opposed to a higher moral law (*i. e.*, the natural moral law, the positive law of God, or the teachings and practices of religion), or, at least, I, as the conscientious objector, am convinced in good faith that it is thus opposed. Now, whatever is opposed to a higher moral law, no matter what be the name and garb under which it appears, cannot possibly make for true and genuine public welfare. It is something to which public welfare can lay no just claim. It lies entirely beyond the scope and jurisdiction of public welfare. The logical consequence can only be that, whenever the emergency arises and I am compelled to make the choice, I am obliged to choose what actually is, or, at least, what I am honestly convinced is, the true law of morality in preference to what in reality, or, at least, according to my honest conviction, is parading under the false appearance of the public good.

7. CONSCIENCE AND CIVIL LAW.—Can the individual citizen ever be morally obliged, or even be permitted, to prefer the dictates of his own conscience to the demands of the highest authority in the land? It is a commonly accepted axiom of jurisprudence that no law of a lower order can be valid and binding if it runs counter to the law of a higher legislator. We need but turn to the decisions of the supreme courts of our several states and, especially, of the Supreme Court of the United States, to find an abundance of illustrative and corroborative examples. Now, in the case of conscientious objection, the law of the land either actually or, at least, according to the good-faith conviction of the objector, does run counter either to the natural law or to the divine positive law or to the demands of religion. There is only one legitimate conclusion that the objector can draw and follow: God must be obeyed in preference to men, even though the men in the case hold and wield the highest authority to be found upon earth.²

8. TEACHING OF THE CHURCH.—What is the teaching of the Catholic Church concerning the question of conscientious objection to war? While the Church, in virtue of her divine commission, is the official custodian and infallible interpreter of morality in general and of the natural law in particular, it is her

² For instances of civil laws clearly justifying and even demanding conscientious objection at the present time, *cf.*, for example, the statute books of Russia and Mexico.

usual policy to leave to her moralists the discussion and interpretation of the natural law unless or until some false teaching of morality or the special exigencies of the times evoke an official declaration or decision. It is this policy that the Church has pursued up to the present day as regards the question of the natural law in its application to conscience and war.³

From the foregoing observations, it should be evident that the question of conscientious objection to war is of vital concern, not to Catholics alone, but likewise to all who believe in a personal God, the Creator and Lord of the Universe, the ultimate Author of all morality, and the Supreme Arbiter and Retributor of the actions of men. The treatment that follows, then, while embodying the traditional teaching of the Church, is an interpretation, in the light of sound philosophical principles, of the natural law in so far as it has a bearing on conscience and war. And the natural law, we must remember, is as universal in its binding force as is the human race itself. It obliges all men regardless of creed and race, of time and place. All men, by the very fact that they are men, are morally bound to acquaint themselves with it, to reverence it, and to obey it.

³Beyond this the Church does not go in her official teaching. Specifically, the Church does not hold that in Sacred Scripture can be found the positive law of God forbidding all warfare; nor is there anything in Catholic doctrine and practice that would render war absolutely and universally immoral. The Church's position in this matter is simply this: Observe the natural law as interpreted and applied by the moralists throughout the centuries.

We are by no means to conclude from this, as some may be tempted to do, that the Church is merely negative and passive in her official attitude towards the morality of war and that Catholics, in consequence, are more or less free to take sides as they choose. To restate the case, the traditional and official teaching of the Church in this matter is the natural law. Now, some points of the natural law are clear and certain. Concerning these all moralists are in accord. There are no grounds for rational disagreement and discussion. Other points are less clear and definite with the result that here the same moralists are free to engage in discussion within certain limits, the position of each being as strong and certain as the arguments he adduces to support it.

II

THE CONSCIENTIOUS OBJECTOR

1. Definition

A conscientious objector, in general, is one who refuses to participate in war at the command of his country because of the honest and settled conviction that war is morally wrong, *i. e.*, forbidden by a Legislator whose prohibition to participate in war must be obeyed in preference to the command of one's country. More specifically, he is one who is honestly convinced that war, either absolutely or only under certain conditions and/or in certain of its phases, runs counter either to the natural moral law or to the positive law of God or to the teachings and practices of religion and, in consequence, honestly considers himself strictly obliged on moral grounds to refuse participation in war, either wholly or in part, according to his conviction of its absolute (total) or relative (partial) immorality. This definition may at first reading appear to be entirely too complicated and cumbersome. But it is practically impossible to arrive at a terse and compact definition, if it is to be sufficiently broad and comprehensive to embrace the various classes of conscientious objectors.

We must lay particular emphasis on the point that, unless *conscience* and *conscientious* be given meanings altogether foreign to the ordinary acceptation of the terms, the definition of conscientious objection can be verified only when it is based on moral grounds, *i. e.*, on a moral law of a higher order than civil law, actually and objectively existing or, at least, erroneously conceived as such, which prohibits participation in war either wholly or partially. The very concept and essence of *conscientious* objection demand this.

2. Classification

When we come to classify conscientious objectors, we encounter those—some perfectly sincere, others insincere, in their opposition to war—who are really not conscientious objectors at all. We can for practical purposes bring them all together under the general head of *spurious*, or *pseudo*, objectors. To this class belong: (a) the indolent, cowardly, and unpatriotic, who resort to conscientious objection merely as a convenient means of escap-

ing military service; (b) fanatics who are opposed to war with all the proverbial "fire and flame" of fanatics, but who can proffer no satisfactory rational basis for their attitude; (c) those who refuse to enter military service because of a natural repugnance and abhorrence for human suffering, the shedding of human blood, and all that savors of inhumanity, cruelty, and brutality; and (d) those who object to war on the general plea that it is subversive of human progress, culture, and civilization; that it is "a crime against humanity" and is destructive of the natural brotherhood of man, since "it fills the nations with poverty, disease, misery, suspicion, hatred, and fear"; that each war is just another link forged in the endless chain of unnecessary, "stupid, and futile" wars, "for when it is over many of the wrongs complained of still remain, and new ones are added"; that war is the deliberate creation of capitalists to bolster up a tottering capitalistic system, of munition manufacturers to create markets for their death-dealing products, of mercantilists to open up or gain control of world markets, of certain political economists to bring about a spurt of artificial business prosperity, or of statesmen to effect a balance of power among nations; and for similar purely natural, humanitarian, political, social, and economic reasons.

None of these, no matter what be their specific reason, lack of reason, or pretext, for objection to war, can be classed as *real* conscientious objectors, since they do not base their objection on the settled conviction that war is opposed to a higher moral law, and, hence, is morally wrong. The question of sincerity or insincerity, of nobility or ignobility of aim and purpose, of objective motive or purely subjective frame of mind, does not enter. The sole consideration is the fact that they do not base their objection on moral grounds. They may be called generically non-religious objectors, war resisters, or pacifists, and specifically *political* objectors, or *social* objectors, or *economic* objectors, or *humanitarian* objectors, etc., according to the specific basis of their objection; but they can lay no just claim to the title of *conscientious* objectors. Still, "some of the most resolute and sincere objectors in the last war claimed exemption on humanitarian, political, or economic grounds rather than on religious grounds."⁴ It does not materially affect the situation to maintain, as some do, (a) that such objectors' "views may be called religious in the broader sense of the word," or (b) that *con-*

⁴ *What About the Conscientious Objector?*, American Friends Service Committee and Women's International League for Peace and Freedom, Philadelphia, 1940, p. 74.

scientious objectors includes all those whose "opposition is not based on either physical or intellectual indolence, or want of patriotism, or cowardice, or the desire to evade responsibility or danger."

It is true, social, economic, and similar considerations play a part in determining the question of "proportionate evil," one of the necessary conditions for a just war, and thus indirectly they have their moral aspects; but of themselves they are not of a nature to constitute moral grounds. Much confused thinking and misunderstanding met with here and elsewhere, emanate undoubtedly from the erroneous view that firmly held convictions are necessarily dictates of conscience. In reality, the two are far from being synonymous.

We may even seriously doubt whether or not those are standing on specifically moral grounds who base their objection on such generalities as the following (taken from actual instances): "Conscientious objection to war is a natural outgrowth of Christian desire for peace on earth"; "War exalts lying and hypocrisy, and tramples on truth, justice, and mercy"; "War does everything which is a negation of religion's answer to the meaning of life"; "War is a violation of what Christianity means to me"; "Military service betrays my whole conception of Christianity." Perhaps, these can best be characterized as *religious* (not *conscientious*) objectors.

Various classes of *real*, or *genuine*, conscientious objectors are readily discernible.

First, if we look to the precise basis, or reason, upon which the conscientious objection is founded (*Why* does the objector object?), conscientious objectors fall into the following classes and sub-classes:

(a) *Subjective* conscientious objectors; *i. e.*, individuals and groups who, it is true, are honest and sincere in their moral conviction, but whose conviction, in reality, is not based on objective law or official interpretation, but on a purely subjective misunderstanding and, consequently, erroneous application of the law—they have, as we previously explained it, an invincibly erroneous conscience. In this class we find: (1) those who read into the natural law more than it actually contains and misinterpret it as forbidding all war, or certain phases of war, at all times and under all conditions; (2) those who maintain that when they have once freely chosen to enter upon the life of higher Christian perfection—a life embodying the observance,

not only of the Commandments of God and Church, but also of Christ's "counsels of perfection"—they are no longer amenable to the civil laws demanding military service; but that, on the contrary, "they have the *right*, though not the *duty*, to be conscientious objectors" to war in any form; (3) adherents of a religious denomination having as one of its commonly accepted doctrines and practices the private interpretation of Sacred Scripture, who interpret Sacred Scripture as prohibiting all shedding of human blood and, hence, all warfare; and (4) adherents of religious denominations which hold, as true and certain, doctrines and principles explicitly prohibitory of participation in armed conflicts.⁵

In none of these instances is the objector basing his objection on an actually existing law or objectively valid interpretation and application of an existing law. The objector may be ever so sincere and well-meaning in his opposition to war and in his love for peace, but the fact remains—his attitude has no valid factual foundation; it is based on man-conceived grounds without sanction of divine or human law.⁶

(b) *Objective* conscientious objectors; *i. e.*, individuals who by study and interpretation and application of the actual law in the light of actual conditions, have reached the reasoned conviction that this particular war, or, as the case may be, that every armed conflict between civilized states *today*, is immoral. One may belong to this class: (1) because one, for example, the trained moralist or ethicist, in virtue of deeper study and more technical training in matters of morality, clearly and correctly discerns implications and applications that lie concealed from the ordinary lay mind; or (2) because one has knowledge of certain facts which have a distinct bearing on the morality of

⁵ "There were (during World War I) about twenty religious sects which qualified under the (United States) Selective Draft Law as having creeds or principles forbidding their members 'to participate in war in any form.'" Nicholson, *Fellowship*, New York, December, 1938, p. 3.

⁶ The natural law, not only permits me, but at times even strictly obliges me, to participate in war, *i. e.*, when the requisite conditions for a just defensive war have been verified. An obligation of the natural law can never be nullified by a counsel of perfection. Nowhere in Sacred Scripture does God forbid all shedding of human blood and all warfare. It is perfectly true that war is opposed to the spirit of Christ's Gospel of love and, in particular, of His "Sermon on the Mount" (Matt. v. 7). But to interpret the spirit of Christ's teachings as a law of Christ, rigidly prohibiting a citizen from answering his country's call to arms in a just defensive war, sanctioned, or even demanded, by the natural law, is a flagrant violation of the most fundamental rules of sound hermeneutics. Such an interpretation, no matter how sincerely and honestly it may be accepted as true, no matter how intact it may be handed down from generation to generation as a sacred tradition, no matter to what extent it may have come to be part and parcel of a religious denomination's body of teaching, to say the very least, can never come to enjoy the objective validity and binding force of a higher order than that possessed by the supreme law of the land.

this particular war, but which are unknown to the general public; for example, my position with the government may have brought me into the knowledge of the fact that, while the President of the United States stands before Congress pleading for the declaration of war against some offending country, he has in his possession an honest expression of willingness on the part of the offending country to repair all damages and injuries and to enter upon an honorable, just, and enduring peace;⁷ or, finally, (3) because one is honestly and sincerely convinced that the conditions demanded by the natural law as prerequisites for a just war, fall short of complete fulfillment in relation to this particular war, or even must necessarily fall short of verification as regards all wars between civilized states *at the present time*.⁸

⁷ The supposition here expressed is not purely theoretic. It will not be without interest to compare it with the historical events that immediately preceded the Spanish-American War. On March 29, 1898, the Spanish ministry received what proved to be President McKinley's ultimatum wherein the President "suggests an immediate armistice lasting until October 1st, negotiations in the meantime being had looking to peace between Spain and the insurgents through the friendly offices of the President of the United States."

Two days later, Stewart L. Woodford, United States Minister to Spain, telegraphed to the President: "I believe the ministry are ready to go as far and as fast as they can and still save the dynasty here in Spain. They know that Cuba is lost. Public opinion in Spain has moved steadily towards peace."

On April 3rd, Mr. Woodford telegraphed this second message to the President: ". . . If you can still give me time and reasonable liberty of action. . . . I am sure that before next October, I will get peace in Cuba, with justice to Cuba and protection to our great American interests."

On April 10th, Mr. Woodford again telegraphed President McKinley, stating that, if he could get full authority from Congress, he might secure a final settlement "before August 1st on one of the following bases: either such autonomy as the insurgents may agree to accept, or recognition by Spain of the independence of the island, or cession of the island to the United States."

Mr. McKinley himself assures us in his message to Congress: "Yesterday (*i. e.*, April 10th) . . . official information was received by me that the latest decree of the Queen Regent of Spain directs General Blanco (Governor-General of Cuba), in order to prepare and facilitate peace, to proclaim a suspension of hostilities, the duration and details of which have not yet been communicated to me."

In spite of all this, President McKinley sent his message to Congress on April 11th. Congress, the country, and Spain knew that it meant war, and the President could scarcely have been of a different opinion. The formal declaration of war followed on April 21st. *Cf., e. g.*, James Ford Rhodes, *The McKinley and Roosevelt Administrations, 1897-1909* (New York: Macmillan, 1927), 53-66.

⁸ The conditions required by the natural law before a war can be considered justified, are generally enumerated as follows: (1) Defensive warfare alone is justifiable; (2) it may be undertaken solely in vindication of a strict right; (3) there must be adequate proportion between the violated right and the evils of war; (4) recourse may be had to war only after all less drastic measures have proved unavailing; (5) there must be reasonable hope of victory; (6) war may be initiated by public authority only; and (7) the right intention must be had on the part of the combatants. *Cf. The Ethics of War*, Pamphlet No. 9, Catholic Association for International Peace, Washington, D. C., 1932, pp. 11-32.—There are those who demand the additional condition that the war be fought entirely within the territorial confines of one's own country. While this restriction may rightly be insisted upon in instances where the invasion of one's country by an enemy nation is very remote and practically impossible, it cannot be logically established as a universal principle of the natural law. On the contrary, the natural law at times demands that the war be carried into foreign territory. The duty of one state to come to the assistance of another with armed force under certain conditions is a clear assistance. As regards the duty and right of intervention, conditions justifying and requiring it, etc., *cf.*, *International Ethics*, Pamphlet No. 1, Catholic Association for International Peace, 1928, pp. 23, 24.

Secondly, if we center our attention upon the point or object to which the conscientious objector is opposed (*To what* does he object?), we find that conscientious objectors are divided into the following groups:

(a) Those who are conscientious objectors in the absolute sense of the term. They are opposed on grounds of conscience to war and to all its phases without condition or restriction of any kind. It matters not by whom, against whom, for what reasons, or under what conditions the war is waged. The Quakers, Mennonites, Dunkards, Schwenkfeldians, and others, belong to this group.

(b) Those who, distinguishing between activities of war that directly involve the shedding of human blood and auxiliary activities and services, cannot reconcile the former with their convictions of conscience, but find it easier, or even quite possible, to do so as regards the latter.

(c) Those who on grounds of conscience outlaw all offensive warfare and hold that defensive wars alone can be justified,⁹ and even these only upon the simultaneous verification of the restrictive conditions enumerated in footnote 8. All who acquaint themselves with the natural law and acknowledge its binding force—and, objectively speaking, all human beings are morally bound to do so—will be found in this class.

(d) Those who admit the moral justification of defensive warfare, provided the requisite conditions are verified, but balk on grounds of conscience at certain practices that are liable to become only too common in the course of a war; for example,

⁹ An *offensive* war (war of aggression or of conquest) is a war initiated without just and sufficient cause or merely to injure or destroy a state or for purposes of enrichment or aggrandizement at the expense of another state; while a *defensive* war is one undertaken in defense of the people or in defense of, or for the recovery of, the territory or property of the state. A war may be aggressive in the military, or strategic, sense, while it is strictly defensive in the moral sense. Thus, in a just war the declaration of war necessarily presupposes some previous hostile or unjust act on the part of the state against which war is declared; in this instance, the offended state, though the first to declare war (the aggressor in the military sense), is in reality entering upon a defensive war, since it is defending itself against those acts of hostility and injustice that preceded and brought it about and still continue in their effects. Our country's naval expedition against the pirates of the Barbary Coast (1801-1805) illustrates the point. Moreover, when in justified intervention a state goes to the assistance of another state engaged in just self-defense, it itself must be considered as fighting a defensive war. Cf. *The Ethics of War*, Catholic Association for International Peace, pp. 6, 7.

Specific mention of *punitive*, or *vindictive*, war (*i. e.*, war for the sole purpose of inflicting punishment for the evil done with the intention of restoring the violated moral order) in connection with conscientious objection has been designedly omitted throughout. Those who find the reasoning in opposition to the licitness of this type of warfare logical and cogent (Cf. *Ibid.*, pp. 12-21), must consider it as intrinsically wrong as is aggressive warfare and, in consequence, are strictly bound in conscience to refuse participation in it at any cost. Those, however, who feel compelled to admit its lawfulness as defended by St. Augustine and other outstanding theologians that followed him, are bound or free, as the case may be, to direct their course of action accordingly.

malicious propaganda, killing of prisoners of war, and the like.¹⁰ Again, all followers of the natural law belong to this group.

Thirdly, and lastly, we must take note of the following division of conscientious objectors, even though the various classes are already contained, some implicitly, others explicitly, in the foregoing:

(a) The *pseudo* conscientious objector, who, as has been stated, is not really a conscientious objector at all, since he is opposed to war for reasons other than moral; the *subjective* conscientious objector, who is opposed to war on moral grounds and, hence, is a real conscientious objector, but the grounds on which he bases his conscientious opposition are in reality non-existent, they have no objective validity and binding force—he is laboring under an invincibly erroneous conscience; and the *objective* conscientious objector, who bases his conscientious objection to war on the objectively existing natural law, *i. e.*, on the nonfulfillment of the requisites demanded by the natural law, as enumerated in footnotes 8 and 10.

(b) The *total* conscientious objector, who is conscientiously opposed to war and to all its phases without exception; and the *partial* objector, who is conscientiously opposed only to certain types of war and/or to certain practices of war.

(c) The *absolute* (unconditional) objector, whose conscientious objection is without restriction or reservation of any kind and entirely independent of all conditions and circumstances; and the *relative* (conditional) objector, whose conscientious objection is dependent upon the fulfillment or nonfulfillment of the requisite justifying conditions.

(d) The conscientious objector who admits the possibility of establishing principles and conditions which justify warfare in theory, but who refuses to attribute to any such reasoning more than mere academic value, since, he says, the principles and conditions thus established can never be verified in reality; and the objector who denies the possibility of even a theoretic justification.

¹⁰ The natural law demands, not only that a war be justly initiated, but also that it be rightly conducted. The following points are commonly enumerated as the demands of the natural law in this matter: (1) international agreements must be observed; (2) malicious and slanderous propaganda is immoral; (3) excessive violence to combatants is unjustifiable; (4) violence to noncombatants is unjustifiable; (5) prisoners of war must be treated humanly and humanely; (6) indiscriminate air raids and sinking of merchant vessels is morally wrong; and (7) excessive reprisals are immoral. Cf. *The Ethics of War*, Catholic Association for International Peace, pp. 33-46.

III

THE MORALITY OF CONSCIENTIOUS OBJECTION

Some principles of morality, rules of conduct, conclusions, interpretations, and applications of the natural law, that have reference to conscience and war, are clearly evident; they are certain and must be accepted as such. Others are not so certain and, hence, permit reasonable discussion and divergence of opinion.¹¹

I. Certainties

(a) *The Objector's Conscience*

(1) To summarize what was previously stated (*cf.* pp. 9, 10), conscience is the human intellect in so far as it tells me, in the light of the objectively existing law, which is morally right and what is morally wrong in individual concrete instances. I am strictly obliged to see to it that my conscience is at all times in conformity with the objective law and, in consequence, in conformity with the wish and will of the legislator. In spite of good will, earnest effort, and sincere conviction on my part, my conscience may in reality be widely divergent from the actual law,—I may have an invincibly erroneous conscience. But regardless of whether, in point of fact, my conscience is true or invincibly erroneous, and regardless, likewise, of the precise source or reason upon which my moral convictions are founded, so long as I am convinced in good faith that my conscience is bringing home to me the will of the lawgiver as applicable to my individual actions, I have no moral choice—I am rigidly obliged to follow it.

(2) To all *objective* conscientious objectors, (*i. e.*, those whose objecting conscience is in conformity with the *objective*, actually existing natural law), the object to which they take conscientious exception, *i. e.*, war, either in its entirety or in part, either this particular war or all wars, according to the nature and scope of the objection, is an *intrinsic* moral evil in the same sense

¹¹ *Cf.* Footnote 3.

that murder, theft, and rape, for example, are intrinsically immoral; *i. e.*, it is immoral, not because any man, group of men, or human legislator has made it so, but because it is morally wrong in the very nature of things, it is contrary to the natural law, and, since the natural law is the realization in time of God's eternal plan and decree, we know that the natural law is binding upon all men by the very fact that they are men and is as unalterable in its nature and binding force as is the very essence of God Himself.

As regards the *subjective* conscientious objectors (*i. e.*, those who are entirely sincere in their attitude, but in reality are basing their objection either on a falsely presumed higher law or on a mistaken interpretation and application of an actually existing law), we must note the following: (a) Those who ground their objection on a misconception of the natural law must view war as intrinsically evil, no less than do the *objective* conscientious objectors. (b) Those who object to war on the basis of the Gospel counsels must regard war as an evil so enormous that the right to follow the ways of peace, as counseled by Christ, has greater value in the sight of God than the obligation of the natural law to take up arms in a just defensive war. (c) Those who base their objection on God's prohibition as supposedly contained in Sacred Scripture must look upon war as prohibited by divine positive law, not by natural law. (d) Those who object to war because of the teachings and principles of their respective religious denominations must necessarily be convinced that war is prohibited by a law having higher binding force than the highest law of the state—otherwise, how could they feel obliged to refuse obedience to the latter out of regard for the former?—but whence exactly their (presumed) higher law should derive its efficacy is difficult to say.

(3) The sincere conscientious objector (both the *objective* and the *subjective*) must be consistent in his conscientious objection. If he conscientiously objects to all war, for example, he is, in the first place, strictly forbidden to participate in the actual shedding of human blood and the taking of human lives, but he is also just as strictly forbidden to engage in those auxiliary military activities and services, at least, which have so direct and necessary a connection with the fighting at the front that to engage in them would involve formal co-operation in the war itself.

(4) The conscientious objector must likewise be consistently

loyal to his conscience in the sense that he must follow its dictates to their logical and natural conclusions, regardless of cost and sacrifice. Early Christian men and women in thousands and hundreds of thousands chose to undergo the most horrible sufferings and excruciating torments that perverted human ingenuity could invent, rather than prove disloyal to their consciences and recreant to their Supreme Legislator. Yet these early Christian martyrs were not fanatics, nor were they merely staging the phenomenal and sensational. Heroic though they were and all but superhuman in their courage and constancy and loyalty, they were not exceeding the limits enjoined by bounden duty. They were only paying the price of loyalty to conscience which all believers in God and conscience must pay whenever the choice lies between conscience and its violation. The conscientious objector, then, not only must be ready, but is morally bound, to bear the sting of public scorn and derision, to face imprisonment and even execution, whenever it is clearly evident that the violation of his conscience is the sole alternative.

(5) Not only has the *objective* conscientious objector the rigid obligation to obey the dictates of his conscience; he also enjoys the concomitant full *right* to do so. This right, in turn, engenders in all others the strict duty to respect his right, *i. e.*, not to interfere with him in his exercise of it. Or, if you will, the same natural law that commands the *objective* conscientious objector to obey his conscience, forbids all others deliberately to impede him in his obedience to it. Thus, for example, as the natural law commands the soldier to regard the deliberate killing of prisoners of war, the administering of the *coup de grâce* to a fatally injured soldier, and things of a like nature, as intrinsic moral evils and, hence, to be avoided at any cost, it simultaneously imposes upon all others the rigid duty not to interfere with his obedience to the command of the natural law. This is but a particular application of the generally accepted principle of jurisprudence that rights and duties are necessarily correlative.

We must bear distinctly in mind, however, that the existence and extent of the one is conditioned on the existence and extent of the other. The validity and nature of the duty is always in direct proportion to the validity and nature of the right, and vice versa. Thus, for example, when a soldier conscientiously objects to the shooting of a captive enemy in cold blood, his right to obey his conscience is true and valid in every sense of the word, since his conscience is based on the objective natural law, and, hence,

there now exists in the consciences of all others without exception the true and rigid duty to respect his right. If an individual or the state were now to take measures to induce or coerce the soldier to violate his conscience, the measures would be as truly and surely immoral as were the measures resorted to by individuals and by Roman Neros to force the early Christians to apostatize and to sacrifice to idols.

It is quite different, however, in the case of a purely *subjective* and falsely conceived duty resulting from an invincibly erroneous conscience. It is true, such a duty must be discharged by the individual so long as he continues to labor under his false convictions, nor am I permitted wantonly and maliciously or without sufficient reason to induce or compel him to act in violation of his conscience. Still his right to follow his conscience in such a case, since it is purely subjective and not based on the objectively existing law, can never beget in me the duty of respecting it at the sacrifice of any important right on my part, nor can the state be obliged to respect it at the sacrifice of public welfare. It is for this reason that the civil authorities are entirely within their rights, for instance, when they prohibit bigamy among the Mormons and suppress immoral religious cults, regardless of the conscientious convictions of the persons involved.

What we have just said applies likewise to all those whom we have classified as *subjective* conscientious objectors to war. Their conscientious objection is, as a matter of fact, the dictate of an invincibly erroneous conscience; it is "a purely subjective and falsely conceived duty," since it is not grounded on an objectively valid law. Hence, in a defensive war, justified and sanctioned by the natural law, such an objector, or group of objectors, has no strict claim to exemption from military service on grounds of conscience. The state authorities, guided by the practical principle that no good purpose will be served by trying to force into military service men who are mentally and emotionally unequipped for such service, may assign them to auxiliary services and activities at home, in camp, or at the front, or may even exempt them entirely, but they are under no moral obligation to do so,—certainly not at the risk of the country's safety.¹²

In particular, as regards the followers of the counsels of per-

¹² Much less are the civil authorities under moral obligation to exempt from military service those whom we have designated as "political," "social," "economic," "humanitarian," and "religious" objectors (Cf. pp. 14, 15); still, here, too, the state may find it the prudent and practical thing to do.

It follows, then, that, strictly speaking, the state is morally obliged to respect the consciences of *objective* conscientious objectors only.

fection,¹³ it is true, Christ frequently speaks of the more perfect life, He points out the norms that lead to its attainment, and invites and encourages all, while obliging none, to embrace it. Thus, for example, in many passages of the Gospel, He counsels His followers "not to resist the evildoers" (Matt. v. 39), but to counter violence with meekness. However, it is a far cry from the ideal of Christian perfection, as portrayed and recommended by the Divine Master, to the attitude of those who would use it as a basis for conscientious objection.

In the first place, the freedom to follow the counsels of perfection is never absolute but always conditional; *i. e.*, one is free to follow them, *provided* this course does not involve the violation of any obligation. Whenever a conflict arises between the practice of a counsel and the fulfillment of an obligation, the latter, as is evident, must always take precedence. Thus, a policeman is not permitted to practice the counsel of non-resistance to evil, since the duties of his office oblige him to maintain public order; nor is the father of a family permitted to practice the counsel of poverty and give all his goods to the poor, since he is obliged to support his wife and children.

More than this, even after one has chosen the life of the counsels, if unforeseen obligations arise that are incompatible with the higher life, one is in duty bound to abandon one's choice and to fulfill the obligation. In fact, the condition to withdraw from the practice of the counsels, should future contingencies make such a step necessary, is implicitly contained in the very initial determination to follow them. So true is this that, even though one were following the counsels in fulfillment of a vow, the vow would automatically lose its binding force under the circumstances we are here describing. Thus, to cite an instance, when an individual chose to give his goods to the poor and to lead a life of voluntary poverty, he was entirely free to do so; but now, because of unforeseen conditions, his parents are in need and the

¹³ The life of the counsels of perfection—technically, the life of the evangelical counsels, or of Gospel perfection—is observed in its most complete form by religious men and women (members of religious orders and congregations). In its less complete form, it is observed by all whose generosity in the service of God is not satisfied with the observance of the Commandments; they wish to do more in their earnest effort to achieve Christian perfection. The present discussion is restricted to this latter group, though much that is said is equally applicable to both. As regards the members of religious orders and congregations, suffice it here to say that they, together with clergymen and theological students, request exemption from military service, not on the basis of conscientious objection, but, first, because of the recognized supremacy of the spiritual over the material and the resulting incongruity of commingling the consecrated life of religious with the life and duties of a soldier, and, secondly, because of the incalculable benefits that accrue to the entire body social and politic, in war as well as in peace, from and through religion as practically exemplified in the daily lives of religious.

burden of supporting them unmistakably devolves upon him. He is obliged to go to their assistance even though it entails the sacrifice of a life of poverty which he has bound himself by vow to lead.

To apply what we have just said to the Christian citizen in his relation to the state in time of war, or of preparation for war, is a comparatively simple matter. The state is the aggregation of all the people within a given territory, morally united for the purpose of procuring and securing the true temporal welfare of all. It is a natural institution—hence, part of God's eternal plan and eternal law—since it arises out of the very nature of man as a social being. It is also a necessary institution, because only in and through the state can human nature realize its full temporal perfection. Its primary purpose—the very reason for its existence—is the welfare of its citizens. But it is unthinkable that it continue in existence and be in a position to discharge its essential function, unless it be vested with the right to conscript the wealth and services of its citizens, according to the ability of each, in peace and in war, in so far as the public good demands it.

When, therefore, the state calls its citizens to arms in a just defensive war, or in preparation for such a war, it is acting fully within the limits of its strict rights. It is but exercising its natural prerogative of taking legitimate steps necessary for justified, or even obligatory, self-defense. Now, to the state's right to exact, corresponds the citizen's duty to render. The individual citizen is now no longer free to choose whether or not he will serve in the nation's armed forces. On the contrary, all, as members of the one corporate body—the state—are obliged in conscience to respond to their country's call and to shoulder their proportionate share of the patriotic burden, unless they be exempt for a grave cause. Certainly the Christian citizen is not permitted to withhold his services as a matter of conscience on the plea of practicing the counsels of the Gospel—not even if he be under vow to avoid violence and bloodshed in any form. It is merely another instance of conflict between counsel and obligation and, as in all such instances, the obligation must take precedence.

There are those who will object that the right of self-defense in the face of an unjust aggressor, which every individual possesses, need not be exercised; that, on the contrary, the individual attacked may, if he so choose, permit his death at the hands of the aggressor; that this is, in fact, the practice of the counsel of non-resistance to evildoers in its highest and purest

form; and that, in consequence, the citizen who chooses this course of action in case of war, far from deserving censure for his refusal to take up arms, rather merits the highest commendation for his indomitable courage in pursuing a more perfect form of Christian life to its ultimate logical conclusion.

The objection is typical of a line of argument that is finding considerable favor in certain quarters. It is based fundamentally on the failure to detect the conflict existing here between counsel and obligation and the consequent duty of giving the preference to the latter over the former. More proximately, it is founded on two errors resulting from the foregoing oversight; namely, (a) that the individual is morally free at all times to permit his death at the hands of an unjust aggressor, and, hence, (b) that he can exercise his freedom also when he no longer stands alone but is a component unit of the state's citizenry, and when the unjust aggressor is no longer an individual malefactor but an invading army.

As a matter of fact, the individual unjustly attacked is not always free to make the supremely heroic sacrifice. Catholic moralists specify two instances when he is forbidden to do so; namely, (a) when his life is necessary, or, at least, very useful, to his family, his community (city, state, nation), or the Church; and (b) when he is in the state of mortal sin, so that his death under the present circumstances would mean his eternal damnation. In neither instance can the individual choose according to counsel. He is confronted with the stern duty of defending his life to the utmost of his ability, in the first instance, for the sake of others, and, in the second, for the eternal welfare of his own soul.

But even if it were true that the individual in his private capacity could rightfully choose at all times to die rather than to meet violence with violence, it would not yet follow that as a citizen he enjoys the same right. The nature of the state as a natural and necessary society, burdened with the duty of providing for the common welfare, and man's consequent relations to it, as we have seen above, forbid such a conclusion.

The morality of the counsels of perfection and conscientious objection to war may be epitomized in the following three statements:

(a) If the necessary conditions are verified and the war is in every way a just war, if I fall within the military age, and if my country actually needs my services, and, especially, if I am now

conscripted for military service, I am *forbidden* to be a conscientious objector. My refusal to give my services, far from being the more perfect—"the better part"—would undoubtedly be a direct violation of the natural law and, hence, positively sinful. Naturally, under these conditions, there can be *no question of either right or duty* to object conscientiously.

(b) If the war, or certain practices of war, are certainly unjust and immoral, I am *commanded* to be a conscientious objector, not, however, because of the counsels, but by the natural law. Under these conditions, I have *both the right and the duty* to object conscientiously.

(c) If the war is a just war, if conscription is not in force but my country is recruiting its military forces from volunteers, and if citizens are volunteering in sufficient numbers to assure my country's safety, then, and only then, can the question of the counsels rightly enter. Since I am now bound neither to refrain from military service nor to enter it, I am free to choose the former out of love and reverence for the life of Gospel perfection, and thus I *may become* a conscientious objector (*i. e.*, in the loose sense of the term; it is evident, one who refrains from war, whatever be one's motive, when there is no obligation one way or the other, cannot be styled a conscientious objector in the strict sense). Under these conditions, I have *the right, but not the duty*, to refuse military service.

(b) *The Objector's Objection*

(1) AGGRESSIVE WARFARE.—All without exception, whether private citizens or state officials, whether private soldiers or army officers, are stringently obliged to be conscientious objectors in the full and absolute sense of the term whenever there is question of a war that is *certainly* offensive, or aggressive. According to the definition which we have adopted (*Cf.* Footnote 9), a war of aggression, or of conquest, is "a war initiated without just and sufficient cause or merely to injure or destroy a state or for purposes of enrichment or aggrandizement at the expense of another state." Such a war is nothing but theft, highway robbery, and brigandage on a national scale with the malice of mass murder superadded. It is intrinsically a violation of the natural law and, hence, cannot be morally justified, either in itself or in any of its phases, at any time under any conditions.

(2) UNJUST DEFENSIVE WAR.—With the same moral stringency all are obliged in conscience to refuse and to resist participation in a defensive war that is *certainly* unjust; *i. e.*, when it is clear and evident that the conditions demanded by the natural law as prerequisites for the justification of defensive warfare (*Cf.* Footnotes 8 and 10) are not simultaneously verified. An unjust defensive war takes on the character of aggressive warfare and partakes of its malice. It is, in consequence, an intrinsic moral evil and, as such, is permissible under no conditions whatsoever.

(3) JUST DEFENSIVE WAR.—If, however, it be evident beyond reasonable doubt that all the conditions exacted by the natural law are simultaneously verified and, hence, that the defensive war is justified, no one can licitly assume the position of conscientious objector and withhold his services from his country in the face of the invading or imminently threatening enemy. There is no intention at this particular point of discussing the question whether or not the required conditions have been verified in all or any of our modern wars, or, for that matter, whether or not their adequate verification is at all possible at the present time. It is merely a matter of emphasizing the unalterably true and certain principle of the natural law that *if, or whenever, these conditions are certainly verified, then without question or quibble the war is a just war, and no one can licitly shirk his patriotic duty on the basis of conscientious objection.* For, we must remember, the same natural law that commands the citizens to meet the extravagant and illicit exactions of the state with conscientious objection commands them just as strictly in conscience to give obedient and wholehearted service to the state so long as its demands remain within legitimate bounds. To “render to Caesar the things that are Caesar’s” is no less a stern duty of conscience than to render “to God the things that are God’s” (*Matt. xxii. 21*).

(4) CERTAIN PRACTICES OF WAR.—Even though all requisite justifying conditions be fulfilled and the defensive war be, in consequence, justified and sanctioned by the natural law, there are certain practices, only too common in warfare, which the natural law cannot approve, condone, or connive at under any condition or circumstance. They are inherently evil, and, hence, all without exception are under stern moral obligation to be conscientious objectors whenever there is question of formally participating in them. Such practices are, to mention a few: (a) the

systematic spreading of positive falsehoods, so integrally a part of modern warfare, whether carried on by paid propagandists, by conspiring newspapers, or by patriotic but misguided individuals; (b) indiscriminate air raids upon those who are strictly non-combatants, as also upon cities and unfortified places having no connection with the conduct of the war; (c) the deliberate aim of a soldier at a vital organ of an unwary enemy when the inflicting of a wound would prove amply effective; the inflicting of death upon one already wounded beyond all reasonable possibility of further participation in military activities; the wounding or killing of an enemy who has surrendered or has been taken captive; the firing of even a single shot after the flag of truce or surrender has been hoisted by the enemy, or any other sign given indicative of truce, armistice, or capitulation; etc., etc. (Cf. Footnote 10.)

(5) CONSCRIPTION AND MILITARY TRAINING.—

The state, by its very nature, as we have seen (Cf. p. 25), is "vested with the right to conscript the . . . services of its citizens . . . in peace and in war, in so far as the public good demands it." The sole determinant of the limits of the state's right to exact service from its citizens is, then, its duty to provide for the public good.¹⁴ In all instances, the correct answer to the question, "Is this or that necessary for the public good?" will simultaneously answer correctly the question, "Has the state the right to demand it?"

With this fundamental truth in mind, it is easy to see that conscientious objection to conscription and to military training in any of the following instances is but a disguised sinful shirking of one's patriotic duty: (a) when soldiers are being recruited for a just defensive war already in progress or immediately imminent; (b) when the nation is raising a standing army—peace-time army—on the rational supposition that such an army, reasonably large, adequately equipped, and properly trained, will serve as a bulwark of peace by discouraging possible or probable aggression; (c) when the country is mustering an army necessary as a police force to maintain peace and order within its own borders; and, hypothetically, (d) if a world state were recruiting an international army necessary as a police force to maintain peace and order among its member states.

But, one may object, conscription and military training are

¹⁴ What is forbidden by a higher law (*i. e.*, by natural law or by divine positive law), such as aggressive warfare, cannot possibly make for *genuine* public well-being. We take this restriction for granted when we speak here of public welfare.

opposed to the basic principles of the democratic form of government. In the first place, if one were to object to conscription or to military training on these grounds, one would be, not a *conscientious*, but a *political* objector. And, secondly, the form of government can never take precedence over the common good. If, therefore, the common good actually requires military preparedness on the part of a nation at any given time, the state authorities, regardless of the particular form of government under which they are functioning, are fully within their rights in summoning the citizens to prepare for the armed defense of their country.

Again, it may be objected, the very policy of military preparedness is already a moral evil, (a) because it provokes wars, in so far as a heavily armed nation is naturally more inclined to be aggressive, to be overdemanding in its relations with neighbor nations, to be less cautious in avoiding international complications, to be suspicious of its neighbor's actions, and to resort to military force when measures short of war are fully adequate; (b) because in the armament race among nations that is certain to ensue, billions of dollars are spent in the name of national defense with the result that exorbitant taxes become a necessity, lower standards of living must be maintained, and the citizens live in constant fear and danger of war.

While admitting the potential dangers of abuse that are inherent in military preparedness, we must, nevertheless, face the stern fact that the armament of individual nations is an inevitable necessity, (a) so long as it is kept within rational bounds, (b) so long as it is directed solely at possible or probable aggression, and (c) until the time comes when some form of confederation of nations will afford adequate protection, security, and defense to each of its members when threatened or attacked. With these restrictions in mind, we are confronted with the alternative either of admitting the moral licitness of military preparedness or of denying the principle of self-defense in its entirety.

It may be objected further that when the citizen is conscripted and begins his period of military training he is in ignorance as to the type of service that will be exacted of him as a trained soldier. Will it be service in a war of just defense, or service in a peace-time army which can well serve the cause of peace, or service in the national (or international) police force? Or will it be service in a war of aggression or of unjustified defense? Hence, to avoid the danger of later being compelled to participate in an

unjust war, the conscript is justified, perhaps even obliged, to object in conscience even to military training.

The lack of certainty that is the conscript's lot does not in itself constitute valid grounds for conscientious objection. The natural law demands that the citizen obey the commands of his civil superiors in all things lawful, conscientiously objecting only to what is morally wrong, *i. e.*, contrary to a higher law. This means, then, that the conscript is ordinarily obliged to undergo military training and thereafter to render whatever service is exacted of him as a soldier of his country, until it becomes evident that what his civil superiors demand is morally wrong, *v. g.*, formal participation in a war of aggression or of unjustified defense. Not until things have reached that point, is he ordinarily allowed—but then he is also obliged—to register his conscientious objection.

But, it will be said, registration of conscientious objection at that late date is utterly futile. It may prove futile in so far as obtaining special exemptions and other considerations is concerned; still, it is the precise stand that every man in the army, from highest officer to lowest private, regardless of consequences, is strictly obliged in conscience to take, whenever the alternative is formal participation in war that is certainly aggressive, or in defensive war that is certainly unjust, or in practices of war that are certainly immoral.

But, our objector may persist, the law of the land does not take cognizance of conscientious objection under the circumstances just described. The fact that the state fails to acknowledge the soldier's strict right and duty to object conscientiously here does not alter the morality of the issue. It does not absolve the state of its duty to do so, nor does it permit the conscript to object conscientiously to military training on the grounds that at some later date an emergency demanding conscientious objection will possibly or probably arise.

Is, then, the conscripted citizen never permitted to register as a conscientious objector, even though the law of the state makes provision for such registration under certain conditions? Apart from the possibilities which we have just considered, the conscript may wish to register as a conscientious objector for one of the following four reasons:

(a) Because he considers all war and all phases of war morally wrong. Provided the conscript is sincere in his conviction, he is obliged to follow his conscience and register as a conscientious

objector; but, since he errs in his supposition that all war is morally wrong and, in consequence, is a *subjective* conscientious objector, the state authorities, strictly speaking, are not obliged to acknowledge his claim to exemption.

(b) Because he is honestly convinced that all war is morally wrong at the present time. We have here practically the same problem as above. The conscript is again a *subjective* conscientious objector. He is presupposing too much. To say the least, his contention is far from possessing sufficient certainty to form the basis of conscientious objection even to military training.

(c) Because the conscript in good faith interprets the conscientious objection clause of the United States Selective Service Act merely as an expedient resorted to by Congress in order to eliminate from the army all those who, because of their mental and emotional state, would prove to be liabilities to military discipline and other requirements of army life; hence, he concludes, it is the intention of the legislators that it embrace all who are sincere in their opposition to war, regardless of the reason on which their opposition is founded, *i. e.*, whether moral, or political, or any other well meant reason. Even a superficial study of the history of the Selective Service Act—before, during, and after its enactment—will convince the unbiased observer that such an interpretation is quite foreign to the minds of our national legislators.

(d) Because the state is recruiting an army for the sole purpose of waging a war that is certainly unjust and, simultaneously, conscription is practically tantamount to being thrown into the unjust war. Here, and here alone, we have a clear-cut case where the conscript is permitted, and even obliged, to register as a conscientious objector.

2. Uncertainties

(1) ORIGIN OF UNCERTAINTIES.—Uncertainties arise, not from the uncertainty of the moral principles that regulate conscience and conduct in matters pertaining to warfare, but from the difficulty of establishing with necessary certainty the concrete facts upon which the correct application of these principles depends. It is perfectly clear and certain, for example, that no one can conscientiously participate formally in a war of aggression; but it is no easy matter at times to establish beyond reasonable doubt that this or that particular war is a war of

aggression, or that this or that particular act, or complexus of acts, really constitutes formal participation in the war. Again, it is indisputable that a defensive war is an intrinsic moral evil so long as all the requisite conditions are not simultaneously verified; but it is extremely difficult, not to say impossible, at times to establish with certainty the concrete fact whether or not the necessary conditions have been sufficiently verified. This difficulty is by no means limited to moral principles and war. The identical problem presents itself in every field of morality and jurisprudence. For example, the law which entitles the laborer injured at work to state compensation, commensurate with the injury, is clear and certain; but at times it is extremely difficult to establish with certainty whether or not the accident occurred at work, as also to determine the extent of the injury.

(2) UNCERTAINTIES AND STATE AUTHORITY.—But in instances of serious doubt does not the responsibility of adjudicating the justice or injustice of the war rest with the war-declaring authorities of the state? May we not, nay more, *must* we not, presume our country to be in the right unless it is evidently in the wrong, and in doubt are we not obliged to obey the commands of our legitimate superiors? Is it not true that the private individual will seldom be in a position to declare the war undoubtedly unjust because of his ignorance of many facts and considerations known frequently only to the country's highest officials?¹⁵ To these and to all questions of a similar nature, there can be but one answer—an emphatic affirmative—*provided* the heads of governments are believers in God and in their accountability to God for their actions of state, both of peace and of war, and, in consequence, are ordinarily wont to give proper conscientious consideration to the moral points involved before resorting to the extreme of war.¹⁶

¹⁵ Cf. *The Ethics of War*, Catholic Association for International Peace, p. 54.

¹⁶ Francis of Vittoria, O.P., the great Spanish moralist of the sixteenth century (d. 1546), holds the rulers of states ("princes," *i. e.*, all war-declaring authorities) bound to the observance of the following principles:

(1) For a just war, it is not always sufficient that "the ruler is convinced that his cause is just . . . ;" for: (a) "in matters of lesser importance it is not sufficient, either for the ruler or for private individuals, to be convinced they are acting rightly, as is evident . . . ; and the opinion of anybody does not suffice for a good act, but it must be done according to the judgment of a prudent person;" (b) "otherwise, it would follow as a rule that wars are just on both sides, since ordinarily it does not happen that rulers wage war in bad faith, but (are) convinced they are following a just cause;" and (c) "otherwise, the Turks and Saracens would be waging just wars against the Christians, since they think they are rendering a service to God."

(2) "For a just war, it is necessary to examine the justice and the reasons of the war with great care and to listen to the reasons also of those who hold opposite views, provided they are willing to discuss (the matter) on just and acceptable grounds. A prudent person should stake his all on discussion rather than on weapons and should consult upright and judicious men and such as speak (their minds) frankly and can-

When, however, we come to weigh these all-important conditions in the balance of objective reality at the present time, we discover that they fall lamentably short of verification in very many instances. There are, in the first place, dictators of totalitarian states steeped in the false and pernicious philosophy of state absolutism. They hold and practice the doctrine that the state, being an end in itself, can do no wrong; that the right to declare and to carry on war comes simply from the fact of war itself; that it is not necessary to attempt to justify it by the ordinary maxims of morality—it is its own justification.

In a degree, less exaggerated it is true, but none the less verily, the absence of the moral emphasis is noticeable in the war deliberations of modern democracies and other forms of constitutional government.¹⁷ Other interests, especially economic, assume importance beyond all adequate proportion. The natural consequence is that moral issues frequently receive but scanty, if any, consideration, or even are deliberately rejected as irrelevant and bothersome encumbrances standing in the way of successful statesmanship. After making due allowance for notable exceptions, we find that modern statesmen in many instances either are deliberately blind to the moral phases of peace and war or, because of lack of proper training in matters of morality, are not equal to the task of assigning to God and morality and conscience the place that is theirs by every right in world affairs.

didly without anger or rancor and party-spirit. . . . Since in matters of morality it is difficult to arrive at truth and justice, if these points are taken lightly, one will easily fall into error, nor will such an error exonerate the authors (of guilt), especially in a matter of such importance and where there is question of peril and calamity to many who, after all, are our neighbors whom we are obliged to love even as ourselves."

(3) "Senators and princes and, in general, all who are admitted or are called, or even come without being summoned, to the public deliberation or to that of the ruler, are bound and obliged to examine the conditions requisite for a just war . . ." for: (a) "whosoever is in a position to forestall the peril and losses of others, is obliged to do so, especially where there is question of the danger of death and of even greater evils, as is the case in war; now, such examiners into the reasons of a war can by their advice and influence avert the war, if perchance it is unjust; therefore, they are obliged to do so;" (b) "if, because of the negligence of these, an unjust war should be waged, they are considered as having consented to it, since one is held responsible for what one can, and is obliged to, prevent, if one does not prevent it;" (c) "it is not enough that the king alone examine the reasons of a war, since it is very probable that he can err—nay more, that he will err—to the great detriment and disaster of many; therefore, not on the sole judgment of the king, nor even on the judgment of a few, but of many who are both judicious and upright, must a war be waged." *Relecciones Undecim* (2 vols. in 1, Salmanticae: ed. cura Alphonsi Muñoz, O.P., 1565), I, Relectio V, nn. 20, 21, 24, pp. 184-186.

17 "The reality of a war that is almost upon us . . . has been discussed from many an angle, from the political angle, from the angle of international trade, from the point of view of industry and labor. But how about the moral angle? Has any Representative or Senator risen to ask the question: Would the United States be morally justified in entering the war or in committing acts of war that would lead other nations to declare war on us? How would our participation measure up to the conditions of a just war?" John P. Delaney, S.J., "This War and the Moral Argument," *The Catholic World*, April, 1941, p. 14.

Moreover, we are faced with the fact that in very few, if any, modern wars have the necessary justifying conditions been simultaneously fulfilled, and with the sadder fact that, as a rule, not even has an honest attempt to observe them been made by the nations initiating hostilities. Nor can we close our eyes to the further reality that the state authorities connive at, condone, and, perhaps, even positively countenance, certain practices of war that are undoubtedly direct and flagrant violations of the natural law.

All this cannot but serve to weaken our confidence in the state's willingness and ability to decide correctly the justice or injustice of a war at the present time. We must conclude, therefore, that until modern statecraft begins to give more serious consideration to the moral element in national and international affairs we cannot with unquestioning assurance rely upon the judgment of the state authorities to allay all doubts concerning the moral issues involved in warfare.¹⁸

(3) UNCERTAINTIES AND DECLARATIONS OF THE HIERARCHY.—Following closely upon the formal entrance of the United States into World War I, representative members of the Catholic Hierarchy of the country in a joint pledge of loyalty solemnly assured the President of the unflinching patriotism and staunch support of all Catholics throughout the land.¹⁹ On

¹⁸ But does not Francis of Vittoria expressly maintain that private citizens need not inquire into the justice or injustice of a war? It is perfectly true; he does. His exact words are these: "Others of lower rank, who are not admitted nor heard by the ruler or in public deliberations, are not obliged to examine the reasons of a war, but may rely upon (the judgment of) those of higher rank (*i. e.*, senators, princes, etc. Cf. Footnote 16, 3) and licitly proceed to war." And he adduces the following arguments in proof of his statement: (a) "It is not possible, nor would it prove expedient, to render an account of public affairs to all the people;" (b) "Men of lower station, even though they knew the injustice of the war, could not prevent it, and their judgment would not be listened to; therefore, their inquiry into the reasons of the war would be to no purpose;" (c) "For men of this class, unless the opposite be known with certainty, the fact that the war is being waged on public advice and authority, should be argument enough for the justice of the war; hence, there is no need of further inquiry on their part."

We must bear very distinctly in mind, however, that Vittoria never intended this proposition to have unrestricted significance and universal application. On the contrary, it is very much restricted and hemmed in by what immediately precedes in Vittoria's text. What does immediately precede, we have quoted in Footnote 16. This, then, is Vittoria's teaching on this point: *Provided* it can be proved or reasonably taken for granted that the ruler has taken conscientious counsel with all who can ordinarily be expected to have an intelligent opinion in the matter, as he is strictly obliged to do, *then* the common people are not bound to inquire further into the justice of the war. But notwithstanding the rigid precautions demanded of those in power, it can nevertheless happen, Vittoria expressly tells us, that the reasons for the war are so flagrantly unjust that the individual citizen is obliged to take cognizance of them and to form his conscience accordingly. *Relectiones Undecim*, nn. 22, 25, 26, pp. 185-186.

¹⁹ ". . . We reaffirm in this hour of stress and trial our most sacred and sincere loyalty and patriotism towards our country, our Government, and our flag. . . . We accept wholeheartedly and unreservedly the decree of that legislative authority (*i. e.*, the Congress of the United States) proclaiming this country to be in a state of war. . . . Now that war has been declared, we bow in obedience to the summons to

the other hand, within the last few years, individual members of the Hierarchy have given utterance to public statements wherein they stress, in no mistakable terms, the need, on the part of potential soldiers, of devoting serious study to the moral problems of modern warfare, of learning to discern between a just and unjust war according to the rigid norms of morality, and, if the nature of any particular war renders it necessary, of forming "a mighty league of conscientious noncombatants."

Without delaying to explain the divergence of view manifest in these two positions, separated by a span of more than twenty years, we shall turn immediately to the question in which we are here interested: Do these views, or does either of them, offer a definite solution to the uncertainties with which we are now dealing? They do not; nor were they so intended by their respective authors. They are far from being sufficiently authoritative to carry binding force for the consciences of all Catholics in the United States. They do, however, point the way to *permissive* courses of action. After the Bishops' pledge of loyalty in 1917, all Catholics could without further study or discussion safely consider the war a justified war of defense and, hence, could participate in it without anxiety or qualm of conscience; but it seems too much to say that they were obliged to do so on the strength of this pledge alone. On the other hand, supported as one would be by episcopal statements, one could scarcely be accused of shirking one's patriotic obligations were one, after conscientiously considering the problem from every angle, to join the ranks of "conscientious noncombatants"; but, again, no one is obliged to do so on the basis of these statements alone.

(4) UNCERTAINTIES AND DEFENSIVE WAR.—There was a time when without doubt all the conditions necessary for a just defensive war could find simultaneous fulfillment; hence, there have been just defensive wars in the past. It is no less certain that, as soon as a solidly organized and effectively functioning vehicle of international justice comes into existence it will be impossible to have the requisite conditions adequately verified; hence, all wars, including defensive, we can reasonably hope, will be outlawed by the natural law in the not-too-distant

bear our part in it, with fidelity, with courage, and with the spirit of sacrifice, which as loyal citizens we are bound to manifest for the defense of the most sacred rights and the welfare of the whole nation. . . . We stand ready, we and all the flock committed to our keeping, to co-operate in every way possible with our President and our national Government, to the end that the great and holy cause of liberty may triumph, and that our beloved country may emerge from this hour of test stronger and nobler than ever. Our people now, as ever, will rise as one man to serve the nation. . . ."

Signed by three Cardinals and eleven Archbishops, April 18, 1917.

future. But what about the present? Unfortunately, we are caught "betwixt and between." We are sufficiently removed from the past to realize with certainty the ever increasing difficulty of justifying defensive warfare; still, we are not yet sufficiently close to the realization of a supranational agency of international justice to warrant our unequivocal condemnation of all war.

It is true, individuals and groups who believe in God and conscience, Protestants and Jews as well as Catholics, in ever-growing numbers, are becoming more keenly conscious of the presence of the moral element in matters pertaining to war. They are awakening, as perhaps never before, to the necessity of considering the morality of war in all its implications along with its uselessness, its wastefulness, and its ruthlessness. Representative opinion among all religionists is gradually crystallizing in definite opposition to armed conflicts among nations on the grounds of conscience. Many well-informed individuals and groups have within recent years openly and courageously declared their intention of withholding their support and even of becoming outright conscientious objectors in the event of war.

Still, from the evidence at hand, accumulative though it is, it is scarcely possible to discern with accuracy whether the growing opposition is directed against all future wars, regardless of their character, or merely against our becoming involved in the present European embroglio, which to many could be called a war of defense only by a loose interpretation of the term. In other words, it cannot be stated definitely at the present stage of development that religious thinkers, even those who have already declared their convictions, are prepared to classify all warfare without distinction or reservation as intrinsically immoral, and, hence, as impossible of justification under all conditions and circumstances.

Be that as it may, it seems the sole factor that creates hesitancy and uncertainty in the matter of a universal and unconditional condemnation of all warfare at the present time is the lack of an existing and properly functioning superstate, confederation of states, or league of nations. We are obliged to concede that defensive wars can still be justified, *presupposing the fulfillment of the other necessary conditions*, so long as there exists no power to which a nation unjustly attacked can appeal, with reasonable hope of effective response, for protection against the oncoming invaders or for reparation of losses and damages which it will be

sure to suffer irretrievably at the hands of the aggressors if it remains passive.

We may, then, embody the relation of conscience to defensive warfare in the following statements:

(a) At the present time (*i. e.*, in the absence of supranational machinery for the settlement of international problems), if the war be one of self-defense in the strict acceptance of the term, all are subject to their country's call and, hence, would fail seriously in their patriotic obligations were they to resort to conscientious objection.

(b) In the case of a defensive war in the more general sense, in which, for example, our participation in World War I was termed self-defense, we can naturally expect to encounter a divergence of convictions. There will be those who will sincerely maintain the justice of the war on the grounds: (1) that it is strictly a defensive war; or (2) that it cannot be said with certainty that it is not a defensive war, and, hence, that they must presume, or at least are justified in presuming, their country to be in the right; or (3) that their country is intervening, or intends to intervene, in behalf of a nation, or of nations, engaged in lawful self-defense and that their country's intervention is, in consequence, justified, or even obligatory. These are basing their convictions on objective reasons that are, to say the least, probable and tenable. All such are free to volunteer for military service and are obliged to obey their country's call if drafted.

There will also be found a second group, comprising those who will be just as sincere in maintaining the injustice of the war on the grounds: (1) that, while there may be doubt as to the defensive character of the war, it is certainly outlawed for other reasons, *v. g.*, by the rule of "last resort" or of "proportionate evil"; or (2) that the war is certainly not defensive in so far as warding off aggression from their own country is concerned, nor can it be said that the nation, or alliance of nations, in whose behalf their country is intervening, or intends to intervene, is waging a war of justified defense, since, as might well be the case, it provoked the aggression by overstringently insisting upon, and refusing to mitigate, the terms of a peace treaty generally admitted to be oppressive, impossible, and unjust. These, too, are basing their convictions on objective reasons which, when bolstered up with historical facts, may be difficult to gainsay. They are obliged to register conscientious objection to military service, though there may still be some doubt as to the state's

strict obligation to respect it, since its objective validity is not absolutely certain.

(c) As soon as supranational machinery for the maintenance of international peace, regardless of its specific type and nature, has been firmly organized and has begun to function effectively, no defensive war can any longer find justification, and, hence, all will then be strictly bound to become conscientious objectors.

Practically speaking, the task of deciding the justice or injustice of any particular war devolves upon the conscience of the individual conscript or soldier. It is his conscientious duty to decide, as a matter of concrete fact,²⁰ whether any particular war is aggressive or defensive, and, if defensive, whether it is justified or unjustified, and, in consequence, whether he is free or obliged or forbidden to participate formally in it, whether he is free or obliged or forbidden to be a conscientious objector.

Still, we may not, by any means, conceive the task of the individual conscript or soldier as a personal matter in the sense that he is free to arrive at his decision of conscientious objection by way of convenient or expedient choice, or according to promptings of emotions or private and subjective views, or independently of objective law and objective facts. Quite the contrary. To bring together what has been stated in different places, before conscientious objection can be valid in the twofold sense that the objector is obliged to be true to it and that the state authorities are obliged to respect it, the following conditions must be simultaneously verified:

(a) The conscientious objector must base his objection on moral grounds, not political, humanitarian, etc., *i. e.*, he must be honestly convinced that war is *morally* wrong;

(b) It is not sufficient that he base his objection on moral platitudes, *v. g.*, "war is a violation of what Christianity means to me";

(c) It is not sufficient that he base his objection on a subjectively conceived law or on a misinterpretation and misapplication of an actually existing law;

(d) He must be able to specify definitely the precise actually existing law upon which he bases his objection;

(e) This definite, actually existing law must emanate from a legislator vested with higher authority than the highest legisla-

²⁰ Lest we lose sight of the real problem we are discussing under the heading of "uncertainties," it may serve a good purpose, before concluding, to recall the statement with which we began; namely: "Uncertainties arise, not from the uncertainty of the moral principles . . . but from the difficulty of establishing with necessary certainty the concrete facts upon which the correct application of these principles depends."

tive authority of the state, *i. e.*, from God as the author of the natural law or of the divine positive law; and

(f) Because of the importance of the issue, the intricacies of the problem, the difficulty of establishing the relevant concrete facts, and the danger of misjudgment on the part of the individual, unless the immorality is clearly evident, the objector must be guided throughout by the prudent counsel of competent authorities, *i. e.*, of those who by study and practice are truly capable of rendering sound judgments in matters of morality.

IV
SUMMARY

We can conveniently summarize the morality of conscientious objection to war in the form of briefly stated propositions, or theses.

PRELIMINARY PRINCIPLES

	PAGE
1. Conscientious objection necessarily presupposes the existence of an essential difference between moral good and moral evil, as also man's physical ability to choose between the two	7
2. Conscientious objection demands the acknowledgment that morality is not man-made	7
3. Conscientious objection necessarily involves the admission that ultimately all morality, and, specifically, the morality of war, is based on the essence of God.....	8
4. Conscientious objection necessarily involves the acceptance of the truth that war in all its phases falls within the scope of moral principles.....	8
5. Conscientious objection requires that we correctly understand the nature of conscience and its relationship with the moral law and with the will of God.....	8
6. Conscientious objection is in place whenever violations of a higher moral law are demanded in the name of public welfare	10
7. Conscientious objection is in place whenever civil law runs counter to a higher moral law.....	11
8. The position of the Catholic Church in the matter of conscientious objection to war is: Observe the natural law as interpreted and applied by Catholic moralists throughout the centuries	11

THE CONSCIENTIOUS OBJECTOR

	PAGE
1. Conscientious objection is the refusal to participate in war at the command of one's country because of the conviction that war is morally wrong.....	13
2. Conscientious objectors can be classified as spurious, subjective, and objective.....	13-17, 19
3. Conscientious objectors may also be divided into those who object to war and to all its phases; who object to war, but not to auxiliary activities; who object to all aggressive war, but admit defensive war can be justified; and who admit defensive war can be justified, but object to certain practices of war.....	18
4. Finally, we may distinguish total and partial objectors; absolute and relative objectors; and those who admit a mere theoretic justification of war and those who deny even this	19

CERTAINTIES: (a) *The Objector's Conscience*

1. The individual is rigidly obliged to follow his conscience both when it is objectively true and when it is invincibly erroneous	20
2. All <i>objective</i> conscientious objectors must view war—either in its entirety or in part, either this particular war or all wars, according to the nature and scope of the objection—as an intrinsic moral evil.....	20
3. Some <i>subjective</i> conscientious objectors likewise must view war as intrinsically evil; others, as prohibited by divine positive law; as regards others, it is difficult to say.....	21
4. The conscientious objector (both <i>objective</i> and <i>subjective</i>) must be consistent in applying his objection to all essential activities in the war to which he objects.....	21
5. The conscientious objector must follow the dictates of his conscience to their logical conclusions, regardless of cost and sacrifice.....	21, 22

	PAGE
6. The <i>objective</i> conscientious objector has the right, as well as the duty, to follow the dictates of his conscience.....	22
7. The <i>subjective</i> conscientious objector has no strict claim to any special consideration on the part of the state....	23
8. The Christian citizen is not permitted to withhold his services from the state on the plea of practicing the counsels of the Gospel.....	23-27

CERTAINTIES: (b) *The Objector's Objection*

1. All are stringently obliged to be conscientious objectors when it is certain that the war is aggressive.....	27
2. All are stringently obliged to be conscientious objectors when it is certain that a war of defense is unjust.....	28
3. No one is permitted to be a conscientious objector when it is certain that all the requisite conditions for a just defensive war are simultaneously verified.....	28
4. Even in a just defensive war, all are obliged to object conscientiously to practices that are clearly opposed to the natural law	28
5. Conscientious objection to conscription and military training is permitted only when conscription is practically tantamount to being ushered into an unjust war.....	29

UNCERTAINTIES

1. Uncertainties arise, not from the uncertainty of the moral principles involved, but from the difficulty of establishing the facts upon which the correct application of the principles depends	32
2. So long as the current disregard of the moral element in state affairs persists, we cannot with unquestioning confidence rely upon state authorities to allay all doubts concerning the moral issues of warfare.....	33
3. Statements issued by the Catholic Hierarchy of the United States do not decide the morality of conscientious objection to modern warfare.....	35

	PAGE
4. In the absence of supranational machinery for the settlement of international problems, no one is permitted to be a conscientious objector if the war be defensive in the strict acceptation of the term.....	38
5. At the present time, when there is question of a defensive war in the loose sense of the term, we can expect to encounter a division of convictions with two courses of action	38
6. As soon as adequate machinery for the maintenance of international peace will have begun to function effectively, all will be obliged to become conscientious objectors....	39
7. Practically speaking, the task of deciding the justice or injustice of a war devolves upon the conscience of the individual conscript or soldier.....	39
8. Before conscientious objection can be entirely valid, a number of conditions must be simultaneously verified.....	39

THE Catholic Association for International Peace is a membership organization. Its object is to further, in accord with the teachings of the Church, the "Peace of Christ in the Kingdom of Christ," through the preparation and distribution of studies applying Christian teaching to international life.

It was organized in a series of meetings during 1926 and 1927—the first held just following the Eucharistic Congress in Chicago, the second held in Cleveland that fall to form an organizing committee, and the third in Easter week, 1927, in Washington, when the permanent organization was established.

The Association works through the preparation of committee reports. Following careful preparation, these are discussed both publicly and privately in order to secure able revision. They are then published by the organization. Questions involving moral judgments are submitted to the Committee on Ethics.

The Association solicits especially the membership and co-operation of those whose experience and studies are such that they can take part in the preparation of Committee reports.

The junior branch of the Association is composed of students in International Relations Clubs in more than a hundred Catholic colleges and in Catholic clubs of secular universities. The separate clubs are united in geographical federations, *e. g.*, New England, Lake Erie, Middle Atlantic, Capital, Ohio Valley, Mid-Western and Central. They are known as Catholic Student Peace Federations and receive the co-operation and assistance of the parent organization. The Catholic Student Peace Federations are autonomous and function under the direction of Boards of Directors composed of six student officers, four faculty advisers and one regional faculty adviser. A national Co-ordinating Committee brings together the regional federations.

PUBLICATIONS OF THE C.A.I.P.

Pamphlet Series—(10c a copy; \$1.00 a dozen)

- No. 1—International Ethics.*
- No. 2—Latin America and the United States.*
- No. 3—Causes of War, and Security, Old and New * (out of print).
- No. 4—Haiti, Past and Present (out of print).
- No. 5—Francis de Vitoria (out of print).
- No. 6—American Agriculture and International Affairs.*
- No. 7—Puerto Rico and the United States (out of print).
- No. 8—Europe and the United States—Elements in Their Relationship.*
- No. 9—The Ethics of War (out of print).
- No. 10—National Attitudes in Children.
- No. 11—Tariffs and World Peace.*
- No. 12—Manchuria—The Problem in the Far East.*
- No. 13—International Economic Life * (out of print).
- No. 14—The Church and Peace Efforts.*
- No. 15—War and Peace in St. Augustine's "De Civitate Dei."
- No. 16—Peace Education in Catholic Schools.
- No. 17—Peace Action of Benedict XV.
- No. 18—Relations Between France and Italy.
- No. 19—Catholic Organization for Peace in Europe.
- No. 20—The United States and the Dominican Republic (out of print).
- No. 21—An Introduction to Mexico.*
- No. 22—A Papal Peace Mosaic.
- No. 23—Arbitration and the World Court.*
- No. 24—Agriculture and International Life.*
- No. 25—Patriotism, Nationalism, and the Brotherhood of Man.*
- No. 26—The Church and the Jews.
- No. 27—The Obligation of Catholics to Promote Peace, and The Rights of Peoples.*
- No. 28—America's Peace Aims.
- No. 29—The World Society.*
- No. 30—The Morality of Conscientious Objection to War.*

MISCELLANEOUS SERIES

Appeals for Peace of Pope Benedict XV and Pope Pius XI.....	10c
Catholic Primer of Peace.....	25c
Permanent Peace Program of Pope Benedict XV.....	10c
Syllabus on International Relations.....	10c
Catholic Tradition of the Law of Nations, John Eppstein.....	\$2.50
Monthly News Letter (Issued during school months).....	\$1.00

NATIONAL CATHOLIC WELFARE CONFERENCE PEACE PAMPHLETS

Peace Statements of Recent Popes.....	10c
The Christian Way to Peace *.....	10c
Pius XII and Peace *.....	10c
The Pope's Peace Program and the United States *.....	10c
The Crisis of Christianity *.....	10c

* Study Outline Appended.