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"At Odds With the Pope: Legitimate Authority and Just Wars"

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AT ODDS WITH THE POPE

Legitimate authority & just wars

William T. Cavanaugh

At a recent campus discussion about the bishops' authority to speak on matters of war, much airtime was given to whether the bishops had overstepped their competence in judging such matters. Near the end of the session, a genuinely perplexed student stood and echoed the disciples' question to Jesus: "To whom should we go? If we can't rely on the church's judgment in these matters, where should we form our opinions?"

It is one thing to argue, on just-war grounds, against the overwhelming judgment of the pope and worldwide bishops, that the recent campaign in Iraq was morally justifiable. It is another thing to argue that the pope and bishops are not qualified to make such judgments. Neoconservative Catholic commentators and others have been trying to mitigate their embarrassment over being at odds with the pope on this issue by claiming that it is not really the church's call to make. Decisions about if and when we Catholics should kill should be left to the president. I believe this line of thinking is dangerously wrong.

An example of this can be found in the March 25 letter to Catholic military chaplains from the U.S. Military Services Archbishop Edwin O'Brien. In referring to the ongoing debate over moral justification of the war, O'Brien tells his chaplains, "Given the complexity of factors involved, many of which understandably remain confidential, it is altogether appropriate for members of our armed forces to presume the integrity of our leadership and its judgments, and therefore to carry out their military duties in good conscience." The archbishop assumes that "our leadership" will be understood as referring to the president of the United States, not to the pope and the bishops of the universal church to which the chaplains belong. The archbishop continues, "It is to be hoped that all factors which have led to our intervention will eventually be made public, and that the full picture of the Iraqi regime's weaponry and brutality will shed helpful light upon our president's decision." In other words, we may hope that, after the killing is done, it will be found to have been justified. There is always a chance some weapons of mass destruction will turn up after all. In the meantime, Catholic soldiers may safely leave responsibility for moral decision making on the war to the president. The judgment

of the church does not merit a mention in the archbishop's letter.

Michael Novak and George Weigel have applied this argument not merely to soldiers and chaplains but to all Catholics. In an opinion piece in the *New York Times* (February 12), Novak says that it belongs to public authorities, and not the church, to judge on matters of war for two reasons: the former have the "primary vocational role and constitutional duty to protect the lives and rights of their people" and they are "privy to highly restricted intelligence." Others have a right to voice their opinions, but "final judgment" belongs to the state. Here Novak cites the *Catechism* (2309): "The evaluation of these conditions for moral legitimacy [of war] belongs to the prudential judgment of those who have responsibility for the common good." Weigel (*America*, March 31) cites the same passage from the *Catechism* and declares that, although "religious leaders and religious intellectuals" should help inform the public debate, "the call is made by others," namely, "responsible public authorities."

It is true but trivial to point out that the nation-state and not the church makes war. Clearly Novak and Weigel have something more in mind. The "call" being made is about the



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moral status of the war. According to Novak and Weigel, the final judgment on that status belongs to the state—but what does “final judgment” mean? Does it mean that the pope’s judgment, expressed through his nuncio that the current war is “unjust and immoral,” is simply overridden by the president’s judgment, and that the pope’s judgment should be regarded by Catholics as null and void? The implication seems to be that, although the pope and bishops should be thanked for their input, Catholics should accept the president’s judgment and support the war.

Has the church really handed over its moral decision making on war to the leaders of the secular nation-state? Weigel recognizes that the passage cited from the *Catechism* is the traditional just-war criterion of competent, or legitimate, authority. He correctly states that in its medieval context this criterion was originally promulgated to separate war from mere murder or brigandage. In other words, only civil authorities, and not private individuals, can declare war. Given that the civil authorities in Christendom were, as John Neville Figgis has noted, “the police department of the church,” there was no sense that the application of the just-war theory was somehow taking place outside the church. Weigel does not acknowledge this, but merely asserts: “For the past several hundred years, ‘competent authority’ has resided in the nation-state.”

Doubtless, much has changed, for better and for worse, in the transition from the medieval to the modern world, but where along the line did the church hand over to the secular nation-state its responsibility to make judgments on the grave moral issue of war? The passage in question from the *Catechism* lays an obligation on civil authorities to consider moral truth, and not merely reasons of state, in deciding issues of lethal force. It nowhere limits the church’s own competence in these matters. The Code of Canon Law (747,2) makes this plain: “The church has the right always and everywhere to proclaim moral principles, even in respect of the social order, and to make judgments about any human matter in so far as this is required by fundamental human rights or the salvation of souls.”

Weigel and others regard the just-war theory as a tool of statecraft. The Catholic tradition, in contrast, has understood the just-war theory as an aid to moral judgment in the most serious of moral matters: the taking of human life. For this reason, the claim made by Archbishop O’Brien and Michael Novak that the president is privy to better information, even if true, would be of secondary importance at best. Moral judgment in the Christian tradition is primarily a matter not of information, but of being formed in the virtues proper to a disciple of Christ. There is no reason to assume that the leaders of a secular nation-state are so formed, nor that the principles guiding the Christian moral life are at the heart of American foreign policy. War planners are always going to think their wars are justified. There is also no guarantee, to put it mildly, that moral considerations will trump those of narrowly defined national interest and corporate profit

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when the foreign-policy establishment creates its agenda.

The notion that we should hand over responsibility for judging the justice of war to the president on the basis of his superior access to information is profoundly undemocratic. Furthermore, there are reasons to believe that the president is not privy to better information than the rest of us. In the current case, for example, George W. Bush made public every possible scrap of information supporting the attack on Iraq. The only information kept from our view was that *calling into question* the necessity for war. Still, the main point is that information is secondary to moral formation in the making of moral judgments. For the church to defer to the nation-state in making moral judgments on war would be to court disaster. In a recent letter, the Romanian Catholic bishop of Ohio, John Botean, forbids members of his diocese to participate in or support the war against Iraq. After citing the same passage from the *Catechism* that Novak and Weigel cite, Bishop Botean comments that "the nation-state is never the final arbiter or authority for the Catholic of what is moral or for what is good for the salvation of his or her soul. *What is legal can be evil and often has been.* Jesus Christ and his church, not the state, are the ultimate informers of conscience for the Catholic."

Right-wing commentators have hastened to assert the right of the individual Catholic to dissent from the judgment of the pope and bishops on contingent matters of prudential judgment, such as the application of the just-war theory in a particular case. They are correct to do so. One need only cite the cases of Argentina and Rwanda to recognize that the judgments of bishops in matters of war and peace are not infallible. The problem is that we hear nothing from these commentators about any such right to dissent from the judgment of the state. In the United States there is no legal right to selective conscientious objection. The Catholic soldier cannot dissent from the president's judgment that this particular war is just. As for us Catholic civilians, are we allowed to dissent once the "call" has been made, and the president has issued his "final judgment" that the war is just?

The individual conscience of the Catholic is indeed important in these matters, but the current problem is not that U.S. Catholics are taking the opposition to the war by the pope and the bishops too seriously, regarding it as binding and infallible. The problem is that most Catholics seem only too willing to overlook the church's position and regard the state's judgment as binding. At home, a Pew sur-

vey found that, asked to name the most important influence on their thinking on the Iraq war, only 10 percent of respondents cited their religious beliefs. Forty-one percent named the media. While the survey did not distinguish between Catholics and non-Catholics, it is not unreasonable to conclude that the church's position on the war is not being taken overly seriously.

To say that Catholics in good conscience may dissent from the pope and bishops on this matter leaves open the question of what is a good conscience. According to traditional Catholic belief, a good conscience is a *well-formed* conscience. Moral formation involves becoming a follower of Jesus Christ through the gifts of the Holy Spirit available in the sacraments of the church and the practices of Christian charity. The formation of conscience should be done, insofar as it is possible, in communion with the whole people of God and its pastors. Of course, we should reject the idea of blind obedience to the political whims of individual bishops. When the pope and the bishops worldwide unite virtually unanimously in clear and repeated opposition to a war, however, the Catholic conscience should treat this matter with utmost seriousness. Pope John Paul II's opinion should count more than Donald Rumsfeld's or Bill O'Reilly's. At the very least, the Catholic should not simply abdicate moral judgment in this matter to leaders of a secular nation-state.

The problem, I believe, is a fundamental inability of many U.S. Catholics and other Christians to imagine being out of step with the American nation-state. It should not be so difficult to suppose that the gospel does not always magically coincide with American foreign policy, or that Jesus has something to say that is irreconcilable with what Dick Cheney or Richard Perle thinks. Let us imagine that significant numbers of Catholics in the military—not everyone, perhaps, even just 10 percent—agreed with the pope and the U.S. Conference of Catholic Bishops that this particular war is unjustifiable, and decided to sit it out. Let us imagine that significant numbers of Catholic civilians—again, not necessarily everyone—did not agree that the president's judgment was final, and found ways to protest and refuse to support the war effort. Would we be witnessing the church overstepping the boundaries of its authority, or the dangerous mixing of politics and religion? No. We would be witnessing Catholics recovering their primary loyalty to Christ from the idolatry of the nation-state. And we would be witnessing, for once, the just-war theory being used to limit violence rather than justify it. □