

In moral terms, the argument that allows warfare to be intentionally directed against ethnically or religiously different non-combatants in such conflicts as those in the former Yugoslavia and Rwanda-Zaire is simply wrong. Only what persons *do* makes them morally liable to have armed force used against them, not what they *believe* religiously or who they *are* ethnically or culturally.

Holding to the combatant-non-combatant distinction is basic to the moral conduct of war, but moral tradition and international law also seek to limit the means of war so that they do not cause destruction out of proportion to the justified goal. What is wrong to do to combatants certainly should never be done against non-combatants: the rule protecting the former also covers the latter. Consider some examples: combatants rendered helpless are to be made prisoners of war and treated humanely, not killed or tortured; non-combatants, by definition helpless, deserve no less. The use of poison gas or chemical or biological agents against combatants is prohibited in the law of armed conflicts and, more generally, poison is prohibited as *mala in se* in the moral tradition; thus, such means may also not be used against non-combatants. To use means calculated to cause unnecessary suffering against combatants is forbidden in the law of armed conflict; similarly, such means are forbidden in dealing with non-combatants. These are all examples of the principle of proportionality, and they apply apart from concerns having to do with the distinction between non-combatants and combatants. Moreover, proportionality imposes the positive obligation to seek to accomplish justified military objectives by the least destructive means overall. . . . [E]ven when non-combatants and combatants are inextricably mingled, or even when the idea of a distinction between them is denied, there remains the separate obligation imposed by proportionality: for example, not to destroy a town completely or drive all the inhabitants from an area in order to possess it. . . .

Thus, both because it is inherently wrong to make war on non-combatants and because of the goal of peace and stability in domestic and international affairs, it is vitally important to maintain the restraints on the conduct of war found in moral tradition and in international law on war. Doing so affects everyone, and so does failure to do so.

57

National Conference of Catholic Bishops (1983 and 1993)

A Presumption against War

The task before us is not simply to repeat what we have said before; it is first to consider anew whether and how our religious-moral tradition can assess, direct, contain, and, we hope, help to eliminate the threat posed to the human family by the nuclear arsenals of the world.

The Challenge of Peace, section 122

In 1983, the Roman Catholic Bishops of the United States issued a pastoral letter on the grave problems associated with nuclear war. The letter appeared at the very moment when the US and other NATO powers were engaged in a heated debate about whether or not to place tactical nuclear weapons in Western Europe. In addition to expressing strong reservations about any possible use of such weapons, the bishops also questioned the ethical foundations of the strategy of deterrence by assured mutual destruction. Immediately controversial, the letter was widely read, both within the Christian churches and by the secular policy community.

The letter opened with a summary of principles, in which the Catholic teaching was described as implying "a presumption against war." Particularly noteworthy was the rejection of any kind of offensive war, which marked a significant departure from the traditional just war doctrine of Aquinas, Vitoria, and Suárez.¹ Then, in the Introduction, the bishops made a similar move, modifying the standard presentation of the conditions of a just war by the postulation of a new criterion called "comparative justice."

¹ On the difference between the traditional Catholic teaching and the contemporary presumption view, see Gregory M. Reichberg, "Is There a 'Presumption Against War' in Aquinas's Ethics?" *The Thomist*, 66 (July 2002), pp. 337-67.

On the substantive moral questions relating to nuclear weapons, the bishops took two firm stands. First, appealing to "reasonable hope of success,"² "discrimination," "proportionality," and other such criteria, the bishops denied that there might be "any situation in which the deliberate initiation of nuclear warfare, on however restricted a scale [i.e. through the use of tactical nuclear weapons], can be . . . justified" (section 150). Second, on the question of deterrence, the bishops held that any targeting (direct or even indirect) of civilian population centers was morally unacceptable. In both respects the pastoral letter sharply contradicted the position that had earlier been articulated by the influential just war theorist Paul Ramsey (see chap. 51, this volume). While the bishops did allow for a strategy of nuclear deterrence in which military targets might be threatened with retaliatory attack, they emphasized that this strategy was only provisionally acceptable, under condition that it serve "as a step on the way toward progressive disarmament" (section 188).

From *The Challenge of Peace: God's Promise and Our Response*³

Summary

. . . I. Some principles, norms and premises of Catholic teaching

A: On war

- 1 Catholic teaching begins in every case with a presumption against war and for peaceful settlement of disputes. In exceptional cases, determined by the moral principles of the just-war tradition some uses of force are permitted.
- 2 Every nation has a right and duty to defend itself against unjust aggression.
- 3 Offensive war of any kind is not morally justifiable.
- 4 It is never permitted to direct nuclear or conventional weapons to "the indiscriminate destruction of whole cities or vast areas with their populations. . . ."⁴ The intentional killing of innocent civilians or non-combatants is always wrong.

² The text also refers to this criterion as "probability of success."

³ National Conference of Catholic Bishops, *The Challenge of Peace: God's Promise and Our Response*, A Pastoral Letter on War and Peace, May 3, 1983 (Washington, DC: Office of Publishing Services, United States Catholic Conference, 1983), pp. iii, 6-7, 28-31, 33-4, 39, 46-51, 56-9. The full text of this letter (yet without the opening summary) may be found online at <http://www.osjspm.org/cst/cp.htm>.

⁴ Vatican II, *Pastoral Constitution on the Church in the Modern World* (hereafter cited as *Pastoral Constitution*), no. 80.

- 5 Even defensive response to unjust attack can cause destruction which violates the principle of proportionality, going far beyond the limits of legitimate defense. This judgment is particularly important when assessing planned use of nuclear weapons. No defensive strategy, nuclear or conventional, which exceeds the limits of proportionality is morally permissible. . . .

Introduction

. . . (16) Catholic teaching on peace and war has had two purposes: to help Catholics form their consciences and to contribute to the public policy debate about the morality of war. These two purposes have led Catholic teaching to address two distinct but overlapping audiences. The first is the Catholic faithful, formed by the premises of the Gospel and the principles of Catholic moral teaching. The second is the wider civil community, a more pluralistic audience, in which our brothers and sisters with whom we share the name Christian, Jews, Moslems, other religious communities, and all people of good will also make up our polity. Since Catholic teaching has traditionally sought to address both audiences, we intend to speak to both in this letter, recognizing that Catholics are also members of the wider political community. . . .

(84) The determination of *when* conditions exist which allow the resort to force in spite of the strong presumption against it is made in light of *ius ad bellum* criteria. The determination of *how* even a justified resort to force must be conducted is made in light of the *ius in bello* criteria. We shall briefly explore the meaning of both.⁵

Ius ad bellum

(85) Why and when recourse to war is permissible.

(86) (a) *Just Cause*: War is permissible only to confront "a real and certain danger," i.e., to protect innocent life, to preserve conditions necessary for decent human existence, and to secure basic human rights. As both Pope Pius XII and Pope John XXIII made clear, if war of retribution was ever justifiable, the risks of modern war negate such a claim today.

(87) (b) *Competent Authority*: In the Catholic tradition the right to use force has always been joined to the common good; war must be declared by those with responsibility for public order, not by private groups or individuals.

(88) The requirement that a decision to go to war must be made by competent authority is particularly important in a democratic society. It needs detailed treatment here since it involves a broad spectrum of related issues. Some of the

⁵ For an analysis of the content and relationship of these principles cf.: R. Potter, "The Moral Logic of war," *McCormick Quarterly* 23 (1970), pp. 203-33.

bitterest divisions of society in our own nation's history, for example, have been evoked over the question of whether or not a president of the United States has acted constitutionally and legally in involving our country in a *de facto* war, even if – indeed, especially if – war was never formally declared. Equally perplexing problems of conscience can be raised for individuals expected or legally required to go to war even though our duly elected representatives in Congress have, in fact, voted for war.

(89) The criterion of competent authority is of further importance in a day when revolutionary war has become commonplace. Historically, the just-war tradition has been open to a “just revolution” position, recognizing that an oppressive government may lose its claim to legitimacy. Insufficient analytical attention has been given to the moral issues of revolutionary warfare. The mere possession of sufficient weaponry, for example, does not legitimize the initiation of war by “insurgents” against an established government, any more than the government’s systematic oppression of its people can be carried out under the doctrine of “national security.”

(90) While the legitimacy of revolution in some circumstances cannot be denied, just-war teachings must be applied as rigorously to revolutionary-counterrevolutionary conflicts as to others. The issue of who constitutes competent authority and how such authority is exercised is essential.

(91) When we consider in this letter the issues of conscientious objection and selective conscientious objection, the issue of competent authority will arise again.

(92) (c) *Comparative Justice*: Questions concerning the *means* of waging war today, particularly in view of the destructive potential of weapons, have tended to override questions concerning the comparative justice of the positions of respective adversaries or enemies. In essence: which side is sufficiently “right” in a dispute, and are the values at stake critical enough to override the presumption against war? The question in its most basic form is this: do the rights and values involved justify killing? For whatever the means used, war, by definition, involves violence, destruction, suffering, and death.

(93) The category of comparative justice is destined to emphasize the presumption against war which stands at the beginning of just-war teaching. In a world of sovereign states recognizing neither a common moral authority nor a central political authority, comparative justice stresses that no state should act on the basis that it has “absolute justice” on its side. Every party to a conflict should acknowledge the limits of its “just cause” and the consequent requirement to use *only* limited means in pursuit of its objectives. Far from legitimizing a crusade mentality, comparative justice is designed to relativize absolute claims and to restrain the use of force even in a “justified” conflict.⁶

⁶ Paul Ramsey, *The Just War: Force and Political Responsibility* (New York: 1981); James T. Johnson, *Ideology, Reason and the Limitations of War* (Princeton: 1975); W. O'Brien, *The Conduct of Just and Limited War* (New York: 1981), pp. 13–30; A. Vanderpol, *La doctrine scolastique du droit de guerre* (Paris: 1911), p. 387ff.; J. C. Murray, “Theology and Modern Warfare,” in W. J. Nagel (ed.), *Morality and Modern Warfare*, p. 80ff.

(94) Given techniques of propaganda and the ease with which nations and individuals either assume or delude themselves into believing that God or right is clearly on their side, the test of comparative justice may be extremely difficult to apply. Clearly, however, this is not the case in every instance of war. Blatant aggression from without and subversion from within are often enough readily identifiable by all reasonably fair-minded people.

(95) (d) *Right Intention*: Right intention is related to just cause – war can be legitimately intended only for the reasons set forth above as a just cause. During the conflict, right intention means pursuit of peace and reconciliation, including avoiding unnecessarily destructive acts or imposing unreasonable conditions (e.g., unconditional surrender).

(96) (e) *Last Resort*: For resort to war to be justified, all peaceful alternatives must have been exhausted. There are formidable problems in this requirement. No international organization currently in existence has exercised sufficient internationally recognized authority to be able either to mediate effectively in most cases or to prevent conflict by the intervention of United Nations or other peacekeeping forces. Furthermore, there is a tendency for nations or peoples which perceive conflict between or among other nations as advantageous to themselves to attempt to prevent a peaceful settlement rather than advance it.

(97) We regret the apparent unwillingness of some to see in the United Nations organization the potential for world order which exists and to encourage its development. Pope Paul VI called the United Nations the last hope for peace. . . .

(98) (f) *Probability of Success*: This is a difficult criterion to apply, but its purpose is to prevent irrational resort to force or hopeless resistance when the outcome of either will clearly be disproportionate or futile. The determination includes a recognition that at times defense of key values, even against great odds, may be a “proportionate” witness.

(99) (g) *Proportionality*: In terms of the *ius ad bellum* criteria, proportionality means that the damage to be inflicted and the costs incurred by war must be proportionate to the good expected by taking up arms. Nor should judgments concerning proportionality be limited to the temporal order without regard to a spiritual dimension in terms of “damage,” “cost,” and “the good expected.” In today’s interdependent world even a local conflict can affect people everywhere; this is particularly the case when the nuclear powers are involved. Hence a nation cannot justly go to war today without considering the effect of its action on others and on the international community.

(100) This principle of proportionality applies throughout the conduct of the war as well as to the decision to begin warfare. During the Vietnam war our bishops’ conference ultimately concluded that the conflict had reached such a level of devastation to the adversary and damage to our own society that continuing it could not be justified.⁷

⁷ United States Catholic Conference, *Resolution on Southeast Asia* (Washington, DC, 1971).

Ius in bello

(101) Even when the stringent conditions which justify resort to war are met, the conduct of war (i.e., strategy, tactics, and individual actions) remains subject to continuous scrutiny in light of two principles which have special significance today precisely because of the destructive capability of modern technological warfare. These principles are proportionality and discrimination. In discussing them here, we shall apply them to the question of *ius ad bellum* as well as *ius in bello*; for today it becomes increasingly difficult to make a decision to use any kind of armed force, however limited initially in intention and in the destructive power of the weapons employed, without facing at least the possibility of escalation to broader, or even total, war and to the use of weapons of horrendous destructive potential. This is especially the case when adversaries are "superpowers," as the council clearly envisioned:

Indeed, if the kind of weapons now stocked in the arsenals of the great powers were to be employed to the fullest, the result would be the almost complete reciprocal slaughter of one side by the others not to speak of the widespread devastation that would follow in the world and the deadly after effects resulting from the use of such weapons . . .⁸

(105) When confronting choices among specific military options, the question asked by proportionality is: once we take into account not only the military advantages that will be achieved by using this means but also all the harms reasonably expected to follow from using it, can its use still be justified? We know, of course, that no end can justify means evil in themselves, such as the executing of hostages or the targeting of non-combatants. Nonetheless, even if the means adopted is not evil in itself, it is necessary to take into account the probable harms that will result from using it and the justice of accepting those harms. It is of utmost importance, in assessing harms and the justice of accepting them, to think about the poor and the helpless, for they are usually the ones who have the least to gain and the most to lose when war's violence touches their lives.

(106) In terms of the arms race, if the *real* end in view is legitimate defense against unjust aggression, and the means to this end are not evil in themselves, we must still examine the question of proportionality concerning attendant evils. Do the exorbitant costs, the general climate of insecurity generated, the possibility of accidental detonation of highly destructive weapons, the danger of error and miscalculation that could provoke retaliation and war – do such evils or others attendant upon and indirectly deriving from the arms race make the arms race itself a disproportionate response to aggression? Pope John Paul II is very clear in

⁸ *Pastoral Constitution*, no. 80.

his insistence that the exercise of the right and duty of a people to protect their existence and freedom is contingent on the use of proportionate means.⁹

(107) Finally, another set of questions concerns the interpretation of the principle of discrimination. The principle prohibits directly intended attacks on noncombatants and nonmilitary targets. It raises a series of questions about the term "intentional," the category of "noncombatant," and the meaning of "military." . . .

(110) These two principles, in all their complexity, must be applied to the range of weapons – conventional, nuclear, biological, and chemical – with which nations are armed today. . . .

II. War and Peace in the Modern World: Problems and Principles

(122) Both the just-war teaching and non-violence are confronted with a unique challenge by nuclear warfare. This must be the starting point of any further moral reflection: nuclear weapons particularly and nuclear warfare as it is planned today, raise new moral questions. No previously conceived moral position escapes the fundamental confrontation posed by contemporary nuclear strategy. Many have noted the similarity of the statements made by eminent scientists and Vatican II's observation that we are forced today "to undertake a completely fresh reappraisal of war." The task before us is not simply to repeat what we have said before; it is first to consider anew whether and how our religious-moral tradition can assess, direct, contain, and, we hope, help to eliminate the threat posed to the human family by the nuclear arsenals of the world. . . .

Moral principles and policy choices

(146) In light of these perspectives we address the questions more explicitly: (1) counterpopulation warfare; (2) initiation of nuclear war; and (3) limited nuclear war.

1. Counterpopulation warfare

(147) Under no circumstances may nuclear weapons or other instruments of mass slaughter be used for the purpose of destroying population centers or other predominantly civilian targets. Popes have repeatedly condemned "total war" which implies such use. For example, as early as 1954 Pope Pius XII condemned nuclear warfare "when it entirely escapes the control of man," and results in "the pure and simple annihilation of all human life within the radius of action."¹⁰ The condemnation was repeated by the Second Vatican Council:

⁹ John Paul II, "World Day of Peace Message 1982," no. 12.

¹⁰ Pius XII, "Address to the VIII Congress of the World Medical Association," in *Peace and Disarmament: Documents of the World Council of Churches and the Roman Catholic Church* (Geneva and Rome, 1982), p. 131.

Any act of war aimed indiscriminately at the destruction of entire cities or of extensive areas along with their population is a crime against God and man itself. It merits unequivocal and unhesitating condemnation.¹¹

(148) Retaliatory action whether nuclear or conventional which would indiscriminately take many wholly innocent lives, lives of people who are in no way responsible for reckless actions of their government, must also be condemned. This condemnation, in our judgment, applies even to the retaliatory use of weapons striking enemy cities after our own have already been struck. No Christian can rightfully carry out orders or policies deliberately aimed at killing non-combatants . . .¹²

2. The initiation of nuclear war

(150) We do not perceive any situation in which the deliberate initiation of nuclear warfare, on however restricted a scale, can be morally justified. Non-nuclear attacks by another state must be resisted by other than nuclear means. Therefore, a serious moral obligation exists to develop nonnuclear defensive strategies as rapidly as possible.

(151) A serious debate is under way on this issue.¹³ It is cast in political terms, but it has a significant moral dimension. Some have argued that at the very beginning of a war nuclear weapons might be used, only against military targets, perhaps in limited numbers. Indeed it has long been American and NATO policy that nuclear weapons, especially so-called tactical nuclear weapons, would likely be used if NATO forces in Europe seemed in danger of losing a conflict that until then had been restricted to conventional weapons. Large numbers of tactical nuclear weapons are now deployed in Europe by the NATO forces and about as many by the Soviet Union. Some are substantially smaller than the bomb used on Hiroshima, some are larger. Such weapons, if employed in great numbers, would totally devastate the densely populated countries of Western and Central Europe.

(152) Whether under conditions of war in Europe, parts of Asia, or the Middle East, or the exchange of strategic weapons directly between the United States and the Soviet Union, the difficulties of limiting the use of nuclear weapons are immense. A number of expert witnesses advise us that commanders operating under conditions of battle probably would not be able to exercise strict control; the number of weapons used would rapidly increase, the targets would be expanded beyond the military, and the level of civilian casualties would rise enormously.¹⁴

¹¹ *Pastoral Constitution*, no. 80.

¹² *Ibid.*

¹³ M. Bundy et al., "Nuclear Weapons," cited; K. Kaiser, G. Leber, A. Mertes and F. J. Schulze, "Nuclear Weapons and the Preservation of Peace," *Foreign Affairs* 60 (1982): 1157-70; cf. other responses to Bundy article in the same issue of *Foreign Affairs*.

¹⁴ Testimony given to the National Conference of Catholic Bishops Committee during preparation of this pastoral letter.

No one can be certain that this escalation would not occur, even in the face of political efforts to keep such an exchange "limited." The chances of keeping use limited seem remote, and the consequences of escalation to mass destruction would be appalling. Former public officials have testified that it is improbable that any nuclear war could actually be kept limited. Their testimony and the consequences involved in this problem lead us to conclude that the danger of escalation is so great that it would be morally unjustifiable to initiate nuclear war in any form. The danger is rooted not only in the technology of our weapons systems but in the weakness and sinfulness of human communities. We find the moral responsibility of beginning nuclear war not justified by rational political objectives.

(153) This judgment affirms that the willingness to initiate nuclear war entails a distinct, weighty moral responsibility; it involves transgressing a fragile barrier – political, psychological, and moral – which has been constructed since 1945. We express repeatedly in this letter our extreme skepticism about the prospects for controlling a nuclear exchange, however limited the first use might be. Precisely because of this skepticism, we judge resort to nuclear weapons to counter a conventional attack to be morally unjustifiable.¹⁵ Consequently we seek to reinforce the barrier against any use of nuclear weapons. Our support of a "no first use" policy must be seen in this light. . . .

3. Limited nuclear war

(157) It would be possible to agree with our first two conclusions and still not be sure about retaliatory use of nuclear weapons in what is called a "limited exchange." The issue at stake is the *real* as opposed to the *theoretical* possibility of a "limited nuclear exchange."

(158) We recognize that the policy debate on this question is inconclusive and that all participants are left with hypothetical projections about probable reactions in a nuclear exchange. While not trying to adjudicate the technical debate, we are aware of it and wish to raise a series of questions which challenge the actual meaning of "limited" in this discussion.

- (a) Would leaders have sufficient information to know what is happening in a nuclear exchange?
- (b) Would they be able under the conditions of stress, time pressures, and fragmentary information to make the extraordinarily precise decision needed to keep the exchange limited if this were technically possible?
- (c) Would military commanders be able, in the midst of the destruction and confusion of a nuclear exchange, to maintain a policy of "discriminate

¹⁵ Our conclusion and judgments in this area, although based on careful study and reflection of the application of moral principles, do not have, of course, the same force as the principles themselves and therefore allow for different versions.

targeting"? Can this be done in modern warfare, waged across great distances by aircraft and missiles?

- (d) Given the accidents we know about in peacetime conditions, what assurances are there that computer errors could be avoided in the midst of a nuclear exchange?
- (e) Would not the casualties, even in a war defined as limited by strategists, still run in the millions?
- (f) How "limited" would be the long-term effects of radiation, famine, social fragmentation, and economic dislocation?

(159) Unless these questions can be answered satisfactorily, we will continue to be highly skeptical about the real meaning of "limited." One of the criteria of the just-war tradition is a reasonable hope of success in bringing about justice and peace. We must ask whether such a reasonable hope can exist once nuclear weapons have been exchanged. The burden of proof remains on those who assert that meaningful limitation is possible.

(160) A nuclear response to either conventional or nuclear attack can cause destruction which goes far beyond "legitimate defense." Such use of nuclear weapons would not be justified. . . .

Deterrence in principle and practice

(162) The moral challenge posed by nuclear weapons is not exhausted by an analysis of their possible uses. Much of the political and moral debate of the nuclear age has concerned the strategy of deterrence. Deterrence is at the heart of the US-Soviet relationship, currently the most dangerous dimension of the nuclear arms race.

1. The concept and development of deterrence policy

(163) The concept of deterrence existed in military strategy long before the nuclear age, but it has taken on a new meaning and significance since 1945. Essentially, deterrence means "dissuasion of a potential adversary from initiating an attack or conflict, often by the threat of unacceptable retaliatory damage."¹⁶ In the nuclear age, deterrence has become the centerpiece of both US and Soviet policy. Both superpowers have for many years now been able to promise a retaliatory response which can inflict "unacceptable damage." A situation of stable deterrence depends on the ability of each side to deploy its retaliatory forces in ways that are not vulnerable to an attack (i.e., protected against a "first strike"); preserving stability requires a willingness by both sides to refrain from deploying weapons which appear to have a first strike capability. . . .

¹⁶ W. H. Kincade and J. D. Porro, *Negotiating Security: An Arms Control Reader* (Washington, DC, 1979).

2. The moral assessment of deterrence

(178) Targeting doctrine raises significant moral questions because it is a significant determinant of what would occur if nuclear weapons were ever to be used. Although we acknowledge the need for a deterrent, not all forms of deterrence are morally acceptable. There are moral limits to deterrence policy as well as to policy regarding use. Specifically, it is not morally acceptable to intend to kill the innocent as part of a strategy of deterring nuclear war. The question of whether US policy involves an intention to strike civilian centers (directly targeting civilian populations) has been one of our factual concerns.

(179) This complex question has always produced a variety of responses, official and unofficial in character. The NCCB Committee has received a series of statements of clarification of policy from US government officials.¹⁷ Essentially these statements declare that it is not US strategic policy to target the Soviet civilian population as such or to use nuclear weapons deliberately for the purpose of destroying population centers. These statements respond, in principle at least, to one moral criterion for assessing deterrence policy: the immunity of non-combatants from direct attack either by conventional or nuclear weapons.

(180) These statements do not address or resolve another very troublesome moral problem, namely, that an attack on military targets or militarily significant industrial targets could involve "indirect" (i.e., unintended) but massive civilian casualties. . . .

(181) While any judgment of proportionality is always open to differing evaluations, there are actions which can be decisively judged to be disproportionate. A narrow adherence exclusively to the principle of noncombatant immunity as a criterion for policy is an inadequate moral posture, for it ignores some evil and unacceptable consequences. Hence, we cannot be satisfied that the assertion of an intention not to strike civilians directly, or even the most honest effort to implement that intention, by itself constitutes a "moral policy" for the use of nuclear weapons.

(182) The location of industrial or militarily significant economic targets within heavily populated areas or in those areas affected by radioactive fallout could well

¹⁷ Particularly helpful was the letter of January 15, 1983, of Mr. William Clark, national security adviser, to Cardinal Bernardin. Mr. Clark stated: "For moral, political and military reasons, the United States does not target the Soviet civilian population as such. There is no deliberately opaque meaning conveyed in the last two words. We do not threaten the existence of Soviet civilization, by threatening Soviet cities. Rather, we hold at risk the war-making capability of the Soviet Union - its armed forces, and the industrial capacity to sustain war. It would be irresponsible for us to issue policy statements which might suggest to the Soviets that it would be to their advantage to establish privileged sanctuaries within heavily populated areas, thus inducing them to locate much of their war-fighting capability within those urban sanctuaries." A reaffirmation of the administration's policy is also found in Secretary Weinberger's *Annual Report to the Congress* (Casper Weinberger, *Annual Report to the Congress*, February 1, 1983, p. 55): "The Reagan Administration's policy is that under no circumstances may such weapons be used deliberately for the purposes of destroying populations."

involve such massive civilian casualties that, in our judgment, such a strike would be deemed morally disproportionate, even though not intentionally indiscriminate.

(183) The problem is not simply one of producing highly accurate weapons that might minimize civilian casualties in any single explosion, but one of increasing the likelihood of escalation at a level where many, even "discriminating," weapons would cumulatively kill very large numbers of civilians. Those civilian deaths would occur both immediately and from the long-term effects of social and economic devastation. . . .

(186) These considerations of concrete elements of nuclear deterrence policy, made in light of John Paul II's evaluation, but applying it through our own prudential judgments, lead us to a strictly conditioned moral acceptance of nuclear deterrence. We cannot consider it adequate as a long-term basis for peace. . . .

(188) *On the basis of these criteria we wish now to make some specific evaluations:*

- 1 If nuclear deterrence exists only to prevent the *use* of nuclear weapons by others, then proposals to go beyond this to planning for prolonged periods of repeated nuclear strikes and counter-strikes, or "prevailing" in nuclear war, are not acceptable. They encourage notions that nuclear war can be engaged in with tolerable human and moral consequences. Rather, we must continually say "no" to the idea of nuclear war.
- 2 If nuclear deterrence is our goal, "sufficiency" to deter is an adequate strategy; the quest for nuclear superiority must be rejected.
- 3 Nuclear deterrence should be used as a step on the way toward progressive disarmament. Each proposed addition to our strategic system or change in strategic doctrine must be assessed precisely in light of whether it will render steps toward "progressive disarmament" more or less likely.

(189) Moreover, these criteria provide us with the means to make some judgments and recommendations about the recent direction of US strategic policy. Progress toward a world freed of dependence on nuclear deterrence must be carefully carried out. But it must not be delayed. There is an urgent moral and political responsibility to use the "peace of a sort" we have as a framework to move toward authentic peace through nuclear arms control, reductions, and disarmament. Of primary importance in this process is the need to prevent the development and deployment of destabilizing weapons systems on either side; a second requirement is to insure that the more sophisticated command and control systems do not become mere hair triggers for automatic launch on warning; a third is the need to prevent the proliferation of nuclear weapons in the international system. . . .

In 1993, ten years after *The Challenge of Peace*, the US Catholic Bishops issued a new pastoral letter, *The Harvest of Justice is Sown in Peace*. The letter reiterated

many of the core presuppositions of the 1983 document, which it sought to apply in a post-Cold War context. Particularly striking was the letter's emphasis on peacemaking and strategies of non-violent change, while still remaining within a non-pacifist, just war framework. The letter also invoked the idea of a "global common good" (an expansion of the classical idea of the "common good") asserting that this, rather than the single nation-state, should serve as the main referent for any legitimate warmaking authority.

From *The Harvest of Justice is Sown in Peace*¹⁸

Peace does not consist merely in the absence of war, but rather in sharing the goodness of life together. In keeping with Pope John [XXIII]'s teaching [from his encyclical letter *Pacem in Terris*, 1963], the Church's positive vision of a peaceful world includes the following: (a) the primacy of the global common good for political life; (b) the role of social and economic development in securing the conditions for a just and lasting peace; and (c) the moral imperative of solidarity between affluent industrial nations and poor, developing ones.

. . . A key element in Pope John's conception of a peaceful world is a global order oriented to the full development of all peoples, with governments committed to the rights of citizens, and a framework of authority that enables the world community to address fundamental problems that individual governments fail to resolve. In this framework, sovereignty is in the service of people. All political authority has as its end the promotion of the common good, particularly the defense of human rights. When a government clearly fails in this task or itself becomes a central impediment to the realization of those rights, the world community has a right and a duty to act where the lives and the fundamental rights of large numbers of people are at serious risk. . . .

An essential component of a spirituality for peacemaking is an ethic for dealing with conflict in a sinful world. The Christian tradition possesses two ways to address conflict: non-violence and just war. . . .

Throughout history there has been a shifting relation between the two streams of the tradition that always remain in tension. Like Christians before us who have sought to read the signs of the times in light of this dual tradition, we today struggle to assess the lessons of the nonviolent revolutions in Eastern Europe in 1989 and the former Soviet Union in 1991, on the one hand, and of the conflicts in Central America, the Persian Gulf, Bosnia, Somalia, Lebanon, Cambodia, and Northern Ireland on the other.

¹⁸ National Conference of Catholic Bishops, *The Harvest of Justice is Sown in Peace*, reprinted in *Origins*, 23, 26 (1993), pp. 449-64; these excerpts are from pp. 452-4. The full text is available online at www.nccbuscc.org/sdwp/harvest.htm

The devastation wrought by these recent wars reinforces and strengthens for us the strong presumption against the use of force, which is shared by both traditions. Overall, the wars fought in the last 50 years show a dramatic rise in the proportion of noncombatant casualties. This fact points to the need for clear moral restraints both in avoiding war and in limiting its consequences. The high level of civilian deaths raises serious moral questions about the political choices and military doctrines which have had such tragic results over the last half century. The presumption against the use of force has also been strengthened by the examples of the effectiveness of non-violence in some places in Eastern Europe and elsewhere. . . .

. . . National leaders bear a moral obligation to see that nonviolent alternatives are seriously considered for dealing with conflicts. New styles of preventative diplomacy and conflict resolution ought to be explored, tried, improved, and supported. As a nation we should promote research, education, and training in nonviolent means of resisting evil. Nonviolent strategies need greater attention in international affairs.

Such obligations do not detract from a state's right and duty to defend against aggression as a last resort. They do, however, raise the threshold for the recourse to force by establishing institutions which promote non-violent political commitment to solutions of disputes and nurturing such efforts. In some future conflicts, strikes and people power could be more effective than guns and bullets.

58

Kofi Annan (b. 1938)

Toward a New Definition
of Sovereignty

When we read the Charter today, we are more than ever conscious that its aim is to protect individual human beings, not to protect those who abuse them.

"Two Concepts of Sovereignty"

The rapid fragmentation of the Eastern Bloc, culminating in the dissolution of the Soviet Union in 1991, signaled the end of an era during which the study of international politics and diplomacy had been largely devoted to a single aim: that of maintaining the balance of power between two opposing blocs of nations – a precarious system of mutual deterrence designed to keep us, or so it seemed, indefinitely on the brink of a cataclysmic nuclear war.

However, the international community's sigh of relief would prove short-lived. For it quickly became apparent that while the United Nations had focused on quelling conflicts between sovereign states, wars were still taking place, not between but within such states. Indeed, while the total number of armed conflicts has declined since the end of the Cold War, the ferocity and brutality of civil wars have not abated.

In dealing with civil wars, the legal and institutional framework of the United Nations seemed to provide not an aid, but an obstacle, as the legal map of the Charter could not be made to match the new political landscape. Indeed, citing the Charter's concern for international peace and stability, many held that the policies of governments toward dissidents and minorities were, in the words of Article 2.7, a matter "essentially within the domestic jurisdiction of any state." Such policies were therefore not a fit target for international sanction, let alone for military intervention. As public awareness of the massive humanitarian disasters caused by such conflicts increased, the call for a new balance between the rights of peoples and the rights of states appeared to place the UN in a tragic dilemma, jeopardizing its authority and tearing at the fabric of the international system.