

50th Anniversary of the encyclical *Pacem in Terris*. Making sense of military practice in a globalizing world.

Lecture for the conference of Apostolat Militaire International 2013 (Slovenia).

(Sheet 1)

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Introduction

Your Excellencies, ladies and gentlemen, it is my honor to address you today with a speech at the occasion of the 50th anniversary of the Encyclical *Pacem in Terris*.ⁱ I am very happy that AMI has chosen to reflect on this key document in the Catholic ethics of war and peace. This can hardly be a coincidence, since AMI itself has been founded almost 50 years ago, in 1965, in response to the development of the catholic social teaching on war and peace during the Second Vatican Council, which found its ultimate expression in this Council's Pastoral Constitution *Gaudium et Spes* about the role of the Church in the contemporary world. This included substantial attention to issues of war and peace.

Today I'd like to offer you a short reflection on *Pacem in Terris* in six steps **(sheet 2)**.

1. Historical Contexts

First of all, I'd like to go into some historical contexts of *Pacem in Terris* **(next sheet)**

1a. Elements of Roncalli's biography

When we start re-reading *Pacem in Terris*, as we do in this year of its commemoration, it is important to realize who wrote it. Angelo Roncalli, the later Pope John XXIII, who was born in 1881, served as a chaplain in the military hospital at Bergamo for three years during the First World War. As such, as the military chaplain he was, he must have experienced the atrocities of war and the suffering that war causes in a very direct and impressive way. His encyclical

Pacem in Terris, which can be considered as the spiritual Testament of the then pope John XXIII must have been motivated by this experience, too. To those exposed to it, the First World War was an horrific experience beyond every imagination. Ten million people were killed; as an example, among French troops in action 1 out of 4 was killed. ⁱⁱ For Roncalli, being a chaplain in a military hospital must have been a function with a huge existential impact.

At the start of his duty in Vatican diplomatic service in Bulgaria in 1925, he impressed Bulgarian king Boris by offering free care for the victims of a terrorist attack.ⁱⁱⁱ

During the Second World War Roncalli served as a church diplomat for Greece and Turkey. In his function he worked very hard to save Jews, even up to a degree that he was made a candidate for becoming a 'Righteous among the nations' in the Holocaust museum of Israel. In July 10th 2004, Rabbi Simon Moguelevsky, chief rabbi of Buenos Aires, and active for the Raoul Wallenberg Foundation called Roncalli "a man truly created in the image of God." In 2011 he was officially presented at Yad Vashem. ^{iv}

Besides, in Greece and Turkey Roncalli was working in a predominantly Eastern Orthodox and Muslim environment for a minority Catholicism with a need for good and friendly relations and dialogue. In the Encyclical *Pacem in Terris* we can find the same inviting, non-hostile, tone and plea for dialogue.

In 1944, Roncalli was assigned to the then recently liberated France ^v where he had to work for the reconciliation between church and state after his dysfunctioning predecessor who had been close to the Vichy regime of Marechal Pétain. This experience of dialogue with De Gaulle contributed to the sense for repair of bad relations he had, which may have influenced his view that the Church not only needed an *aggiornamento* – an update- in its relations with the world, but also was capable of doing it. He knew how to do that; in a standard work on political ethics, Roncalli's humor and ability to self-criticism – a seemingly personal quality – is characterized as a diplomatic and political quality *par excellence*.^{vi}

As a pope, John XXIII substantially improved the relations with the Jews by changing the

traditional 'Good Friday' prayer for the conversion of the Jews which up until then mentioned the perfidy of the Jews. Although he did not yet recognize the state of Israel due to the need of safeguarding the church's position in Israel, he acknowledged the suffering of the Jews during the Second World War and the importance of security of Jews. His good relations with the Jews were also expressed in the Encyclical *Pacem in Terris*. The theological orientation on the theology of humankind as created after God's image and similarity^{vii}, gave him a solid basis to plead for a moral basis for any state and for citizenship of all states, as well as a basis for dialogue with religions that share the theology of creation, as Judaism does. Two decades later, during the Second Vatican Council, Pope John XXIII would stimulate the coming into being of the Declaration *Nostra Aetate*, in which the Church recognizes the meaning, relevance and value of other religions, including both Judaism and Islam.

1b. Second World War

Beyond the personal experiences of Roncalli, the Second World War as such had a major influence on the coming into being of the encyclical *Pacem in Terris*. This influence can be characterized as follows. Firstly, there were the gross violations of human dignity in warfare, including the Holocaust. These practices served as a 'contrast experience', the moral experience of how people should act through its opposite. The gross violations of human rights provoked the reaction that this should happen never again. In the encyclical *Pacem in Terris* we find a massive and solid reaffirmation of the human dignity and of the intrinsic and universal nature of this human dignity. The dignity of the human person is founded in theological anthropology that affirms the dignity and freedom as basis for rights and duties for every human being.^{viii} *Pacem in Terris* should be read at this level of theological anthropology, wherein for example the nature, substance and functioning of the moral conscience is situated. Issues of conscience do not primarily occur at a legal or political level – instead, they are based in the properly understood human nature, which not only allows for the conscience, but also

requires it.^{ix}

The second major influence of the Second World War was that the world learned that criminal regimes could produce criminal laws. These criminal laws could only be criticized from a point of view preceding the law and serving as a criterion for the law.

Again, this was a 'contrast experience': the world rediscovered that legislation and treaties should have a solid moral basis – a basis that is needed to criticize immoral law and military practices based thereon. Laws can never replace ethics or impose ethics, but they should express the ethics preceding them.^x Legal positivism, which claimed that laws are valid because they exist as a law and not for a reason outside this law or preceding this law, suffered a drawback. In the encyclical *Pacem in Terris* we find the influence of these insights about the relations between ethics and law in that it strengthens the moral basis of the functioning of human persons, societies and states^{xi}. States and interstate relations should be characterized by a balance between rights and duties, based on the truth about man, and on justice and solidarity between states.^{xii}

IC The **United Nations**

Thirdly, the Second World War taught the world that solid *institutions* were needed to sustain, protect and promote the young peace. The Second World War had proven the tragic failure in preventing war by the League of Nations that had come into being after the First World War. The world should try to do a better job now. The United Nations were created with a Charter in which mechanisms for conflict resolution were enclosed, and the *Universal Declaration of Human Rights* (UDHR) was proclaimed. Thus, a framework for conflict regulation within international law received massive impulses. This international legal framework of course did not replace the moral basis for peaceful relations. Instead, the legal framework expressed and elaborated this moral basis; its status was that of an obligatory instrument for peace. In the encyclical *Pacem in Terris*, we indeed find an emphasis upon the relevance of international

institutions^{xiii} and upon international law as a framework for conflict resolution^{xiv}.

Of course, for the ethics of war and peace this emphasis on the legal framework is most important. The UN Charter forbids war. Especially Article 51 of the UN Charter, which affirms a conditional and provisional right to self defense of states in case they are under attack and need to defend themselves, in fact is the new expression of one element of the just war tradition, the just cause: according to the Catholic Social Teaching, the moral right to self defense as meant in the just war theory should be preferably exercised within the framework of the UN Charter, specifically Chapters V to VII, which among others are dealing with the UN system of sanctions.^{xv} In any case, it is true that pope John XXIII did not show much interest in the 'just war' tradition, as he approached war mainly as a phenomenon to overcome.^{xvi}

For the moral legitimacy of military practice, this relation between ethics and law is an essential insight. The Catholic Church supposes, expresses and promotes a convergence between international law and its moral basis, but without making the legitimacy itself completely dependent on international law. In fact, the approach we see occurring here is ethics of natural law and natural rights. This approach not only sustains international law, but it also knows how to deal with lacunas in international law. This natural law approach may function as a dynamic motor of international law, as has been the case at the trials of Tokyo and Nuremberg after the Second World War – where there was no positive law available for condemnations of the committed war crimes. Also, natural law may shine its light upon the acceptance of humanitarian intervention and the responsibility to protect - both of these phenomena came into being before there was a legal basis for them. The moral motives were only later, after their being put in practice, expressed in legislation. The same goes, by the way, for the legal states of mandates and Rules of Engagements in peace operations, and for the legitimacy of combat in the context of peace building operations like in Afghanistan.

At the end of *Pacem in Terris*, The *Universal Declaration of Human Rights* is mentioned. *Pacem in Terris* explicitly states that although some objections against UDHR are legitimate,

nevertheless it should be considered as a step towards the legal-political organisation of all people in the world.^{xvii} In fact, it might be stated that *Pacem in Terris* can be read as a supplement to UDHR. For in the preamble of UDHR, the human dignity of each person was affirmed. But the preparatory commission for UDHR, with prominent members like the French ambassador to the Vatican Jacques Maritain and the later Dutch first female minister miss Marga Klompé participating in it, left the question open how human dignity can be founded within different cultures and religions. As miss Klompé has stated afterwards, this was not due to embarrassment about the foundation, but to the respect for the conscience of all people. The foundation was left open to different cultures.^{xviii} In fact, in the encyclical *Pacem in Terris*, the Catholic Church, as a world church that is present in all cultures, offered a potentially universal foundation of human dignity, by presenting an anthropological basis for it – in which faith is understood as answer to the universal quest for meaning, and by framing this anthropology in a theology that is also potentially accessible to other Christian denominations and also especially to the Abrahamic religions of Judaism and Islam. Also *Pacem in Terris* expresses due respect to all people of good will searching for the truth about humankind, and is even addressed to all people of good will, too.^{xix} In *Pacem in Terris*, human dignity is presented as intrinsic to human nature. That means: it is not dependent upon race, class, religion, health, or sexual preference, nor is it dependent upon human actions like performance in the social or economic domain. Intrinsic dignity is possible because of the special status of human persons as created by God after His image and similarity.^{xx}

How does *Pacem in Terris* respond to the then present challenges for peace? First of all by expressing a sense of urgency, which is present in any part of it. But there is more to it than urgency. The starting point of *Pacem in Terris* is the concept of 'order'. It is one of the first and at the same time one of the last concepts used in this encyclical. The world is looked at as basically one, it is part of one, God given created cosmic order. Through this order, the world is essentially one: it is unified in its status as creation.^{xxi} The next step is that *Pacem in Terris*

states that there is also a created order among human beings, which God has put within the human beings^{xxii}. In fact, any social and political order must respond to this order^{xxiii}. *Pacem in Terris* explicitly opposes the idea that the social and political order can be organized along the lines of irrational powers and elements in the universe. In fact, what we see here, is the idea of a social order that is intrinsically responsive to an already existing order. So there is no room for ethical naturalism, which derives the morally good from what can be deduced as good from biological and social processes. Nor is there room for ethical relativism: the moral order is one preceding us.^{xxiv} The type of catholic social teaching presented here is a thoroughly responsive one, which seeks correspondence, '*connaturality*', with the preexisting created order and its objectives. What we meet here is a beautiful vision of Thomism in the version of the already mentioned French philosopher Jacques Maritain, a convert to Catholicism, who helped producing this text – as he did before with UDHR.^{xxv}

The idea of an already existing order returns throughout the whole document; the concept is used 51 times.

I think that this idea of an already existing unity of creation, and of an already existing unity of humankind, also provides the basis for the central concept of 'interdependence' of states that is expressed in *Pacem in Terris*.^{xxvi} The relation with the unity of humankind is an explicit one in nr. 132. In fact, *Pacem in Terris* offers a prophetic vision of a unity of the human family which unfolds in institutions that sustain and promote peace. Peace therefore is something that can never be imposed among human beings or in interstate relations, for all power should respond to its main task: to act morally, not arbitrarily.^{xxvii}

1D. Cold War

Fourthly, *Pacem in Terris* was not only responding to the Second World War. This was an important long term response, made visible a.o. by the influence of Jacques Maritain both at

UDHR and *Pacem in Terris*.

But *Pacem in Terris* also responded to the then more recent and present mechanisms of the Cold War, like the nuclear arms race, which is discussed in *Pacem in Terris* chapter III.^{xxviii} Other occasions are the Chruschow ultimatum of 1958, the building of the Berlin Wall in 1961 and especially the Cuba Crisis in October 1962, in which the actual use of nuclear weapons in war had been considered. The moral concern about this last event is manifested in a relatively long paragraph about the arms race^{xxix}. In this stage of reflection, the church did not yet have a balanced view on nuclear deterrence as underlying the arms race. That reflection was expressed some years later, in the Pastoral Constitution *Gaudium et Spes* of the Second Vatican Council (1962- 1965), when it spoke out against nuclear warfare against whole cities or large areas^{xxx}.

1E. Development and freedom-decolonisation

Fifthly, like pope John XXIII's preceding encyclical *Mater et Magistra*, *Pacem in Terris* accepts and applauds the economic development and political freedom of underdeveloped countries. In fact, this means that the world wide economic justice implied in development, is a path to peace, an insight that has been elaborated by John XXIII's successor, Pope Paul VI, in the encyclical *Popolurum Progressio* (1967).

Let me offer you a short reflection on this from the perspective of military ethics. The support for this and for political freedom and independence, in fact illustrates that catholic social teaching basically is a comprehensive normative conflict theory, in which freedom is legitimate and social justice is a key element in conflict prevention. Of course, at the time the encyclical was published, there was no experience yet with the practice of power distance reduction that this option implies. Through closing the gap between highly developed and underdeveloped countries, one might justly feed the aspirations of emancipating nations. Then, if there is a chance to close the gap completely, this opportunity will be used when a conflict arises, as we

see happening in some oil producing and other economically flourishing former underdeveloped countries. The increase of international justice appears to not *automatically* lead to more international security and decrease of armed conflict.

2. Content and Structure of *Pacem in Terris* (next sheet)

I now start the second part of today's speech.

In fact much of what I have said so far, already shows the basic structure of the encyclical *Pacem in Terris*. It is interesting that the peace presented here is a task for human persons at all levels of human relations. The public response to it mainly referred to chapters three and four – the state-related parts, that is - but in fact we see that peace also is a task for the human person within his family, and other societal institutions.

What we see in this table of content is that *Pacem in Terris* starts 'from below'. It starts with the theological anthropology, and then goes to mutual relations in societies. Only after that the person's relation to the state is discussed, which is followed by interstate relations and the international community as themes.^{xxxii} It ends with pastoral exhortations, which are in fact appeals for dialogue and cooperation and do not contain practical moral prescriptions in the strictest sense of the word.

So in *Pacem in Terris* there is a scaling up from the person to the whole world. This of course is no coincidence in a document that can be considered as the Catholic Magna Carta of human dignity and Human Rights: ethically, these are the starting point and measure of all politics.

3. Methodical aspects of *Pacem in Terris* (next sheet)

In the third part of my speech I will go into the method of *Pacem in Terris*.

It has often been said that pope John XXIII did not want a *dogmatic* council. He did not want a council about doctrine. Rather he searched for a pastoral Council. The same goes for his two social Encyclicals *Mater et Magistra* (1961) and *Pacem in Terris* (1963). This pastoral

approach is also expressed in the methodological aspects of *Pacem in Terris*. Underlying here is a three step model of seeing-judging and acting. The first step, the seeing, is mentioned as '*understanding the signs of time*', which means: taking moral experience seriously, perceiving, describing and analyzing it, including present moral challenges. The second step means: judging. That implies: giving an interpretation of the perceived experiences and to evaluate. The third step implies the development of programs.

Now, the wonderful thing about this three step model, which has been developed by a Belgian priest Cardinal – who would later be created a cardinal – , is that it equips the church for dialogue. In the first step, the sharing of moral experiences, like the experience of war and its impact, can be shared with all human beings, just like the moral experiences themselves and the analysis of experiences. There is no reason why soldiers could not participate in this sharing; their moral experiences must be taken seriously. And of course: social science is useful then.^{xxxii} The third step, the development of programs, is presented in *Pacem in Terris* as a matter of dialogue in itself: programs should not be imposed, but should be developed together, also in cooperation between Catholics and non Catholics.^{xxxiii} But also in the second step, the interpretation and evaluation a dialogue is possible according to the method implied in *Pacem in Terris*. Because God has created all human persons and has put the natural law in each person's heart and mind, all people can know about their origin, their destination, and the moral principles and values needed to go from the origin to our historical and transcendent destination. We know these principles, because they are contained in a kind of reservoir of general moral insights – a reservoir that St. Thomas Aquinas called the '*synderesis*'. We know it through prudence that helps us to find the right combination of ends and means in specific contexts and circumstances. And we have our conscience to judge on the legitimacy of our human actions and on issues where our identity and integrity are at stake. All these processes of consulting our moral intuition, of finding the relevant moral principles, of searching the proper ends and means of testing the legitimacy of planned actions can be shared with other

people. Here is a strength of the natural law approach of ethics as the catholic tradition understands it.

So in fact this three step model is very much fit for dialogue in ecumenical, inter-religious, social, political, economic and military dialogue.

This is even more so, because Catholic Social Teaching distinguishes between general principles and values on one hand, and issues regarding their contextual application on the other hand. Good examples of this can be found in the many pastoral letters on war and peace that national bishop conferences have published over the years, during the debate on nuclear warfare and nuclear deterrence back down in the 70's and 80's of the last century.

Another methodological aspect is the integration of two classical methods in ethics. *Pacem in Terris* may be considered as the Catholic Magna Carta of human rights.

This implies that its method has a focus on so called 'deontology'. It is the ethical logic of 'absolute' duties and obligations. Every human person, every social institution, every state and the international community have the duty to respect human rights. At the level of the individual his and her rights are balanced with duties, too.^{xxxiv} In every person, the rights and duties must be in balance. One person's duties and rights must be brought into a balance with other person's rights and duties. And all persons have the duty to exercise their rights while aiming at the common good as a collective duty.

So far, *Pacem in Terris* clearly illustrates a type of deontological ethics.

But *Pacem in Terris* does much more than this. It integrates the deontological perspective of duties and obligations into a different method, the method of teleology. Teleological ethics are not so much about rights and duties, but about aims, goals and objectives. In this encyclical we see the human person and his institutions as part of a unity, which is the unity of creation with its cosmic and social dimension. But the unity is not a static one. It is gradually^{xxxv} developing towards an ever better order corresponding with the unity of what the encyclical calls 'the human family'^{xxxvi}. So here is a teleological objective. It is the well ordered deployment of the

unity of humankind, in which a well functioning United Nations can and should play a key role, because its institution can potentially reach out to all human beings in an empirically universal way. The exercise of the UDHR of the same United Nations must be directed towards the common good. Thus, within *Pacem in Terris*, deontology is integrated into teleology in a classical catholic way.

4. The reception of *Pacem in Terris* (next sheet)

The reception of *Pacem in Terris*, the way people reacted upon it, back down in 1963, can hardly be summarized during this lecture. But I will sketch some headlines in this fourth part of today's lecture.

This most popular pope John XXIII, who was deadly ill, knew how to appeal to the will to avoid war that was very strong both in the public opinion and in the political elites all over the world. These gave a very enthusiastic response to the encyclical. The pope's encyclical was read as a moral appeal, with a sense of urgency connected to the understanding the signs of the time, that indeed met the requirements of the time, shortly after the Cuba crisis. Indeed, it was quite an achievement to formulate such a moral appeal without any condemnation of any actor in this crisis. Also the *form* of the moral appeal was very subtle: the encyclical took its starting point in natural law and natural rights, which – taken as communicative strategy – had the effect that the arguments presented were accessible to every human person and to any party in the conflict. The moral appeal had the form of a sort of appeal to common sense as elaboration of natural law. Any person, regardless his political ideology, could understand the encyclical. In the then current terms, this moral appeal to reason, fits into the 'rational actor model' in international relations that, as part of the 'game theory', was used to keep nuclear deterrence working. It was known that both the 'Mutual Assured Destruction (MAD) strategy' and the emerging 'flexible response strategy' of nuclear deterrence as well as the type of crisis management used in the Berlin crises and the Cuba crisis required a maximum of rationality in

order to avoid nuclear war. The pope's natural law type of argumentation that integrated ethics and reason, was very much fit for dialogue with the Cold War rivals and for promoting moral dialogue between them.

This approach was a very subtle way of contributing to the de-escalation of the Cold War conflict, while honouring each party involved in the conflict, and leaving the prestige of future conflict resolution to these parties. In fact, the role that pope John XXIII had chosen was that of a mediator in the conflict, guiding the process of restarting the communication between the USA and the Soviet Union.

So the merit of *Pacem in Terris* was the adequacy of its strategic pastoral intervention into world politics.

The intellectual debate that was also provoked by *Pacem in Terris* did not have this pastoral perspective. Debates very often were conducted at the level of doctrine^{xxxvii}.

Within theology, the debate concentrated on the doctrinal issue whether *Pacem in Terris* should not have paid more attention to moral evil and to sin as a threat to peace – the word 'sin' is only mentioned once in this encyclical –, and also whether the encyclical should not have gone deeper into the question what redemption from sin means in the context of an ethics of peace.^{xxxviii} These issues were addressed also by the Second Vatican Council in the preparation of the Pastoral Constitution *Gaudium et Spes*. These themes are integrated into its text; there are substantial reflections on human sin there.^{xxxix} In the context of this lecture I just want to remark that these debates were about Christian doctrine and about its relation to pastoral approaches of the modern world – but not about the pastoral approach itself.

At the level of ethics of war and peace, *Pacem in Terris* provoked the doctrinal question whether the Pope, and the Church as a whole, had turned pacifist. For it clearly aimed at the prevention of nuclear war and on nuclear disarmament. But at the level of doctrine, a strict application of the just war theory could easily lead to the conclusion that nuclear could rapidly become disproportionate and thus lead to the rejection of the dominant type of warfare. But

the relation between nuclear warfare and nuclear deterrence was less clear, because effective deterrence could be seen as an effective means for conflict prevention. In this ambiguous context again Pope John XXIII did not intervene at a doctrinal level by putting the just war theory aside or by proclaiming nuclear pacifism as its just application.^{xI}Instead, he again took a pastoral perspective, by asking strategically what should be promoted for pastoral contextual reasons, namely the prevention of nuclear conflict. Nor pope John in *Pacem in Terris*, nor the Council after him in *Gaudium et Spes*, put the just war theory aside, but they asked for its functioning in a specific context and they asked what actions were needed in face of the real, not doctrinal, challenges of the time.

Outside theology and ethics, at the level of political philosophy, *Pacem in Terris*, likewise provoked doctrinal reactions. The theory of international relations already knew two schools: moralism and neorealism. Moralism in international relations regards states as moral actors with rights and duties in interstate relations and within the international community, whereas neorealism regards states as non moral actors aiming at their their own continuity, security, and their own political ambitions in terms of power. The neorealism which by the way bases itself a.o. on St. Augustine's political philosophy, assumes that any state will and should act according to its needs in terms of security and power, and it asserts that any state has a security dilemma: if a state pursues an arms race, it can easily be perceived as an aggressive enemy and for that reason it might be attacked. But if a state pursues disarmament, it might be perceived as a weak state with no possibility for self defense - which according to the neorealist paradigm is another reason to attack that state.

The encyclical *Pacem in Terris* is not a doctrinal document in the domain of political philosophy either. But the approach to states and their responsibilities, their duties and rights and its option for strengthening the United Nations clearly comes closer to the moralist paradigm than to neorealism. *Pacem in Terris* did provoke a debate whether it neglected the logic of neorealism^{xli}. Again: I would say that *Pacem in Terris* was not written as a doctrinal document,

but as a pastoral one, with which pope John XXIII strategically *wanted* to pastorally *stimulate* the development into the desired direction: he wanted states to *become* moral actors which is made clear in nrs. 142-145 that discuss the possible development of the UN. What *Pacem in Terris* did not do, was assuming that the world is full of moral actors already. What it did do, in terms of neorealism, was that it gave good arguments for becoming a moral actor, arguments that were partly derived from the need of self-preservation of states.^{xlii} In fact, *Pacem in Terris* integrates moralism and neorealism as part of its pastoral strategy.^{xliii}

At the level of economic philosophy, *Pacem in Terris* contains a crystal clear anti Marxist and anti communist statement, asserting the natural right to private property^{xliv} – without, however, mentioning or even condemning communism as a statement and with an emphasis on the social function of property. This statement is made in the first part – on the human person - and not in the part dealing with the states, so here the pope is formulating an anthropological statement. All statements about human dignity and human rights – which of course were a point of debate with communism - are discussed in this anthropological chapter I, whereas the description of the state's obligations to respect and promote these rights are formulated in a ideologically neutral and not specifically anti communist way^{xlv}, while even accepting some degree of state intervention into economy.^{xlvi} Besides, the pope's distinction between an ideology and its adherents – ^{xlvii} in fact using the option for dialogue by opening up a dialogue with communism,^{xlviii} which – by the way - already was going one since he invited Orthodox clergy to the Council – which for sure never would have succeeded without a degree of consent of the Russian Communist Party.

Again, if one considers *Pacem in Terris* as a doctrinal document in economic philosophy – sketching out the road to a peaceful economy – , it may seem strange that there was no condemnation of communism. But if one reads the encyclical as a document that is strategically aiming at pastoral objectives, such as enabling a moral dialogue between two rival blocks, it must be said that it uses a very subtle way of promoting a more harmonious world order.

Again, it fits into the pope's role as a mediator to not condemn either of the ideological, economic and political blocks: being silent about ideology does not necessarily imply that one agrees with either party or is indifferent.

5. Relevance of *Pacem in Terris* for the military: a closer look (next sheet)

Since *Pacem in Terris* is a rather comprehensive document, offering reflection on all levels of human life, catholic soldiers certainly have profited from this encyclical. It still has a lot relevance for soldiers. I will outline this now, in the fifth part of my lecture.

The affirmation of human dignity and of human rights of course has a high importance for all soldiers, both in private and in public and professional life. They themselves are entitled to be treated as human persons with an intrinsic dignity under whatever circumstance. And of course, this right goes along with the duty to treat every human being – a colleague in the own military service, a formal political enemy or a hostile warrior, or civil persons seeking refuge, according to dignity, while actively complying to their legal rights.

The second important element in *Pacem in Terris* is the freedom of conscience. The Second Vatican Council had elaborated the idea that there should be freedom of conscience for conscientious objectors in terms of legislation in countries. But there is more to this. Freedom of conscience is a very important issue also for the profession of arms, not only for the conscripts, but also for the professional soldiers. I think that up until today there still is a need for formation of the conscience. Of course, since 1963, the ethics of war and peace have undergone very important and enriching developments. But still, conscience refers to moral freedom within the military. That will always be both a necessary and a hard theme. I think armed forces in almost all countries still can improve on legislation, regulations and protocols to safeguard the freedom of conscience of their soldiers.

The third element in *Pacem in Terris* that is important for soldiers, is the convergence between the catholic ethics of natural law and international law of peoples and humanitarian law.

Through this encyclical, a catholic soldier is in fact helped by the Church to find a synthesis between his conscience and international law. The Catholic Church, following *Pacem in Terris*, motivates to comply to international law, and offers to accept accountability according to international law. Next to that, international law can help the catholic soldier to find legitimacy for military deployment in peace operations.

Fourthly, during the Cold War, catholic soldiers could also find in *Pacem in Terris* an orientation to deal with the issues of nuclear ethics. The encyclical appeals primarily to *political* responsibility – not primarily the *military's* responsibility – to take away the threat of self-destruction of humankind. The Second Vatican Council opposed to indiscriminate and disproportionate nuclear warfare, but it did not reject nuclear deterrence as such. In fact it considered nuclear warfare not as a logical consequence of deterrence, nor as a necessarily implied intention, but just as an option aiming at preventing it being put into practice.

Neither does *Pacem in Terris* reject nuclear deterrence as such. This encyclical urges the end of the arms race, but the disarmament it pleads for must be mutual, controlled and gradual. So *Pacem in Terris* in fact implied the provisional and conditional acceptance of nuclear deterrence, that later, in 1982, would be made explicit by pope John Paul II.

This illustrates that military practice was considered as possibly legitimate within a framework of a type of 'interim ethics' that has been formulated explicitly by the Second Vatican Council. Of course in the ideal world we strive for, there is no armed conflict. But as long as this ideal world has not been reached, as long as international institutions are not yet able to prevent all armed conflicts, there is an allowance for self-defense of states and for compliance to international law in general, that provides a possible moral legitimacy to the military. The concept of 'interim ethics' or 'ethics of steps' meanwhile is almost forgotten, but it still might be of use to understand and to frame military practice in the context of states and societies that understand themselves as '*warless societies*'^{xlix}, that are struck by attacks and violations of international law.

But perhaps even more important than the question if the church legitimizes some types of military practice, is the human and pastoral approach taken by pope John XXIII. A former military chaplain, who gave pastoral care to military, after having experienced yet another world war and seeing a third one as an imminent threat, this former military chaplain after having become pope John XXIII, tries to ban war as an institute, exactly because he knew what suffering during a war meant. Again, a pastoral motive may be assumed in the heart and mind of the Pope who did not want a doctrinal Vatican Council.

The sixth element in *Pacem in Terris* which I think is equally important for soldiers, is the hope for peace that it expresses, the belief that peace is possible and that reconciliation must follow any necessary and legitimate military practice. I think the military profession up until today cannot do without this hope. Just imagine a military battle where no party has the hope to reach peace in the end. It will be conducted in a most bitter way, with no respect for the present and future rights of the enemies and opponents. It will be a combat without respect for the human dignity of anyone touched by the conflict.

Pacem in Terris is clear about the final perspective for humankind. Four of the most quoted paragraphs of *Pacem in Terris* are the following:

113.this requires that the fundamental principles upon which peace is based in today's world be replaced by an altogether different one, namely, the realization that true and lasting peace among nations cannot consist in the possession of an equal supply of armaments but only in mutual trust. And We are confident that this can be achieved, for it is a thing which not only is dictated by common sense, but is in itself most desirable and most fruitful of good.

114 Here, then, we have an objective dictated first of all by reason. There is general agreement—or at least there should be—that relations between States, as between individuals, must be regulated not by armed force, but in accordance with the principles of right reason: the principles, that is, of truth, justice and vigorous and sincere co-operation¹

115. Secondly, it is an objective which We maintain is more earnestly to be desired. For who is there who does not feel the craving to be rid of the threat of war, and to see peace preserved and made daily more secure?

116. And finally it is an objective which is rich with possibilities for good. Its advantages will be felt everywhere, by individuals, by families, by nations, by the whole human race. The warning of Pope Pius XII still rings in our ears: "Nothing is lost by peace; everything may be lost by war." (60)

This formula 'not... but' seems to exclude the use of force. But the pope formulated this only *after* having discussed the need for equal and contemporaneous disarmament in different countries. So the 'not..but' must be read as an objective to strive for, a goal, not as practice that should be realized immediately in order to live up to principled deontological pacifism. In the end, *Pacem in Terris* integrates the deontology of pacifism into the teleology of striving for solid institutions that sustain peace. Precisely from a military point of view that is not militaristic,

the use of force can not be a common standard solution in international relations and conflicts. What Pope John XXIII actually does, is completely convergent with international law, that already forbade warfare. Article 51 of the UN charter can only be read properly as the conditional right to self-defense of states 'until the Security Council will take proper measures'. Wars of aggression were outlawed, but self-defense was permitted. The legitimate use of force is and should stay exceptional. Here is how the 'just war' tradition according to the Catholic Church should be used since the promulgation of the UN Charter. It should be taken as a '*rule versus exception mechanism*', with international law as one element among others of the 'just cause', albeit it under enduring influence of natural law stimulating its development. Nowadays this is relevant especially in the cases of humanitarian intervention, the '*Responsibility to Protect*' (R2P) and the legitimacy of combat in the context of peace operations legitimized by the UN, precisely when these are officially non combat missions.

The Second Vatican Council explicitly mentioned the military profession in the following quote, of which I am sure many of you will know:

Those too who devote themselves to the military service of their country should regard themselves as the agents of security and freedom of peoples. As long as they fulfill this role properly, they are making a genuine contribution to the establishment of peace^{li}

Final remark (next sheet)

As a final remark here, I would say that this statement on the military profession expresses not so much a correction of an solely seemingly pacifist text of *Pacem in Terris*, but rather it is an explication of some implications of the 'interim ethics' that underlie it. Military conduct in practice of course needs this high moral standard as a vision and a set of fundamental values to live up. There should be systemic efforts for protection and promotion of human rights in any

military. The fact that any properly functioning military is sent on mission when peaceful means for conflict resolution seem to have failed and seem to be exhausted, implies that the use of force in military practice by nature is a '*last resort*', which by definition should protect and promote at least a minimal ethics like human rights in any military operation.

On top of that, any military organization also needs a systemic approach of issues of good and bad or evil, which from a catholic point of view will imply both an orientation on the classical catholic cohesion and distinction between the evil and sin, without which a catholic soldier cannot work properly. This in turn of course needs elaboration in a proper use of the '*Principle of Double Effect*' (PDE)^{lii} where this distinction is at stake, and of a military strategy and planning which essentially should be based on that, from a catholic point of view. Only then the moral conscience of the military can be truly respected.

But beyond the '*Principle of Double Effect*', however useful, human tragedy is lurking, where the handling of dilemmas changes into coping with a drama. The *Principle of Double Effect* and the recognition of tragedy, taken together, point to the role of both moral and religious experience. What we know now, is that even in the more tragic stages of military practice, papa Giovanni, our former military chaplain, is still present at our suffering.

Thank you very much for your attention.

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ⁱ Pope John XXIII, *Encyclical Pacem in Terris*, April 11th 1963. For the official English version see: http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html

ⁱⁱ G. Vincent, Oorlogen en het raadsel van onze identiteit, in: Ph. Ariès, p. 167 -207.

ⁱⁱⁱ As the papal representative to Bulgaria 1925-34, Roncalli worked diligently not only to serve the needs of Bulgaria's small Catholic community but also to reduce intense suspicion from the overwhelmingly Orthodox majority. Three examples speak loudly. Nine days before Roncalli arrived in Bulgaria, terrorists tried to assassinate King Boris III by placing a bomb in the dome of Sofia's main Orthodox cathedral. The explosion sent the dome crashing on the congregants, killing 150 and injuring 300.

Roncalli visited the wounded in a Catholic hospital that offered free care to everyone, regardless of religion. Boris was so impressed that he received Roncalli days later – a significant gesture because Roncalli had no diplomatic standing; his official title was "papal visitor." Boris would prove indispensable to Roncalli 20 years later'. See: <http://www.raoulwallenberg.net/roncalli/articles-11/pope-john-xxiii-jews/>.

^{iv} <http://www.aleteia.org/en/religion/documents/john-xxiii-just-among-the-nations-1237001>.

^v http://www.britannica.com/EBchecked/topic/304923/John-XX_III/3722/Service-as-a-Vatican-diplomat.

^{vi} V. Hösle, *Morals and Politics*, Notre Dame, Indiana 2004, p. 395.

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- vii Pacem in Terris, Introduction, nrs. 5 and Chapter I, nr. 8.
- viii Pacem in Terris, Chapter I. This starts with the affirmation of rights , including freedoms.
- ix Pacem in Terris, Chapter I, nrs. 14; Chapter II, nrs. 48 and 49.
- x Pacem in Terris, Chapter II, nr 70-72.
- xi Pacem in Terris, Chapter I, nr. 35 affirms the importance of truth, justice, love and freedom for a good society. Chapter II claims that any political authority should have a moral basis: Pacem in Terris, Chapter II, nrs. 46 -52.
- xii Pacem in Terris Chapter III, nrs. 35 and 36.
- xiii Pacem in Terris Chapter IV, nr 130 and 142.
- xiv Pacem in Terris, Chapter IV, nr. 143.
- xv The Council fathers did not leave the 'just war' paradigm. See H.de Riedmatten, o.p., Oorlog en vrede, in G. Barauna o.f.m. , *De Kerk in de wereld van nu. Commentaren op de pastorele Constitutie Gaudium et Spes*. Balthoven 1968, pp. 466/ 477, here 472.
- xvi A. Luciani, *Catechismo Sociale Christiano. Storia, principi en orientamenti operativi*, Milano, 2000, p. 270
- xvii Pacem in Terris, Chapter IV nr. 144.
- xviii M. van Reisen., *On sails of the southwind: Marga Klompé's legacy for international social responsibility* , Tilburg 2011. p. 5.
- xix Pacem in Terris, address.
- xx Secular ethicists oppose to the implication that human dignity cannot be founded if its is not based in theological anthropology. See M. Rosen, *Dignity. Its History and Meaning*. Cambridge, Ma. and London, 2012. See also G. Kateb, *Human Dignity*. Cambridge, Ma. And London 2011.
- xxi Pacem in Terris, Introduction, nr 3.
- xxii Pacem in Terris, Introduction, nr 5.
- xxiii Pacem in Terris, Introduction, nrs. nr. 6.
- xxiv Pacem in Terris chapter III, nr 87 especially the addition of the word: 'arbitrarily' there: 'As we know from experience, men frequently differ widely in knowledge, virtue, intelligence and wealth, but that is no valid argument in favor of a system whereby those who are in a position of superiority impose their will arbitrarily on others'.
- xxv Cfr. J. Maritain, *Du régime temporel et de la liberté*. Paris 1933, p. 268; J. Maritain, *Les droits de l'homme et la loi naturelle*, New York 1942, p. 144.
- xxvi Pacem in Terris, chapter IV, nrs 130 to 132.
- xxvii Pacem in Terris , Chapter III, nr. 87 and 88.
- xxviii Pacem in Terris, nr. 109 to 119.to
- xxix Pacem in Terris, Chapter III, nrs. 109 to 120.
- xxx Second Vatican Council, *Gaudium et Spes*, nr. 80.
- xxxi A. Langner points to Pacem in Terris nr. 75, in which this anthropological starting point is connected with the development of social, legal and political institutions, in Id., *Katholische und Evangelische Sozialethik im 19. und 20 Jahrhundert*, Paderborn, etc., 1998, p. 564.
- xxxii Pacem in Terris, Chapter V, nrs. 147 to 150.
- xxxiii Pacem in Terris Chapter V, nrs. 157 160.
- xxxiv Pacem in Terris Chapter I, nrs. 28.
- xxxv Pacem in Terris, chapter V, nrs 161 and 162.
- xxxvi Pacem in Terris Chapter I .nr 25. Also: Chapter III. nr. 97 and 98. The common good is linked with the entire human family. Also chapter IV, nr. 132
- xxxvii See as an example the survey given by G.Weigel, an autor who can be counted to the 'doctrinal' critics: G. Weigel, *Tranquillitas Ordinis. The Present Failure and Future Promise of American Catholic Thought on War and Peace*. Oxford 1987, pp. 237- 257.
- xxxviii This debate continued all through the editorial process of Gaudium et Spes. See E.J. Nagel, *Die Friedenslehre der katholischen Kirche.Eine Konkordanz kirchenamtlicher Dokumente*. Stuttgart, Berlin, Köln 1997, p. 21, quoting J. Ratzinger's comment on draft texts of Gaudium et Spes.
- xxxix Second Vatican Council, *Pastoral Constitution Gaudium et Spes*, no. 10.
- xl Logically, it is almost impossible to put the Just War Theory (JWT) aside within ethics, because it is a 'secondary theory', which is dependent on primary theories of Justice (like natural law, utilitarianism etcetera). Leaving the JWT would mean that any theory of Justice would nothing to say about Justice in the context of warfare, nor about its objectives, nor about its conditions for legitimacy, nor about its means. The term 'secondary theory' is used by: Fotion,N., Applying just War Theories to Wars Involving Terrorism, in: W. Smit, (eds.), *Just War and Terrorism. The End of the Just War Concept?* Leuven: 2005, pp 31-47, here 31-33.
- xli Weigel, G. , *Tranquillitas Ordinis. The Present Failure and Future Promise of American Catholic Thought on War and Peace*. Oxford, 1987.
- xlii Pacem in Terris, Chapter III, nr 112 and 114 mentions the common sense. In this Chapter the pope also accepts the quest for a balance of power, a neorealist theme: see nr. 118.
- xliii As such it strikes a balance between deontological pacifism versus non moral realism, see B. Michell, *The Christian*

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- Conscience, in J. McManners, *The Oxford History of Christianity*, Oxford, 1990, pp. 618- 643, here p. 630.
- ^{xliv} Pacem in Terris, part I, nrs. 21 and 22.
- ^{xlv} Pacem in Terris, Chapter III nr.s 60-64.
- ^{xlvi} Pacem in Terris, Chapters, nrs. 65 and 66.
- ^{xlvii} Pacem in Terris Chapter V, nr 158.
- ^{xlviii} Aubert, J.- M. considers this distinction and the willingness of Pope John XXIII to accept participation of Catholics in historical movements like non marxist Labor movements as a major opening that pope John had achieved in Pacem in Terris nr. 159. See: J.M. Aubert, *Abrégé de la morale Catholique*. Paris 1987, p. 223, and again at p. 418.
- ^{xlix} Moskos,C., *The Warless Society, Armed forces in a warless society. In Forum International, volume 13, 1992, pages 1–10.*
- ^l Pacem in Terris Chapter III, nr 114.
- ^{li} Second Vatican Council, *Gaudium et Spes*, nr. 79.
- ^{lii} A good description and discussion may be found in`W. Quinn, Actions, intentions and consequences. The Doctrine of Double Effect, in W.Quinn, *Morality and Action*, Cambridge 1993, pp. 175 to 194.