

The Catholic Faith and Civic Issues

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Outline

- I. Duties of the Government and Catholic politician
 - A. The necessity and duties of human authority in general
 - B. Can a Catholic legislator morally be publicly in favor of something, but privately opposed, to abortion or euthanasia, for example?
 - C. Can a Catholic politician morally support a law that reduces but doesn't ban abortion completely?
- II. Duties of a Catholic citizen
 - A. In General
 - B. Do we always have to obey civil authorities? Is it ever just to resist?
 - C. What are we to do in complicated situations, when our work or action cooperates in others' evil action?
For example, can we work in a hospital where abortions are done or contraceptives passed out?
 - D. How and for whom should I vote?
- III. Larger civic issues
 - A. Is there a Catholic idea of the "separation of Church and State?"
 - B. Should the Church get involved in politics?
 - C. Should the Church, or should Catholics, actively promote laws that outlaw everything that the Church says is gravely sinful?
 - D. Is democracy the most moral style of government?
 - E. Is the free-market system, or capitalism, moral?
- IV. Particular policy issues
 - A. Can a man kill someone in self-defense?
 - B. Is the death penalty always wrong?
 - C. When is it just to go to war?

Duties of the Government and Catholic Politicians

A. The necessity and duties of human authority in general

1) Human authority is necessary:

CCC 1897: "Human society can be neither well-ordered nor prosperous unless it has some people invested with legitimate authority to preserve its institutions and to devote themselves as far as is necessary to work and care for the good of all." By "authority" one means the quality by virtue of which persons or institutions make laws and give orders to men and expect obedience from them.

CCC 1899: The authority required by the moral order derives from God: "Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore he who resists the authorities resists what God has appointed, and those who resist will incur judgment."

CCC 1901: If authority belongs to the order established by God, "the choice of the political regime and the appointment of rulers are left to the free decision of the citizens." The diversity of political

regimes is morally acceptable, provided they serve the legitimate good of the communities that adopt them. Regimes whose nature is contrary to the natural law, to the public order, and to the fundamental rights of persons cannot achieve the common good of the nations on which they have been imposed.

2) Human authority exists for the common good:

GS 74: The political community exists, consequently, for the sake of the common good, in which it finds its full justification and significance, and the source of its inherent legitimacy. Indeed, the **common good** embraces the sum of those conditions of the social life whereby men, families and associations more adequately and readily may attain their own perfection.

CCC 1912: The common good is always oriented towards the progress of persons: "The order of things must be subordinate to the order of persons, and not the other way around." This order is founded on truth, built up in justice, and animated by love.

CCC 1906: By common good is to be understood "the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfillment more fully and more easily." It consists of three essential elements:

a) Respect for the human person

CCC 1907 First, the common good presupposes respect for the person as such. In the name of the common good, public authorities are bound to respect the fundamental and inalienable rights of the human person.

b) Social well-being

CCC 1908: Second, the common good requires the social well-being and development of the group itself. Development is the epitome of all social duties. Certainly, it is the proper function of authority to arbitrate, in the name of the common good, between various particular interests; but it should make accessible to each what is needed to lead a truly human life: food, clothing, health, work, education and culture, suitable information, the right to establish a family, and so on.

c) Peace and security

CCC 1909: Finally, the common good requires peace, that is, the stability and security of a just order. It presupposes that authority should ensure by morally acceptable means the security of society and its members. It is the basis of the right to legitimate personal and collective defense.

3) Part of that common good is to facilitate the exercise of freedom and responsibility by all:

CCC 2236: The exercise of authority is meant to give outward expression to a just hierarchy of values in order to facilitate the exercise of freedom and responsibility by all. Those in authority should practice distributive justice wisely, taking account of the needs and contribution of each, with a view to harmony and peace.

4) Political community has limits

a) **GS 74:** It follows also that political authority, both in the community as such and in the representative bodies of the state, must always be exercised within the limits of the moral order and directed toward the common good--with a dynamic concept of that good--according to the juridical order legitimately established or due to be established. When authority is so exercised, citizens are bound in conscience to obey.

b) Must respect the fundamental rights of the human person:

CCC 2237: Political authorities are obliged to respect the fundamental rights of the human person. They will dispense justice humanely by respecting the rights of everyone, especially of families and the disadvantaged.

c) If it fails to do this, authority loses its legitimacy:

CCC 1902: Authority does not derive its moral legitimacy from itself. It must not behave in a despotic manner, but must act for the common good as a "moral force based on freedom and a sense of responsibility": A human law has the character of law to the extent that it accords with right reason, and thus derives from the eternal law. Insofar as it falls short of right reason it is said to be an unjust law, and thus has not so much the nature of law as of a kind of violence.

CCC 1903: Authority is exercised legitimately only when it seeks the common good of the group concerned and if it employs morally licit means to attain it. If rulers were to enact unjust laws or take measures contrary to the moral order, such arrangements would not be binding in conscience. In such a case, "authority breaks down completely and results in shameful abuse."

d) It is good to have built-in limits, like the rule of law and separation of powers:

CCC 1904: "It is preferable that each power be balanced by other powers and by other spheres of responsibility which keep it within proper bounds. This is the principle of the 'rule of law,' in which the law is sovereign and not the arbitrary will of men."

5) Civil authority must not usurp the rights of the family, but promote and protect marriage and the family:

a) **CCC 2209:** The family must be helped and defended by appropriate social measures. Where families cannot fulfill their responsibilities, other social bodies have the duty of helping them and of supporting the institution of the family. Following the principle of subsidiarity, larger communities should take care not to usurp the family's prerogatives or interfere in its life.

b) **CCC 2210:** The importance of the family for the life and well-being of society entails a particular responsibility for society to support and strengthen marriage and the family. Civil authority should consider it a grave duty "to acknowledge the true nature of marriage and the family, to protect and foster them, to safeguard public morality, and promote domestic prosperity."

c) Specific duties of the society toward the family (**CCC 2211**): The political community has a duty to honor the family, to assist it, and to ensure especially:

- 1) the freedom to establish a family, have children, and bring them up in keeping with the family's own moral and religious convictions;
- 2) the protection of the stability of the marriage bond and the institution of the family;
- 3) the freedom to profess one's faith, to hand it on, and raise one's children in it, with the necessary means and institutions (i.e., schools);
- 4) the right to private property, to free enterprise, to obtain work and housing, and the right to emigrate;
- 5) in keeping with the country's institutions, the right to medical care, assistance for the aged, and family benefits;
- 6) the protection of security and health, especially with respect to dangers like drugs, pornography, alcoholism, etc.;
- 7) the freedom to form associations with other families and so to have representation before civil authority.

6) Public service should indeed be a service:

CCC 2235: Those who exercise authority should do so as a service. "Whoever would be great among you must be your servant." The exercise of authority is measured morally in terms of its divine origin, its

reasonable nature and its specific object. No one can command or establish what is contrary to the dignity of persons and the natural law.

7) Being true to Christ might mean sacrifice, but the sacrifice is worth it:

LGL 4: Catholics who are privileged to serve in public leadership positions have an obligation to place their faith at the heart of their public service, particularly on issues regarding the sanctity and dignity of human life. Thomas More, the former chancellor of England who preferred to give his life rather than betray his Catholic convictions, went to his execution with the words, "I die the king's good servant, but God's first." In the United States in the late 1990s, elected officials safely keep their heads. But some will face a political penalty for living their public office in accord with their pro-life convictions. To those who choose this path, we assure them that their course is just, they save lives through their witness, and God and history will not forget them. Moreover, the risk of witness should not be exaggerated, and the power of witness should not be underestimated. In an age of artifice, many voters are hungry for substance. They admire and support political figures who speak out sincerely for their moral convictions. For our part we commend Catholic and other public officials who, with courage and determination, use their positions of leadership to promote respect for all human life.

B. Can a Catholic legislator morally be publicly in favor of something, but privately opposed, to abortion or euthanasia, for example?

- 1) This is a question that arises frequently in places where Catholics have been elected to represent the people in government.
- 2) It has specifically been brought up in the cases of Catholic legislators who claim to be "personally opposed" to abortion or euthanasia but publicly "pro-choice."

LGL 1: No one, least of all someone who exercises leadership in society, can rightfully claim to share fully and practically the Catholic faith and yet act publicly in a way contrary to that faith (US Bishops, *Living the Gospel of Life*, 1988)

LGL 4: Since the entry of Catholics into the U.S. political mainstream, believers have struggled to balance their faith with the perceived demands of democratic pluralism. As a result, some Catholic elected officials have adopted the argument that, while they personally oppose evils like abortion, they cannot force their religious views onto the wider society. This is seriously mistaken on several key counts. First, regarding abortion, the point when human life begins is not a religious belief but a scientific fact -- a fact on which there is clear agreement even among leading abortion advocates. Second, the sanctity of human life is not merely Catholic doctrine but part of humanity's global ethical heritage, and our nation's founding principle. Finally, democracy is not served by silence. Most Americans would recognize the contradiction in the statement, "While I am personally opposed to slavery or racism or sexism I cannot force my personal view on the rest of society." Real pluralism depends on people of conviction struggling vigorously to advance their beliefs by every ethical and legal means at their disposal.

LGL 4: We urge those Catholic officials who choose to depart from Church teaching on the inviolability of human life in their public life to consider the consequences for their own spiritual well being, as well as the scandal they risk by leading others into serious sin. We call on them to reflect on the grave contradiction of assuming public roles and presenting themselves as credible Catholics when their actions on fundamental issues of human life are not in agreement with Church teaching. No public official, especially one claiming to be a faithful and serious Catholic, can responsibly advocate for or actively support direct attacks on innocent human life. Certainly there are times when it may be impossible to overturn or prevent passage of a law which allows or promotes a moral evil -- such as a law allowing the destruction of nascent human life. In such cases, an elected official, whose position in favor of life is known, could seek legitimately to limit the harm done by the law. However, no appeal to policy, procedure, majority will or pluralism ever excuses a public official from defending life to the greatest extent possible. As is true of leaders in all walks of life, no political leader can evade accountability for his or her exercise of power

(Evangelium Vitae, 73-4). Those who justify their inaction on the grounds that abortion is the law of the land need to recognize that there is a higher law, the law of God. No human law can validly contradict the Commandment: "Thou shalt not kill."

- 3) Pope John Paul II takes up such a question in *Evangelium Vitae*, in which he says that in the case of an intrinsically evil act like abortion or euthanasia, it is never morally allowable to be in favor of such a law or to vote for it:

EV 73: Abortion and euthanasia are thus crimes which no human law can claim to legitimize. There is no obligation in conscience to obey such laws; instead there is a grave and clear obligation to oppose them by conscientious objection. From the very beginnings of the Church, the apostolic preaching reminded Christians of their duty to obey legitimately constituted public authorities (cf. Rom 13:1-7; 1 Pet 2:13-14), but at the same time it firmly warned that "we must obey God rather than men" (Acts 5:29). In the Old Testament, precisely in regard to threats against life, we find a significant example of resistance to the unjust command of those in authority. After Pharaoh ordered the killing of all newborn males, the Hebrew midwives refused. "They did not do as the king of Egypt commanded them, but let the male children live" (Ex 1:17). But the ultimate reason for their action should be noted: "the midwives feared God" (ibid.). It is precisely from obedience to God--to whom alone is due that fear which is acknowledgment of his absolute sovereignty--that the strength and the courage to resist unjust human laws are born. It is the strength and the courage of those prepared even to be imprisoned or put to the sword, in the certainty that this is what makes for "the endurance and faith of the saints" (Rev 13:10). In the case of an intrinsically unjust law, such as a law permitting abortion or euthanasia, it is therefore never licit to obey it, or to "take part in a propaganda campaign in favor of such a law, or vote for it".

C. Can a Catholic politician morally support a law that reduces but doesn't ban abortion completely?

- 1) On the heels of the previous question, political experience has shown us that sometimes legislative bills are written in a very complicated manner. Could a Catholic politician in good conscience support a law that would reduce abortions but still permit some?
- 2) This is a question that comes up often for Catholic legislators today who are pro-life, who want to reduce the number of abortions, but recognize that, at least for the short-term, a full ban on abortions might be politically a great long-shot.
- 3) Pope John Paul II responded specifically to such questions in *Evangelium Vitae*:

EV 73: A particular problem of conscience can arise in cases where a legislative vote would be decisive for the passage of a more restrictive law, aimed at limiting the number of authorized abortions, in place of a more permissive law already passed or ready to be voted on. Such cases are not infrequent. It is a fact that while in some parts of the world there continue to be campaigns to introduce laws favoring abortion, often supported by powerful international organizations, in other nations--particularly those which have already experienced the bitter fruits of such permissive legislation--there are growing signs of a rethinking in this matter. In a case like the one just mentioned, when it is not possible to overturn or completely abrogate a pro-abortion law, an elected official, whose absolute personal opposition to procured abortion was well known, could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality. This does not in fact represent an illicit cooperation with an unjust law, but rather a legitimate and proper attempt to limit its evil aspects.

- 4) So a Catholic politician may support a more restrictive law when his or her absolute personal opposition to (all) procured abortion was well-known.
 - a) His or her voting for such a law would not be a vote in favor of abortions in the cases of "rape, incest or clear danger to life of the mother" (to take a common example) — *if it were, and the politician were truly in favor of abortions in these cases, then it would be morally illicit* — but rather

- b) It would be a vote to reduce vastly the number of abortions with the unintended though foreseen consequence that some abortions would still be allowed. The intention would be to limit the damage of abortion laws and save 90% or more of potential abortion victims, not to support abortion in the other 10%, even though one saw that this would be a side-effect of such a vote.

Duties of a Catholic citizen

A. In general

1) Respect, obey, collaborate with, and pray for legitimate public authority

CCC 1900: The duty of obedience requires all to give due honor to authority and to treat those who are charged to exercise it with respect, and, insofar as it is deserved, with gratitude and good-will. Pope St. Clement of Rome provides the Church's most ancient prayer for political authorities: "Grant to them, Lord, health, peace, concord, and stability, so that they may exercise without offense the sovereignty that you have given them. Master, heavenly King of the ages, you give glory, honor, and power over the things of earth to the sons of men. Direct, Lord, their counsel, following what is pleasing and acceptable in your sight, so that by exercising with devotion and in peace and gentleness the power that you have given to them, they may find favor with you."

CCC 2238: Those subject to authority should regard those in authority as representatives of God, who has made them stewards of his gifts: "Be subject for the Lord's sake to every human institution.... Live as free men, yet without using your freedom as a pretext for evil; but live as servants of God." Their loyal collaboration includes the right, and at times the duty, to voice their just criticisms of that which seems harmful to the dignity of persons and to the good of the community.

CCC 2240: St. Paul the Apostle exhorts us to offer prayers and thanksgiving for kings and all who exercise authority, "that we may lead a quiet and peaceable life, godly and respectful in every way."(1 Tim 2:2)

2) Exercise political rights for the common good

CCC 2237: The political rights attached to citizenship can and should be granted according to the requirements of the common good. They cannot be suspended by public authorities without legitimate and proportionate reasons. Political rights are meant to be exercised for the common good of the nation and the human community.

CCC 2239: It is the duty of citizens to contribute along with the civil authorities to the good of society in a spirit of truth, justice, solidarity, and freedom. The love and service of one's country follow from the duty of gratitude and belong to the order of charity. Submission to legitimate authorities and service of the common good require citizens to fulfill their roles in the life of the political community.

GS 75: All Christians must be aware of their own specific vocation within the political community. It is for them to give an example by their sense of responsibility and their service of the common good. In this way they are to demonstrate concretely how authority can be compatible with freedom, personal initiative with the solidarity of the whole social organism, and the advantages of unity with fruitful diversity. They must recognize the legitimacy of different opinions with regard to temporal solutions, and respect citizens, who, even as a group, defend their points of view by honest methods.

LGL 4: We encourage all citizens, particularly Catholics, to embrace their citizenship not merely as a duty and privilege, but as an opportunity meaningfully to participate in building the culture of life. Every voice matters in the public forum. Every vote counts. Every act of responsible citizenship is an exercise of significant individual power. We must exercise that power in ways that defend human life, especially those of God's children who are unborn, disabled or otherwise vulnerable. We get the public officials we deserve. Their virtue -- or lack thereof -- is a judgment not only on them, but on us. Because of this, we

urge our fellow citizens to see beyond party politics, to analyze campaign rhetoric critically, and to choose their political leaders according to principle, not party affiliation or mere self-interest.

3) Minimally, Christian citizens must pay taxes, vote, and defend one's country

CCC 2240: Submission to authority and co-responsibility for the common good make it morally obligatory to pay taxes, to exercise the right to vote, and to defend one's country: Pay to all of them their dues, taxes to whom taxes are due, revenue to whom revenue is due, respect to whom respect is due, honor to whom honor is due (Rom 13:7).

CCC 1916: As with any ethical obligation, the participation of all in realizing the common good calls for a continually renewed conversion of the social partners. Fraud and other subterfuges, by which some people evade the constraints of the law and the prescriptions of societal obligation, must be firmly condemned because they are incompatible with the requirements of justice.

GS 75: All citizens should be mindful of the right and also the duty to use their free vote to further the common good. The Church praises and esteems the work of those who for the good of men devote themselves to the service of the state and take on the burdens of this office.

4) But Christian citizens should take an active role in leavening society:

CCC 1913: "Participation" is the voluntary and generous engagement of a person in social interchange. It is necessary that all participate, each according to his position and role, in promoting the common good. This obligation is inherent in the dignity of the human person.

CCC 1914: Participation is achieved first of all by taking charge of the areas for which one assumes personal responsibility: by the care taken for the education of his **family**, by conscientious **work**, and so forth, man participates in the good of others and of society.

CCC 1915: As far as possible citizens should take an active part in public life.

GS 65: Citizens, on the other hand, should remember that it is their right and duty, which is also to be recognized by the civil authority, to contribute to the true progress of their own community according to their ability. Especially in underdeveloped areas, where all resources must urgently be employed, those who hold back their unproductive resources or who deprive their community of the material or spiritual aid that it needs gravely endanger the common good.

LGL 1: In a special way, we call on U.S. Catholics, especially those in positions of leadership -- whether cultural, economic or political -- to recover their identity as followers of Jesus Christ and to be leaders in the renewal of American respect for the sanctity of life. "Citizenship" in the work of the Gospel is also a sure guarantee of responsible citizenship in American civic affairs. Every Catholic, without exception, should remember that he or she is called by our Lord to proclaim His message. Some proclaim it by word, some by action and all by example. But every believer shares responsibility for the Gospel. Every Catholic is a missionary of the Good News of human dignity redeemed through the cross. While our personal vocation may determine the form and style of our witness, Jesus calls each of us to be a leaven in society, and we will be judged by our actions. No one, least of all someone who exercises leadership in society, can rightfully claim to share fully and practically the Catholic faith and yet act publicly in a way contrary to that faith.

LGL 4: Today, Catholics risk cooperating in a false pluralism. Secular society will allow believers to have whatever moral convictions they please -- as long as they keep them on the private preserves of their consciences, in their homes and churches, and out of the public arena. Democracy is not a substitute for morality, nor a panacea for immorality. Its value stands -- or falls -- with the values which it embodies and promotes. Only tireless promotion of the truth about the human person can infuse democracy with the right values. This is what Jesus meant when He asked us to be leaven in society. American Catholics have long sought to assimilate into U.S. cultural life. But in assimilating, we have too often been digested. We have been changed by our culture too much, and we have changed it not enough. If we are leaven, we must bring to our culture the whole Gospel, which is a Gospel of life and joy. That is our

vocation as believers. And there is no better place to start than promoting the beauty and sanctity of human life. Those who would claim to promote the cause of life through violence or the threat of violence contradict this Gospel at its core.

5) Political parties should always support the common good

GS 75: Political parties must promote those things which in their judgment are required for the common good; it is never allowable to give their interests priority over the common good.

6) Patriotism is encouraged, provided that it doesn't go too far and make one forget that people of other nations are brothers and sisters in Christ.

GS 75: Citizens must cultivate a generous and loyal spirit of patriotism, but without being narrow-minded. This means that they will always direct their attention to the good of the whole human family, united by the different ties which bind together races, people and nations.

7) How should we vote?

We need to see Jesus in the voting booth. When we enter the booth and close the curtain, we're not alone. It's like pulling the curtain behind us in the Confessional. Jesus is there. And what we do there is very important. We should never give in to the lie that our vote isn't important. Our one vote may not decide the election, but in our vote, we take a stand on who we are and what we stand for, whether we stand for Christ or whether we don't. When we vote for one particular candidate or another, we're voting on an issue or series of issues that define us as a person and we need to take a look at what those issues are. ... When we vote we hold our souls in our hands. We're taking a stand. Are we voting only on the basis of party affiliation? That's not enough, particularly if the party or the candidate stands for things that blind us to Christ. Are we voting only on the basis of finances? We cannot serve both God and mammon. Are we voting only on the basis of prescription drugs? Jesus says not to worry in the Sermon on the Mount. We should be voting for the candidate or the program who would best allow us to live out our Christian vocations, to raise our children in the faith, to create a culture that supports life and is truly human. (Homily by Fr. Roger J. Landry, Oct 29, 2000).

B. Do we always have to obey civil authorities? Is it ever just to resist?

1) Citizens are obliged in conscience not to follow the directives of civil authorities when they are contrary to the demands of the moral order.

CCC 2242: The citizen is obliged in conscience not to follow the directives of civil authorities when they are contrary to the demands of the moral order, to the fundamental rights of persons or the teachings of the Gospel. Refusing obedience to civil authorities, when their demands are contrary to those of an upright conscience, finds its justification in the distinction between serving God and serving the political community. "Render therefore to Caesar the things that are Caesar's, and to God the things that are God's." "We must obey God rather than men": When citizens are under the oppression of a public authority which oversteps its competence, they should still not refuse to give or to do what is objectively demanded of them by the common good; but it is legitimate for them to defend their own rights and those of their fellow citizens against the abuse of this authority within the limits of the natural law and the Law of the Gospel.

2) In such circumstances, citizens are still not refuse to give or do what is objectively demanded of them by the common good:

GS 74: But where citizens are oppressed by a public authority overstepping its competence, they should not protest against those things which are objectively required for the common good; but it is legitimate for them to defend their own rights and the rights of their fellow citizens against the abuse of this authority, while keeping within those limits drawn by the natural law and the Gospels.

3) We must all work to change these laws:

Donum Vitae 3: The civil legislation of many states confers an undue legitimization upon certain practices in the eyes of many today; it is seen to be incapable of guaranteeing that morality which is in conformity with the natural exigencies of the human person and with the "unwritten laws" etched by the Creator upon the human heart. All men of good will must commit themselves, particularly within their professional field and in the exercise of their civil rights, to ensuring the reform of morally unacceptable civil laws and the correction of illicit practices. In addition, "conscientious objection" vis-a- vis such laws must be supported and recognized. A movement of passive resistance to the legitimization of practices contrary to human life and dignity is beginning to make an ever sharper impression upon the moral conscience of many, especially among specialists in the biomedical sciences.

- 4) When a law is contrary to right reason, St. Thomas Aquinas writes, it is called an unjust law and hence ceases to be a law and instead becomes an act of violence. Hence, in accord with what we wrote above, it has no binding force. This is especially the case that disregards the fundamental right to life. We read in EV 72:
- a) "Authority is a postulate of the moral order and derives from God. Consequently, laws and decrees enacted in contravention of the moral order, and hence of the divine will, can have no binding force in conscience...; indeed, the passing of such laws undermines the very nature of authority and results in shameful abuse".
 - b) This is the clear teaching of Saint Thomas Aquinas, who writes that "human law is law inasmuch as it is in conformity with right reason and thus derives from the eternal law. But when a law is contrary to reason, it is called an unjust law; but in this case it ceases to be a law and becomes instead an act of violence". And again: "Every law made by man can be called a law insofar as it derives from the natural law. But if it is somehow opposed to the natural law, then it is not really a law but rather a corruption of the law".
 - c) Now the first and most immediate application of this teaching concerns a human law which disregards the fundamental right and source of all other rights which is the right to life, a right belonging to every individual. Consequently, laws which legitimize the direct killing of innocent human beings through abortion or euthanasia are in complete opposition to the inviolable right to life proper to every individual; they thus deny the equality of everyone before the law.
 - d) It might be objected that such is not the case in euthanasia, when it is requested with full awareness by the person involved. But any State which made such a request legitimate and authorized it to be carried out would be legalizing a case of suicide-murder, contrary to the fundamental principles of absolute respect for life and of the protection of every innocent life. In this way the State contributes to lessening respect for life and opens the door to ways of acting which are destructive of trust in relations between people.
 - e) Laws which authorize and promote abortion and euthanasia are therefore radically opposed not only to the good of the individual but also to the common good; as such they are completely lacking in authentic juridical validity. Disregard for the right to life, precisely because it leads to the killing of the person whom society exists to serve, is what most directly conflicts with the possibility of achieving the common good. Consequently, a civil law authorizing abortion or euthanasia ceases by that very fact to be a true, morally binding civil law.
- 5) Citizens may not take up armed resistance to illegitimate political authority, unless all the following conditions are met (CCC 2243)
- 1) there is certain, grave, and prolonged violation of fundamental rights;
 - 2) all other means of redress have been exhausted;
 - 3) such resistance will not provoke worse disorders;
 - 4) there is well-founded hope of success; and
 - 5) it is impossible reasonably to foresee any better solution.

C. What are we to do in complicated situations, when our work or action cooperates in others' evil action? For example, can we work in a hospital where abortions are done or contraceptives passed out?

- 1) It is clear that direct cooperation in evil action is always wrong (i.e., performing an abortion or directly assisting in someone's suicide).
- 2) Less clear are situations in which our action contributes to the series of factors that enables someone else to carry out intrinsically evil actions like abortion or euthanasia.
- 3) This is the classical question of cooperation in evil. On this subject, the principles of the Church are clear:
 - a) Formal cooperation is always wrong — formal cooperation occurs when concurs in the bad intention of another (to abort a baby for example).
 - b) Material cooperation occurs when one does not share the bad intention of the other. It is allowable (which does not necessarily mean encouraged) under the following conditions:
 - 1) When the action is good or indifferent in itself
 - a) the action one participates in cannot be sinful
 - b) Such an action would be, for example, serving as a janitor in a hospital that provides abortions. Cleaning floors is not an evil action.
 - 2) When one has a reason for doing it that is
 - a) just — the reason must be morally acceptable in itself (e.g., supporting one's family).
 - b) proportionate to the gravity of the other's sin — the reason for cooperating must be substantially grave in comparison to the seriousness of the sin committed by the other. This is not always easy to determine, either in theory or in practice. The bottom line is that there must be a proportionately grave reason for this material cooperation; the reasons for cooperation must be proportional to the reasons for not cooperating in the other's sin.
 - c) proportioned to the closeness of the assistance which is thereby given to the carrying out of that sin — if the sin could not be carried out except through one's cooperation in it, the reasons found in (b) must be stronger in order to justify the material cooperation.
- 4) Cognizant of these principles, Pope John Paul II writes in *Evangelium Vitae* 74:
 - a) The passing of unjust laws often raises difficult problems of conscience for morally upright people with regard to the issue of cooperation, since they have a right to demand not to be forced to take part in morally evil actions.
 - b) Sometimes the choices which have to be made are difficult; they may require the sacrifice of prestigious professional positions or the relinquishing of reasonable hopes of career advancement.
 - c) In other cases, it can happen that carrying out certain actions, which are provided for by legislation that overall is unjust, but which in themselves are indifferent, or even positive, can serve to protect human lives under threat.
 - d) There may be reason to fear, however, that willingness to carry out such actions will not only cause scandal and weaken the necessary opposition to attacks on life, but will gradually lead to further capitulation to a mentality of permissiveness.
 - e) In order to shed light on this difficult question, it is necessary to recall the general principles concerning cooperation in evil actions.

- 1) Christians, like all people of good will, are called upon under grave obligation of conscience not to cooperate formally in practices which, even if permitted by civil legislation, are contrary to God's law.
 - a) Indeed, from the moral standpoint, it is never licit to cooperate formally in evil.
 - b) Such cooperation occurs when an action, either by its very nature or by the form it takes in a concrete situation, can be defined as a direct participation in an act against innocent human life or a sharing in the immoral intention of the person committing it.
 - c) This cooperation can never be justified either by invoking respect for the freedom of others or by appealing to the fact that civil law permits it or requires it.
 - d) Each individual in fact has moral responsibility for the acts which he personally performs; no one can be exempted from this responsibility, and on the basis of it everyone will be judged by God himself (cf. Rom 2:6; 14:12).
 - e) To refuse to take part in committing an injustice is not only a moral duty; it is also a basic human right.
 - f) Were this not so, the human person would be forced to perform an action intrinsically incompatible with human dignity, and in this way human freedom itself, the authentic meaning and purpose of which are found in its orientation to the true and the good, would be radically compromised.
 - g) What is at stake therefore is an essential right which, precisely as such, should be acknowledged and protected by civil law.
- 2) In this sense, the opportunity to refuse to take part in the phases of consultation, preparation and execution of these acts against life should be guaranteed to physicians, health-care personnel, and directors of hospitals, clinics and convalescent facilities.
- 3) Those who have recourse to conscientious objection must be protected not only from legal penalties but also from any negative effects on the legal, disciplinary, financial and professional plane.

Larger civic issues

A. Is there a Catholic idea of the "separation of Church and State?"

- 1) This is a question many Catholics ask today — and one that, on the other hand, far too many people in our society never question at all.
- 2) The Catholic notion of the relationship between Church and State is neither:
 - a) the traditional Eastern Orthodox notion, or Shiite Muslim idea, of a theocracy; in other words, an identity between Church and State; nor
 - b) the late 20th century ACLU notion of an absolutely strict separation between Church and state such that the Church should have no concern for and nothing whatsoever to do with government and government should have no concern for and nothing whatsoever to do with the Church.
- 3) The traditional Roman Catholic notion of the relationship between Church and State (and this goes for monarchies, republics, democracies and other legitimate forms of government) is represented artistically

in the Major Basilicas in Rome and throughout Europe where statues of government leaders were put in the vestibules (e.g., at St. Peter's Basilica in Rome, statues of the emperor Constantine (d. 337) and Charlemagne (d. 814) are found in the atrium).

- a) The vestibule is neither completely inside nor completely outside the Church.
 - b) Hence Government should neither be completely inside (a theocratic identity) nor completely outside (an ACLU notion of separation) the Church and vice-versa.
 - c) Rather there should be cooperation between legitimate autonomies of the Church and the State, both of which serve the common good and the dignity of man.
- 4) The Church takes up this discussion explicitly in the document of the Second Vatican Council on the Church in the Modern World, called in Latin, *Gaudium et Spes* (GS), 76:
- a) It is very important, especially where a pluralistic society prevails, that there be a correct notion of the relationship between the political community and the Church, and a clear distinction between the tasks which Christians undertake, individually or as a group, on their own responsibility as citizens guided by the dictates of a Christian conscience, and the activities which, in union with their pastors, they carry out in the name of the Church.
 - b) The Church, by reason of her role and competence, is not identified in any way with the political community nor bound to any political system.
 - c) She is at once a sign and a safeguard of the transcendent character of the human person.
 - d) The Church and the political community in their own fields are autonomous and independent from each other.
 - e) Yet both, under different titles, are devoted to the personal and social vocation of the same men.
 - f) The more that both foster sounder cooperation between themselves with due consideration for the circumstances of time and place, the more effective will their service be exercised for the good of all. For man's horizons are not limited only to the temporal order; while living in the context of human history, he preserves intact his eternal vocation.
 - g) The Church, for her part, founded on the love of the Redeemer, contributes toward the reign of justice and charity within the borders of a nation and between nations. By preaching the truths of the Gospel, and bringing to bear on all fields of human endeavor the light of her doctrine and of a Christian witness, she respects and fosters the political freedom and responsibility of citizens.
 - h) There are, indeed, close links between earthly things and those elements of man's condition which transcend the world. The Church herself makes use of temporal things insofar as her own mission requires it.
 - i) The Church, for her part, does not place her trust in the privileges offered by civil authority. She will even give up the exercise of certain rights which have been legitimately acquired, if it becomes clear that their use will cast doubt on the sincerity of her witness or that new ways of life demand new methods.
 - j) It is only right, however, that at all times and in all places, the Church should have:
 - a) true freedom to preach the faith,
 - b) to teach her social doctrine,
 - c) to exercise her role freely among men, and also

- d) to pass moral judgment in those matters which regard public order when the fundamental rights of a person or the salvation of souls require it.
- k) In this, she should make use of all the means-- but only those--which accord with the Gospel and which correspond to the general good according to the diversity of times and circumstances.
- 5) All societies are based on a vision of man. When a society fails to base itself on a true understanding about man, it begins to live under the lie of an ideology and inexorably leads to totalitarianism:

CCC 2244: Every institution is inspired, at least implicitly, by a vision of man and his destiny, from which it derives the point of reference for its judgment, its hierarchy of values, its line of conduct. Most societies have formed their institutions in the recognition of a certain preeminence of man over things. Only the divinely revealed religion has clearly recognized man's origin and destiny in God, the Creator and Redeemer. The Church invites political authorities to measure their judgments and decisions against this inspired truth about God and man: Societies not recognizing this vision or rejecting it in the name of their independence from God are brought to seek their criteria and goal in themselves or to borrow them from some ideology. Since they do not admit that one can defend an objective criterion of good and evil, they arrogate to themselves an explicit or implicit totalitarian power over man and his destiny, as history shows.

- 6) In case it is ever in doubt, the Church states specifically that human rights come from God, not from man, and hence no manmade institution or person can take them away:

Donum Vitae 3: The inalienable rights of the person must be recognized and respected by civil society and the political authority. These human rights depend neither on single individuals nor on parents; nor do they represent a concession made by society and the state: they pertain to human nature and are inherent in the person by virtue of the creative act from which the person took his or her origin.

B. Should the Church get involved in politics?

- 1) Because the Church has a duty from Christ to guide man toward his eternal destiny, she must, when the situation requires it, give clear principles and advice when proposed public legislation would be against the dignity of man and his immediate or ultimate good. Hence the Church has a right to be involved in the political arena when the dignity of man or the ability she has to carry out her mission is at stake.

CCC 2246: It is a part of the Church's mission "to pass moral judgments even in matters related to politics, whenever the fundamental rights of man or the salvation of souls requires it. The means, the only means, she may use are those which are in accord with the Gospel and the welfare of all men according to the diversity of times and circumstances."

- 2) Nevertheless, priests are forbidden to have an active role in political parties unless their bishop or religious superior specifically judges that the common good demands it.

Code of Canon Law, Canon 287, §2. Clerics are not to have an active role in political parties and in the direction of labor unions unless the need to protect the rights of the Church or to promote the common good requires it in the judgment of the competent ecclesiastical authority.

C. Should the Church, or should Catholics, actively promote laws that outlaw everything that the Church says is gravely sinful?

- 1) In general, since the committal of intrinsically evil acts harm those who perform them and have social consequences deleterious to the common good, such laws to stop such sinful actions should be supported.
- 2) However, sometimes a proposed law, if enforced, might do more damage to the common good than if the sin were tolerated. In such cases, the sin should be tolerated.

- a) An example might be the 1963 Griswold law on contraception in Connecticut. It was a crime in CT for a married couple to use contraception. The enforcement of such a law would require, if we take the law to its logical conclusions, "bed-room" police, which would affect, perhaps, all married couples.
- b) Failure to pass such a law and outlaw artificial contraception would not be to diminish its sinful quality, but just a recognition that certain sinful conduct is impossible to stop through the use of civil legislation without greater harm ensuing.
- c) The Congregation for the Doctrine and the Faith recognized this in *Donum Vitae*, its document on the Gift of Life and the immorality of in-vitro fertilization:

DV 3: The intervention of the public authority must be inspired by the rational principles which regulate the relationships between civil law and moral law. The task of the civil law is to ensure the common good of people through the recognition of and the defense of fundamental rights and through the promotion of peace and of public morality. In no sphere of life can the civil law take the place of conscience or dictate norms concerning things which are outside its competence. It must sometimes tolerate, for the sake of public order, things which it cannot forbid without a greater evil resulting.

- 3) However, in such cases, public authority can never presume to legitimize as a right of individuals something that is contrary to the moral law.

EV 71: Certainly the purpose of civil law is different and more limited in scope than that of the moral law. But "in no sphere of life can the civil law take the place of conscience or dictate norms concerning things which are outside its competence", which is that of ensuring the common good of people through the recognition and defense of their fundamental rights, and the promotion of peace and of public morality. The real purpose of civil law is to guarantee an ordered social coexistence in true justice, so that all may "lead a quiet and peaceable life, godly and respectful in every way" (1 Tim 2:2). Precisely for this reason, civil law must ensure that all members of society enjoy respect for certain fundamental rights which innately belong to the person, rights which every positive law must recognize and guarantee. First and fundamental among these is the inviolable right to life of every innocent human being. While public authority can sometimes choose not to put a stop to something which--were it prohibited--would cause more serious harm, it can never presume to legitimize as a right of individuals--even if they are the majority of the members of society--an offense against other persons caused by the disregard of so fundamental a right as the right to life. The legal toleration of abortion or of euthanasia can in no way claim to be based on respect for the conscience of others, precisely because society has the right and the duty to protect itself against the abuses which can occur in the name of conscience and under the pretext of freedom.

D. Is democracy the most moral style of government?

- 1) This is a very broad question. I present it in this way partially to capture your attention.
- 2) The Church will never pronounce on the best form of government. As we discussed above in the section on legitimate governments, "The diversity of political regimes is morally acceptable, provided they serve the legitimate good of the communities that adopt them" (CCC 1901).
- 3) However, many in America, today, Catholics and non-Catholics, simply assume that democracy is the best form of government and that the "democratic process," even when it serves bad ends (like legislatures voting to allow abortions), must be accepted. For these reasons, in order to focus on the strengths and the limits of democracies, we have this section.
- 4) The Church has a lot to say about democracies.
 - 1) There is a double-danger in democracies:
 - a) That some might believe that truth is determined by sociological survey or poll and that hence one should have "private" conscience and public values. Against this, Pope John Paul II says:

EV 69: In the democratic culture of our time it is commonly held that the legal system of any society should limit itself to taking account of and accepting the convictions of the majority. It should therefore be based solely upon what the majority itself considers moral and actually practices. Furthermore, if it is believed that an objective truth shared by all is de facto unattainable, then respect for the freedom of the citizens--who in a democratic system are considered the true rulers--would require that on the legislative level the autonomy of individual consciences be acknowledged. Consequently, when establishing those norms which are absolutely necessary for social coexistence, the only determining factor should be the will of the majority, whatever this may be. Hence every politician, in his or her activity, should clearly separate the realm of private conscience from that of public conduct.

- b) That we might try to claim for ourselves in the private sphere as many "rights" as possible, whether or not they are truly in accordance with our true dignity, and then consider the civil law and it alone as the ground for what is or is not moral. Then Pope adds:

EV 69: As a result we have what appear to be two diametrically opposed tendencies. On the one hand, individuals claim for themselves in the moral sphere the most complete freedom of choice and demand that the State should not adopt or impose any ethical position but limit itself to guaranteeing maximum space for the freedom of each individual, with the sole limitation of not infringing on the freedom and rights of any other citizen. On the other hand, it is held that, in the exercise of public and professional duties, respect for other people's freedom of choice requires that each one should set aside his or her own convictions in order to satisfy every demand of the citizens which is recognized and guaranteed by law; in carrying out one's duties the only moral criterion should be what is laid down by the law itself. Individual responsibility is thus turned over to the civil law, with a renouncing of personal conscience, at least in the public sphere.

- 2) Much of modern day democracy is based on an ethical relativism, or exaggerated "pluralism," that has falsely become a good-in-itself.

EV 70: At the basis of all these tendencies lies the ethical relativism which characterizes much of present-day culture. There are those who consider such relativism an essential condition of democracy, inasmuch as it alone is held to guarantee tolerance, mutual respect between people and acceptance of the decisions of the majority, whereas moral norms considered to be objective and binding are held to lead to authoritarianism and intolerance. But it is precisely the issue of respect for life which shows what misunderstandings and contradictions, accompanied by terrible practical consequences, are concealed in this position. ... Grave crimes and radical denials of freedom have been committed and are still being committed in the name of "ethical relativism". When a parliamentary or social majority decrees that it is legal, at least under certain conditions, to kill unborn human life, is it not really making a "tyrannical" decision with regard to the weakest and most defenseless of human beings? Everyone's conscience rightly rejects those crimes against humanity of which our century has had such sad experience. But would these crimes cease to be crimes if, instead of being committed by unscrupulous tyrants, they were legitimated by popular consensus?

CA 46: The Church values the democratic system inasmuch as it ensures the participation of citizens in making political choices, guarantees to the governed the possibility both of electing and holding accountable those who govern them, and of replacing them through peaceful means when appropriate. Thus she cannot encourage the formation of narrow ruling groups which usurp the power of the State for individual interests or for ideological ends. Authentic democracy is possible only in a State ruled by law, and on the basis of a correct conception of the human person. It requires that the necessary conditions be present for the advancement both of the individual through education and formation in true ideals, and of the "subjectivity" of society through the creation of structures of participation and shared responsibility. Nowadays there is a tendency to claim that agnosticism and skeptical relativism are the philosophy and the basic attitude which correspond to democratic forms of political life. Those who are convinced that they know the truth and firmly adhere to it are considered unreliable from a democratic point of view, since they do not accept that truth is

determined by the majority, or that it is subject to variation according to different political trends. It must be observed in this regard that if there is no ultimate truth to guide and direct political activity, then ideas and convictions can easily be manipulated for reasons of power. As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism.

- 3) Democracy has almost become a god or an end-in-itself in too many sections of our culture, and, as such, has become itself the justification for all types of evil things done in the name of the "democratic process." JP II states in direct criticism of this:

EV 70: Democracy cannot be idolized to the point of making it a substitute for morality or a panacea for immorality. Fundamentally, democracy is a "system" and as such is a means and not an end. Its "moral" value is not automatic, but depends on conformity to the moral law to which it, like every other form of human behavior, must be subject: in other words, its morality depends on the morality of the ends which it pursues and of the means which it employs. If today we see an almost universal consensus with regard to the value of democracy, this is to be considered a positive "sign of the times", as the Church's Magisterium has frequently noted. But the value of democracy stands or falls with the values which it embodies and promotes. Of course, values such as the dignity of every human person, respect for inviolable and inalienable human rights, and the adoption of the "common good" as the end and criterion regulating political life are certainly fundamental and not to be ignored.

- 4) The atheistic skepticism that is growing in our society is a direct challenge to the survivability of democracy as a means to advance the common good.

EV 70: The basis of these values cannot be provisional and changeable "majority" opinions, but only the acknowledgment of an objective moral law which, as the "natural law" written in the human heart, is the obligatory point of reference for civil law itself. If, as a result of a tragic obscuring of the collective conscience, an attitude of skepticism were to succeed in bringing into question even the fundamental principles of the moral law, the democratic system itself would be shaken in its foundations, and would be reduced to a mere mechanism for regulating different and opposing interests on a purely empirical basis. Some might think that even this function, in the absence of anything better, should be valued for the sake of peace in society. While one acknowledges some element of truth in this point of view, it is easy to see that without an objective moral grounding not even democracy is capable of ensuring a stable peace, especially since peace which is not built upon the values of the dignity of every individual and of solidarity between all people frequently proves to be illusory. Even in participatory systems of government, the regulation of interests often occurs to the advantage of the most powerful, since they are the ones most capable of maneuvering not only the levers of power but also of shaping the formation of consensus. In such a situation, democracy easily becomes an empty word.

- 5) For democracy to survive and flourish it is urgently necessary for it to rediscover the essential and inalienable human rights as well as the relationship between the civil and moral law.

EV 71. It is therefore urgently necessary, for the future of society and the development of a sound democracy, to rediscover those essential and innate human and moral values which flow from the very truth of the human being and express and safeguard the dignity of the person: values which no individual, no majority and no State can ever create, modify or destroy, but must only acknowledge, respect and promote. Consequently there is a need to recover the basic elements of a vision of the relationship between civil law and moral law, which are put forward by the Church, but which are also part of the patrimony of the great juridical traditions of humanity.

- 6) Without these proper and essential foundations, the common good is lost, society loses its cohesion, and democracy devolves into partisan dominance of so-called "special interests."

CA 47: Even in countries with democratic forms of government, rights are not always fully respected. Here we are referring not only to the scandal of abortion, but also to different aspects of a crisis within democracies themselves, which seem at times to have lost the ability to make decisions aimed at the common good. Certain demands which arise within society are sometimes not examined

in accordance with criteria of justice and morality, but rather on the basis of the electoral or financial power of the groups promoting them. With time, such distortions of political conduct create distrust and apathy, with a subsequent decline in the political participation and civic spirit of the general population, which feels abused and disillusioned. As a result, there is a growing inability to situate particular interests within the framework of a coherent vision of the **common good**. The latter is not simply the sum total of particular interests [this is directly against Enlightenment philosophy, which dominates a lot of public discourse today -- RJL]; rather it involves an assessment and integration of those interests on the basis of a balanced hierarchy of values; ultimately, it demands a correct understanding of the dignity and the rights of the person. The Church respects the legitimate autonomy of the democratic order and is not entitled to express preferences for this or that institutional or constitutional solution. Her contribution to the political order is precisely her vision of the dignity of the person revealed in all its fullness in the mystery of the Incarnate Word.

E. Is the free-market system, or capitalism, moral?

- 1) Like the previous question on democracies, many in America just assume that the free-market system is moral.
- 2) Many in South America, on the other hand, simply assume that it is not moral, but a means to oppress the poor.
- 3) Ever since 1893, the Church has taken a specific interest in the moral value of particular economic systems and policies, because she discovered that many people were being treated as means in an economic machine rather than as ends that should be respected and loved.
- 4) The Church, hence, in her evaluation of economic systems, looks to see whether they promote the authentic rights and dignity of man; when they do, such systems meet with her approval; when they do not, with her castigation and/or correction.
- 5) There are several principles the Church uses to make a determination:
 - a) Economics is a means, not an end. We work to live, live in God, not live to work.

GS 63: Many people, especially in economically advanced areas, seem, as it were, to be ruled by economics, so that almost their entire personal and social life is permeated with a certain economic way of thinking. Such is true both of nations that favor a collective economy and of others.

- b) Employees should be treated as persons, not beasts of burden, and as such, should be encouraged to participate, according to their competencies, in the decision-making of the business, whether individually or through representatives.

GS 68: In economic enterprises it is persons who are joined together, that is, free and independent human beings created to the image of God. Therefore, with attention to the functions of each--owners or employers, management or labor--and without doing harm to the necessary unity of management, the active sharing of all in the administration and profits of these enterprises in ways to be properly determined is to be promoted. Since more often, however, decisions concerning economic and social conditions, on which the future lot of the workers and of their children depends, are made not within the business itself but by institutions on a higher level, the workers themselves should have a share also in determining these conditions--in person or through freely elected delegates.

- c) Free-market capitalism is the most efficient instrument for utilizing resources and can promote economic growth and development — which is good for man — but always remain a means and not an end. Man must never become a mere “object” in the market, but must be helped to use his “subjectivity” wisely in accord with his dignity and responsibilities.

CA 19. In general, such attempts endeavor to preserve free market mechanisms, ensuring, by means of a stable currency and the harmony of social relations, the conditions for steady and healthy economic growth in which people through their own work can build a better future for themselves and their families. At the same time, these attempts try to avoid making market mechanisms the only point of reference for social life, and they tend to subject them to public control which upholds the principle of the common destination of material goods. In this context, an abundance of work opportunities, a solid system of social security and professional training, the freedom to join trade unions and the effective action of unions, the assistance provided in cases of unemployment, the opportunities for democratic participation in the life of society--all these are meant to deliver work from the mere condition of "a commodity," and to guarantee its dignity.

CA 34. It would appear that, on the level of individual nations and of international relations, the free market is the most efficient instrument for utilizing resources and effectively responding to needs. But this is true only for those needs which are "solvent," insofar as they are endowed with purchasing power, and for those resources which are "marketable," insofar as they are capable of obtaining a satisfactory price. But there are many human needs which find no place on the market. It is a strict duty of justice and truth not to allow fundamental human needs to remain unsatisfied, and not to allow those burdened by such needs to perish. It is also necessary to help these needy people to acquire expertise, to enter the circle of exchange, and to develop their skills in order to make the best use of their capacities and resources. Even prior to the logic of a fair exchange of goods and the forms of justice appropriate to it, there exists something which is due to the person because he is a person, by reason of his lofty dignity. Inseparable from that required "something" is the possibility to survive and, at the same time, to make an active contribution to the common good of humanity.

CA 40. Here we find a new limit on the market: there are collective and qualitative needs which cannot be satisfied by market mechanisms. There are important human needs which escape its logic. There are goods which by their very nature cannot and must not be bought or sold. Certainly the mechanisms of the market offer secure advantages: they help to utilize resources better; they promote the exchange of products; above all they give central place to the person's desires and preferences, which, in a contract, meet the desires and preferences of another person. Nevertheless, these mechanisms carry the risk of an "idolatry" of the market, an idolatry which ignores the existence of goods which by their nature are not and cannot be mere commodities.

d) Profit, the "bottom-line" is important, but is not the most important thing in a business.

- 1) Instructive is Jesus's statement in Luke 9:25: "What does it profit them if they gain the whole world, but lose or forfeit themselves?"
- 2) A business is more than a profit-making enterprise, but is a community of a persons, whose dignity must be respected.
- 3) So maximizing profits at the expense of the human dignity of the employee or the consumer is wrong.

CA 35. The Church acknowledges the legitimate role of profit as an indication that a business is functioning well. When a firm makes a profit, this means that productive factors have been properly employed and corresponding human needs have been duly satisfied. But profitability is not the only indicator of a firm's condition. It is possible for the financial accounts to be in order, and yet for the people--who make up the firm's most valuable asset--to be humiliated and their dignity offended. Besides being morally inadmissible, this will eventually have negative repercussions on the firm's economic efficiency. In fact, the purpose of a business firm is not simply to make a profit, but is to be found in its very existence as a community of persons who in various ways are endeavoring to satisfy their basic needs, and who form a particular group at the service of the whole of society. Profit is a regulator of the life of a business, but it is not the

only one; other human and moral factors must also be considered which, in the long term, are at least equally important for the life of a business.

- 6) The Church's teaching on capitalism and its morality can be summed up in the evaluation of what type of capitalism we're talking about. Pope John Paul II is very clear:

CA 42. Returning now to the initial question: can it perhaps be said that, after the failure of Communism, capitalism is the victorious social system, and that capitalism should be the goal of the countries now making efforts to rebuild their economy and society? Is this the model which ought to be proposed to the countries of the Third World which are searching for the path to true economic and civil progress? The answer is obviously complex.

- a) If by "capitalism" is meant an economic system which recognizes the fundamental and positive role of business, the market, private property and the resulting responsibility for the means of production, as well as free human creativity in the economic sector, then the answer is **certainly** in the **affirmative**, even though it would perhaps be more appropriate to speak of a "business economy," "market economy" or simply "free economy."
- b) But if by "capitalism" is meant a system in which freedom in the economic sector is not circumscribed within a strong juridical framework which places it at the service of human freedom in its totality and sees it as a particular aspect of that freedom, the core of which is ethical and religious, then the reply is **certainly negative**.

Particular policy issues

A. Can a man kill someone in self-defense?

- 1) The answer to this question, I think we all know, is basically yes. I begin with this discussion, however, because the principles that are applied here are relevant and helpful to the discussion of the morality of the death penalty, which will come next, and just war, which will follow as well.

- 2) The Church gives us several principles:

- a) The prohibition of murder does not abrogate the right to render an unjust aggressor unable to inflict harm (CCC 2321).
- b) Legitimate defense is a grave duty for whoever is responsible for the lives of others or the common good (CCC 2321).
- c) The legitimate defense of persons and societies is not an exception to the prohibition against the murder of the innocent that constitutes intentional killing. In fact, it is not murder at all, because it is an unintended, though perhaps foreseen, consequence of the act of the preservation of one's own life. Someone who defends his life is not guilty of murder even if he is forced to deal his aggressor a lethal blow (CCC 2263-2264).

CCC 2263: "The act of self-defense can have a double effect: the preservation of one's own life; and the killing of the aggressor.... The one is intended, the other is not."

- d) It is wrong to use more than necessary violence to defend oneself; however, in moderate self-defense it may sometimes be impossible to avoid killing someone else:

CCC 2264: "If a man in self-defense uses more than necessary violence, it will be unlawful: whereas if he repels force with moderation, his defense will be lawful.... Nor is it necessary for salvation

that a man omit the act of moderate self-defense to avoid killing the other man, since one is bound to take more care of one's own life than of another's.

e) St. Thomas Aquinas makes a crucial distinction (ST II-II, 64, 7):

- 1) It is not lawful for a man to intend killing a man in self-defense
- 2) However it is allowable, in the act of defending oneself, to kill another man.
- 3) The effect is the same in both cases — the original aggressor ends up dead — but the intention and therefore the action is different. In the first case, one intends to kill the other person, and hence this is an act of murder. In the second case, one intends to defend himself or herself, but in so doing, an unintended (though perhaps possibly foreseen) side-effect is that the aggressor is killed.

B. Is the death penalty always wrong?

- 1) The simple is no, it is not always wrong — just most of the time.
- 2) To understand the position of the Church, and to see how the Church hasn't "changed" her teaching on the morality of the death penalty, it is necessary first to make a distinction between:
 - a) The right of a legitimately established authority to apply the death penalty; and
 - b) The conditions under which such an authority should exercise or use that right.
- 3) Throughout her tradition, the Church has maintained that the legitimately-established authority has a right to apply the death penalty in certain circumstances. She still holds that society has such a right. Where there has been development in the position of the Church, right up to our present day with Pope John Paul II, concerns the circumstances in which such a right should be exercised.
- 4) The concise teaching of the Church on the death penalty is found in the Catechism of the Catholic Church (CCC), numbers **2266 and 2267**. The wording of the text is very important and was one of the few paragraphs in the new CCC that was revised in the authoritative, final Latin edition. I put what was eliminated from the final text in brackets and I put what was added to the final text in italics.

Preserving the common good of society requires rendering the aggressor unable to inflict harm. For this reason the traditional teaching of the Church has acknowledged as well-founded the right and duty of legitimate public authority to punish malefactors by means of penalties commensurate with the gravity of the crime[, not excluding, in cases of extreme gravity, the death penalty]. For analogous reasons those holding authority have the right to repel by armed force aggressors against the community in their charge.

The primary effect of punishment is to redress the disorder caused by the offense. When his punishment is voluntarily accepted by the offender, it takes on the value of expiation. Moreover, punishment has the effect of preserving public order and the safety of persons. Finally punishment has a medicinal value; as far as possible it should contribute to the correction of the offender.

The traditional teaching of the Church has not excluded recourse to the death penalty on the condition that the identity and responsibility of the guilty party has been clearly demonstrated, and when this method is the only practicable way to provide an effective defense of human lives against an unjust aggressor. On the other hand, if bloodless means are sufficient to defend human lives against an aggressor and to protect public order and the safety of persons, public authority should limit itself to such means, because they better correspond to the concrete conditions of the common good and are more in conformity to the dignity of the human person. Today, in practice, because of the possibilities open to the state in punishing crimes effectively and rendering harmless those who commit them, although the possibility is not definitively foreclosed, the cases of absolute necessity for the death of the guilty party 'are now very rare, if not in practice non-existent.'

- 5) The changes were made as a direct result of what Pope John Paul wrote in his encyclical *Evangelium Vitae*, which was published after the Catechism was released but before the final Latin version was made. The Pope wrote in EV 56:

This is the context in which to place the problem of the death penalty. On this matter there is a growing tendency, both in the Church and in civil society, to demand that it be applied in a very limited way or even that it be abolished completely. The problem must be viewed in the context of a system of penal justice ever more in line with human dignity and thus, in the end, with God's plan for man and society.

“The primary purpose of the punishment which society inflicts is “to redress the disorder caused by the offense”. Public authority must redress the violation of personal and social rights by imposing on the offender an adequate punishment for the crime, as a condition for the offender to regain the exercise of his or her freedom. In this way authority also fulfills the purpose of defending public order and ensuring people's safety, while at the same time offering the offender an incentive and help to change his or her behavior and be rehabilitated. It is clear that, for these purposes to be achieved, the nature and extent of the punishment must be carefully evaluated and decided upon, and ought not go to the extreme of executing the offender except in cases of absolute necessity: in other words, when it would not be possible otherwise to defend society. Today however, as a result of steady improvements in the organization of the penal system, such cases are very rare, if not practically non-existent. In any event, the principle set forth in the new Catechism of the Catholic Church remains valid: “If bloodless means are sufficient to defend human lives against an aggressor and to protect public order and the safety of persons, public authority must limit itself to such means, because they better correspond to the concrete conditions of the common good and are more in conformity to the dignity of the human person”.”

- 6) We can now analyze the Church's position.

- a) The discussion of the death penalty has been carried out in the context of punishment. Traditionally there have been three purposes for punishment. We see these in CCC 2266:
- 1) To redress the disorder caused by an offense (this is the primary effect of punishment).
 - a) Crime should never “pay.” Hence, both for the offender and for society at large, one of the things that punishment does is to teach others that crime does not pay, and that if one commits similar crimes one will have to suffer similar consequences.
 - b) Redressing disorder, in certain crimes, also involves restitution, particularly in cases of theft, when the goods may be recovered.
 - c) There is also the notion of social retribution for a crime involved here.
 - 2) To preserve the public order and the safety of persons.
 - a) Those in authority are obliged to do what they can legally and morally to ensure that those under their care may live free of the threat of these malefactors repeating their crimes in the future, particularly in the cases of violent crimes.
 - 3) To correct (reform, rehabilitate, heal), when and where possible, the offender.
 - a) God does not wish the death of a sinner, and hence Christians should pray and hope that the offender may repent of his wrongdoing and become a contributor to society, whether he is confined or eventually freed.
 - b) Despite a new penology that developed in the 1960s and 1970s, this is not the most important or primary purpose of punishment. It is something we can all hope for, but the whole penal

system cannot be accommodated to try to accomplish this goal, which may not even be achievable in the case of a particular criminal.

b) In the context of the tradition of the Church and of society, there has been reflection on each of these three purposes vis-a-vis the death penalty.

1) Redressing the disorder

a) Some have claimed through the centuries up to our present day that death penalty has a deterrent effect, dissuading, by means of capital punishment, others from even contemplating similar crimes.

b) Bishop O'Malley, in his recent Pastoral Letter on the death penalty, addresses the claim that the death penalty, at least now, has a deterrent effect:

+SPO: Justice is not revenge. Killing murderers does not deter murders, but, rather, promotes an attitude that life is cheap and that when we have the power it is all right to kill... State-sponsored violence will not promote a new respect for life but only serve to erode reverence for life even more.

c) Studies of police, sheriffs and criminologists have shown that, at least in our culture today, the deterrent effect of the death penalty is more myth than reality (these data are taken from Bishop O'Malley's pastoral).

1) A survey authored by Richard C. Dieter, conducted in 1995, involving interviews with 386 randomly selected police chiefs and sheriffs resulted in only one percent of the respondents choosing the death penalty as a primary way to reduce violent crime. The death penalty ranked last among six options. Two-thirds of those interviewed said that the following statement would be inaccurate: "the death penalty significantly reduces the number of homicides."

3) A survey by Michael Radelet and Ronald Akers of the leadership of the country's largest associations of professional and academic criminologists, such as the American Society of Criminology (2500 members) and the International Association of Police Professors (2400 members) showed that 80% of these experts stated that on the basis of literature and research in criminology, the death penalty does not have significant deterrent effects.

2) Preserving the public order and the safety of persons

a) "Preserving the common good of society requires rendering the aggressor unable to inflict harm..."

b) Within this context, Pope John Paul II writes in EV 55 that it is a grave duty, in certain circumstances, for those in authority to protect people in their care, by rendering the aggressor incapable of causing harm. This encompasses both self-defense in the case of a father and even the death penalty in a case of anarchy where it might be needed:

EV 55. "Legitimate defense can be not only a right but a grave duty for someone responsible for another's life, the common good of the family or of the State". Unfortunately it happens that the need to render the aggressor incapable of causing harm sometimes involves taking his life. In this case, the fatal outcome is attributable to the aggressor whose action brought it about, even though he may not be morally responsible because of a lack of the use of reason.

c) This is the major reason given for the death penalty, that if we don't kill murderers, rapists and other violent criminals, they may eventually commit violent crimes again, either in prison, or outside of prison, through an escape or through receiving early release.

- d) St. Thomas Aquinas wrote in his famous *Summa Theologiae* that sometimes it is necessary (in the culture of the 13th century), for the good of the community, to have to execute criminals in order to safeguard the common good:

STA (II-II,64,2) Every part is directed to the whole, as imperfect to perfect, wherefore every part is naturally for the sake of the whole. For this reason we observe that if the health of the whole body demands the excision of a member, through its being decayed or infectious to the other members, it will be both praiseworthy and advantageous to have it cut away. Now every individual person is compared to the whole community, as part to whole. Therefore if a man be dangerous and infectious to the community, on account of some sin, it is praiseworthy and advantageous that he be killed in order to safeguard the common good, since "a little leaven corrupts the whole lump" (1 Cor. 5:6).

- d) Bishop O'Malley takes up these arguments and responds:

+SPO: In 1980, the US Bishops, in a statement on capital punishment, reviewed the four usual arguments justifying the death penalty: retribution, deterrence, reform and protection. The last argument, protection, is the one that Catholic thought has seen as the justifying reason for capital punishment. We find the emblematic statement of Thomas Aquinas in the *Summa Theologiae*: "If a man is a danger to the community, threatening it with disintegration by some wrongdoing of his, then his execution for the healing and preservation of the common good is to be commended." Because our modern Western societies have the resources and means to separate criminals and isolate them from society without having recourse to the extreme of capital punishment, the Church opposes capital punishment. Capital punishment can be moral only when it is necessary for public safety. It is no longer necessary and therefore must be abolished.

- e) The teaching of the Catechism is clear in the preference for bloodless means:

If bloodless means are sufficient to defend human lives against an aggressor and to protect public order and the safety of persons, public authority should limit itself to such means, because they better correspond to the concrete conditions of the common good and are more in conformity to the dignity of the human person.

- 1) It better corresponds to the concrete conditions of the common good because we are living clearly in a cultural context in which life is no longer valued in itself.
 - 2) It is more in conformity with the dignity of the person, both of the criminal (and the value of his life before God), and of the prison personnel (who have great difficulties putting others to death).
- f) The Pope in EV 27 states clearly that "Modern society in fact has the means of effectively suppressing crime by rendering criminals harmless without definitively denying them the chance to reform."

3) Reforming and rehabilitating the criminal

- a) It might seem strange at first to think that the death penalty would ever have been seen in the context of reforming and rehabilitating the criminal, but there was a strong train of thought that looked at the death penalty as merciful to the criminal.
- b) Their argument was that giving the criminal a firm date of death would help him to make his peace with God.
 - 1) Immanuel Kant, the extraordinarily influential German enlightenment philosopher (non-Catholic) said "The noose focuses the mind."

- 2) St. Thomas Aquinas, in the *Summa Contra Gentiles*, said, against an objection that capital punishment would rob a criminal of the opportunity to repent and make his peace with God, said that if a man would not make his peace with God when he knew for sure that he would “die on the morrow,” then it would be a false assumption to think that he would do so if given more time.
 - 3) Along the same lines as St. Thomas, but not within the context of the death penalty, C.S. Lewis said (in his classic *Screwtape Letters*) that “time” is one of the devil’s greatest deceptions — that there is always time to change and convert — whereas the Lord says that we never know the day or the hour, and this day our life on earth might end.
 - 4) There is clear evidence that many death-row criminals do have conversion experiences, make their peace with God, and die a good death.
 - 5) These arguments are all, essentially, in favor of conversion and not strictly in favor of the death penalty *per se*. The death penalty can be an occasion for conversion, especially when Christians are praying for someone as he or she approaches imminent death, but conversion is not directly associated with the death penalty. Being in prison itself — were we capable of making prisons more humane (see immediately below) — could be a sufficient occasion for conversion.
- c) Many proponents of the death penalty today charge that the death penalty might indeed be more merciful to someone than having him or her spend decades in prison where life — because of all the crime, terrorism, rapes, etc., that happen in prisons today — is a “living hell.”
- 1) The clear response of death penalty opponents to this line of argumentation is that we should make our prisons more humane.
- 7) The Church’s position on the death penalty is one that strengthens her positions on all of the life issues, by basically saying, “We’re so much in support of the right to life and the dignity of the human person,” that we’ll defend it even in those who have violated it, even in the guilty.

LGL 4: Pope John Paul II has reminded us that we must respect every life, even that of criminals and unjust aggressors. It is increasingly clear in modern society that capital punishment is unnecessary to protect people's safety and the public order, so that cases where it may be justified are "very rare, if not practically non-existent." No matter how serious the crime, punishment that does not take life is "more in conformity with the dignity of the human person" (*Evangelium Vitae*, 56-7). Our witness to respect for life shines most brightly when we demand respect for each and every human life, including the lives of those who fail to show that respect for others. The antidote to violence is love, not more violence.

- 8) A common objection to the Church’s position on the death penalty has come from those who say that “God used the death penalty,” as we see in the Old Testament. In response to this both the Pope and Bishop O’Malley speak:
- a) **EV 40:** The commandment regarding the inviolability of human life reverberates at the heart of the "ten words" in the covenant of Sinai (cf. Ex 34:28). In the first place that commandment prohibits murder: "You shall not kill" (Ex 20:13); "do not slay the innocent and righteous" (Ex 23:7). But, as is brought out in Israel's later legislation, it also prohibits all personal injury inflicted on another (cf. Ex 21:12-27). Of course we must recognize that in the Old Testament this sense of the value of life, though already quite marked, does not yet reach the refinement found in the Sermon on the Mount. This is apparent in some aspects of the current penal legislation, which provided for severe forms of corporal punishment and even the death penalty. But the overall message, which the New Testament will bring to perfection, is a forceful appeal for respect for the inviolability of physical life and the integrity of the person. It culminates in the positive commandment which obliges us to be responsible for our neighbor as for ourselves: "You shall love your neighbor as yourself" (Lev 19:18).

- b) **+SPO:** In the book of Genesis, the first murderer was Cain. He was punished but not executed. God protected Cain from those who would threaten to kill him. The Old Testament injunction, “an eye for an eye, a tooth for a tooth,” was an attempt to curb the spirit of vindication among God’s people who would have sought to punish the guilty sevenfold by plucking out both eyes and knocking out several teeth. Just as the law of Moses in Deuteronomy 24 should be seen as a concession and not an approval of divorce, a concession that Jesus later abrogates, so too the law of talion does not command but limits revenge.
- 9) On the death penalty, the Church, as in everything, looks to Christ. About him and his treatment of those who had incurred capital crimes, Bishop O’Malley speaks:
- +SPO:** In our teaching to those of the household of faith, to our Catholic people and other Christians, we turn to the New Testament. There we find the example and words of Jesus as the primary source of Christian life-ethics. Nowhere does Jesus offer violence as a solution to set things straight. The Gospel reveals God’s boundless love for every person, regardless of human merit or worthiness. He does not will the death of a sinner, but rather that the sinner be converted. Jesus often shifts the locus of judgment to a higher court, a court where there is no need for polygraph, where there is absolute knowledge of the evidence, of good deeds and of evil, of private and public things; a court where there is justice and mercy, both law and grace, wrath and tenderness. ... In the Gospels, Christ’s mercy is in sharp contrast with the attitude of those invoking capital punishment for the woman caught in adultery. Our Lord commutes her sentence by challenging the worthiness of her accusers to judge. Then he forgives her sin and admonishes her to sin no more. The Lord hates sin but loves the sinner. Discipleship calls us to have the same sentiments as the Master.
- 10) Finally, what about the Inquisition? Wasn’t the Church in the business of systematically executing heretics?
- a) The Inquisition took on lots of different faces depending upon what country we were talking about.
- b) Basically and generally, civil governments looked upon heresies as a great destabilizing force in society. Civil leaders wanted to eliminate such civic unrest and asked the Church to pronounce and investigate when people, in fact, were heretics.
- c) In almost all cases, it was the civil government that was responsible for executing punishments — imprisonment, fine or death.
- d) There were differing opinions in the Church during the Inquisition about whether the Church really should be involved, because it was obvious that many heretics were being killed. But the predominant, prevailing attitude was that articulated by St. Thomas Aquinas in the 1260s: if it is allowable to kill someone who harms the physical life of others (a murderer), and it is, then even more so is it allowable to kill someone who harms the spiritual and eternal life of others (a heretic).
- e) The Church, today, looks upon heretics differently, and has a greater appreciation for freedom of conscience, enshrined in the document of the Second Vatican Council, *Dignitatis Humanae*.
- f) In the context of the death penalty, the Church hasn’t changed her position since the Inquisition. It merely has changed its attitude toward the situations in which the legitimate authority of the state is capable of exercising its right to put people to death who cause or might cause serious harm. In the past, the Church thought that in the case of serious, obstinate, relapsed heretics, such an execution was allowable; today the Church would not consider such an application allowable.

C. When is it just to go to war?

- 1) At the end of the most brutal century in recorded history, with two world wars, several genocides and ethnic cleansings, countless other wars and bloody protracted engagements, moral people, like Pope Pius XII in the 1940s, have cried out “War, never again!”

- a) We see this attitude in the Catechism (CCC 2307), where it says, "The fifth commandment forbids the intentional destruction of human life. Because of the evils and injustices that accompany all war, the Church insistently urges everyone to prayer and to action so that the divine Goodness may free us from the ancient bondage of war."
- b) CCC 2326: Insofar as men are sinners, the threat of war hangs over them and will so continue until Christ comes again; but insofar as they can vanquish sin by coming together in charity, violence itself will be vanquished and these words will be fulfilled: "they shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more." [111]
- c) CCC 2327: Because of the evils and injustices that all war brings with it, we must do everything reasonably possible to avoid it. The Church prays: "From famine, pestilence, and war, O Lord, deliver us."
- d) "Blessed are the peacemakers, for they shall be called sons of God" (Mt 5:9).
- 2) Throughout the history of the Church, Popes, bishops and theologians have sought a middle ground between immoral desertion of the common good to defenselessness and the immorality of disproportionate defense.
- a) Defense of the common good and of citizens is not only a right but a grave duty of those entrusted with care for the common good. It would be nice to live in a world in which there would be no war, but as a result of sin, there are people who wage war for sinful motives, and in these circumstances it is incumbent on civil leaders — who although they might personally be prone to turn the other cheek — to defend those entrusted to their care.
- b) As the Catechism says (CCC 2308): All citizens and all governments are obliged to work for the avoidance of war. However, "as long as the danger of war persists and there is no international authority with the necessary competence and power, governments cannot be denied the right of lawful self-defense, once all peace efforts have failed."
- c) Yet, two wrongs never make a right, and hence, it is necessary not to go too far in defending the rights of an attacked nation.
- 3) As a result, the great minds of the Church throughout the centuries have worked to determine the principles under which war may be waged justly. The just-war tradition is not an algebra that provides custom-made, clear-cut answers under all circumstances. Rather, it is a kind of ethical calculus, in which moral reasoning and rigorous empirical analysis are meant to work together, in order to provide guidance to public authorities on whom the responsibilities of decision-making fall. Just war thought in this area was separated into two general categories:
- a) Ad bellum — The criteria under which it is just to declare war (see point 6 below)
- b) In bello — The criteria governing just fighting during a war (see point 9 below)
- 4) It is possible that a government might justly declare war in order to defend itself, but it might choose means (during war) that would be unjust — like nuclear-bombing civilians. For a war to be just, it must be just on both scores.
- 5) The tradition of the Church condemns all wars of aggression. Pope Pius XII, in his 1944 Christmas message, stated explicitly the immorality of "wars of aggression as a legitimate solution of international disputes and as an instrument of national aspirations."
- 6) Meanwhile defensive war is morally justifiable when it meets the following strict criteria (CCC 2309). At one and the same time:

- a) the damage inflicted by the aggressor on the nation or community of nations must be lasting, grave, and certain;
 - b) all other means of putting an end to it must have been shown to be impractical or ineffective;
 - c) there must be serious prospects of success;
 - d) the use of arms must not produce evils and disorders graver than the evil to be eliminated. There must be a proportion between the likely good to be achieved and the damage that achieving that good will necessitate.
 - e) It must proceed from a just cause and a right intention (not vengeance, for example).
- 7) Who decides if these criteria are met?
- a) The government leaders

CCC 2309: The evaluation of these conditions for moral legitimacy belongs to the prudential judgment of those who have responsibility for the common good, in other words, the leaders of the government.
 - b) Because of the importance of getting this right, however, government leaders should listen to those who might not have such an immediate involvement in the situation to see if they are truly applying the criteria, having recourse, for example, to the Holy See.
- 8) When a war is just — and hence it would be an effort to secure a lasting, true peace — all citizens have an obligation to help out the society defend itself. The Catechism is explicit about this:
- CCC 2310** Public authorities, in this case, have the right and duty to impose on citizens the obligations necessary for national defense.
- a) Soldiers — Those who are sworn to serve their country in the armed forces are servants of the security and freedom of nations. If they carry out their duty honorably, they truly contribute to the common good of the nation and the maintenance of peace.
 - b) Pacifists by conscience — Public authorities should make equitable provision for those who for reasons of conscience refuse to bear arms; these are nonetheless obliged to serve the human community in some other way (CCC 2311).
- 9) Within war (in bello), the Church gives several criteria that need to be followed:
- a) Non-combatants, wounded soldiers, and prisoners must be respected and treated humanely (CCC 2313)
 - b) No excuse can justify crimes against people, like Genocide:

CCC 2313: Actions deliberately contrary to the law of nations and to its universal principles are crimes, as are the orders that command such actions. Blind obedience does not suffice to excuse those who carry them out. Thus the extermination of a people, nation, or ethnic minority must be condemned as a mortal sin. One is morally bound to resist orders that command genocide.
 - c) Indiscriminate acts of destruction are crimes against God and man:

CCC 2314 "Every act of war directed to the indiscriminate destruction of whole cities or vast areas with their inhabitants is a crime against God and man, which merits firm and unequivocal condemnation." A danger of modern warfare is that it provides the opportunity to those who possess modern scientific weapons especially atomic, biological, or chemical weapons - to commit such crimes.

- d) It must be proportional — no more force than necessary should be used to vindicate the just cause.
- 10) So in summary (and putting all of the criteria in one place), a war is just under the following conditions (a combination of the principles from St. Thomas Aquinas (1224-1274) and from Vittoria (1487-1546) and Suarez (1548-1617):
- a) It must be declared by the legitimate authority, which has the authority to defend the common good;
 - b) It must proceed from a just cause, namely that those who attacked in response should be attacked on account of some fault;
 - 1) a nation's rights must be unjustly violated, with the attack underway or imminent; in terms of the damage to an attack that has already taken place: the damage must be lasting, grave and certain.
 - 2) it must be a last resort — all other means have failed or will be useless; and
 - 3) the proportion between the evil effects of war and the good to be gained must favor the latter.
 - c) it must proceed from a right intention, the advancement of good, or the avoidance of evil.
 - 1) About this point, St. Thomas writes (II-II,40,1): It is necessary that the belligerents should have a rightful intention, so that they intend the advancement of good, or the avoidance of evil.
 - 2) Hence Augustine says: "True religion looks upon as peaceful those wars that are waged not for motives of aggrandizement, or cruelty, but with the object of securing peace, of punishing evil-doers, and of uplifting the good."
 - 3) For it may happen that the war is declared by the legitimate authority, and for a just cause, and yet be rendered unlawful through a wicked intention. Hence Augustine says (Contra Faust. xxii, 74): "The passion for inflicting harm, the cruel thirst for vengeance, an unpacific and relentless spirit, the fever of revolt, the lust of power, and such like things, all these are rightly condemned in war."
- 11) How is war reconcilable with love and peace?
- a) St. Thomas answers this very well (II-II,40,1,ad3):

Those who wage war justly aim at peace, and so they are not opposed to peace, except to the evil peace, which Our Lord "came not to send upon earth" (Mt. 10:34). Hence Augustine says: "We do not seek peace in order to be at war, but we go to war that we may have peace. Be peaceful, therefore, in warring, so that you may vanquish those whom you war against, and bring them to the prosperity of peace."
 - b) St. Thomas classified just war theory under the general category of charity, not justice.
- 12) There is a need for an update in just war theory to handle the new situation with the war on terrorism (From George Weigel column, "The imperative of Christian realism")
- a) The state is not the only significant "unit" in world politics. Non-state "actors" — like terrorist organizations — are crucial units-of-count in the world.
 - b) In confronting terrorism, "just cause" cannot be limited to repelling an "aggression already under way," but pre-emptive military action is not only morally justifiable but morally imperative. How

to articulate the moral case for pre-emption without turning the world into a free-fire zone is something much in need of discussion.

- c) Given the nature of terrorism, the contemporary tendency to think that the U.N. or some other transnational agency is the “legitimate authority” for sanctioning the use of armed force must also be revisited. If someone is making war on us, as the terror network surely is, we do not require the permission of others to defend ourselves or to take the war to the enemy in order to defeat him.
- d) Just-war thinkers are also going to have to reconsider what we mean by “last resort.” Terrorists, by definition, do not play by the rules, diplomatic or otherwise. It doesn’t make moral sense to argue that one must first attempt to negotiate with people who regard negotiation as weakness, who think of the “other” as vermin to be exterminated, and for whom acts of mass murder are deemed religiously praiseworthy.

