

THE CLERGY AND THE DRAFT

Peter J. Riga

ized." The W.C.C. committee recalled the various previous W.C.C. statements and reaffirmed almost unanimously that "the hardening of positions and continuing military escalation open an apparently endless vista of horror."

"The unconditional ending of the bombing would be a decisive step towards peace," wrote Archbishop Paul Gouyon, of Rennes, president of the French section of Pax Christi, in the October 1967 issue of the movement's magazine. "Christians cannot acquiesce in such methods," said Msgr. George Hüßler, director of German Catholic Aid. He had been in Hanoi on an aid mission some months earlier.

An extremely dramatic expression of world Catholic opinion emerged from the Congress of the Lay Apostolate, which assembled 3,000 delegates from all the world in Rome in mid-October 1967. A resolution on peace in Vietnam developed at the workshop on Peace and the World Community, failed for technical reasons (as did most of the resolutions which emerged from the eight workshops) to come to the floor. It was nevertheless clear to observers that it would have been overwhelmingly approved. "We demand in particular that an end be put to the war which is destroying the people of Vietnam and which is a major obstacle to development," it reads in part. "We condemn the bombing and massacres of civilian populations. We demand . . . negotiations for cease fire to be initiated immediately . . . for this purpose the bombing of North Vietnam be immediately stopped . . . a rapid withdrawal of all foreign troops. We appeal . . . to all Christians to personally engage in the reconstruction task of Vietnam . . . (and) to the people of the United States . . . to persuade the Government . . . to take the initiative."

Although European opinion makers have noted with approval the emergence of a growing number of opponents to U.S. official policy on Vietnam in the United States, as well as the appearance of a few churchmen to challenge the monolithic stand of the U.S. Roman Catholic institution behind the government, it is the common belief in Europe that the United States world leadership is ended because of Vietnam. The reason is twofold: the bankruptcy of intelligence shown by the policy itself; and the *herrenvolk* attitude of treating all allies as satellites and dismissing their objections with contempt. "Perhaps a Marshall Plan for South-East Asia, with no strings attached, would restore your tarnished image slightly, after you have openly admitted your tragic mistake and got the hell out," a seasoned observer commented to me. "The United States is big enough to be able to admit it was wrong. But, since President Kennedy's assassination, who is left with the statesmanship to cut strings?"

I suppose I should start this piece by clearly stating that I do not believe in the draft in any form. I happen to hold with Benedict XV that it is an abomination among free men. Yet, if we must have a draft, it must be as equitable as humanly possible. There must be no privileged groups in a truly democratic society; it is, therefore, unjust that seminarians and clergy be exempted from the draft.

Before going into the specifics of the argument, I take it as an accepted political as well as theological fact that the absolute pacifist must be exempted from active military duty as long as he is willing to make his contribution to his countrymen in another capacity. This principle was upheld by Vatican II (*Pastoral Constitution*, par. 79^o) and, as such, rejoins a pacifist tradition of the Church almost entirely forgotten for some sixteen hundred years. The document is ambiguous in that it leaves open "the case of those who for reasons of conscience refuse to bear arms" in any particular conflict. What if one is not an absolute pacifist but in conscience objects to a particular war as being immoral? It seems reasonable in reading the text to conclude that it covers this contingency as well. From the point of view of the individual, it seems very clear morally that not only should he refuse to take up arms (Martin Luther King) but that he has no real moral choice but to refuse to do so, no matter what the personal consequences for himself. This is a hard doctrine, and in this we may be certain that Freedom House will no longer walk with us. The hoary argument that the government knows more than the citizen and that somehow he must "trust" the public authority is as obscene as it is historically unfounded. Morally, no one can make decisions for a free man if he is to remain truly free. In the momentous decision that a man must make in regard to killing, this responsibility revolves directly upon him as a free agent, not on a church or a government. There is danger here, but the danger is intrinsic to the very notion of freedom.

The present draft exemption of the clergy contained in both Canon law and in various *concordats* concluded by the Holy See is the last vestigial trace of the pacifism of the early Church. For the first three

Father Riga is the author of two commentaries on papal encyclicals: *Peace on Earth* and *John XXIII and the City of Man*.

centuries the Church was pacifist in not only refusing active military service by her members, but actively excluding from her ranks any who even had the intention of doing so. The two Canons of Hippolytus in the middle of the third century are clear evidence of the presence of this stern discipline in the early Church.

After the edict of Milan, Constantine was able almost completely to win over the Church to the empire and its cause, that is, military service for Christians. But the Church never completely forgot her pacifist origins: her constant demand for clerical exemption from war through the centuries is eloquent testimony of this. But why should it be nefarious for the clergy to spill blood and not for the Christian—which is the most radical vocation of the two? There was no dilemma in the early Church since all Christians were conscious of their royal priesthood and it was the work of the Christian not to participate in the work of death but “to be called to arms in an army which spills no blood” (Clement of Alexandria). If there is a dilemma in the Church today, it is that the Church has mostly forgotten her peace mission among men to become allied with the nationalism of time and place. Peace and its prophetic witness by the Church is, then, not simply an adjunct to her ministry but rather its central core. To misunderstand this is to misunderstand the very nature of Christianity. Elimination of draft exemption for the clergy will force them to evaluate this vocation of the Christian, especially the priest who acts above all in the Church as the visible head of Christ. The peace mission will then confront them existentially—not just ephemerally—as is now possible under the present draft exemption. Those who would oppose war absolutely or relatively could easily apply and obtain Conscientious Objector status. Obviously, one of the most agonizing problems in the world today for the Christian is the question of war and peace. How can the priest experience this problem of his people unless he too is subject to what they are subject to in the factual experience of war and peace? The commitment of the priest to peace will then be freely accepted and freely lived, not the pious mouthing of a stringent nationalism so common among the clergy. Those who opt for serving in the army will at least have this to their credit: they shall have taken the logic of their position to its proper conclusion, fighting and killing in the cause of God’s justice alongside the many Christians whom they bless and encourage to do the fighting and killing.

The present exemption of the clergy poses some very serious constitutional and legal problems as well. I think that it could be profitably attacked as a form of union of church and state in a fully secular society.

By what right in a state that professes separation of church and state does that state constitutionally exempt a particular group for the precise reason that it is religious? This seems to be beyond the competence of the state’s authority to do in a fully secular (not secularistic) society where the only criteria for justice is that a person be a person and not a *religious* person. This is preferential treatment to a group because it is a *religious* group and is therefore unconstitutional. The only argument which could conceivably be offered is the clergy’s humanitarian and social contribution to society—which are the only criteria which the secular state can constitutionally judge. The priest’s “supernatural” contribution to society is, by definition, incapable of being judged by secular society and therefore cannot enter to plead special exemption from the state. Yet, other professions make as great a humanitarian contribution to society—psychologists, doctors, teachers—and yet they are all, *theoretically*, subject to the draft. Any classification of the clergy *within the draft* will have to be determined by the secular society exclusively on the basis of their social contribution to society.

It is impossible, it would seem, to impose a social and political order, in harmony with Christian faith and morals, upon a world which does not accept Christianity. On the other hand, the state and politics are secular, terrestrial, and lay realities which have as an end the temporal common good, not the attainment of a supernatural goal of man; the aim of political life, according to Vatican II, is the creation of a human social and political order which is able to safeguard and promote the dignity of the human person (pars. 75-77). It is impossible to fit into this secular view of political reality any special deference to any group which, of course, includes the clergy.

It might well be that in eliminating such secular exemption among the clergy, we shall have the beneficial result that the priesthood will have to be seen more and more as function (as in the early Church) rather than as a profession; that alongside his intimate experience of secular realities (marriage, political life, social commitment), he will exercise his ministry *among* those terrestrial realities instead of *to* those realities. This will begin the total restructuring of present day parochial life which is totally inadequate and largely irrelevant for the secular lives of most Christians. The elimination of draft status of the clergy will have much broader effects in the Church as the ministry begins truly to grapple with the incarnational mission of the Church and where the secular clergy will become, once again, secular and not monastic.

In all of this, however, we ought not to be sanguine

in our expectations. Opposition will come both from those Christians who have tended to identify Christianity and American nationalism and from a government which will not look with a great satisfaction on the prospect of its traditional moral support—the clergy—slowly opting for absolute or relative pacifism as citizens. When the clergy had no real choice, however, the government could rest content in a sort of passive support by the clergy; now with such active option on the part of the clergy, there is grave danger of erosion of this traditional moral support for policies of the American government. The removal of draft

exemptions for the clergy will not be a welcomed move in these traditional circles. As for the younger seminarians and clergy, their prayer ought to be from Isaiah (8:11-13):

For the Lord spoke thus to me with His strong hand upon me, and warned me not to walk in the way of this people, saying: 'Do not call treason all that this people call treason, and do not fear what they fear, nor be in dread. But the Lord of Hosts, Him you shall regard as holy; let Him be your fear, and let Him be your dread.'

National Defense: What Rights, What Limits?

Nuclear War, Deterrence and Morality, by William V. O'Brien, Newman Press. 120 pp. \$3.75.

by Theodore R. Weber

Historically the principle of non-combatant immunity imposed moral restrictions on attacking forces by granting noncombatants moral immunity from direct and intentional attack. In the nuclear age the same principle imposes moral restrictions also on the means and possibilities of defense against attack, because modern military technology exposes the population of the attacking or threatening nation either to direct retaliatory attack or to unavoidable inclusion in the targeting of military forces. The question now being faced is whether the application of the principle of non-combatant immunity to modern warfare does not eliminate the moral justifiability of adequate defense against a nuclear equipped power.

Theodore Weber is associate professor of social ethics at Candler School of Theology, Emory University.

Conclusions in the discussion of this question fall generally into two groups: (1) Nuclear weapons and their delivery systems by their very nature violate the principle of non-combatant immunity, because they are inherently unable to make adequate and relevant distinctions between military and non-military targets. Without the possibility of discriminating among targets to a significant degree, no nuclear defense strategy — and therefore no adequate defense against a nuclear power — is morally permissible. (2) Despite the comprehensive destructive effects of modern weapons systems it remains possible to make meaningful distinctions between "counter forces" and "counter cities" targeting. The threatened damage from even this limited employment of nuclear weapons is almost certainly unacceptable to the opponent. Therefore the limited nuclear strategy is both adequate for deterrence and morally supportable under the principle of non-combatant immunity. By-product civilian damage from counter-forces targeting is covered by the principle of double effect.

Now we have a third conclusion

in this tough and provocative little book by William V. O'Brien, Director of the Institute of World Polity of Georgetown University. The essential elements of O'Brien's position are as follows: first, a strategic nuclear deterrent is the presupposition not only of all existing defense policies with nuclear components, but also of any conceivable policy adequate to deter a nuclear-equipped aggressor. Therefore any attempt to place United States defense policy under the acceptance and limitation of moral justification must first justify this upper level deterrent. Second, the strategic nuclear deterrent stands directly and unavoidably in contradiction to the principle of non-combatant immunity, and the principle of double effect cannot bear the moral weight of anticipated civilian damage — particularly in view of the likelihood of escalating a low-level nuclear conflict. Third, an effective defense policy nevertheless can be sustained morally under the terms of the just war doctrine by discounting the absoluteness of the principle of non-combatant immunity and making the morality of the policy to rest on the proportionate mili-