

Important questions such as this—that is, ones centered on actions, virtues, and practices—do not regularly feature in the CRL debate. Yet such questions are vital for the improvement of rights-talk and for a general renewal of public moral discourse. David’s book lays the groundwork for significant advancement, offering an ontological shift to spark novel answers to an often-troubled debate.

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Preventing Unjust War: A Catholic Argument for Conscientious Objection

Roger Bergman

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Roger Bergman defends classic Catholic just war teaching with the unexpected argument that the tradition is strengthened by allowing soldiers to conscientiously object to participation in a specific conflict. Bergman argues that not only does “selective conscientious objection” protect the soldier from the ravages of moral injury but that it may also serve as an impediment to governments engaging in unjust wars. We recommend the book for scholars who are interested in Catholic just war thinking and moral questions regarding the conditions under which individuals should defy illegitimate demands made by political authorities.

Bergman argues against contemporary Catholic voices seeking to deny orthodox Christian teaching on just war in favor of partial or absolute pacifism. Bergman does not ground his argument in a wider theological underpinning to political order and just statecraft, as can be found in Catholic University of America professor Joseph Capizzi’s superb *Politics, Justice, and War: Christian Governance and the Ethics of Warfare*. Instead, Bergman takes a far narrower approach focused on a very personal and individualistic approach to conscientious objection illustrated by the tragic case of Franz Jägerstätter, a patriotic Austrian executed by the Nazis.

Jägerstätter, who once served as a town mayor, completed his compulsory military training in his native Austria. He was also an opponent of the *Anschluss*, who refused on multiple occasions to take the required oath to Hitler. Because he was a farmer, and thus was in an essential profession during the war, he was able to defer military service until 1943. Despite volunteering to serve as a medic or in some other capacity so that he would not participate in killing on behalf of Hitler and the Nazis, Jägerstätter was imprisoned and later guillotined.

Jägerstätter is an interesting case in many ways. He was not a pacifist in either of the two major Christian traditions, as (1) a professional cleric not wielding the sword but rather fighting spiritual warfare (i.e., Augustine’s Letter 189), or (2) representing the not-of-this-world spirit of the Radical Reformation’s Schleithem Confession (which forbade essentially all public service). Jägerstätter turned to religious authorities who, for a variety of reasons, told him to serve. Thus, he exemplifies the individual, pressured by the State

and without moral guidance from the Church, who nonetheless was of resolute conscience and thus took a stand against wrongful actions demanded by government authorities.

Following the case study of Jägerstätter, Bergman traces the evolution of Catholic conscientious objection from the fifth to the early twenty-first century, concluding that conscientious objection to unjust war “has gained official ecclesial acceptance” (48). Then Bergman steps back to help us understand different conceptions of how conscience is defined in the first place and then how conscience is formed. Bergman relies on the teachings of Aquinas who differentiated between *synderesis* (innate knowledge of basic moral principles) and *syneidesis* (making moral judgments on past actions). Bergman’s treatment of this topic is deeply important when one reflects on how the conscience of the rural, modestly educated Jägerstätter was formed in the first place. Jägerstätter stands in contrast to so many well-educated leaders who caved to the Nazis, and he is an interesting comparison to anti-Nazis of rich theological expertise (e.g., Niemöller, Bonhoeffer).

Bergman also discusses moral injury, which he defines as soul damage stemming from trauma experienced in combat, resulting specifically from the violation of one’s own intrinsic moral values—whether by action, omission, or witness. Several just war scholars have dealt with moral injury since the wars in Iraq and Afghanistan have turned attention to PTSD—survivor guilt, traumatic brain injury, and moral injury, the most important being Marc LiVecche’s 2021 book *The Good Kill: Just War and Moral Injury*. Bergman argues that selective conscientious objection may prevent moral injury, such as among soldiers who agreed with the war in Afghanistan (2001–) but thought the Iraq war (2003–) unjust. LiVecche takes a slightly different approach by differentiating “moral injury,” defined similarly to Bergman, from “moral bruising.” LiVecche does so to differentiate immoral (e.g., murder) from moral forms of killing, the latter including things such as preventing the death of a victim or child at the hands of a sadistic murderer or terrorist. Moral killing, which is necessary and a good for society (e.g., saving the innocent), nonetheless can bruise the soul of the warrior. LiVecche says that grief, rather than guilt, is the appropriate response. In past centuries, there were religious and cultural rituals for the sending of troops and receiving home of troops. At times Christians practiced ceremonies of absolution before battle, lest hatred or other sin creep into the heart during battle. Unfortunately, today we have few such religious rites or cultural practices when our troops deploy and return from battle.

Bergman and LiVecche agree that there are policy approaches to limit moral injury and Bergman’s argument, rooted in the wars of the past twenty years, is to allow for selective conscientious objection: to allow some warriors to remove themselves from wars that they see as unjust. Bergman goes even further in providing a proposal to limit war: establish an ecclesiastical international court, which would use just war criteria to determine the justice of states declaring and/or continuing war. Bergman concedes the fact that such a court would not likely wield binding authority and that it would be an uphill battle to establish such a tribunal of knowledgeable religious elites.

This is an interesting thought experiment, even if it is not realistic in today’s political environment. Following Bergman, what if theologians did not wash their hands of con-

flict, but instead seriously studied classic just war reasoning and public policy and then some of them were ready to offer thoughtful, rather than vapid, counsel? What if religious voices were among the most informed on the tragic conditions in failing states, and could provide nuanced suggestions to policy makers on the basis of what Jean Bethke Elshtain called the “equal regard” of all humans to survive and live? Christians would have an entirely different intellectual environment for thoughtfully considering these issues of Christian universities, seminaries, and churches helped form our citizens and parishioners on key questions of citizenship, order, and justice. A look at the required courses of such educational institutions and the sermon titles of today’s Catholic and evangelical pastors suggest that such is not the case.

Bergman concedes that his approach is really an attack on, or the demand for a modification to, the just war principle of right authority. For those following just war debates, Bergman is dealing with a foundational view of the classical just war position, since Augustine and Aquinas, which is that *legitimate political authorities* (government) may employ force on behalf of a *just cause* when acting with *right intention*. These criteria are then limited by provisions to distinguish between combatants and noncombatants (*discrimination* or *noncombatant immunity*) and only use as much force as necessary to meet battlefield objectives (*proportionality*). Observers are always aghast by so many German citizens following immoral orders to murder innocent Jews, Gypsies, and other noncombatants and the compliance of non-Germans (e.g., Italians, French, and Austrians) to collaborate. Bergman clearly has this historical literature and questions about whether or not to obey illegal commands in mind (command responsibility, individual responsibility). But Bergman is far less interested, for this study, in discussing whether or not military elites should or should not obey immoral commands. Instead, as the case of Jägerstätter illustrates, Bergman wants to draw our attention to citizens willing to serve in some wars, but not in others. He provides an up-to-date case of a soldier who was willing to defend the United States and participate in peacekeeping but who believed the war in Iraq (2003–) to be immoral, and thus wanted to avoid service there. By narrating other situations such as the Pentagon Papers imbroglio and Bergman’s own fear of the draft during the Vietnam era, Bergman demonstrates the importance of personal conscience in countering political authorities who may seek to deceive the public. However, we do not think he has said enough about democracy’s systemic checks on government authority when deciding to go to war, such as the free press, political opposition, civil society, religious actors, and the like.

In conclusion, Bergman does well to outline the need for a heightened role of personal conscience in war, and *Preventing Unjust War* presents selective conscientious objection as a solution—appropriate for a democracy, intended for a limitation in existing just war approaches.

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