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FRATELLI TUTTI AND THE JUST WAR THEORY: A NEW MOMENT FOR CATHOLIC TEACHING ON VIOLENCE

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Abstract

There has been an evolution of the Catholic Church's teaching on war and peace since the pontificate of Pius XII. In his social encyclical *Fratelli Tutti*, Pope Francis continues to advance this development of doctrine. He is in line with his predecessors who have claimed "Never again war!" but he moves even beyond that point. This article tracks some of the high points in the development in question, and examines Francis's own contribution to the development, especially through a single footnote in *Fratelli Tutti*, which moves the evolution further towards gospel nonviolence than any of his predecessors. Finally, the article concludes with the suggestion that the pope will soon promulgate a new encyclical which employs the just peace ethic in a formal way. Such a teaching will bring the magisterial position on war and peace into the twenty-first century in such a way that will make peace in this world more attainable.

Keywords: Fratelli Tutti; Gradualism; Just Peace Ethic; Pope Francis; War and Peace

It seems weird to say this about a document that was published only nine months ago, but in some very obvious ways, Fratelli Tutti

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was released at a different time in American history than the one we are currently experiencing. Let me provide only three examples, lest we have already forgotten. At the time the document was promulgated, our current president, Joe Biden, was merely a candidate for the office he now occupies; second, we were still three months away from the insurrection of January 6th at our nation's capitol; and third, the first COVID vaccine "jabs" had not yet been administered. Any single one of these issues, as you know, represents massive ground for discussing polarization in our country. Political candidates and vaccines come and go. But some polarizing issues have a considerably longer shelf-life, including those my talk will address today: war and the death penalty, or the topics addressed in paragraph numbers 255 through 270 of *Fratelli Tutti*.

In his 2015 pastoral visit to the United States, Pope Francis delivered one of the most historically memorable addresses of his pontificate to a joint session of Congress. During that Address, Francis named four great Americans: Abraham Lincoln, Martin Luther King, Jr., Dorothy Day, and Thomas Merton. He also offered us a blueprint to become great Americans ourselves.

It is true that many listeners to Francis's address on that day may have expected Francis to mention abortion as the preeminent moral evil of the time. They were not misled in waiting for such a proclamation because it has been the teaching of the United States Catholic bishops. That expectation notwithstanding, those expectant observers were left very disappointed. Instead of limiting his view only to the issue of abortion, Francis made clear that his priorities in the Address encompassed more than what the US bishops routinely emphasize. In the case of three of the great Americans, King, Day, and Merton, Pope Francis chose people who prominently opposed the use of violent force to defend self or country. In his section discussing King, Francis reminded those gathered that the Golden Rule calls for people at all stages of life to be protected. He continued,

This conviction has led me, from the beginning of my ministry, to advocate at different levels for the global abolition of the death penalty. I am convinced that this way is the best, since every life is sacred, every human person is endowed with an inalienable dignity, and society can only benefit from the rehabilitation of those convicted of crimes.

Less than three years later, Francis had amended the *Catechism of the Catholic Church* to note that the death penalty is now "inadmissible" in Church teaching. There is no circumstance under which the death penalty can now be justified.

How can we respond to Francis on the issues of war and the death penalty? I suggest turning first to Francis's 2020 social encyclical *Fratelli Tutti*, in which he discusses these issues in an explicit way. Francis describes war and the death penalty as "false answers that do not resolve the problems they are meant to solve and ultimately do no more than introduce new elements of destruction in the fabric of national and global society." But how did we get to this point? As almost anyone familiar with Catholic teaching on either war or the death penalty can attest, this stance from Francis represents a teaching that is altogether different from the traditional teaching of the Church on either one of these contentious issues. Nevertheless, Church historians have showed us over and again that such development of doctrine is a constant reality in the magisterium.

My first reaction to Francis's treatment of these issues was one of gratitude, especially because he takes seriously the call of Vatican II to "undertake an evaluation of war with an entirely new attitude."2 But what was most fascinating to me was a footnote that seems to open wide the door for a substantive reevaluation of the church's position on war. In this note, Francis writes, "Saint Augustine, who forged a concept of 'just war' that we no longer uphold in our own day..."3 Augustine's three main criteria for a just war were that, first, it must be for a just cause; you can't go to war because you don't like the uniforms of the opposing army. Second, war must be declared by a legitimate authority, like the emperor. Third, all conduct during war has to follow the rules. So, according to Augustine, all is actually not fair in love and war. For the first time in the 1700 years since Augustine set forth these principles for justified violence, the pope rejects them when he writes that "we no longer uphold" this concept of just war. Many will remember the controversy raised over a single footnote of Amoris Laetitia about the Eucharist for the divorced and remarried.4 I concur with theologians Todd Salzman and Michael Lawler that just as John XXIII's Pacem in Terris laid the foundation for a shift in the church's teaching on religious freedom in *Dignitatis* Humanae, so too does Francis lay the groundwork for a shift in sexual ethics in a future document due to the footnote in Amoris

¹Pope Francis, Fratelli Tutti, no. 255.

²Gaudium et Spes, no. 80.

³Pope Francis, Fratelli Tutti, no. 258, note 242. Emphasis is mine.

⁴See Pope Francis, *Amoris Laetitia* (19 March 2016), no. 305, n.351. Accessed online: https://www.vatican.va/content/dam/francesco/pdf/apost_exhortations/docume nts/papa-francesco_esortazione-ap_20160319_amoris-laetitia_en.pdf. This note, which opens the reception of communion for some divorced and remarried persons, was the subject of many debates in Catholic media.

Laetitia.⁵ In the same vein, what he writes in footnote 242 in *Fratelli Tutti* sets the stage for a future document, perhaps by Francis or his eventual successor, that might abrogate the just war theory entirely.

Clearly, such a teaching would be dramatic. But it also would be in keeping with recent papal teaching on war and peace. As recently as Pope Pius XII's 1956 Christmas Address, the official papal teaching on war and peace was that Catholics were obliged to participate in a war if the legitimate authority declared it justified. There was no such thing as conscientious objection or selective conscientious objection to war at this time.6 That point notwithstanding, Pius still developed the tradition on war and peace. As John Courtney Murray reminds us, Pius reduced the moral requirements for a just war simply to just defence of either one's own nation or another nation under attack.7 But after Pius's pontificate came a true revolution in magisterial teaching on war and peace. This is the very stream of development in the tradition that brings us today to the gospel nonviolence for which Pope Francis is arguing. Only nine years after Pius's proclamation that pacifism would not be tolerated for a Catholic, the Pastoral Constitution on the Church in the Modern World, Gaudium et Spes, brought about one of the foundational changes in twentieth-century Catholicism.

In remarking on the time from John XXIII's promulgation of *Pacem in Terris* through the pontificate of Pope Paul VI, J. Bryan Hehir notes, "Catholic teaching on war has been in a state of movement. The principal development has been the legitimization of a pacifist perspective as a method of evaluating modern warfare." In *Pacem in Terris*, John writes, "Therefore, in this age of ours, which prides itself on its atomic energy, it is contrary to reason that war is now a suitable way to restore rights which have been violated." Hehir correctly judges the magisterial teaching of this encyclical to be a "toleration of the use of force, not a moral endorsement... In spite of his devastating critique of war, John XXIII provided no explicit endorsement of a pacifist position." The Fathers of Vatican II take

⁵See Todd A. Salzman and Michael G. Lawler, *Introduction to Catholic Theological Ethics: Foundations and Applications*, Maryknoll, NY: Orbis Books, 2019, 335.

⁶See Judith A. Dwyer, "The Evolving Teaching on Peace within Roman Catholic Hierarchical Thought," in *Peace and Justice Studies* 3, 2 (1991) 91-82, at 73.

⁷See John Courtney Murray, We Hold These Truths: Catholic Reflections on the American Proposition, Lanham, MD: Rowman and Littlefield, 2005, 231-40.

⁸J. Bryan Hehir, "The Just-War Ethic and Catholic Theology: Dynamics of Change and Continuity" in *War or Peace?: The Search for New Answers*, ed. Thomas A. Shannon, Maryknoll, NY: Orbis Books, 1980, 19-20.

⁹Pope John XXIII, Pacem in Terris (1963), no. 127.

¹⁰Hehir, "The Just-War Ethic and Catholic Theology," 20.

this even a step further by reserving the harshest condemnation of the entire Council to these lines in Gaudium et Spes: "Any act of war aimed indiscriminately at the destruction of entire cities or of extensive areas along with their population is a crime against God and man himself. It merits unequivocal and unhesitating condemnation."11 Moreover, as Hehir notes, in Pacem in Terris, John does not praise pacifism or make room for Catholic pacifists in the face of war. So, even in 1963, the previous statement from Pius XII's 1956 Christmas Message remained in effect. Gaudium et Spes, however, turns the page on this regrettable time in Catholic magisterium on conscientious objection. The Fathers teach, "It seems right that laws make humane provisions for the case of those who for reasons of conscience refuse to bear arms, provided, however, that they accept some other form of service to the human community."12

So, from where does this change in the Catholic teaching on just war come? Ethicist James Turner Johnson believes that the aforementioned citation from Pacem in Terris actually set in motion a change in the current "trajectory of recent Catholic teaching on war, which seems to leave no doubt that the intent is to avoid all resort to force."13 Johnson does not believe the trajectory to be a welcome one. He concludes, "The idea that just-war tradition is rooted in a 'presumption against war' is clearly an innovation; the question is whether it is a justified innovation. I think not."14 For the record, Johnson's conclusion that the presumption against war foundational in just-war thinking is not universally held by scholars. One could easily disagree by pointing either to Augustine's own personal commitment to nonviolence by which he would not defend himself with violent force, or even to Thomas Aquinas's phrasing of his question on war, which asks: "Whether it is always sinful to wage war?"15 The way that Thomas phrases the question implies that is usually sinful to wage war (i.e., his question is less about "sinful" and more about "always"). Only if they meet the conditions for a just war is there an exception to the rule. Of course, there is a presumption against acts that are usually sinful, and war can be no different. For his part Paul VI continued the movement towards pacifism by praising

¹¹Vatican II, Gaudium et Spes, no. 80.

¹²Vatican II, Gaudium et Spes, no. 79.

¹³James Turner Johnson, "The Broken Tradition," The National Interest 45 (Fall 1996) 27-36, at 33.

¹⁴Johnson, "The Broken Tradition," 33.

¹⁵Thomas Aquinas, Summa Theologiae, Secunda Secundae, Question 40, Article 1; cited from The Ethics of War: Classic and Contemporary Readings, ed. Gregory M. Reichberg, Henrik Syse and Endre Begby, Malden: Blackwell, 2006, 176.

the methods of pacifist actors on a number of occasions, especially his 1965 *Address to the United Nations*. ¹⁶ In 1980, Hehir concludes, "The total content of recent Catholic teaching does not support a judgment that the Church has moved from a just-war ethic to a pacifist position." ¹⁷ A decade later, and some ways through the pontificate of John Paul II, Hehir isn't as certain. He describes John Paul as "a nuclear abolitionist. But his radical goal is joined with gradualist means." ¹⁸

In a 1992 essay, Hehir recognizes an even further shift in the papal teaching on war and peace through the words and public policy instruction of John Paul II, especially regarding the onset of the 1991 Gulf War. Even though John Paul declared that he was not a pacifist, his words belie such a statement. Hehir points to the climax of such opposition to justified conflict in a July 1991 editorial in Civilta Cattolica, which, even though not written by the pope, echo his line of thinking because of that journal's close editorial relationship to the Vatican Secretariat of State. The editorial argues, "The theoretical categories and moral judgments which applied to past wars no longer seem applicable to modern warfare." 19 Hehir's point about John Paul II's gradualism does prove true, because this editorial, which Hehir links to that pope's thinking on the issue of war and peace, is clearly echoed some thirty years later by Pope Francis. Unsurprisingly, Pope Benedict XVI continued advancing many of the themes of his predecessors, if not with the same frequency.²⁰

Francis's writing in *Fratelli Tutti* continues a trend that he has been employing both in his earlier social encyclical *Laudato si'* and in his annual messages for the World Day of Peace.²¹ Why do I interpret *Fratelli Tutti's* footnote 242 the way I do? I have already noted the gradualism at work, not only in John Paul II's moral approach to war

¹⁶ See https://www.vatican.va/content/paul-vi/en/speeches/1965/documents/hf_p-vi_spe_19651004_united-nations.html.

¹⁷Hehir, "The Just-War Ethic and Catholic Theology," 22.

¹⁸J. Bryan Hehir, "Catholic Teaching on War and Peace: The Decade 1979-1989" in *Moral Theology: Challenges for the Future*, ed. Charles E. Curran, New York/Mahwah, NJ: Paulist Press, 1990, 362.

¹⁹Cited in J. Bryan Hehir, "Just War Theory in a Post-Cold War World," *Journal of Religious Ethics* 20, 2 (1992) 237-57, at 251.

²⁰For a helpful summary of these statements, see Lisa Sowle Cahill, *Blessed are the Peacemakers: Pacifism, Just War, and Peacebuilding, Minneapolis: Fortress Press, 2019,* 317-8.

²¹For a summary of the first five years of Francis's pontificate on peace, see Thomas Massaro, SJ, *Mercy in Action: The Social Teachings of Pope Francis*, Lanham, MD: Rowman and Littlefield, 2018, 149-70; and Christian Nikolaus Braun, "Pope Francis on War and Peace" in *The Journal of Catholic Social Thought* 15, 1 (2018) 63-87.

and peace, but really the entirety of the papal magisterium since Pius XII. In Fratelli Tutti, Francis cites some of these predecessors to show his own continuity with them in paragraphs 256-62. He writes in language that very much echoes what we have already heard from John XXIII, Paul VI, and John Paul II: "We can no longer think of war as a solution, because its risks will probably always be greater than its supposed benefits. In view of this, it is very difficult nowadays to invoke the rational criteria elaborated in earlier centuries to speak of the possibility of a 'just war.' Never again war." 22 Here, though, Francis is clearly not leaving behind the just war theory as a concept. Footnote 242 appears immediately following this passage from the document. So, it is worth stating that Francis is at least drawing a distinction between what we once considered the just war theory and what the just war theory might look like today.

In this section of Fratelli Tutti, Francis cites paragraph no. 127 from Pacem in Terris, and laments the fact that John's prophetic voice was ignored by the world community: "The opportunities offered by the end of the Cold War were not, however, adequately seized due to a lack of a vision for the future and a shared consciousness of our common destiny."23 Up until this point in Francis's magisterium on war, he had never jettisoned the just war theory;²⁴ and he doesn't do that here either. What he is insistent about, however, is that the just war theory to which the Church has subscribed for so many centuries is no longer in play; it must be re-thought if it will continue to have any use whatsoever. This even applies to Francis's understanding of the use of force for humanitarian intervention, which Lisa Cahill calls "ambiguous." 25 So, what is Pope Francis's position on justified war? On one hand, it is not entirely clear. On another hand, it is obvious that he believes what has been held for so long is ready for revision. To be sure, he is even very cynical about what he calls "all sorts of allegedly humanitarian, defensive, or precautionary excuses" for going to war.26

What can we take away, then, from Francis on war? And, in what direction is he leading us? First of all, Francis is in strong continuity with his predecessors since John XXIII in moving Catholic teaching away from the traditional just war theory. Even as he cited John that war is irrational in today's day and age, Francis moves the point

²²Pope Francis, Fratelli Tutti, no. 258.

²³Pope Francis, Fratelli Tutti, no. 260.

²⁴See Braun, "Pope Francis on War and Peace," 74-8.

²⁵Cahill, Blessed Are the Peacemakers, 318.

²⁶Pope Francis, *Fratelli Tutti*, no. 258.

further with his footnote that explicitly says the Augustinian understanding of the just war is no longer upheld today. This is a major step forward in Catholic teaching on war and peace: No pope has made this bold claim before. But, this is gradualism, just as Pope John Paul II explains in Familiaris Consortio, and is cited by Pope Francis in Amoris Laetitia: the human being "knows, loves, and accomplishes moral good by different stages of growth."27 This works in social life, too. When we as a society understand over time how best to integrate God's law into our common life together, then it becomes clearer how best to apply important principles. As Francis claims in footnote 242, Augustinian principles no longer apply today. We also see how Francis's understanding of the law of gradualness has moved him beyond the magisterium of John Paul II with regard to nuclear deterrence. While John Paul did not view deterrence as morally good, he believed it could be transitionally adequate.²⁸ Francis has developed Church teaching in this regard, stating on two separate occasions that the mere possession of nuclear weapons is to be "condemned." 29 Regarding these paragraphs of the encyclical, however, I must offer a critique of this gradualism that Francis employs. I understand why he does it, and yet it leaves a concern about the direction of the church under his unknown successor. Will it be a man who is inspired by what is written in Amoris Laetitia or Fratelli Tutti? Or will he be a reactionary to the sentiments advanced in these texts? Because the United States is so polarized, and so devoted to abortion as a primary focal point at the exclusion of other life issues, such a statement by Pope Francis in *Fratelli Tutti* that we no longer uphold the Augustinian just war theory today will be mainly ignored in this country. Sadly, it has been largely ignored in the church too. It doesn't go far enough for pacifists, and it goes way too far for adherents to the just war theory, who couldn't possibly leave Augustine behind.

If my critique of the section is that Francis is being too cautious regarding the just war theory, the greatest source of hope we can

²⁷Pope John Paul II, *Familiaris Consortio* (22 November 1981), no. 123; Pope Francis, *Amoris Laetitia* (19 March 2016), no. 295.

²⁸See Hehir, "Catholic Teaching on War and Peace," 362-3.

²⁹See Pope Francis, "Address to the Participants in the International Symposium 'Prospects for a World Free of Nuclear Weapons and for Integral Disarmament'" (10 November 2017). Accessed online: https://www.vatican.va/content/francesco/en/speeches/2017/november/documents/papa-francesco_20171110_convegno-disarmointegrale.html; and Pope Francis, "Address at Hiroshima Peace Memorial" (24 November 2019). Accessed online: https://www.vatican.va/content/francesco/en/speeches/2019/november/documents/papa-francesco_20191124_messaggio-incontropace-hiroshima.html.

draw from the section has to do with his treatment of the death penalty.30 After Francis revised number 2267 of the Catechism of the Catholic Church in August 2018 to state unambiguously that "the death penalty is inadmissible" 31 we might have guessed that he would address it in a future social encyclical. That he does so in Fratelli Tutti ought to give all people reason to hope, even as his treatment of war could give us some reason for caution, or at least wishing for more on that front. Early in the encyclical, Francis writes, "There is a growing loss of the sense of history, which leads to even further breakup."32 For example, I am more convinced than ever that this lack of historical consciousness among many in the United States is one of the leading causes for the political division and polarization that we are experiencing, and which Francis laments. Many groups in the Catholic church in this country believe that Catholic teaching cannot change, or that the law of gradualness is pure fantasy, despite being firmly ingrained in the very words of magisterial teaching. This, then, means that many Catholics believe that practices like the death penalty ought to have a place in our society, in large part because of history rather than present understanding. However, as Elizabeth Johnson writes, "A tradition that cannot change cannot be preserved."33 The Church is most firmly preserving its sacred deposit of faith by outlawing the death penalty. By proclaiming the church's absolute opposition to the death penalty, Pope Francis is calling us all to hope for a day where the story of the Good Samaritan can become our story too.

The section on the death penalty in *Fratelli Tutti* represents exactly what we might hope ultimately happens in further papal iterations of the ecclesial approach to war and peace. Francis has brought a long, gradual period of development of doctrine to its natural fulfilment. He confronts the obvious scriptural difficulties with the concept of capital punishment, and also points to the historical figures in the Church who have registered their own discontent with the traditional teaching that had upheld the liceity of the death penalty in Catholic moral theology.³⁴ One of the most rational responses to Francis's movement in opposition to the death penalty has been some concern

³⁰See Daniel Cosacchi, "Ending the Death Penalty in the United States: One Step toward a Just Peace," in A Just Peace Ethic Primer: Building Sustainable Peace and Breaking Cycles of Violence, Washington, D.C.: Georgetown University Press, 2020, 125-40.

³¹He repeats this admonition in *Fratelli Tutti*, no. 263.

³²Pope Francis, Fratelli Tutti, no. 13.

³³Elizabeth A. Johnson, Quest for the Living God: Mapping Frontiers in the Theology of God, New York: Continuum, 2007, 23.

³⁴See Pope Francis, Fratelli Tutti, nos. 264-5.

for the safety of people and the flourishing of the common good. Francis reminds us, however, that "it is impossible to imagine that states today have no other means than capital punishment to protect the lives of other people from the unjust aggressor."³⁵ Moreover, in his magisterium, Francis even moves the law of gradualness along imprisonment, by reiterating his oft-repeated claim, "a life sentence is a secret death penalty."³⁶

So, if we apply the law of gradualness to Francis's revolutionary statements on war and peace, as well as the death penalty, where does that leave us moving forward in the twenty-first century, in a world that too often turns to violence and state-sponsored executions in misguided efforts to solve problems that have arisen in society? In what direction is the Catholic Church leaning on these grave moral questions of violence and nonviolence? The answer lies in the just peace ethic.³⁷ The just peace ethic means moving beyond a world focused on the differences between the just war theory and pacifism. In fact, the necessary prerequisite for the just peace ethic is precisely what Francis maintains in Fratelli Tutti footnote 242: we no longer uphold the Augustinian just war ethic that had been an important part of the Church's moral reflection. The just peace ethic, for its part, also does not simply pledge support for the historic pacifist argument that concisely states that all violence is without justification. It goes beyond that approach by presenting various norms and principles that have the potential to lead to a new way of dealing with the moral ambiguity that can arise in the real world.³⁸ Eli McCarthy provides a helpful distinction: Nonviolence "is not the same as pacifism understood as a rule against violence, in large part because it clearly challenges us to become better people and societies in engaging conflict." I conclude with one way in which the law of gradualness may employ this just peace virtue of nonviolent peace-making in future instalments of magisterial Catholic social teaching.

When Francis brought the gradualism of his three predecessors to its natural conclusion by declaring the inadmissibility of the death penalty, he did so first by changing the Catechism. At some point in the gradual movement toward a just peace ethic in the Catholic Church, revising the Catechism on war will be necessary, precisely

³⁵Pope Francis, Fratelli Tutti, no. 267.

³⁶Pope Francis, Fratelli Tutti, no. 268.

³⁷For a variety of approaches and applications, see McCarthy, ed. *A Just Peace Ethic Primer*.

³⁸See Lisa Sowle Cahill, "Catholic Tradition on Peace, War, and Just Peace," in *A Just Peace Ethic Primer*, 50.

because that text lists the very principles Francis claims we no longer uphold in our day. However, it seems that the most appropriate way to bring the long development of Church doctrine on war to its natural fulfilment will be first to issue a social encyclical on the matter. Fortunately, that document will be able to cite all of the papal statements since Pacem in Terris, which have led to the day in which the just war theory will not be the status quo of magisterial teaching on war and peace; moreover, the pope who writes that document will be able to engage in ressourcement, by reminding us of the first centuries of Christianity, when there was commitment to gospel nonviolence. If the Christmas Radio Address of Pius XII less than seventy years ago could identify the institutional Church as solidly in the corner of the world leader who declares a war, we can see how all of Pius's successors have flipped the script. We are at a stage now where, according to Lisa Cahill, "the Catholic magisterial tradition as a whole has evolved to a stance of restrictive just war theory."39 This may sound unrealistic, but as history has shown us, many other practices sponsored, endorsed, or explicitly carried out by the Church have also been part of a realistic point of view. Thankfully, the magisterial teaching developed and they have been relegated to the dustbins of church history. 40 This new encyclical, hopefully written in the remaining years of Francis's pontificate, would extend the thinking of the paragraphs of Fratelli Tutti in which he examines the history of the just war theory, and reevaluate the Church's relationship with state-sponsored violence, even when it is ostensibly meant for humanitarian intervention. It might praise various women and men committed to nonviolence-Catholic and not-who have given their lives to take an unpopular stance. It will encourage the Church on all levels—universal, national, local, and domestic—to practice the virtue of nonviolence in daily life. The encyclical could use the evolution away from the death penalty as a fine example of carrying out this shift to gospel nonviolence. Gradualism will make clear how we have learned from the past and are willing to accept God's grace in our common ecclesial life. Not only would such an encyclical letter bring about a church more focused on justice and peace, but it would also hasten the coming of God's Kingdom, the peace of which we can only meagrely approximate.

³⁹Cahill, Blessed are the Peacemakers, 318, n140.

⁴⁰See David Carroll Cochran, Catholic Realism and the Abolition of War, Maryknoll, NY: Orbis Books, 2014.