

The Significance of Franz Jägerstätter

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The recent beatification of the Austrian peasant farmer Franz Jägerstätter, who refused to take the unconditional oath of allegiance to Hitler and paid the price by being guillotined in Berlin in 1943, caused an undercurrent of controversy among those present. While some of the Americans at the celebration tended to the view that Jägerstätter was an absolute pacifist, perhaps in the mould of Dorothy Day and her circle (though of course Jägerstätter would never have heard of her), British participants tended to insist that Jägerstätter's true significance was that, albeit no absolute pacifist, he refused to take part in a manifestly unjust series of Nazi wars, and was condemned for that reason. (Formally he was condemned for undermining military morale).

The controversy is of great importance today, as we honour a true Austrian patriot and saint. For the point is that democratic governments can accommodate pacifism, as long as it remains a minority option. The Society of Friends, for example, is widely respected both in the USA and in Britain for its pacifist stance, and for its record of good works that follow from this. Quakerism is no threat to democratic government as long as it remains a relatively small dissident movement. Of course, if it became a majority movement of refusal to join the armed forces, Quakerism would create a major problem. But today there is no great difficulty in tolerating it as a minority option within the larger body of consent to the use of military force. This is why in most democratic states today conscientious objection to military service is indeed a legal right – up to a point. (In 1914–18 things were very different and conscientious objectors got an exceedingly raw deal).

On the other hand, refusal by individuals to take part in a particular war which they think is unjust presents any government with a much more difficult predicament. It is all very well for Christian theorists, underplaying the complex history of the issue, to list some familiar and well-established criteria by which a war may be judged by a government to be just (inevitably acting, *pace* the UN, as judge and jury in its own cause), as Sir Michael Quinlan and Sir Charles Guthrie have recently done in their little book *Just War* (Bloomsbury, 2007) reviewed by Sir David Goodall in *The Tablet* (October 27th 2007).

But, as David Goodall points out, the question arises: how, and by whom, is the judgement to be made? What about the individual who disagrees with his government on the issue? That was the problem facing Jägerstätter, for which he paid with his life. And in the light of his beatification it is hard not to conclude (although he never said this himself) that he was right and that the majority of Austrians, including most of those whose views he sought, were to that extent wrong. No wonder that many Austrians who took a different view are upset by the beatification of a conscientious objector. The Jägerstätter case demonstrates that objection to particular wars is a far more significant issue than blanket pacifism.

Jägerstätter's stance was close to that of St. Augustine, though I doubt if he had ever studied the latter at all closely. As Stan Windass pointed out a long time ago, in his too-little noticed book *Christianity Versus Violence* (Sheed and Ward, 1964), Augustine's writings on war and justice contain an unresolved tension; for he denied that the Christian as an individual had any right to defend himself by force. To do so would be to put excessive value on unworthy things, such as material or worldly goods, or even life itself. *At this level*, Augustine maintained, love of enemies, expressed in non-violence, is the only true gospel teaching, so that martyrdom is preferable to killing the person who is attacking you.

Augustine's teaching, like that of the gospels, rests upon the sacredness of any human life, however imperfect, because we are made in the image of God. But later 'just war' teaching, doubtless because of the intervening horrors of the 'christian' crusades against Islam, and other mediaeval wars, which the Church had to recognise as uncomfortable facts, demanded a drastic watering down of the gospel. Aquinas and his neo-scholastic successors achieved this, despite continuing to accept Augustine's interpretation of the gospel, by arguing (on 'double effect' principles) that it was licit to kill your attacker as long as all you intended to do was to preserve your own life and *not* intentionally kill the attacker. But this concession was unrealistic. If you are being lethally attacked, whether in a crime or in a war, then the chances are that you will preserve yourself precisely by intentionally killing your attacker. The current controversy over the death of de Menezes is a good example. Clearly the police shot him *intentionally* - in order to protect the public good. Nobody suggests that the police's intention was *only* to protect the public good and that they had no intention of killing the victim. Their justification of the killing (if any) is that it was 'necessary', albeit intentional; not that the killing itself was unintended and only 'incidental' to the protection of the public.

This example shows the unreality of Aquinas's attempt to justify killing the innocent, despite the gospel teachings, by appealing to 'double effect'. This unreality has infected much 'just war' thinking

(as Stan Windass himself argued, following in the footsteps of the late Elizabeth Anscombe's ground-breaking essay on *War and Murder*) by putting the gospels 'in brackets'. Although in 1964 Stan Windass thought that the 'double effect' loophole had had no effect on what actually happened, and was soon ignored by politicians and the military, today it has reared its head again in the context of nuclear deterrence theory. For those who want to maintain nuclear deterrence while accepting the wickedness of intentionally killing the innocent, double effect comes in useful, but only as a purely theoretical manoeuvre. Thus it may be argued that it is possible to mount a deterrent which is effective, without the deterrer being willing intentionally to kill the innocent, by selecting only 'combatant' targets. Apart from the insuperable difficulty of distinguishing combatant from non-combatant targets in modern conditions, the problem with this thesis, as John Finnis and colleagues pointed out in *Nuclear Deterrence: Morality and Realism* (OUP, 1987 p. 92), is that the true index of the deterrer's intentions is not his choice of targets, but of what he wants the enemy to fear. And about this Michael Portillo, as a former Secretary of State for Defence, pointed out in *The Sunday Times* (19th June 2005) that the intention of the deterrer is 'the obliteration of his foes'. Such indiscriminate destruction of innocent and non-innocent alike obviously involves the intentional killing of those whom Augustine thought inviolate. Hence to say that such a strategy is in line with 'the spirit of the just war tradition' (Quinlan, *Thinking About Nuclear Weapons*, p. 84) simply bypasses a crucial part of that tradition (not to mention the teaching of the gospels), namely that it forbids people from defending themselves by intentionally killing the innocent. In so far as deterrence entails being willing intentionally to do this, it is clearly *not* keeping to the spirit of the just war tradition, unless we accept that this tradition has already repudiated what Augustine and the gospels enjoined. Aquinas's double-effect distinction shows itself up *at this point* as a key concession, within the tradition, to what is often thought of as 'realism' but is no more than strategic 'necessity'. (Of course, the principle of double effect is not in itself fallacious. It is merely that it is unrealistic to use in to justify killing the innocent in war).

Now making this concession was something that Jägerstätter refused to do. Although he had earlier allowed himself to be conscripted into the armed forces (though he was later released because farm work was regarded as the greater priority) his subsequent intensive study of the ethics of the New Testament, of the lives of the saints and other pre-Vatican II spiritual writings (a study he shared with his wife, who is still alive at the age of ninety-three) eventually led him to exactly St. Augustine's rejection of violence for the purpose of defending himself or his personal goods. Despite the exhortations of his family, his bishop, and most of his fellow villagers, Jägerstätter

clearly regarded the worldly goods that he enjoyed, including even his children and their rights, as less important than the imperative not to take any part in the wicked Nazi project. For Jägerstätter, to take the military oath would be nothing other than collaboration with evil, since it would require of him an affirmation of loyalty to the Führer that he rejected with all his soul. Such a lie was something he would not tell even to protect himself and his loved ones. This is why today he is accepted as a genuine martyr. It is also why he is still a source of controversy, particularly among the older generation of Austrians, who regard him as a threat to their own quite different responses to the Nazi project and its demands on their allegiance.

Jägerstätter remains a thorn in the side of just war theory precisely because he was *not* a pacifist, but somebody who took the requirements of justice in a particular war absolutely seriously, in the light of the gospels, and drew his own conclusions in defiance of the prevailing orthodoxy. His beatification is a tardy recognition that what he did was right, even at the price of his own death. This is what makes him a saint and a martyr for today and tomorrow.

But I think another problem also confronts us. Jägerstätter's personal certainties undoubtedly stemmed from his devotion to the style of Catholicism which surrounded him in the conservative Austria of the early twentieth century, but which the Second Vatican Council has largely replaced with something more relaxed (if also theologically more wholesome). By the time of his death Jägerstätter had overcome any fear of mere men. Indeed his courage in this respect led the prison chaplain in Berlin to aver that Jägerstätter was the only genuine saint he had ever met. But this conquest of worldly fear came out of a greater terror: that of eternal hell-fire. Indeed, his opposition to Hitler began from a nightmare he experienced about a train that was taking people to hell. To put it bluntly, Jägerstätter's sanctity was built upon the belief that the terrors of hell could befall anybody who put the values of this world before those of the gospel. How far in this post-Vatican II Church do people still see things in these terms? I notice that in Australia, by 1988 only 54% of Catholics believed in hell. Would Jägerstätter have been able to see things as clearly as he did if he had been brought up in today's post-modern post-Vatican II world?

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