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A Constructive Culture of Conflict

A peace-ethical position paper
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Introduction

Conflict and war seem to be ubiquitous in our world. You only need to take a look at the daily newspaper to get this impression. But conflicts are not only characteristic of major world events; they are part of our everyday reality. Conflicts cast a dark shadow that has constantly accompanied the life of mankind from its beginnings, in close social relations as well as in those between peoples and countries. This probably explains our fascination with images of paradise and utopian states: They speak to our longing for a world that has been rid of conflict, a world that is full of peace. We have a strong feeling that peace and conflict are irreconcilable, as if there could be no conflict for the sake of peace.

It is difficult to break away from this negative assessment and to take an unbiased view of reality. The devaluation of conflict also has a long tradition in philosophical and theological thinking, and even the social sciences needed quite some time to approach the phenomenon of conflict in an unprejudiced way. Thinking and science nonetheless begin by drawing comparisons and making distinctions. They commence by establishing that conflicts are not asocial, but that they constitute a particular type of social relationship. Only social beings can come into conflict with one another. This also means that conflicts are essentially linked to the respective cultural interpretation of the social situation. We moreover find that only one side perceives them as conflictive, or that the very existence of any conflict is denied.

Defining “conflict”

Conflicts occur when the interests or values of individuals, or those within groups, organisations or states, clash (*confligere*). Conflicts raise the question of who will prevail over whom. There are a multitude of different types of conflict, and these are characterised by the nature of the relationship within which they occur, as well as by their causes. There are conflicts in relationships, conflicts rising out of irreconcilable needs, trade conflicts rising out of irreconcilable economic interests, or political conflicts stemming from irreconcilable political ideas on the part of the conflict parties. Conflicts become particularly explosive when more than just individual issues are in dispute, but also the framework within which the individual issues arise. One might refer to this form of conflict as conflicts of world view, conflicts of conviction, or conflicts of identity. The various types of conflict also differ in terms of the way in which they can be resolved. Conflicts of conviction and identity, for example, can hardly be solved by compromise or redistribution. They call for a special form of tolerance.

The positive role played by conflicts

If one takes a closer look, the bad reputation that conflicts have is based on a fallacy: It is not the conflicts as such that create discord and destroy social ties. In fact it is the form in which conflicts are often waged that has harmful consequences. The ubiquity of conflicts should not therefore lead one to conclude that they must be avoided at all times and at all costs. That would be neither realistic nor good. History teaches us that the will to create a society free of conflict has repeatedly led to oppression and totalitarian rule, both in the State and in the Church.

In reality, conflicts have an indispensable positive social function without which human life – both individual and social – cannot flourish. Constructively-waged conflicts maintain personal and institutional relationships, for example in associations or political parties, and help them move forward. The decisive factor is therefore not the existence of conflicts, but the manner in which they are engaged in. It is therefore important to put all our creativity, our capacity for critical thinking, as well as the resources of the political arena and civil society, at the service of making conflicts constructive and limiting their destructive potential as far as possible. Accordingly, the guiding principle of a policy that is orientated towards peace should not aim to bring about coexistence that is entirely free of conflict. Instead, the focus should be on learning how to deal with conflicts in a solution-orientated, tolerant manner, i.e. to make use of the constructive, positive potential of conflicts.

There are basically many ways to “civilise” conflicts in this way, and these are primarily characterised by containing violence or even agreeing not to end the conflict by violent means. The use of violence usually follows its own rationality. If violence is used to resolve a conflict, then the intention is frequently to prevent even worse things from happening or to keep open a “window of opportunity”. Above all, however, the use of violence is frequently justified by the expectation of achieving a quicker solution than by non-violent or less violent conflict behaviour. But even when this is true, the use of violence easily provokes new conflicts, and moreover it often proves to be extremely costly.

Civilised behaviour, constructive argument

It is therefore worth looking for alternative conflict resolution methods. Civilised behaviour is central in this regard: It means arguing constructively, negotiating fairly, and struggling together to find a long-term solution. Conflicts are settled constructively when a fair balance of interests and a compromise is found that is accepted by all sides, or a new solution is discovered that had not yet been considered. It is advisable at times to have the conflict mediated by a third party that is not involved in it. It is fundamentally helpful to take up the position

of the other conflict party on a trial basis, or to look at the conflict from a distance. Discussion and consultation form the basis for this. Such an approach is the main task of diplomacy in relations between countries. Successful negotiations require experience, knowledge and often ingenuity and courage. Ultimately, their most important prerequisite is the goodwill of the parties to the conflict to face up to the conflict and to strive to achieve a solution whilst maintaining mutual respect.

The breathtaking and often confusing complexity of the modern world has considerably increased its potential for conflict when compared to earlier societies. The social repercussions of violent conflicts have also increased enormously. The last two World Wars have made this alarmingly clear. But trade wars as well as religious or ethnic conflicts can also endanger states and plunge peoples into ruin. When conflicts come to a head, the demands placed on conflict resolution skills in the political arena and in social spheres, not least in the military, increase. Political and military conflicts usually have a moral dimension, and can easily impact right into the hearts of the people and societies involved and affected. They become particularly vexatious for those involved when they take the form of conflicts of conscience.

The military dimension of international conflicts

German soldiers¹ deployed abroad generally operate in a different cultural and religious environment, one that is usually marked by a high degree of violence. Confronted with confusing, unfamiliar situations, they experience alienation and insecurity, and not least fear. Despite this, they often have to make quick, risky decisions. They also wonder whether their deployment is really worthwhile, whether their country supports them sufficiently, and whether their families will be able to stand up to the strain. They face the possibility of being wounded or even killed. They contemplate whether Germany is really being defended in the Hindu Kush, or what else is to be defended there. Last but not least, they are concerned with the question of whether their deployment will actually make a real difference when it comes to bringing peace to Afghanistan or Mali, or whether it will ultimately make matters worse. Soldiers who are deployed abroad need reliable spaces and partners in order to be able to raise and discuss possible mistakes in the mission, doubts about the orders that they receive from their superiors and their public-service employers, as well as the comprehensive political and military mission. After all, conflicts cause doubt or even despair, which initially stimulates a desire for a quick fix. It takes inner strength on the part of all persons acting in this context to resist this pull.

¹ Translator's note: 'Soldiers' refers to both male and female members of the armed forces.

Ethical principles as a prerequisite for peaceful conflict resolution

Conflicts can hold a tremendous potential, both positive and negative, because they awaken creativity and innovative potential. The goal of asserting oneself in conflicts should not be viewed negatively as a matter of principle. What is decisive is that a conflict is carried out without malice or indeed hatred, and that the conflict does not involve any intolerable injustices or violence. The ability to manage conflicts constructively depends on a large number of preconditions: What matters here is the ability not to fall foul of passivity and lethargy in the face of resistance, but to overcome them with vigour. On the other hand, those forces in human beings are called on which lead to empathy, caring and responsibility for others. Only when both tendencies develop and mutually determine one another within the human being can conflict develop its progressive power, without being destructive. In addition, there are abilities that have to do with the context in which the conflict takes place. Finding peaceful solutions means for all parties involved to be guided by ethical principles, as well as by mechanisms that make constructive conflict resolution possible. This requires an ethos that lends concrete expression to these principles and expresses them in morally-binding attitudes.

In the case of the military, it is therefore important to consolidate, and if necessary re-establish, a well-understood military ethic and to form personalities that are capable of dealing responsibly with the conflicts that arise during a military career. This peace-ethical position paper is intended to contribute to this. It approaches the topic in several stages: First, it outlines the significance of specific conflicts in contemporary international politics. In order to avoid possibly falling victim to fatalism, and in an effort to learn from the theological and philosophical tradition, the second step is to take a look at how such traditions deal with conflicts. We look at approaches to a constructive conflict culture and its political institutionalisation in the third step. Finally, we will show how soldiers can be part of such a constructive conflict culture. These considerations represent an invitation to participate in this task in a comprehensive societal debate.

1. Increased conflictiveness as a characteristic of today's world

The world has become more peaceful in many ways since the end of the Cold War. On the other hand, it is characterised by an enormous breadth of violent conflicts, many of which are interrelated. It is immediately clear how illusionary the idea of a world free of conflict is. Rather, it is important to strengthen existing approaches towards constructive, non-violent conflict management and to develop new ones.

After the Cold War came to an end in 1989/90, the USA held a hegemonic position worldwide for more than a decade, and the capitalist economic order took up an undisputed place at the head of the economic systems. The system of the United Nations, the only global peace system, was initially given greater latitude, as were political and peace culture(s) worldwide. However, the end of the Cold War did not put an end to the nuclear threat. The growing number of nuclear weapons of mass destruction and the expanding opportunities for obtaining materials for their production have gradually sharpened the awareness of the threat to humanity since the 1960s, as well as of the fact that a lasting peace can hardly be secured by mutual nuclear deterrence.

This threat has nonetheless led to the development of an awareness of social cohesion across national borders. This is accompanied by the demand for a global domestic policy. In the face of global conflicts such as the environmental and climate crisis, the scarcity of raw materials and energy, as well as the global financial crisis, the approach of understanding these as common political problems of humanity, and addressing them institutionally, is receiving irrefutable confirmation. These global crises thus promote a (differently developed) consciousness of belonging together in the One World. At the same time, however, the complex conflict structures that make up these global crises are not recognised and valued in equal measure. And finally, we must also focus on our options for action to defuse conflicts.

1.1. One World?

Conflicts and contradictions which lead to global crises are interacting with the deepening processes of globalisation. The progress of economic globalisation influences all areas of human life: science and technology, international law and politics (the UN), health and culture. Globalisation has shaped the world's currently highly-tense condition, with very different consequences for the different regions of our world. Deeply rooted in the contemporary European debate on our globalised world is the position that we are dealing with an essentially uniform world, albeit one that has developed in different ways: Its global peace constitution is said to owe its existence to the continuous development of the success story of rich, internally-pacified (Western) societies. Empirical data, on the other hand, show a picture of a radical-

ly fractured world, fragmented into four sub-worlds and marked by violence, according to the peace researcher Dieter Senghaas:

1.2. Four worlds, not one

World I is experiencing relatively unproblematic globalisation, which enriches it economically, socially and culturally. *World II* is experiencing globalisation that is actually giving some countries upward mobility within the hierarchy of the international division of tasks. *World III* is experiencing globalisation that is significantly exacerbating an existing development crisis which in most cases is politically virulent, and which moreover often provokes cultural struggles motivated by order and power politics. Finally, *World IV* is experiencing globalisation that is causing the chronic problem areas of the world, which are characterised by the disintegration of states and by violence, to fall further and further behind in political, socio-economic and cultural terms.

Talk of the “One World” thus obviously clouds the contradictory and ethically highly unsavoury state in which the world finds itself, if it is meant as a description of a state and is stripped of its normative-teleological claim. As a political-ethical claim, however, talk of “One World” is an indispensable objection to the violent nature of our time. Always and everywhere, the problems of political stability and pacification are connected today with successful or contested “catch-up” development. To put it another way, today’s classic security dilemma is shaped in its entirety by the respective development problem, the development dilemma in which the others are defeated in competition or are left behind.

True, positive changes cannot be ruled out in *Worlds III* and *IV* either, but these require intensive work on the dependences and conflicting interests, both internally and in the geographical settings of the countries in question. Such changes for the better depend on the will of these countries and regions to follow the “paths out of poverty”. That said, they also depend on the willingness of the dominant part of the international community to relieve the emerging societies, at least selectively and temporarily, of the pressure of competing on the world market. This means engaging in conflict work with a long-term perspective.

Life is more relaxed at the very top in *World I*, where, for more than half a century, the OECD countries as a whole have been a zone of stable peace hosting roughly one-eighth of humanity. *World I* can at least serve as proof to the rest of the world that relative peace is attainable. The OECD states owe their peaceableness both among themselves and internally to a policy which, according to Dieter Senghaas, is based on six pillars: a monopoly on the use of force, the rule of law, mutual dependence and self-control, political participation, distributive justice, and a culture of constructive conflict management.

1.3. A global economic model?

There is no avoiding mixing water in the wine of peace! The economic model of the OECD countries and the lifestyles associated with it cannot be a global model, not least for ecological reasons. What is more, it is above all the economically and politically dominant states that have seen to it that the inequalities between and within societies have grown in recent decades. Then, however, it must be asked whether and to what extent the liberal-democratic-capitalist development project is actually to be recommended, or in fact rather questioned, as Pope Francis also did in his encyclical *Laudato Si'*. It must at least be critically evaluated with regard to its unjust development characteristics and destructive socio-cultural potential. And more space must be opened up to alternative options of solidarity, subsidiarity and a peaceful, balanced settlement of conflicts.

The repeated failure of development processes can be attributed at least in part to the fact that the less well developed countries are often poorly governed. A not insignificant part of the responsibility however lies on the side of the winners in the exchange, mostly *Worlds I* and *II*: It is not only the inequitable international trading conditions that block development and cement poverty. It is above all the conditions for economic exchange and the economic consequences that further enhance the stronger, more developed side (e.g. as a challenge, providing an impetus to research, professionalisation), but further weaken the weaker, underdeveloped side (e.g. through routinisation, loss of resources, deskilling). Accordingly, only a decisive counteraction is likely to improve the growth and development opportunities of *Worlds III* and *IV* in a lasting and comprehensive manner.

Given the real power structures pertaining in the world, many people question the role of *World I* as a model. The ethical call for a fairer and more peaceful world does not cease to apply just because the real-world power structures stand in the way! In order for the tools to be effective that might improve living conditions in *Worlds III* and *IV*, the conflicts – their players and the core of the conflict – must be identified more precisely: common, contradictory and non-negotiable interests, as well as possible ways of reconciling them. Finally, the institutional frameworks in which the players pursue their interests (e.g. UN agencies, world conferences, Sustainable Development Goals) must be examined, evaluated and, if necessary, changed.

1.4. Changed forms of war

It makes sense to relate the huge changes that have taken place over the last two decades in the forms of warfare, in strategies and in military equipment, to the abovementioned problem situations, but without including an explanation in all instances.

The transformation of Western armed forces from defensive armies to globally-active operational armies is aimed at securing trade routes, satisfying the energy and resource needs of capitalist economies, and maintaining acquired access and entry rights by the powers from *Worlds I, II* and possibly *III* (the BRICS states: Brazil, Russia, India, China and South Africa) that are capable of doing so. The term *New Wars* is often used in this context. However, it looks as if this creates more ambiguity than insight.

The “*new*” or “*asymmetric wars*” are characterised by the privatisation of violence, brutalisation of warfare and economisation of the goals of war. They refer to failed development processes, to the stylisation of economic (distribution) conflicts into identity conflicts, to the profitable struggle for territorial power and natural resources, and finally to survival requirements in weakly-developed, disintegrating societies. Often, however, “asymmetry” also seems to refer to the irregular, normless and uncontrollable nature of the *New Wars*. As wars waged by warlords and security contractors, and by secessionists against weak governments, they can be regarded not as asymmetrical, but rather as symmetrical.

By contrast, the *humanitarian interventions* of the last two decades, most of which are covered by a UN mandate, are asymmetrical: violent disciplining of regimes which violate human rights en masse, carried out by coalitions of states with considerable military superiority. The legal titles that have led to these interventions have often been called into question, firstly because they play off the sovereignty of states against the protection of human rights, and secondly because politically and militarily powerful states need not fear such interventions. Moreover, the implementation of “humanitarian” interventions has often proven to be ethically highly problematic when the humanitarian objective was counterbalanced against inhumane enforcement. This provides an understanding of the great political and moral expectations with regard to the emerging standard of the *Responsibility to Protect* that is inherent in the UN system.

The question also arises as to whether the classification of international and transnational terrorism as a *New War* is really helpful, or whether it does not create further ambiguities. There is no military basis for establishment in the “primal scene of September 11”. Arbitrary, irregular terrorist acts regularly also undermine a mutual military exchange of violence, and thus do not belong to the category of “war”. In any case, it is not sufficient to merely focus on the military struggle against international terrorism. It evokes political as well as legal and ethical concerns, or even rejection, such as the fight against terrorism as the *Global War on Terror*. It aims to eliminate terrorists, and not terrorism and its causes: lack of prospects, authoritarianism, repression and cultural humiliation. There are also concerns and rejection because this fight for its part too often does not shy away from terrorist measures: torture, consciously accepting the killing and endangering of innocent bystanders.

The classic war between nations has taken a back seat to the developments described. However, in view of continuing conflict constellations such as those between Russia and Ukraine, India and Pakistan, or Iran and Israel, it seems to be less realistic to consider it an outdated form of war. New military tools such as the use of autonomous weapon systems, combat drones and cyber weapons in current conflicts undermine the civil, constructive way in which conflicts are fought, and additionally dynamise the classic military way in which conflicts are fought. In this way, they dramatically expand the political and ethical challenges. Reference has already been made to the persistence and complicated nature of the nuclear threat situation after the end of the Cold War. With Pope Francis having morally condemned the possession of nuclear weapons, the *International Campaign against Nuclear Weapons* (ICAN) having been awarded the Nobel Peace Prize, and 122 Member States of the United Nations having reached agreement under international law on total nuclear disarmament, efforts to address the nuclear conflict syndrome appear to have received a boost in 2017. Without being able to adequately pursue this matter here, only two things need to be remembered: The *Non-Proliferation Treaty* (NPT) has been in force since 1979, and obliges states without nuclear weapons to continue not to possess them, and nuclear weapon owners to eliminate them completely. This development will however probably only take place if definitive nuclear disarmament is accompanied by the creation of global security structures. These new security structures must ensure that no state comes to regard the renunciation of nuclear weapons systems as a threat to its existence, and that no one has to fear that the nuclear apocalypse will be replaced by the horror of “conventional” wars involving comparable numbers of victims.

After this journey through some examples of the conflictive nature of our age, it may at the same time surprise and delight us to learn that the number of wars and violent conflicts has decreased markedly since 1990. However, these are anything but stable trends, as is shown by the increasing number of armed conflicts since 2012, the inflationary developments in the statistics on victims of terrorism, or the steep rise in the number of refugees and displaced persons. After taking a look at today’s conflict- and violence-ridden world, the observations below will deal more fundamentally with the phenomenon of conflict.

2. The constructive potential of conflict

What are we to make of the fact that our world is characterised by conflicts that have the potential to erupt into wars, violence and destruction on an immense scale? The position adopted here is that the idea that these conflicts can be finally resolved, that a harmonious world free of conflict is feasible, is a dangerous utopia. Moreover, a completely harmonious world that is free of conflict is also not in any way desirable. A more realistic and humane model of the world is one that has learned to deal with its conflicts in a constructive manner. Do these considerations now represent a rupture with the peaceful concepts of the New Testament or with the Western traditions of thinking? Hardly, since we can already find a synthesis of conflict and peace in the origins of Greek democratic thinking.

2.1 The birth of politics from the spirit of the constructive waging of conflicts

Ancient man, too, was confronted with contrasts, opposing interests, conflicts, violence, struggle and strife. Conflict and antagonism cannot be eliminated from the world of human life. But the chaos and disorder in many areas of human life, are opposed to a (putative) order of the cosmos. It is from this good, self-contained, pacified order of the cosmos that the challenge of interpersonal and intra-societal conflict is also considered. The Greeks expanded on the experience of disorder in two respects: First, conflict must not be allowed to destroy the overall common good, and second, conflict and antagonism itself must be made effective in the interest of order.

The potential of conflict to create order was recognised in Athens in the 6th and 5th Centuries B.C. The citizens of Athens adopted a constitution (*politeia*) which subjected the process for carrying out unavoidable conflicts to rules. The Greek city-state, the *polis*, is thus the place where conflicts were to be fought out among basically equal parties, according to rules that achieve a high degree of participation in the conduct of the conflict and a high degree of justice in the outcome of the conflict. It is within this framework that conflict can develop its power, challenging all human possibilities and abilities, for the benefit of the better, but also for the common good. This enabled the constitution to impose limits on the uncontrolled dictates of power, and facilitated citizens' political participation – in Ancient times these were (only) free men. The normative demands that the Athenians made on their political coexistence thus went beyond the mere absence of violence, towards a general and equal right of co-determination.

Order itself cannot be constantly questioned in disputes. Democracy does indeed include competition, struggle and conflict, but only subject to the prerequisite of a common "foundation of values". Competition and the willingness to engage in conflict as an inner formal prin-

principle of democracy preserve the adaptability of a society, given that it is through them that this special degree of visualisation is achieved, which keeps us mindful of changes in the environment and in the inner structure.

The fact that men could distinguish themselves through excellence did not contradict the principle of the fundamental equality of participation in Greek democracy. Excellence, which manifested itself in public competition (*agon*), is a condition for the further development of the political community in the face of changing environmental factors. The often quoted dictum of “war as the father of all things!” (Heraclitus) must be translated for the *polis* society into the formula of the birth of politics and philosophy from the spirit of conflict. But not everything can become the object of competition if the agonistic conflict is not to degenerate into a destructive-antagonistic one.

2.2 The maturing of the early Christian community through conflicts

Luke writes in the Book of Acts: “The community of believers was of one heart and mind, and no one claimed that any of his possessions was his own, but they had everything in common” (Acts 4:32). This image of the early church in Jerusalem practising a kind of primal communism and living in almost idyllic harmony with one another had an extraordinarily formative effect, and elicited a resounding echo right up to the Socialist movement of modern times. The exegetes now agree that Luke was not attempting to portray the real life of the congregation, but that he wished to show how the Church of Jesus Christ should ideally be. In fact, he already tells a story in the next passage that focuses on a massive violation of the community of property and ends with a drastic sanction by God. This does not tally with the idea of conflict-free coexistence. Luke had already reported earlier of a rebellion of the “Hellenists” in the early Church against the “Hebrews”, “because their widows were being neglected in the daily distribution” (Acts 6:1), an apparently purely social grievance, but in fact a consequence and symptom of an impending rupture. A few chapters later, he notes that there was such a sharp disagreement between Paul and Barnabas “that they separated” (Acts 15:39). This too is an expression not only of personal incompatibility, but also of an objective difference.

These incomplete notes already prove the somewhat sober view of conditions in the early Church, which we know from Luke and to which he contrasts a normative model. And he is by no means alone with this realism. A glance at the other writings of the New Testament shows the same finding: Everywhere there are traces of more or less serious conflicts within the Jesus movement or the early Christian congregations. One might think for example of the ranking dispute between the disciples (cf. Mk 9:33-37), of the not quite tension-free relationship between the “favourite disciple” and Peter in the gospel of John (cf. Jn 20:1-10), or of

the grumbling by “many of his disciples” against the teachings of Jesus: “This saying is hard” (Jn 6:60). Let us recall the sharp polemics directed against opponents within the congregation in the first two Letters of John, written by different authors (cf. 1 Jn 2:4; 2:9; 2:11; 2:18, 19; 2 Jn 7), as well as the serious crisis of authority addressed in the third letter: “I wrote to the church, but Diotrephes, who loves to dominate, does not acknowledge us. (...) spreading evil nonsense about us. And not content with that, he will not receive the brothers, hindering those who wish to do so and expelling them from the church.” (3 Jn 9 et seq.) Finally, the letters “to the seven churches in Asia”, with which the last writings of the New Testament begin, also reflect how the external pressure exerted by the pagan state translates into internal tensions. As in the letter to the church in Pergamum: “Yet I have a few things against you. You have some people there who hold to the teaching of Balaam, who instructed Balak to put a stumbling block before the Israelites: to eat food sacrificed to idols and to play the harlot.” (Rev. 2:14) Similarly in the letter to the church in Thyatira: “Yet I hold this against you, that you tolerate the woman Jezebel, who calls herself a prophetess, who teaches and misleads my servants to play the harlot and to eat food sacrificed to idols.” (Rev. 2:20)

There can therefore be no doubt that life in Christian congregations has been marked from the beginning by the presence of conflicts relating to a considerable range of controversial issues. But conflicts also seem to have been perceived as threatening and reprehensible. This impression is however deceptive to some extent. One of the deepest and most momentous conflicts described by Luke in his Acts is at first glance unusually well documented, for in the letter to the Galatians we also have a report by Paul, who was personally involved in the events as one of the main figures. Unfortunately, the two representations only concur to a limited degree, and both are clearly tendentious. It is nonetheless clear what was at issue. In densely-populated, multicultural and multi-religious Antioch, the only city in which there were mixed Jewish and Gentile Christian congregations at that time, a dispute arose about the conditions of table fellowship: “People from the circle around James”, that is to say members of the Jerusalem congregation, had claimed that Gentile Christians would have to practice circumcision for this purpose, in addition to baptism, and observe Jewish dietary rules. Peter and Barnabas had actually previously taken the Pauline standpoint, according to which Jewish “law” was not to apply to Gentile Christians, but they changed their minds under the influence of the Jerusalemites. This was certainly the case as told by Paul, for whom this was by no means a marginal disciplinary issue or perhaps just a matter of eating habits, but a departure from “the truth of the Gospel”. Because of this, he does not avoid the conflict, in fact he seeks it out by making heavy accusations against Peter and Barnabas: “And when Kephas came to Antioch, I opposed him to his face because he clearly was wrong. For, until some people came from James, he used to eat with the Gentiles; but when they came, he began to draw back and separated himself, because he was afraid of the circumcised. And the rest of

the Jews (also) acted hypocritically along with him, with the result that even Barnabas was carried away by their hypocrisy. But when I saw that they were not on the right road in line with the truth of the gospel, I said to Kephas in front of all, 'If you, though a Jew, are living like a Gentile and not like a Jew, how can you compel the Gentiles to live like Jews?'"

(Gal 2:11–14) Paul sees this compulsion as betraying the gospel, "for if justification comes through the law, then Christ died for nothing." (Gal 2:21). According to the traditional Roman Catholic interpretation, he attacks with his criticism the highest authority in the Church in the person of Peter, and accuses him of nothing less than falsifying the Gospel. It is regrettable that this aspect of Paul's narrative has not received any particular attention in the history of interpretation, although it sheds an illuminating light on the relationship between authority and conflict in the Church. It is nonetheless clear that Paul sees the conflict as constituting an imperative to make a decision.

But Paul remains silent with regard to the outcome of the conflict. Instead, he appeals to the conscience of the Galatians, who are evidently at risk of falling prey to the same error: "It is I, Paul, who am telling you that if you have yourselves circumcised, Christ will be of no benefit to you. Once again I declare to every man who has himself circumcised that he is bound to observe the entire law. You are separated from Christ, you who are trying to be justified by law; you have fallen from grace. For through the Spirit, by faith, we await the hope of righteousness. For in Christ Jesus, neither circumcision nor uncircumcision counts for anything, but only faith working through love." (Gal 5:2-6)

Luke also places the conflict in Antioch, and he also sets the ball rolling: "Some who had come down from Judea were instructing the brothers, 'Unless you are circumcised according to the Mosaic practice, you cannot be saved.'" (Acts 15:1) That said, we do not hear a word from him about a confrontation between Paul on the one hand and Peter and Barnabas on the other. Paul in turn claims that the – misleadingly-named – Apostolic Council in Jerusalem, to which Luke transfers the discussion of the problem, only discussed the legitimacy of the mission to the Gentiles and assigned this task to him. And whilst it remains open in the letter to the Galatians as to how the dispute ends, Luke places the emphasis on the course of an orderly, consensual resolution procedure that leads to a binding decision: "It is the decision of the holy Spirit and of us not to place on you any burden beyond these necessities, namely, to abstain from meat sacrificed to idols, from blood, from meats of strangled animals, and from unlawful marriage. If you keep free of these, you will be doing what is right."

(Acts 15:28). The result is recognisably a typical compromise in which neither side was able to achieve its maximum demands, but which in return opened up a path that was viable for both sides. It however became superfluous in the sense that the influence of the Jewish-Christian part of Christianity waned over time, and finally almost completely disappeared in favour of the Gentile Christians.

Luke may have once again glossed over the course of the conflict a little, but he certainly does not deny its existence, and he refers to structures and procedures that were designed to settle the dispute. In doing so, he attaches considerable importance to their legitimacy, as well as to the necessity of cooperation on the part of all the important social forces within the congregation in Jerusalem, which ultimately makes it possible to really speak of a “we”. Various forms of authority come into play in this process, but none can claim to decide for the whole in isolation. The decision being sought is to represent the will and conviction of the entire congregation, which has made a sincere effort to come together and deliberate to find out the will of God, and under this condition is certain to represent more than simply a majority opinion: “It is the decision of the holy Spirit and of us ...” (Acts 15:28)

In this way, the Lukan model of conflict resolution boils down to the creation of a theologically-qualified consensus which at the same time defines the boundaries of the congregation. Consensus leads to concord, and therein lies the very meaning of a binding decision. It cannot however guarantee a broad consensus because there is always the possibility of refusing to give consent or of postponing or prolonging the old dispute. The Gospel of Matthew clearly defines the procedure to be followed in the event of an individual deviation from the normative consensus on certain behavioural norms: “If your brother sins (against you), go and tell him his fault between you and him alone. If he listens to you, you have won over your brother. If he does not listen, take one or two others along with you, so that ‘every fact may be established on the testimony of two or three witnesses.’ If he refuses to listen to them, tell the church. If he refuses to listen even to the church, then treat him as you would a Gentile or a tax collector.” (Mt 18:15-18) This final step of breaking up the community may be inevitable, but it must not be taken hastily or lightly. It requires an orderly procedure, a legal-form procedure intended to prevent personal arbitrariness, and finally, as in Luke, it is to involve the whole congregation. But it always marks a failure, as all steps are aimed at winning a brother over, not breaking with him.

It is not conflict that contradicts life in “unity and peace”, as one of the basic formulas for the model of Christian congregations in the New Testament states, but it is the breaking up of the community. Paul puts this fact in a nutshell in the First Epistle to the church in Corinth: “I urge you, brothers, in the name of our Lord Jesus Christ, that all of you agree in what you say, and that there be no divisions among you, but that you be united in the same mind and in the same purpose. For it has been reported to me about you, my brothers, by Chloe’s people, that there are rivalries among you. I mean that each of you is saying, “I belong to Paul,” or “I belong to Apollos,” or “I belong to Kephas,” or “I belong to Christ.” Is Christ divided? Was Paul crucified for you? Or were you baptized in the name of Paul?” (1 Cor 1:10-13). The concordance that Paul untiringly calls for and demands all the more urgently the more the Church is seething refers exclusively to faith in the Gospel, and means anything but uni-

formity. On the contrary, it constitutes the common ground for the recognition of the diversity of religious or ethnic origins, of gifts and talents, of tasks and vocations, of the differences between strong and weak, rich and poor. In this respect, unity in faith takes precedence over diversity: "So let no one boast about human beings, for everything belongs to you, Paul or Apollos or Kephas, or the world or life or death, or the present or the future: all belong to you, and you to Christ, and Christ to God." (1 Cor 3:21-23).

Conflicts are part of life; they are a sign of liveliness. The authors of the New Testament take this into account. They avoid any fundamental or sweeping condemnation; instead, they advocate rules and procedures, promote communication-orientated behaviour which strives to establish a balance, and do not even completely reject a compromise in dogma. This enables conflicts to enrich and strengthen the community, to provide a more profound insight into the faith, and to enable clarification and decisions. Conflicts often have a structure-forming and insight-building effect; they shape the development of the community, and drive it forward. But the basic precondition for this positive role is that it be carried out in the spirit of Jesus Christ. Otherwise conflicts threaten the intriguing unity in diversity that should mark the life of the congregations. Without tension, this life falls off into boredom, becomes encrusted and frozen, and unity degenerates into monotony, but as soon as tension becomes entrenched in opposites, it sows "strife and discord", and divides the community. It is once again Paul who recommends to the quarrelling parties, as the most effective antidote to ward off this danger, that they should manage conflicts spiritually, that is by the power of the Holy Spirit: "with all humility and gentleness, with patience, bearing with one another through love, striving to preserve the unity of the spirit through the bond of peace: one body and one Spirit, as you were also called to the one hope of your call; one Lord, one faith, one baptism; one God and Father of all, who is over all and through all and in all." (Eph 4:2-6) The virtues recommended here by Paul are as a rule an important prerequisite in conflict situations in order to allow the productive power inherent in a conflict to unfold. Wherever the individual manages to restrain himself and not to escalate the conflict at all costs, not to push every controversy to the extreme, the space for new, previously unseen things is opened up. The relevance of virtue is further explored below in terms of military service.

The debate about conflict that is inevitable in human communities continues to preoccupy theological tradition. Great theologians such as Augustine and Thomas of Aquinas try to combine peace and conflict, looking for the positive yield in view of the anthropological constant of "conflict".

2.3 Change in the relationship between conflict and order in the peace-ethical tradition

Augustine of Hippo (353-430 A.D.) is regarded as the father of Western theological peace

ethics. His work "The City of God" is the first draft of a doctrine of peace that reaches into all spheres of human life, and even into the cosmos as a whole, and which establishes and includes a political peace ethic. In it he divides the world into two communities: One community, the community of God, is made up of those who strive to do God's will, and who seek their ultimate fulfilment in God. According to the will of God, they serve one another and help one another to develop. The other community is populated by people who disregard God's will, and therefore constantly strive to subjugate one another to their own will and to dominate them (*libido dominandi*), that is to put themselves in God's place. According to Augustine, violent conflicts can only occur within the earthly community, or between the two communities. "But struggle between good and good, if they are complete, is impossible." (*De civitate Dei*, XV, 5). The crucial question is therefore whether this judgment applies only to violent conflicts, or to all conflicts.

How exactly does Augustine explain the origin of violence? He does not simply accept its existence as a fact that shapes the world, but he considers it to be in need of explanation. For the Creator has given His Creation a perfect order, the purpose of which is to guarantee peace. For Augustine, peace is the final, paramount goal of all Creation, which is completed in peace. Human action is therefore also assigned to this goal when it is based on obedience to the will of God. In view of this rigid orientation of divine and human action towards peace as the highest good, it is impossible for Augustine to attribute war and violence to God; they are exclusively the consequence of sin as an expression of human disobedience to God's will, especially the original sin from which all sinfulness springs. In Augustine's eyes, the reason for this is man's pride, which seduces him to want to be God himself. Pride leads to disobedience to God, and this leads to discord between people. The contrast between obedience and disobedience to God's will corresponds to the contrast between harmony and discord between people. All forms of discord, from that between family members to between groups in the Church, to war between peoples, are ultimately rooted in turning away from God. Peace, on the other hand, as the fruit of faith, encompasses all forms of harmony that unite people into one community.

Because of this sharp contrast between concord and discord, it does indeed seem as if Augustine judges every conflict negatively as a consequence of sin. But strictly speaking, when he speaks of discord, he focuses his attention on conflict-ridden behaviours and their inner motives (desires, passions, feelings), as well as the integrating formative power of the soul (not, according to current usage, the psyche), which are detrimental to the community. As soon as the soul no longer orders passions and desires, the latter destroy or impair the community by ignoring or undermining its God-given order, especially when they tempt people to violate the commandment of justice. Put in very general terms, they lead people to fight against one another over the enjoyment of earthly goods, because people seek their

fulfilment in them rather than in God. There is no denying that Augustine gave virtually no thought to a constructive role of conflicts, but neither did he rule out such a role. As a bishop, he himself did not shy away from them, but he always strove passionately for understanding, albeit he was not always successful. Conflicts are not bad or even evil per se, but they inevitably become violence-breeding, as well as actually violent and destructive, when they are carried out without the virtues on which harmony is built. It is the inner stance and attitude with which people carry out conflicts that give them their destructive character, and for Augustine in turn they are inextricably linked to humankind's relationship with God.

It is not the assessment of conflicts that is causing difficulties today when it comes to dealing with Augustine's work. There are two other aspects that call for a rethink. As has been stated, Augustine's theology of peace and peace ethics are based on his theology of Creation, according to which Creation, apart from man's sinful acts, is determined throughout by God's will. This means that, for Augustine, there can be only one order, both in nature and in social as well as political life. All disputes, especially those relating to justice, can therefore in principle be decided on without ambiguity. This also applies with regard to a 'just war'. Augustine considers political conflicts in which both sides are in the right to be basically just as unthinkable as conflicts that revolve around different or even opposing models of order. The persuasiveness of this idea, and its potential for political solutions, had to diminish to the extent that its supporting premise in the form of the Christian worldview across all parties to the conflict crumbled and finally broke down. This fundamentally changes the psychological situation and, at the beginning of modern times, forces us to rethink the problems of violence and war. There is a second shortcoming in Augustine: In his reflection on the causes of discord, he focuses closely on human sinfulness, and neglects human finiteness. Even morally complete or at least blameless human beings, for example, can err. Ethical decisions can be morally perfect and yet factually wrong. The best intention offers no protection against achieving the opposite of what is intended. It is precisely for this reason that there are legitimate conflicts of conviction, and a difference of opinion is even necessary in order to avoid errors and mistakes wherever possible. Conflicts often, but by no means always, arise out of selfishness, malice and baseness, but also because we humans are finite beings. Man should not seek to play God, but this also means that we must take our own finiteness seriously.

Thomas of Aquinas (1225-1274) takes up Augustine's observations. Like Augustine, he gave the subject of harmony a high priority, and he also linked the inner side of the human being with the social side of coexistence with his fellow human beings. Thomas takes the view that the nature of peace consists in a two-fold harmony. The first harmony is to be found in man. It is characterised by the fact that man's various aspirations, longings and desires are not in conflict with one another, but are directed towards the same goal. The second harmony ensures that people who live in peace with one another strive for the same goal out of inner

consent, and not because they are compelled to do so. This largely coincides with Augustine's view, but Thomas emphasises human freedom and its positive contribution to shaping life more strongly than Augustine does. Thomas too considers order to be indispensable, but finds that this order is not simply dictated to man by God; man himself creatively brings it forth as a collaborator of the Creator. This idea obviously opens up the possibility of different, possibly alternative models of order, and thus the possibility of serious, profound conflicts of order. Thomas defuses this conflict potential by pointing to the necessity of authority, which, thanks to its superior position, decides on conflicts of order. Interest therefore shifts from the sinfulness of all human beings to the necessary qualities or virtues of the good ruler and the characteristics of good governance. When kings and princes can neither understand one another nor reach an agreement, it is up to the supreme authority, that is the Pope, to arbitrate between the parties to the conflict or to make a decision to which all Christian rulers owe obedience. It is again evident that it is not conflict as such that Thomas of Aquinas rejects. In fact he knows and affirms it, provided that it does not go beyond the boundaries set by the legitimate authority.

In this respect, Thomas holds on to a hierarchical order of the State and society as an indispensable prerequisite for peaceful coexistence. Authority is necessary even in Paradise, but there authority has no need of coercion, because all men freely consent to subordinate themselves to it thanks to reasonable insight. Thomas does not shake the primacy of the monarchical constitution, and he denies as a matter of principle that revolt with the aim of replacing it with another has any legitimacy. In common with most philosophers and theologians of his time, he is far from being a proponent of popular rule.

In order to understand the sceptical assessment of conflicts reached by these two great theologians, one must doubtlessly take into account their experiences as contemporaries and contemporary witnesses. Augustine, for instance, experienced the plundering of Rome by the Visigoths, a hitherto unimaginable event, and when he died, his Episcopal city Hippo was being besieged by the Vandals. And violence was more or less omnipresent during the lifetime of the man of Aquinas; for no monopoly of power held by a central authority guaranteed security and an overarching and comprehensive legal system; security and justice existed at best in pacified districts such as cities or monasteries. But circumstances alone do not explain their reticence. In the final analysis, their understanding of faith led them to think of order as God's binding precept in Nature and society, which is always at least endangered or even destroyed by conflicts.

A brief look at Immanuel Kant reveals the degree to which the political philosophy of modern times has distanced itself from this fundamental premise. Concurring with traditional anthropology, he locates the origin of conflicts in man, in other words, in the contradiction of his "unsociable sociability". Man is "sociable" because he is only able to develop by cooperating

with other people. That is why he seeks their company, and community with them. At the same time, he has a tendency to “want to do everything according to his own will”, and so he expects “resistance everywhere ... just as he knows from himself that he is inclined to resist others. It is this resistance which awakens all the powers of man, leads him to overcome his inclination to laziness and, driven by ambition, lust for power or greed, to acquire a position among his fellows, whom he does not like, but from whom he also cannot let go ... Without those characteristics of unsociability which as such are not amiable, and from which the resistance arises which everyone must necessarily meet in his selfish presumption, all talents would remain nipped in the bud forever in an Arcadian shepherd’s existence lived out in perfect harmony, contentment and mutual love: Men, benevolent as the sheep they graze, would hardly give their existence any greater value than that of their domestic animals; ... Thanks be to Nature, then, for its intolerance, for its enviously-competitive vanity, for its insatiable desire to possess, or even to rule! Without it, all the excellent natural gifts of mankind would lie dormant, forever undeveloped. (Idea for a Universal History with a Cosmopolitan Purpose, A 393; original German in Weischedel edition Vol. XI, p. 38).

A greater distance in the perception of the conflict-ridden nature of human interaction is hardly conceivable: Whilst Augustine and Thomas approach them with profound mistrust because passions and desires easily gain the upper hand in conflicts, without completely denying its dangerous nature, Kant ascribes to conflicts the role of a powerful driving force for human progress. For him, this harmony, which Augustine and Thomas cannot praise and extol enough, has something soporific about it that causes human abilities to atrophy. Conflicts introduce a dynamic factor into the static of paradisiacal conditions, which pushes people beyond the debilitating peace of animal existence. The fact that, for Kant, God plays no role in connection with the need to order coexistence does not mean that God no longer has any significance at all. Although it is first of all the “artist nature” which sets human development in motion and keeps it going through the dialectical counterplay of sociability and unsociability, it is God who has arranged Nature so artistically. Order and conflict are not in opposition to one another in this sense. On the contrary, conflict itself creates order, because even intelligent selfishness is sufficient to see the need for a legal system with coercive power in order to contain conflicts. It cannot be a meaningful goal of political action to avoid, eliminate or suppress conflicts as far as possible, but it is important to use them as a driving force for change and transformation. This fundamental idea is also found in other great modern thinkers such as Adam Smith (the ordering “invisible hand of the market”) or Georg Wilhelm Friedrich Hegel (“the cunning of reason”).

Thinking on the relationship between concord and discord, harmony and conflict has continued well into modern times, largely when seeking an answer to the question of how the State and society should function. Alongside this prescriptive interest, the nineteenth Century saw

a growing empirical interest in how they actually function. Attentive observers such as Alexis de Tocqueville, for example, developed a keen sense of new threats to freedom, especially in the form of the tyranny of the majority, in their analyses of modern mass democracy. This tyranny does not aim at the body and life of the dissenter, but at his soul. “If you do not think, feel and live as we do, you will remain a stranger”, is its secret but effective threat. Excellence is increasingly perceived as a threat to equality, and so uniformity and mediocrity spread. Competition and antagonism are stigmatised as dangers to democratic consensus. Conformity complements uniformity, and both gradually stifle the freedom that democracy so desperately needs.

In order to ward off these and other insidious dangers, however, it is not enough to mobilise conflict and criticism against the pressure to achieve a consensus that is overly harmonious. It is necessary to ask what degree of common ground, of “harmony”, the State and society need in order to be able to endure conflict and criticism and to shape them productively. And how can this common ground be established and maintained without erecting blockades on thinking and political barriers

The new approach of C. Otto Scharmer stands out in contemporary thinking, which demands that we learn from the future whilst it is still unfolding. This way of thinking demands a breaking open of ingrained patterns of thought and action in order to be able to recognise the new possibilities and opportunities that are approaching. Here too, the potential of criticism and conflict for breaking through into new horizons of thought is worked out. What follows from these insights into the necessity, inevitability and also the positive potential of conflicts? How is a positive appreciation of conflict possible without slipping into bad Darwinism or dangerous bellicism?

3. A constructive conflict culture

The basic human impulse to stand up to others is the anthropological prerequisite for the positive potential of conflict for the Catholic social ethicist Wilhelm Korff too. This impulse is only able to develop its positive, life-enabling power if it is combined with the complementary impulse of caring. According to Korff, we relate to one another in three basic forms: We use one another to satisfy our needs; we assert ourselves against one another; and by our caring, we help others to realise their potential. For humanity to succeed, these relationships must interpenetrate, build on and correct one another. It is only when one human being can stand up to another that love and caring do not become enslavement. Only when caring does not arise from our own powerlessness, fear and neediness, but from a self-sufficient state of being, can we give one another the security and support on which we depend in order to develop. Conversely, self-assertion, competition and rivalry are also dependent on fairness, so that a meaningful measurement of strength takes place at all and the stronger person does not take advantage of the weaker person or use dishonest means in order to succeed. The positive significance of the aggressive basic impulse for the success of human life is self-evident. Korff refers to virtues that obey the fighting principle: courage, determination, bravery, perseverance, patience, persistence, but also spontaneity, enthusiasm, devotion and the spirit of sacrifice, as well as the "attitudes that call man in his final depths, such as the boldness of selfless love, the daring of a faith that transcends one's own possibilities, or the unwavering confidence of a hope against all hope" (W. Korff, *Wie kann der Mensch glücken? Perspektiven der Ethik*, Munich 1985, p. 336). When the basic human impulse of assertion against others is combined with the complementary impulse of caring, it can thus unfold its positive, life-enabling power and serve a human community in a sheer multitude of ways.

It should be mentioned at this point that Jesus' ethos of unconditional love and absolute non-violence, this being the highest form of caring love, is also deeply marked by struggle, and constitutes the opposite of slave morality. It demands a highly endangered, risk-laden struggle against all malice by means of ostentatious non-violence and by renouncing all inner-worldly expectations of fulfilment. Jesus' message of love is absolutely connected with the power of anger (*vis irascibilis*) against evil, and is anything but conflict-averse. It can indeed correspond to the commandment of love to embark on conflicts and to endure them. The ethical challenge is then how to deal with conflict in an appropriate manner with a view to finding a humane solution.

3.1. Engaging in conflicts, enduring conflicts

Pope Francis pointed out in *Evangelii Gaudium* (EG) that the appropriate way to deal with a conflict is “to face conflict head on, to resolve it and to make it a link in the chain of a new process” (EG 227). He posits that great personalities are able “to go beyond the surface of the conflict and to see others in their deepest dignity”. This solidarity becomes a way of making history in a life setting where conflicts, tensions and oppositions can achieve a diversified and life-giving unity, for a resolution which takes place on a higher plane and “preserves what is valid and useful on both sides” (EG 228). Pope Francis may have been thinking of Mahatma Gandhi, whose life consisted of a search for a productive, non-violent approach to conflicts.

Mahatma Gandhi opposed racial discrimination, promoted equal rights for women and untouchables as well as reconciliation between Hindus and Muslims, and resisted colonial exploitation. Gandhi did not avoid conflicts, and in some cases he even provoked them. The aim of his stance on non-violence as a principle of political action was to eliminate or at least reduce serious injustices, in the face of persistent resistance on the part of those who were responsible for such injustice. For Gandhi, non-violence does not mean standing by the wrongdoer in his unjust actions or tolerating them in tacit acquiescence. Rather, love as an active quality of non-violence demands that one resist a wrongdoer by renouncing him. This may offend the wrongdoer; it may affect him psychologically or physically. In this respect, the policy of non-violence involves a process of scandalisation that provokes open conflict. The first step to be taken consists of presenting the reasons for the protest and its cause to the perpetrators of the injustice, thus affording them the opportunity to remedy the injustice of which they stand accused. If this fails, or even leads to increased repression, the conflict is self-evident. Gandhi now proposes two methods for bringing the conflict to a head: on the one hand non-cooperation, and on the other civil disobedience. Both tactics amount to a conditional rupture with the system, which depends to a certain extent on the work done by the oppressed, and on their loyalty. They are applied in stages, so that resistance is stepped up progressively, but in a controlled manner. Discipline and order are of crucial importance. It is impressive how consistently Gandhi tries to reconcile two seemingly contradictory attitudes. On the one hand, his non-violence unswervingly trusts in the ability of the oppressors to reason, whilst at the same time soberly counting on the willingness of the oppressors to do their utmost to defend the unjust conditions. Gandhi says that anyone who wants to be non-violent must endure any malice that his persecutor might use against him. Non-violence in its application is benevolence towards all life. For Gandhi, it is pure love. The concept of love does not mean a romantic feeling, but the origin of the inner force that supports and drives action, which comes from an unbending will. Non-violent resistance must therefore be borne

by inner strength, which makes it possible to overcome one's own fear of death. In Gandhi's eyes there is a crossroads between the military ethos and the ethos of non-violence, namely the condition of inner strength. A certain degree of violence is also inherent in non-violence in this strength or toughness.

Moreover, non-violence takes on a religious dimension at this point at the latest. Gandhi was never in any doubt, nor did he leave anyone in any doubt, as to the religious foundation underlying all non-violent action. Anyone who wants to act non-violently must have a living faith in God. He must accept truth and non-violence as a philosophy of life, and must therefore trust in the good in man, hoping to awaken the good through his truth and love expressed in his suffering.

Both Gandhi and Pope Francis start from a concept of peace in which conflict has a constitutive and constructive meaning and must be dealt with.

3.2. Transforming conflicts

How can conflicts between countries be handled constructively? The Norwegian Johan Galtung, often dubbed the father of modern peace research, made a groundbreaking contribution in a decades-old conflict between Ecuador and Peru. The dispute over a territory claimed and fought over by both countries seemed to be irresolvable, and threatened to escalate into a military conflict in the near future. Galtung's proposal to transform the disputed territory into a binational zone with a wildlife park obviously ran counter to the principle that every piece of land on earth belongs to only one country. As a recommendation of a condominium of two states over territory still in dispute, however, it held out the promise of immediate benefits for both sides, created further opportunities for cooperation (common economic zone, security institutions), and was recognised by treaty in 1998! Galtung was able to use this example to illustrate the benefits that the transformation of conflicts can bring to the conflicting parties.

Conflicts stem from contradictions, from irreconcilable goals. Only the respective conflict parties can define their goals. The far-reaching incompatibility of individuals' goals however leads to a search for alternatives to the attempt to implement them by force. According to Galtung, only those goals of the conflict parties may be considered for the transformation of conflicts which take into account legitimate legal claims, especially human rights, and basic human needs. Coordinating these goals with one another and making them compatible promises general acceptance and sustainability.

Many people however only acknowledge victory or defeat as acceptable solutions to a conflict. We know from experience that such a unilateral "solution" to a violent conflict is usually not lasting. The loser seeks revision, whilst the winner seeks reaffirmation. Sometimes the

conflict becomes more complex; other parties to the conflict and other conflict objectives may be added; further solutions may emerge. If there are major obstacles, or if the time does not yet appear to be “ripe”, then the parties withdraw and put the conflict on the back burner. Withdrawal may be reasonable and justified in perspective, but is often only a costly consequence of the striving for convenience and lack of imagination. The ideal solution seems to be a compromise: Both sides give up aspects of their goal, and a compromise is reached: Compromise means agreement from both sides, but at what price? Neither side gets what it wanted!

But if a new solution is found that transcends the previous framework and satisfies both sides, then creative conflict transformation transfers the underlying contradiction as the core of the conflict into a state which promises advantages for all parties involved. This enables cohesion to be strengthened, and the new state of affairs promises to be sustainable. In this context, the term “transcendence” is intended to emphasise the fact that conflicts should – wherever possible – be transferred into a completely new and universally more satisfactory, sustainable situation.

The case is different when people have done serious injustice to one another in a conflict. Before we can look ahead, such injustice must be dealt with in order to escape the perpetuation of violence and counter-violence.

3.3 Constructive conflict management through reconciliation

The devastation of war, the suffering that people inflict on one another and have to endure, digs deep roots in the souls of the people affected, as well as in peoples’ collective memories. In past centuries, “injustice suffered” has led again and again to new wars and acts of violence: for revenge and reparations, to restore honour, etc. It is difficult for individuals, peoples and states to break out of this cycle of violence! And yet, after the end of World War II, major efforts were made in Europe to prevent the roots of old violent conflicts from being instrumentalised for political conflicts of interest. So-called “hereditary enmities” between peoples, and the immense suffering of the civilian population, were to be overcome. To this end, ordinary citizens and courageous politicians such as Adenauer and de Gaulle reached out their hands across old divides and, in the face of harsh criticism, set out on the path to a new future. Even if terrible injustices cannot be undone, the process of reconciliation has changed the way in which peoples live together. Victims and perpetrators alike, on both sides, have had to face up to and endure the violent conflict once again. If we can then reach out to one another in the face of the injustice suffered or committed, then bilateral relations can take on a new quality.

But what is the point of this attempt to permanently overcome old violent conflicts through signs and acts of reconciliation? “Reconciliation” is a term which, in Christian religious language, describes the complete overcoming of injustices that have occurred: The overcoming of sin is promised in Christ’s death and resurrection to those who believe in God. Reconciliation between God and man is rooted in the love of God, which became manifest in the death of Jesus Christ on the cross. This is broadly developed in the Pauline writings: He who is without guilt voluntarily takes man’s guilt upon himself for atonement.

Man, on the other hand, can neither exculpate himself, nor can he undo injustice. The radicality of human freedom is revealed in the validity of the decision that it takes: An act of freedom is final in the sense that man decides permanently and irrevocably. Man cannot reverse the validity of this powerful act; he can no longer undo the guilt; he cannot erase it. Confession is a constitutive part of reconciliation between God and man. This entails gaining an insight into one’s own guilt and repentance as well as – also in future – distancing oneself from the act with the intention to refrain from such acts in future. But repentance, freely distancing oneself from the earlier decision, does not yet mean the cancellation of guilt. The perpetrator, man, cannot “exculpate” himself. What does what has been said mean for talk of “reconciliation” between peoples and countries, or for processes within society? First of all, the question arises of whether it would not be better, in the interest of conceptual clarity, to distinguish a process of religious reconciliation from processes of reconciliation within society or between countries?

With regard to reconciliation within society as well as between countries, we must then make a distinction as to whether the perpetrators themselves are prepared to admit their guilt, show remorse and repent, or whether this happens – usually decades later – by proxy. In the effort to come to terms with historical injustice, it is usually the political representatives of a people who, as proxies, ask for forgiveness for injustices that they themselves have not committed. This has been made clear in many acts of political expression in recent decades: Willy Brandt kneeling before the Ghetto Fighters’ Monument in Warsaw, or Helmut Kohl’s handshake with François Mitterrand in Verdun, may suffice as examples.

Whilst in the first case victims and perpetrators can look each other in the eye and approach one another, the representatives of peoples and countries act as proxies. Their actions must be mirrored by their people, for whom they speak and act – not just once, but time and again. And in the same way, there must be a willingness on the part of the people who are asked for forgiveness to reach out their hand so that reconciliation can get underway. Reconciliation between peoples – if it succeeds – is not a one-off act, but needs to be redefined and vividly recalled so that the old conflict is not revived. The act of reconciliation can and should lead to a different way of dealing with international conflicts. Societies that are truly reconciled commit themselves to the future and to a fundamentally different way of dealing with one another.

Thus, in 1950, since the Schuman Plan to create a European Federation, many peoples of Europe set out on the rocky road to recall their old conflicts and resolve their current ones in a productive process.

4. Institutions of constructive conflict handling

Concrete decisions for the coexistence of people must be fought over in every society: at local and regional level, as well as in the State and the international community. With their democratic culture of debate, parliaments have developed within societies as a form of constructive, productive conflict resolution on how to regulate coexistence. In addition, a multitude of civil society institutions play an important role in the internal conflict resolution process. By comparison, much is still in the making at European level – without the achievements of the existing EU institutions being diminished. Despite all the progress made in the 20th Century, the international level, which we will now take a look at, has considerable shortcomings when it comes to resolving conflicts in a constructive manner.

4.1 Constructive conflict resolution within society

The Greek *polis*, from which various forms of parliamentarianism have developed, is regarded in our political tradition as the prototype of constructive conflict resolution. The citizens argue about the equitable form of the community with respect for the values laid down in the respective constitution. In this sense, the founding fathers and mothers of the Federal Republic of Germany, drawing on the experience of totalitarian rule during the Nazi era, laid down fundamental rights in the first articles of the Basic Law as the value-based foundation of the constitutional state. Building on this foundation, procedures have been legally agreed on by means of which private, societal and political conflicts can be carried out without a dispute escalating into violence.

We occasionally experience how thin the line is between a tough argument, which can also escalate emotionally, and a verbal attack on one's opponent: The necessary societal and political dispute must not overstep the boundary to physical confrontation. Despite all the differences in content, coexistence requires respect for the dignity of those who think differently, especially when the factual gap proves to be very wide. Mutual respect and the renunciation of the use of violence to assert one's own positions and interests are prerequisites for the productivity of political dispute. There is cause for concern that the level of the conflict culture achieved might be endangered, on the one hand, by the lack of a proper dispute on the matter, and on the other hand by personal defamation. In well-functioning states based on the rule of law, parliaments, from the local level to the national parliament, have proved to be appropriate places to conduct political conflicts productively. The state based on the rule of law itself is the basic institution of civil, non-violent conflict resolution. I do not deny that many cultures around the world still have other "traditional" conflict resolution models that are still justified. However, they cannot be discussed in greater detail here.

A wealth of other institutions have developed beyond parliaments and courts in which society struggles to resolve conflicting issues and questions about the future: In collective bargaining, employees and employers struggle for appropriate remuneration and working conditions; Catholic Conventions, Church Congresses, party conferences or (plenary) assemblies of various social groups are additional places where societal conflicts are addressed and where arguments are fought over in order to obtain clarity on the matter and develop socio-political proposals for solutions. Of course, demonstrations are also part and parcel of the means of resolving conflicts in a free society: They enable topics that parts of society consider relevant to be brought to the attention of the general public with the aim of initiating a debate or changes in awareness and behaviour, in order to ultimately bring about a different policy, in the way that for instance the ecological movement has done in recent decades. The same applies analogously to these forms of civil society conflict resolution as has already been said about parliamentarianism: Whilst the conflict should be waged in all transparency, the resolution of the conflict can only be productive if the controversy is engaged in on the basis of respect for the opponent as a person. Rejection of the other position must not lead to the opponent being rejected as a person.

The social consensus on this form of constructive conflict resolution is undermined and called into question by fundamentalisms of various kinds. It is characteristic of both left-wing and right-wing fundamentalisms, as well as of those that make use of avoidable religious arguments, that they evade the necessary social conflict and pretend to have ready answers. In contrast, an open society understands conflict as a productive process by which it faces up to new challenges and struggles for solutions. In times of great political and societal change, this process of searching obviously triggers a variety of insecurities in many people, and sometimes even anger and disappointment. Having said that, the fundamentalist's offer of clearly-defined answers to major political and social upheavals comes at the price of denying reality. The lack of sustainability of various fundamentalisms has led not only to disappointment on repeated occasions, but also to personal, political and societal tragedies. For the peoples and states involved, the European Union has proved to be a constructive political response to the challenges of globalisation and to overcoming violent conflict between the peoples and countries involved in the more than sixty years that have passed since it was founded by the Treaty of Rome.

4.2. Constructive conflict management in the EU

The European Union has been widely and rightly praised as a peace project: Through political integration, most European states have succeeded in transforming the conflicts that they have fought out violently for centuries into civil conflicts. But that does not put an end to the conflict! Even today, we are still arguing within the EU about a wide range of issues, as has

become clear from the example of how to deal with refugees and the question of burden sharing within the EU based on solidarity. Over and above the individual political controversies, the finality is very fundamentally at stake: What kind of EU do we want? Is it to be a political union that becomes more profound and is structured along federal lines, or merely a league of nations? The principle of subsidiarity can (only) provide a fundamental guideline in the conflict on the distribution of competences between the EU and the Member States. The question also arises of whether the democratisation of the EU should be achieved by strengthening the European Parliament and expanding its competences, or by holding on to the intergovernmental method, in which essential competences on European affairs will continue to lie with the heads of state and government in the European Council. And what are the political consequences of each decision? The conflict concerning these fundamental political decisions will and must be fought out by the peoples of Europe in the knowledge that *the* right solution is not self-evident; it must be fought over. The peoples and states of the European Union want to fight out this political dispute on the basis of and in recognition of the values laid down in the Constitutional Treaty as the normative foundation. Above all, these include freedom, justice, equality – including between men and women – tolerance, solidarity, non-discrimination and minority rights.

One of the major political conflicts facing the EU is how to define its relationship with its neighbouring regions and develop its interests, which must also be justified on ethical grounds. The EU Member States set a high bar in the *Treaty on European Union* (TEU) by stipulating that the Union “shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law” (Art. 21 TEU). There is controversy with regard to how to implement these principles into tangible policies – rightly so, so that these normative principles do not remain mere lip service.

4.3 Institutions and regimes of international conflict resolution

The United Nations were established in 1945 as a second attempt after the League of Nations with the aim of saving “succeeding generations from the scourge of war” (Preamble to the UN Charter). From the experience of the devastating World War II, the community of states looked for ways and means after 1945 to resolve international conflicts other than by military conflict. The decisive step of the new “international law of peace” was intended to embody a prohibition of violence, in the sense that all UN member states signed an agreement that was binding under international law to refrain from the threat or use of force

against the territorial integrity or political independence of any other state (UN Charter Art 2.4). The member states had agreed to settle their international disputes by peaceful means such as the International Court of Justice in such a manner that international peace and security, and justice, are not endangered (UN Charter Art. 2.3). Any violation of the internationally-binding ban on violence by a state, aggression against a UN member state, should be settled by peaceful means (UN Charter Chapter VI), and only in an extreme case should it be responded to by force – after being appropriately examined by the UN Security Council and with its mandate (UN Charter Chapter VII). The prohibition of violence and aggression, the ban on genocide, crimes against humanity and war crimes, are today part of “imperative international law”, which is binding on all states worldwide, regardless of their own position. The community of states has taken a giant leap in the last two generations from a purely legal point of view, departing from the legally-legitimated military conflict resolution of past centuries, and moving towards conflict resolution by peaceful means. The political and economic reality is nonetheless unfortunately quite different because powerful states, and states that are protected by great powers, are de facto able to disregard the ban on violence with virtual impunity.

One of the basic problems of the international order agreed in the UN Charter is its lack of impartiality. The veto enjoyed by the permanent members of the UN Security Council was originally intended to ensure that the Council does not take decisions that are not subsequently implemented by anyone. It has however become apparent over the last 70 years that the permanent members have repeatedly succumbed to the temptation to protect their own interests or those of their allies. This abuse of the veto leads to unequal treatment of comparable cases, and brings the entire UN system into disrepute. It should come as no surprise that the group of countries that seek to defy international law is growing ever larger. The Catholic Church has repeatedly pointed out this problem since Pope John XXIII’s Encyclical *Letter Pacem in terris* (1963), and proposed to reflect on a “general form of public authority”. The criticism of this must be taken very seriously, but this does not end the debate about structural global injustices – on the contrary, it has only just begun.

There is a broad global network of various governmental and non-governmental players beyond the UN institutions. These include transnational corporations, international non-governmental organisations such as the Red Cross, as well as global (economic, trade, etc.) organisations, the G-20 and the World Bank, the World Trade Organisation, the world religions, cultural players such as media groups, or global sports organisations such as the IOC. Through their critical-corrective function, globally-orientated civil society players such as Amnesty International or Greenpeace play an important role in the developing global public opinion.

The conflicts resulting from global interdependences are regulated by these players without formal government, developing governance structures as regulations from which international law can become established. These “regimes” sometimes even give rise to new supranational organisations, as has been shown by the development of the *Conference on Security and Co-operation in Europe* (CSCE) into the *Organization for Security and Co-operation in Europe* (OSCE). Having said that, there is a need to also see the problematic side of the global network described above: What the developing global public opinion is interested in is in reality of primary interest to a Western public, and is dictated by this interest, or can be dictated by it. International aid organisations act according to this logic: They turn to the crisis for which they can raise funds because the attention of the donating Western public is directed there by their media. Although the basic problem of a lack of democratic control of the rules agreed on by the regimes is often projected onto the G-20, the fundamental truth is that existing power asymmetries in the international system cannot be corrected; they are perpetuated or even amplified. What is missing is the momentum of impartiality – what is missing at global level is a “player” who is impartially committed to the global common good! Thus, pre-existing underlying conflicts relating to co-existence in the One World – as described above in Chapter 1 – are not really addressed.

4.4 International conflict resolution through international jurisdiction?

Conflicts between peoples and countries are not always, and have not always been, settled by violence. In dealings between peoples and countries – as in private dealings between individuals –, efforts have always been made to find a solution to conflicts below the threshold of violence that does justice to the interests of both sides. Diplomacy is the well-known tool of the modern world of states. It seeks to balance the various interests through skilful negotiation; in this process, war remained the undisputed and sovereign right of states until the beginning of the 20th Century, which they believed that they were allowed use to assert their claims, even against the bitter resistance of their opponents. It was not until the *Briand-Kellogg Pact* in 1928 that wars of aggression were outlawed.

However, after preparatory work, above all by US-American international law pacifists, the community of states took a first step – but indeed only a small step – as early as 1899 to institutionalise the settlement of disputes on the basis of international law: The *Permanent Court of Arbitration*, founded in 1899, was only a code of procedure with a list of arbitrators; the states reserved the right to decide freely whether they wished to subject their conflict to arbitration at all and concur with the ruling. This Court of Arbitration was unable to prevent the First World War with its devastating consequences. However, there were also initial positive experiences with this new institutionalised international arbitration. After the end of the First World War, and with the establishment of the League of Nations, the *Permanent Inter-*

national Court of Arbitration was established in 1919. The member states of the League of Nations undertook to bring legal disputes before this court and then to comply with the judgment. The states still wanted to remain free in political conflicts. But the states were not even able to bring themselves to enforce the law impartially and bindingly in legal disputes. This development of international jurisdiction has been strongly supported by the Popes since Leo XIII, who have also called for further-reaching measures. For example, Pope Benedict XV demanded as early as 1917 that the arbitration tribunal that was to be established should be binding on the states. In addition, it must institute “sanctions to be imposed on any state refusing to [...] submit international matters to arbitration” (*Dès le début*, 1 August 1917). Even the *International Court of Justice* that was founded in 1945 has only very limited scope for action vis-à-vis the states in the really decisive disputes: The states wish to remain free in deciding to bring a conflict before the ICJ, and resist effective impartial enforcement of international law.

The possibility is set out in the Statute (Art. 36.2) of the International Court of Justice for states to agree, on a reciprocal basis, to binding submission to the International Court of Justice for all legal disputes. Approximately one-third of all states in the world have entered into this commitment: The states are then no longer free to decide whether to bring a dispute before the International Court of Justice, but have committed themselves to do so on a reciprocal basis. It is hoped that this will enable the role of the International Court of Justice in the settlement of international conflicts to gradually become larger. Germany also entered into this commitment in 2006, after considerable hesitation. The Basic Law had stipulated this since 1949. The path of the community of states towards a legal system in which conflicts are regulated on the basis of the law in a manner that is binding for all, and in which this law is also enforced in a binding manner and without ‘regard for the individual, still constitutes a long and winding road. But what would be the alternative if violent conflict between states – war with all its inhuman, devastating consequences – is not to remain the eternal fate of humanity? We as a community of peoples and states must take every realistic, conceivable step towards a compulsory, effective international jurisdiction, so that conflicts between states will also be carried out in a humane and civil manner at some point in the future, and not with the devastating violence of “modern” war.

Today however we live in a world in which war and violent conflict have not yet been overcome, and in which the task of the State is to enable the citizens of our country to live in security – not at the expense of other peoples and states, but together with them wherever possible. Security precautions, and thus also defence against military threats, will therefore remain a national task until international or supranational institutions are able to step into the breach. Today, German soldiers perform their service in a confusing and conflictive security policy environment, which presents them with special ethical challenges in protecting people

in other countries from the most severe human rights violations. Soldiers' ethical orientation constitutes a central pastoral challenge for the Churches, to which a separate focus is therefore now devoted in terms of the question of what the task of a constructive conflict culture means for military service.

5. Military service and constructive conflict culture

Military service is also integrated into the conflict structure of the present. What this means for the soldier, and what conclusions can be drawn from it, will be examined in the following considerations, using examples. Firstly, it will be recalled that military service has always been burdened with particular conflicts. Especially high demands have therefore been traditionally placed on the soldier's character.

The soldier must have skills that go beyond his military trade. He must have an ethical disposition for action, a level of ability that enables him to react responsibly, reliably and consistently in stressful situations. He possesses this ability to shoulder responsibility when he has certain military virtues, when his will is anchored to the right. These are in particular the virtues of bravery, cleverness and moderation. Above all, however, the soldier must be filled with the conviction that he wants to bring peace. Secondly, it will be shown how the ethical conflictive nature of the soldier's service is made particularly difficult today. Thirdly, the consequences of these insights will be considered.

5.1 The traditional conflict management ideal of the soldier: the brave, courageous, judicious, moderate peacemaker

It has always been an unquestionable part of the peace-ethical tradition that a soldier may only participate in a morally-permissible military mission. In this respect, military service is always bound to the last of the four cardinal virtues, namely justice. The problem of the legitimacy of a mission raises difficult questions, in particular as to whether and if so how a soldier can form such a difficult judgement. But let us put these questions aside for a moment. It is only important to note that the following statements should always be read on the premise that the mission as a whole is legitimate if they reflect on the moral problems facing the soldier during the mission. In this sense, the Second Vatican Council reaffirmed that soldiers' orientation is not solely "to bravely defend the freedom and security of the German people", but at the same time to always take a stand as "agents of security and freedom of peoples" (*Gaudium et Spes* 78).

According to tradition, the use of military force can only be permitted if it is carried out with the right intention. This consists of the soldier's intention to bring peace by fighting. To quote Augustine, who in turn is quoted by Thomas: "So be peaceful, fighting to drive those that you know the blessings of peace, winning the victory over them" (Sth II-II, q. 40, a. 1, ad 3)

The disposition corresponding to this orientation is righteous anger. It consists of a very special composition of the power of negation and affirmation. Out of hatred, righteous anger takes its indignation and power of negation against the injustice that it is combating. Out of

love, it takes its caring for the wrongdoer, insofar as he is human, and seeks to lead him out of wrongdoing into co-existence in justice and peace. With all the negating power of hatred, the soldier's anger can be directed, for example, against terrorism in order to fight it, but at the same time, with the affirmative power of love, he must be concerned to win the terrorist back over to the side of justice and peace.

It may however be that the soldier has to kill in order to make peace. There is an undeniable tragedy connected with this. The soldier may use weapons against enemy soldiers in order to fight them, which will almost certainly lead to the death of the enemy. However, he may only do so if he is pursuing a correspondingly significant military objective and cannot achieve this by less incursive means (proportionality principle). The soldier may however never kill for the sake of killing, or because he seeks revenge or hates his adversary. He must also feel sorry for the terrorist whom he may have to kill.

The soldier is also expected to be brave. Bravery is such an essential part of military service that the German soldier even commits himself to it in the wording of his oath, namely "to bravely defend the right and the freedom of the German people" (Soldiers Act [*Soldatengesetz*], section 9). Thomas of Aquinas provided a beautiful definition of bravery. A brave man is one who "refuses to renounce a just judgment for fear of a menacing sword or impending danger, even be it a deadly one" (II-II, q.123, a. 5, resp.). The commitment to justice distinguishes bravery from the pure daring of the bank robber, which can never be a virtue.

After all, the soldier is expected to have the virtue of prudence. No amount of ethical or legal knowledge, no matter how comprehensive, will unambiguously tell a soldier how to behave in a particular situation. He must be able to apply this knowledge in a manner that is appropriate to the situation. He is able to do so if he has the virtue of prudence. Finally, the soldier must have the virtue of the appropriate measure. An excess of violence not only claims pointless victims, but also undermines the willingness of those affected to make peace at a later date. The soldier must never lose himself in a frenzy of violence. However, failing to use sufficient force is also problematic. Those who apply too little force in order to achieve a legitimate military goal kill and destroy without having achieved the goal of their actions.

Bravery, wisdom and measure are virtues that can be practiced. It is an essential part of a soldier's training that he not only practises his craft, but is also encouraged to deal with the fact of exposing himself to potentially fatal danger and to test and practice his readiness to face it. The soldier must also learn to maintain the right level of military force under time pressure and in stressful situations, and to be able to apply his normative knowledge in a manner appropriate to the situation.

These demands have always been made on those rendering military service, and this still continues to be the case. Living up to them is virtually impossible without engaging in con-

flict. Military service today is however exposed to certain conflicts that are more typical of the present.

5.2 Modern challenges to a soldier's conflict management skills

Soldiers today face particular challenges that are associated with intensified conflicts. This can be illustrated by three examples. The first relates to the question that arises before a mission, namely whether a soldier can justify taking part in a military operation; then there are the difficult problems as to what force may be used during the mission; finally, the assessment of the success of the mission that is only possible afterwards.

The question of whether or not a soldier has a duty to examine whether a war to which he is sent is legitimate or not, and how far this duty goes, is one of the major issues on which opinions differ in the peace-ethical tradition. It is however beyond dispute that soldiers must not take part in a war that is unquestionably and unequivocally unjust.

At present, the problem of assessing the legitimacy of a mission is gaining a particularly high profile. For today, the question is not only whether the criteria for the legitimate use of force are satisfied or not. Rather, these criteria have themselves become controversial. Today, there is no longer a democratic consensus on many fundamental peace-ethical questions by which a soldier could be guided. This problem already became apparent in the Kosovo conflict, when it became clear that there was no social consensus concerning the legitimacy of a military deployment without a UN mandate to prevent the most serious mass violations of human rights in other countries.

The situation has not become any easier since then. Let us imagine that a chemical weapon is used in a conflict somewhere in the world, and the Security Council cannot bring itself to vote to condemn its use. The Federal Republic of Germany might be called on by its allies to take part in a retaliatory action against the party to the conflict. It is not unreasonable to assume that there would be considerable social dissent on this issue. Let us assume that Parliament decides, with a large number of dissenting votes, that the Bundeswehr should take part in this operation. How can a soldier responsibly form an ethical judgment in this situation as to whether he or she may take part?

Having said that, democratic consensus must not be romanticised. After all, it by no means cancels out all dissent. The importance and efficiency of democratic consensus processes can be explained by means of a frequently held view of the Cold War period. According to this view, the consensus consisted more in what was rejected. A complete renunciation of nuclear deterrence would not be a solution, as it would have tended to increase the risk of war. All-destructive use of nuclear weapons would also have been generally recognised as absolutely irresponsible. There would also have been a consensus that deterrence was on the very boundary of what was morally possible, and would only have been justifiable be-

cause all other alternatives seemed more problematic still. In this respect, according to this view, a consensus prevailed that deterrence was 'only just' acceptable. This 'just' applied in a temporal and factual sense. Deterrence could not be a permanent solution, and had to go hand-in-hand with verifiable steps towards disarmament. The social conflict had thus shifted to the question of the right *détente* policy. In a certain sense, one can therefore speak of conflict transformation here as well.

A democratic consensus, as has just been described, can certainly assuage a soldier's conscience. He can participate in the consensus-finding process with his questions, and will very usually also find answers. He hears the arguments, sees the debates gaining depth and breaking new ground. However, even a democratic consensus – no matter how unanimous – can never release a soldier from forming a judgment according to his own conscience. The democratic consensus is not an infallible value that absolves individuals of their responsibility. This is true for every citizen, as too for soldiers, especially with regard to their service. This idea will be taken up again later.

Let us turn to the problem of ethical judgment in the field. Ethics and international law prohibit the direct use of force against civilians. This does not however answer the question of the extent to which a military leader may endanger civilians in the field in order to reduce the risk to the soldiers entrusted to him. There is a whole range of possibilities here. Is there still a clear right or wrong here? Is there not a gradualism from 'particularly high' to 'somewhat problematic'? Is it possible to require of soldiers who are in the chain of command and obedience that they behave in a manner that goes beyond the call of duty? How is a responsible military leader to conduct himself?

Let us turn our thoughts to the third problem area: the question of the success of a mission. Has a mission achieved its defined goals? What does failure mean for its legitimacy and meaningfulness? This is a question that is now weighing heavily on many people with regard to the *International Security Assistance Force* (ISAF) mission in Afghanistan, especially when one thinks of the 56 German soldiers who lost their lives and the many who came home with physical and psychological wounds. Again and again one hears the question of whether their sacrifice was in vain.

There is a real need to distinguish here between two questions which can be explained using an example. Let us assume that a child is in danger of drowning. An adult passer-by notices, and jumps into the water. He or she gets into a whirlpool too, and in the end they both drown. Was the adult's sacrifice for nothing? One absolutely must distinguish here between looking ahead and looking back. If when he or she jumped into the water, the adult could have a legitimate hope of saving the child, then this decision was undoubtedly correct and of a high ethical calibre. In fact, one would have to say that even if it subsequently turned out that this act was not successful, he would have to say in retrospect that the decision to jump into the

water was correct in view of the information that was available at the time. In this sense, he did not sacrifice his life in vain, even though it did not lead to the child being rescued. In fact it was ethically highly superior. A person wanting to save the life of another human being, at the risk of his own death, deserves a high level of recognition, honour and respect.

This does not however mean that this decision would have been correct if the adult had known that he could not have saved the child. A rescue attempt that is made in the clear knowledge that it cannot save a person may be psychologically understandable from the point of view of, for example, a desperate parent, but it cannot be ethically justified. Giving one's own life to save others can only be morally permissible if there are prospects for success. For precisely when a person is really concerned with saving another, it is impossible for him or her to be indifferent to whether or not the other person is really saved. So when a hopeful rescue attempt fails, this does not make it ethically meaningless in any way, albeit there is a tragic aspect to it.

This tragedy however also simultaneously transports the obligation to learn from it. How could a child be allowed to fall into the water in the first place? Shouldn't lifebuoys or other safety measures be available at this point to make it possible to mount a rescue? How can people be better trained not to senselessly sacrifice their lives, for example by pulling others from burning cars?

Despite all the criticism of the ISAF mission in Afghanistan, it must therefore be stressed first of all that the soldiers did not sacrifice their lives and suffer physical and psychological injuries in vain. The soldiers deserve all our gratitude, respect and public recognition. Nor can we deny that the political and military leaders who acted on this mission saw prospects for the success of the mission to the best of their knowledge and belief. Retrospective critical reflection on the suitability of the mission for success cannot place a question mark over the moral value attaching to the victims.

This observation cannot however prohibit one from critically questioning and reflecting on the success of ISAF. On the contrary! Because soldiers, policemen, diplomats and civil reconstruction workers have put their lives and health at risk in Afghanistan, and will do so in other countries in the future in order to make peace, we owe it to them to learn all the lessons that can possibly be learned. This includes an unbiased perception and identifying mistakes. Having said that, soldiers on ISAF missions have experienced for more than 15 years that many conflicts on the direction, type and implementation of state-building in Afghanistan were not being carried out productively. There was a conflict of objectives in 2001-2010 between *Operation Enduring Freedom* (OEF), which fought terrorists and their Taliban allies, and efforts to win the Afghan population over to play an active role in rebuilding their communities. It was not until 2010 that the political priorities were clearly focused on nation-

building – too late, as can be seen in retrospect because valuable time and the credit that the international community initially had with the Afghan population had been wasted.

In addition, there was a great deal of dissent among international players – both governmental and non-governmental – as to which was the most promising approach to nation-building, and what concrete measures should be taken or avoided. As a result, nation-building measures carried out by various governmental and non-governmental players have repeatedly overlapped with and contradicted one another. This has neither served the cause, nor has it built up credibility in the eyes of the Afghan population. Whilst there are procedures and stakeholders in functioning democratic communities which can translate conflicting social discourses into actions of state authority orientated towards the common good, this is lacking at international level. This becomes clear not least in an international mission such as in Afghanistan.

The fact that international players are not very sensitive to culture and history is made clear by their decision to introduce a presidential system with a strong central power based on the French or US model, something which is alien to the Afghan political tradition. In Afghanistan, a weakly-developed central power contrasted with the considerable autonomy enjoyed by the ethnic groups in the provinces, which operate largely independently. This enabled a fragile balance to be maintained in the State for a long time. Resistance from the provinces is still directed against the central power created in 2001, which furthermore proved to be extremely corrupt and highly inefficient, especially under the first President Karzai. The current government of President Ashraf Ghani is also blocked by the conflicts between the various ethnic groups. Real governance remains limited down to the present day.

The Government in Kabul is dependent on international donors; the state budget cannot be financed from the low tax revenues. However, this phenomenon known as rent-seeking leads to the effect that, in the event of a conflict, the Afghan Government, against its better judgment, must prioritise the demands of the international donors over the political positions of its own people, to whom their politicians ultimately do not need to listen due to the lack of tax revenue. The parties to the conflict rely on their own armed militias in their fight for power in the State.

Mistakes of this kind must be freely admitted, and lessons must be learned from them. Whoever does this shows considerable authority and creates trust. After all, there are up to 1,100 German soldiers serving on the next international mission in Mali! However much one may criticise these missions, the alternative cannot be to simply leave societies in need to their own devices.

It has probably become clear what potential for conflict weighs on the shoulders of soldiers today when they ask themselves whether they can justify obeying the orders that they are given. They must find an answer in their consciences. That said, the burden of the peace-

ethical challenges lies not only on the shoulders of soldiers. In a democracy, soldiers ultimately act on behalf of the citizens. Society can no longer close its eyes to the difficult moral issues raised by military service today. The citizen's conscience is also at stake.

5.3 Conscience as the first battleground

If we are not completely mistaken, the pace at which new ethical challenges arise for soldiers will increase considerably. One need only think of the pressure being exerted on the alliance's political certainties, which were previously believed to be unbreakable, the development of weapons technology, and the cultural and religious dispositions for action in different regions of the world, which are often so difficult to understand from the outside. The problem that reality raises questions to which ethics has not yet found agreed answers, but which call for an immediate response, i.e. ethics is lagging behind the problems, will become more acute.

A soldier must therefore carry out his actions under conditions of great uncertainty, and often in terrain that is has only been roughly surveyed in ethical terms. It may be that, although he has acted with the best of his knowledge and intentions, he has to admit in retrospect that his judgement was based on ethical guidelines or an assessment of the situation which subsequent reflection showed to be inadequate. This applies not only to his actions, but also to his omissions, which require justification.

It would go far beyond the scope of this paper, nor is it in line with its argumentation, to clarify the difficult normative issues that characterise this situation, such as: If the ethical criteria for a mission are controversial, under what conditions may a soldier take part in a mission? How can he or she obey and command militarily under these conditions? These questions absolutely must be discussed – also by the Church and by theology. What this position paper is about is rather this: This situation, in which it is so tremendously difficult to distinguish right from wrong, creates a pressure of conflict on different, interwoven levels, which must be accepted and put to productive use.

The first level is the soldier's conscience. Even if the conditions under which he has to form a moral judgement regarding his actions and omissions have become more difficult, this particularly does not mean that he can dispense with this task. On the contrary! The soldier must not evade the question of what is right or wrong. He must make a conscience out of his actions. On the one hand, it is a question of his moral identity. On the other hand, for the religious man in conscience, there is an encounter between man and God: "Conscience is the most secret core and sanctuary of a man. There he is alone with God, Whose voice echoes in his depths." (*Gaudium et spes* 16). We understand moral self-determination in conscience as an essential characteristic of the inviolable dignity of man.

That is why both Catholic and Protestant military pastoral care have been committed from the outset to forming the consciences of soldiers within the framework of a curriculum of professional ethics that focuses more closely on concrete military ethical conflicts, and of '*life lessons*' that focus primarily on moral background convictions and motivations.

The formation of soldiers' consciences initially involves sensitising the perception of both morally-relevant situations, and of the needs and interests of those affected by their actions. In addition, it also promotes the enrichment of the imagination with regard to alternative options for action, always seeking non-violent or at least less violent solutions. Above all, however, it aims to sharpen the ability to judge, to be able to make morally-appropriate decisions in conflict situations. And this is particularly so because conscience threatens to become dulled due to the inherent dynamics underlying the exercise of violence.

Conscience-building is centred on ethical judgement: answering the question of which decision to act is appropriate from a soldier's perspective in a conflict situation – and for what reasons. This judgment formation must not be underestimated! An ethical judgement cannot simply be derived from general norms. A judgement also requires empirical knowledge of the situational context to which the norms are to be applied. The person making the judgment should be clear as to which of the norms already assumed to be valid is appropriate in a given case in light of all the relevant characteristics pertaining to the situation in question.

Knowledge of the Soldiers Act and of the rules of engagement is not sufficient for this.

Knowledge of norms neither replaces their application in a given situation, nor does it prevent them from clashing with other moral obligations from the outset.

Freedom of conscience is of great legal as well as moral relevance, especially in the case of a conflict of conscience. Here, a conflict of conscience is understood to be a conflict in which the moral existence of the person making the judgment is at stake: If the person concerned were to act against his or her profound ethical conviction, then he or she would betray and destroy his or her moral self-determination, the core of his or her personal existence. Then – and only then – is it a conflict of conscience.

A conscience-based taboo represents an absolute barrier to the obedience of the individual soldier. If, after serious and careful examination, the conscience of the soldier in question forbids him to obey an order, then he must never carry out that order. For it is in obedience to conscience that an individual's moral identity is decided. All the goods of this world ultimately derive their importance from the fact that they help a person to live in faithfulness to his or her moral identity. For this reason, even the maintenance of world peace or the self-defence of the Federal Republic of Germany must never require a person to sacrifice their moral identity.

Ultimately, the '*life lessons*' must also deal with the fact that there is not yet a social-democratic consensus on some peace-ethical questions, and that even the soldier cannot fill

this gap by reaching his own judgment. Military service occasionally also takes place today under ambiguous ethical conditions. This signifies a considerable increase in the burden on soldiers' consciences.

Because however conscience is so very much the centre of personal existence, the Protestant and Catholic *Churches among soldiers* have always been committed to soldiers' right to freedom of conscience. Orders should not only be invalid if they violate human dignity, are issued for purposes other than service, or if obeying them would constitute a criminal offence, as prescribed by the Soldiers' Act (section 11).

According to a landmark ruling by the Federal Administrative Court in 2005, soldiers may refuse to follow an order on the basis of their conscience without having to leave the Bundeswehr or suffering disadvantages in their careers, provided however that the judgment is truly a judgment of conscience. It is worth letting the Court's ruling have its say:

"The Federal Republic of Germany needs the political commitment of its soldiers, whereby section 8 of the Soldiers Act expressly makes it their duty to stand up for the preservation of the free democratic basic order within the meaning of the Basic Law. Since, under certain circumstances, in conflict with other constitutional provisions in the concrete situation in which it becomes inwardly irrefutable to decide, the fundamental right of freedom of conscience in accordance with Article 4 para. 1 of the Basic Law can carry greater weight than an order, with the consequence that the order is non-binding (BVerwGE 83, 358 <360>), then a soldier can himself reconsider his attitude towards the use of armed force by certain means for a concrete political or military purpose, and in particular consider what personal conscience-based decision he would make in accordance with the situation, if he were for instance ordered to participate in the use of NBC weapons."

The ruling continues by addressing the second level of conflict that is relevant here: the Bundeswehr. The Bundeswehr is supposed to have a culture in which the expression of doubts of conscience is valued. Here too, the importance of *'life lessons'* is emphasised:

"(The soldier) may therefore also express his doubts of conscience and moral scruples with regard to the ethical foundations of a strategy of peacekeeping which, if it fails, might destroy the values for whose sake military service is performed and destroy a dignified existence in large parts of the world. The Bundeswehr has to face such queries which come from the conscience of a soldier, and should encourage such an individual who suffers from the ethical problems of his service to lend open, if necessary also unprotected, voice to what worries him inwardly ... The possibility for this is offered by section 33 of the Soldiers Act, according to which soldiers must receive civic and international law instruc-

tion and be informed about their civic and international law duties and rights in peace and war.” (judgment of 21 June 2005 - BVerwG 2 WD 12.04)

By bringing about a culture in which conflicts of conscience are expressed and discussed, the Bundeswehr creates initial relief for soldiers’ moral dilemmas. But the Bundeswehr too must not be left alone in these dilemmas.

This brings into focus the third level of conflict that must be addressed here, namely that of political leadership. The ethical challenges for peace belong in Parliament and in Government. Questions of peace ethics must not only be asked and discussed here when complex facts have to be deciphered under extreme time pressure, but difficult normative answers have to be developed, and far-reaching decisions have to be made. The concrete and thus burdensome ethical conflicts of the mission also belong in parliamentary debates. Politics must not leave individual soldiers, or indeed soldiers as a whole, alone with their conflicts of conscience.

This however ultimately also applies to the fourth relevant level of conflict to which attention is to be drawn here: democratic debate and consensus-forming. In a democracy, the soldier is the representative of the sovereign, that is the people who send him into action. Soldiers’ pangs of conscience must become those of all citizens. Democracy must also make a conscience out of their conscience. Only then is it at all ethically justifiable to send soldiers on a mission under ethically sometimes unclear conditions, especially as decisions of life and death are at stake, if at the same time all efforts are made to proactively overcome these ambiguities in a democratically-supported consensus.

We need a broad debate on the great peace-ethical challenges of our time, only a few of which have been mentioned here. This debate must begin today on the challenges that are clearly on our doorstep. Democracy would fail to live up to its own claim that it is also collectively responsible for the collective use of freedom if it did not face up to this conflict.

This conflict will be waged productively if, firstly, it is fought out in all objective severity, and if, secondly, the dignity of the dialogue partners is respected, if, thirdly, no one is denied his conscientiousness, fourthly, the awareness prevails that no one is in possession of truth or morality, but that truth can only emerge in dialogue and only in accordance with what is humanly possible, and, fifthly, a completely different appreciation of the service of the soldier and his pangs of conscience would prevail in our society. All groups in society would have to participate in such a societal conflict of clarification, not least also the Churches and theology.

What would be the productive outcome of this conflict? It is to be hoped that a democratic consensus will be found on where and according to what criteria our soldiers will be sent out,

what they will fight for, kill for, die for or be injured for if necessary. It would be irresponsible to send soldiers on missions without such consensus-finding efforts. It would also be impossible to sustain such missions if the human and financial costs became difficult to bear.

What could therefore be more conducive to the coherence of our society than a respectful debate on the moral identity of our society and our State in a world undergoing profound changes and in which social cohesion is coming under ever increasing pressure? The Federal Republic of Germany needs a productive, controversial debate about the difficult, complex problems of peacekeeping which inevitably confront the world today.

Epilogue: Daring to engage in conflict – Making peace

A world without conflicts is neither realistic nor desirable. Our Western tradition of thinking already teaches that conflicts have not only destructive but also constructive potential. It is all about dealing with conflict in such a way that it can develop its constructive potential without degenerating into destruction.

Mahatma Gandhi appears to many people today as an icon of peaceableness. A closer examination however shows that Gandhi's peaceableness is quite contentious and ready to enter into conflict. To him, making peace means tackling conflicts and waging them productively. In political science, too, there is the idea that it cannot be about resolving the conflicts of this world, but rather a matter of transforming them into new, less violent conflicts. Where the coexistence of peoples is heavily burdened by historical conflicts and threatens to degenerate into fresh violence, a process of reconciliation is an indispensable part of constructive conflict management.

A large number of institutions are available in the process that is going on within countries of democratic opinion-forming within states and in the EU for the productive handling of conflicts. Unfortunately, this is not the case in the community of states, which is still underinstitutionalised. Further constitutionalisation must be called for in that context.

In this conflict-ridden world, in which there is no guarantee whatsoever that conflicts will be carried out productively, it will be necessary for the foreseeable future to use military force in order to maintain world peace and to defend a country's self-defence. It has however become difficult today to decide when violence is legitimate, how it may be used, and into which political concept it must be integrated in order to have a peacemaking effect. This situation creates a serious conflict in the conscience of the soldiers. The Bundeswehr should develop a culture in which there is space for, as well as understanding and recognition of, soldiers' pangs of conscience. Politics and society must not leave soldiers alone with their conflicts of conscience. Since soldiers act in the name of all, their moral dilemmas must also be the dilemmas of all.

This position paper calls for a dialogue within society on the pressing peace ethical challenges. This dialogue is certainly ready for conflict and tough on the issue, but it must always be conducted respectfully and in an awareness that what is right, insofar as it is at all recognisable to human beings, can only be shown in an exchange, in listening to and learning from one another.