

Honourable Judges:

I submit here in writing what I should have liked to say orally in court. But it is unlikely that I shall be able to come to Rome as I have been ill for some time.

My illness is the only reason for my absence. I should like to stress this point. Ever since the days of Porta Pia Italian priests have been suspected of showing little respect for the State. And this is the accusation that has been made against me at this trial. But the suspicion is ill founded in the case of very many of my confreres. Most certainly it does not apply to my case. On the contrary, I want to explain to you how indefatigably I strive to impress on my boys a feeling for the law and a respect for the tribunals of Man.

I should like to clarify one point regarding my counsel.

The things I wanted to say in the indicted letter concern me personally as a teacher and as a priest. In these two qualities I can speak for myself. Therefore I had asked my legal counsel not to speak on my behalf. But he explained to me that he could not renounce his part, either as a lawyer or as a man.

I have understood his reasons and have not insisted.

Another point to be clarified concerns the magazine which has been prosecuted together with me, for kindly having offered me hospitality on its pages. The indicted letter had been circulated by me privately as early as February 23.

Only later (March 6) was it re-published by *Rinascita* and then by other papers.

Thus it is merely by chance that I find myself prosecuted in the company of a Communist paper.

I would have no objection if the trial involved any other matter. But the Communist paper did not deserve the honour of being made standard bearer of ideas that are extraneous to it, such as freedom of conscience and non-violence.

The implication of the Communist paper in this cause is no service to clarity, that is, to the education of the young people who follow this trial.

Now I come to the motives which impelled me to write the indicted letter. But before that I should explain why I consider myself not only a parish priest but also a teacher.

My parish is a mountain parish. When I arrived there, there was only one elementary school: five classes in one schoolroom. When the boys left the fifth form they were still half illiterate, and they went to work, shy and despised by the world.

It was then that I decided to spend my life as a parish priest for their education as citizens, not only for their religious education.

For the last eleven years, I have spent most of my ministry teaching school.

City people used to marvel at our work schedule: twelve hours a day, 365 days a year. Before I got there the boys had

the same schedule of work (much harder work), to make wool and cheese for the townsfolk. Nobody had any objection. Now that I impose this schedule of work at school, people say I am too hard on them.

This question of our work schedule is pertinent to this trial only in so far as it would be difficult to understand my way of reasoning if one did not know that the boys are practically living with me. We receive guests in common. We read together: books, papers, the mail. We write together.

SPEAKING AS A TEACHER : The external occasion

We were together, as always, when a friend dropped in and brought us a newspaper clipping. It was entitled "a communiqué by the Retired Military Chaplains of the Region of Tuscany." Later we learned that this title was misleading: only twenty out of a total of 120 of the members of that organisation had been present when the communiqué was issued. I was unable to ascertain whether the others were as much as notified. I know only one person who belongs to this organisation: the parish priest of Vicchio. He told me he had not been invited to the meeting and that he was indignant at the form and substance of the communiqué.

The text, in fact, is a gratuitous provocation. It is enough to remember that, in referring to conscientious objectors, the communiqué uses the phrase "expression of cowardice."

Professor Giorgio Peyrot of the University of Rome is at present editing a collection of all the sentences against Italian conscientious objectors. He tells me that, since the Liberation, over two hundred sentences have been pronounced. About 186 of these he has definite information; in 100 cases he has the text of the sentences. He assures me that in none of the sentences has he found the word "cowardice" or any equivalent of it. On the contrary, in some of the sentences he found expressions of respect for the moral stature of the accused. For example: "The behaviour of the accused throughout impels one to conclude that he incurred the penalties of the law out of love for his faith" (two sentences of the T.M.T. of Turin, December 19, 1963; Scherillo, accused; June 3, 1964; Fiorenza, accused). In three sentences of the T.M.T. of Verona I found an acknowledgment of particular moral and social valour as motive (October 19, 1963; Valente, accused; January 11, 1957; Perotto, accused; May 7, 1957, Perotto accused).

So there was I sitting before my boys, in my twofold capacity as teacher and priest, and they looked up to me, passion and outrage in their eyes. A priest who insults an imprisoned man is always wrong; even more so, if he insults one who is in jail for an ideal. I did not need to tell these things to my boys. They had guessed as much. They also had realised that it was up to me now to give them a lesson for life.

I had to teach them how the citizen is supposed to react against injustice: how he has the freedom to speak and the freedom of the press. How the Christian must react against the

priest — even against the Bishop if the latter errs. How each one must feel responsible for all.

On one of the walls of our school is written, in big letters: I CARE. This untranslatable motto of the best of the American youth: I CARE. The exact opposite of the fascist motto I DON'T GIVE A DAMN.

When the communiqué arrived at our school it was already a week old. It was known that neither civic authorities nor ecclesiastical authorities had reacted in any way.

Thus we decided to react. An austere school like ours, which knows neither recreation nor vacation, has lots of time to think and to study. Therefore we have the right and the duty to say what others do not say. This is the only kind of recreation I grant to my boys.

We took up our history books (humble high school textbooks, not specialised monographs) and we went over a hundred years of Italian history in search of a "just war": a war, in other words, to which one could apply article 11 of the Italian Constitution. It is not our fault that we did not find such a war.

We have had lots of trouble ever since that day. We have received dozens of anonymous letters of insult and threats, with only a swastika or a fascio in place of the signature.

Journalists have inveighed against us, publishing "interviews" teeming with false information. Others have drawn incredible conclusions from these "interviews," without bothering to check the seriousness of their sources. Even our own Archbishop has shown little understanding of our position. (Letter to the Clergy, April 14, 1965.)

Our letter has been indicted.

But we kept up our courage, thinking of the thirty-one Italian boys at present in jail for the sake of an ideal: so different from the millions of youngsters who crowd stadia, bars, dance halls; who live in order to buy themselves a car; who follow the fashions, read sports magazines, and don't care a hoot for politics and religion.

One of my boys, who goes to the Technical Institute, attends classes of religion there, conducted by the chief of those military chaplains who published that "communiqué." My boy tells me that, in class, this chaplain often talks about sport and boasts that he is a passionate hunter and loves judo. The boy tells me that he has a car.

It was no concern of his to call those thirty-one young men "cowards" and their action "extraneous to the Christian commandment of love." I want my boys to be more like those thirty-one than like that teacher.

THE UNDERLYING CAUSE

At this point I must deal with the basic problem of any real school.

With this I think we have come to the crucial point of this trial: because I, as a teacher, have been indicted for advocacy of misdemeanour: that is for conducting a bad school. Therefore we should first agree on what is a good school.

A school is different from a court. The only thing that matters to you Judges is the established law. A school, instead, is placed between the past and the future. It must maintain contact with both.

A school must apply the delicate art of leading the boys on a razor's edge: on the one side, their sense for legality must be formed (and in this function, the school is similar to the court), on the other side, the desire for better laws must be developed — in other words: the political sense (and in this, the school differs from the court).

The tragedy of your office is that you know you must judge on the basis of laws which are not yet just in their totality.

There are still Judges alive today in Italy who in the past had to pronounce death sentences. We are all horrified at this thought; we must be grateful to those teachers who have helped us to progress, by teaching us to criticise the law then in force. This is why, in a certain sense, the school remains outside the bounds of your juridical order.

The boy is not yet penally responsible; he does not yet exercise any sovereign rights; he must merely prepare to exercise them in the future. From one point of view he is thus our inferior, because he must obey us, and we answer for him. From another point of view he is our superior: because tomorrow he will promulgate laws which will be better than ours.

Thus the teacher must be a prophet, to the best of his abilities; he must scrutinise the "signs of the times," depict in the boys' eyes the beautiful things they will see tomorrow, which we today see only in a haze. The teacher remains therefore in some ways outside the scope of the legal order, even though in some other ways he is in its service. If you condemn him, you cut short any possibility of legislative progress.

As far as their lives as young sovereigns of tomorrow are concerned, I cannot tell my boys that the only way to love the law is to obey it. All I can tell them is that they must honour man-made laws so much that they must obey them only when they are just (that is, when they protect the weak). When they see that the laws are unjust (that is, when they sanction the tyranny of the powerful), citizens must fight in order that they be changed. The normal instrument to change the law is the vote. The Constitution adds another instrument: the strike.

But the true lever to set in motion these two instruments is the word and the example by which we may influence voters and strikers. And when the hour comes, there is no greater school: no school that teaches more than he who pays with his person for a conscientious objection: he who breaks the law which he knows to be bad and accepts the penalty provided by that law. In this

sense our letter, which is here accused, makes school. The testimony of the thirty-one young men imprisoned at Gaeta makes school.

He who pays with his person bears witness to the better law he desires; testifies that he loves law more than others. I fail to understand how such a man can be mistaken by any one for an anarchist. Let us pray to God that he may send us many young men capable of such testimony.

This technique of constructive love for the law, I learned with my boys as we read Crito, the apology of Socrates, the life of our Lord in the Four Gospels, Gandhi's autobiography, the letters of the pilot of Hiroshima. Lives of men come into tragic conflict with the law of their time: not in order to destroy it but in order to improve it.

I have applied this technique in my little sphere; I have applied it all my life as a Christian, in face of the laws and the authorities of the Church. Strictly orthodox and disciplined and, at the same time, passionately alert to present and future, no one can accuse me of heresy or lack of discipline. No one can accuse me of being a careerist. I am forty-two years old and still a parish priest, in charge of forty-two souls!

I've trained admirable boys for that matter—excellent citizens and excellent Christians. None of them has grown up to be an anarchist. None of them has become a conformist. Make your own inquiries! These boys will testify in my favour.

BUT IS IT REALLY A LEGAL OFFENCE?

Up to this point I have explained to you that even if the indicted letter constitutes a legal offence, it was still my moral duty, my duty as a teacher, to write it. I have pointed out that if you take this liberty from me, you threaten the life of the school and therefore legislative progress.

But is it really a legal offence of which I am guilty?

The Constituent Assembly invited us to display at school the text of the Italian Constitution "in order to make the new generation aware of the moral and social achievements embodied in it." (Order of the day, adopted unanimously, December 11, 1947).

One of these moral and social achievements is embodied in Art 11: "Italy repudiates war as an instrument of attack against the liberty of other peoples."

You jurists will say that the law refers only to the future. But we, the common people, will tell you that the word "repudiates" is loaded with meaning: that it embraces the past and the future.

It is an invitation to give to everything a good airing. History, as they taught it to us, and the concept of absolute military obedience, as they are still being taught today, need a thorough airing.

You will excuse me if I have to enlarge somewhat on this point, but the Public Prosecutor has interpreted my letter as an

apology for disobedience. In reality it is nothing but a summary glance at a hundred years of history in the light of the word "repudiates."

Whether or not we must obey in future wars depends in fact on our judgment of those wars of the recent past.

When we went to school, our teachers — may God forgive them — lied to us shamefully. Some of them, poor wretches, really believed what they were saying. They cheated us because they in turn had been cheated. Others knew they were cheating us, but they were afraid. The majority of our teachers were probably merely superficial.

If we were to believe what they had to say, all those wars were fought "for the fatherland."

Let us now briefly examine four types of war which most certainly were not fought "for the fatherland."

Our teachers forgot to mention one obvious fact, namely that armies march under the orders of the ruling class. Until 1880 only 2 per cent of the Italian population had the right to vote. Between 1880 and 1909 the percentage rose to 7 per cent. By 1913, 23 per cent had acquired the right to vote, but only half of these people really knew how, or cared, to use it.

Between 1922 and 1945, the voter's card was not delivered to any one, but everybody received draft cards: drafting him to fight, one after the other, three ghastly wars.

According to the law, the right to vote is universal today. But the Constitution (art. 3) warned us in 1947 with a disturbing kind of honesty that the workers were *de facto* excluded from the levers of power. Since art. 3 has not been revised, it is permissible to think (and I happen to think so) that it describes a situation that still exists. Thus it is officially recognised that the peasants and workers, that is, the majority of the Italian people, have never been in positions of power. If this is so, our armies have marched only under the orders of a small ruling class.

The army itself shows unmistakable signs of this. The draftee is paid Lire 93.000 monthly if he is the son of rich people, Lire 4.500, if he is a son of the poor. The sons of the rich and the sons of the poor do not eat the same food, do not eat at the same table, and the sons of the rich are served by batmen who are sons of the poor.

Thus the army has never — or almost never — represented the fatherland in its totality and in its equality.

In how many historic wars, for that matter, have armies represented their fatherlands?

The army that defended France during the Revolution perhaps represented the fatherland. Napoleon's army in Russia certainly did not. The British army after Dunkirk, perhaps did. The British army at Suez certainly did not. The Russian army at Stalingrad perhaps did. The Russian army in Poland certainly did not. The Italian army at the Piave perhaps did. The Italian

army that fought on the 24th of May certainly did not.

The boys I have at school are exclusively sons of peasants and workers. Electric light came to Barbiana only two weeks ago. But the draft cards have been delivered to Barbiana homes ever since 1861.

I can't help telling my boys that their unfortunate fathers suffered and inflicted suffering in a series of wars fought in the interest of a small ruling class (to which they did not belong!), not in the interest of the nation.

The nation itself, the fatherland, is something that has been created by man; therefore it is something less than God: an idol if people adore it. I think it is not right to give one's life for something that is less than God. But granted even that it is right to give one's life for a good idol (the fatherland), it is certainly inadmissible to think it right to give one's life for a bad idol (the speculations of industrialists).

To give one's life for nothing is worse yet.

Our teachers did not tell us that in 1866 the Austrians had offered us the region of Venetia gratis: which means that those who died died without any reason. And it is monstrous to die without reason.

If they had fed us less lies, we would have understood how complex truth is: how that war, like any other war, was made of the heroic enthusiasm of some, the heroic indignation of others, the delinquency of others still.

I am saying all this because some critics have accused me of lack of respect for those who have fallen. This accusation is ill founded. I respect those unfortunate victims. It is because I respect them that I would think it an offence to their memory if I praised those who sent them to their death, and then scuttled away to save their own skins. That King, for instance, who escaped to Brindisi, with Badoglio and some generals: and they were in such a hurry that they even forgot to leave orders behind.

Respect for the dead, for that matter, can never push me to forget my boys who are alive. I do not want them to meet similar, tragic destinies. If, one day, they sacrifice their lives, I shall be proud of them, provided they do so for the sake of God and the poor, not for the House of Savoy or for Mr. Krupp.

We should also mention those wars that have been waged to push the frontiers beyond the national territory. There are still Fascists around, poor wretches, who write pathetic letters to tell me that before pronouncing the sacred name of Battisti I should wash my mouth. This happens because our teachers used to present Battisti to us as a fascist hero. Our teachers forgot to mention that Battisti was a Socialist. That he would have protested, had he been alive on that fourth of November, when the Italians marched into the South Tyrol. He would not have gone one inch beyond Salerno: for the very same reasons for which, four years earlier, he had protested against the Austrian presence this side of Salerno, and had deserted the army, as I pointed out in the indicted letter.

" We should think it foolhardy to claim rights to Merano and Bolzana " (Political Writings of Cesare Battisti, Vol. II, pp. 96-97). " Some Italians like to make confusion between the South Tyrol and the Trentino, and, with scant logic, they want to push the Italian frontier up to the Brenner ". (ibid.)

Under Fascism, falsification was scientifically organised: not only in the pages of books, even on the landscape itself. The South Tyrol, where no Italian soldier ever died, was adorned with three faked military cemeteries (Colle Isarco, the Resia Pass, S. Candido). Soldiers who had fallen at Caporetto were disinterred and reburied there.

I speak of frontiers for those who still believe, as Battisti did, that frontiers must neatly separate nation from nation: not in order to please those antedeluvian Nazis who fire at twenty-year-old Carabinieri. As far as I am concerned, I teach my boys that frontiers are an obsolete concept. As we were writing the indicted letter, we saw the posts marking our frontiers wandering up and down in continuity. And a thing that continues to change place according to the whim of military fortunes cannot be considered a dogma of faith, either civic or religious.

They presented the Empire to us as a glory of the fatherland! I was thirteen years old then. It seems to me that was only yesterday. I jumped with joy at the idea of the Empire! Our teachers forgot to mention that the Ethiopians were better than we were: that we went there to burn their huts, with their women and children inside, while they had done us no harm.

That vile school — whether it was consciously or unconsciously vile I don't know — thus prepared the horrors that were to follow three years later. It prepared millions of obedient soldiers: obedient to the orders of Mussolini or — to be more precise — *obedient to the orders of Hitler. And then: fifty million dead.*

Having been so grossly misled by my teachers when I was thirteen years old, I, the teacher, have in front of me these boys of thirteen, whom I love, and you want me not to feel the duty — not only the moral duty (as I explained in the first part of this letter) but also the civic duty — to pull off the veil from everything, including military obedience of the kind they taught us when I was a boy?

Prosecute the teachers who still repeat the lies; those who have learned nothing between that time and now: not me.

We have written this letter without the aid of a jurist. But a copy of the Civil Code we do have at school.

In the text itself of art. 40, and in Jurisprudence art. 51, we find that the soldier must not obey when the action that has been ordered is manifestly criminal: that the order must have a minimum appearance of legitimacy.

A sentence of the T.S.M. condemns a soldier for having obeyed an order to exterminate civilians (December 13, 1949: Strauch, accused).

Thus your own law recognises that even soldiers have a conscience and must know how to use it at the right time.

How could there be a minimum appearance of legitimacy in an order for decimation, for reprisals on hostages, for the deportation of Jews, for torture, for colonial warfare? Or take an action condemned by international agreements to which Italy is a signatory: could an order imposing such an action have a minimum appearance of legitimacy?

Our Archbishop, Cardinal Florit, wrote that "it is practically impossible for the single individual to evaluate the manifold aspects of the question of the morality of the orders received" (Letter to the Clergy, April 4, 1965). I am sure he did not mean the orders the German nurses received to kill their patients, or those Badoglio received and transmitted to his soldiers, that is, to fire on hospitals (Telegram of Mussolini, March 3, 1936), or to use poison gas.

That the Italians used poison gas in Ethiopia is a fact established beyond question. The Geneva Protocol of May 17, 1925, ratified by Italy on April 3, 1928, was first violated by Italy on the Tacazzé on December 23, 1935. The *Encyclopaedia Britannica* reports it as an established fact. By now even the Catholic papers deplore it (*L'Arvenire d'Italia*, articles by Angelo del Boca, May 13, 1965 and July 15, 1965). We have read the telegrams sent by Mussolini to Graziani: "Authorise use of gas" (telegram No. 12409, October 27, 1935), from Mussolini to Badoglio: "Repeat authorisation use any kind of gas in any quantity" (March 29, 1936). Haile Selassie has confirmed it authoritatively and detailedly. (Interview for *Espresso*, September 29, 1965, ff.)

Those obedient officers and soldiers who threw barrels of mustard gas are war criminals, even though they have not yet been prosecuted.

Prosecuted, instead, am I, because I wrote a letter which has been deeply appreciated by many readers.

(I was most happy to receive, among many others, the letters of affectionate solidarity from the Internal Commissions of the most important Florentine factories, from the leaders and moving spirits of the C.I.S.L., Milan and Florence, and from the Waldensians.)

What an idea can young people have today of crime?

The international conventions are today an integral part of the Constitution (art. 10). I teach my mountain folk to honour the Constitution and the pacts signed by their fatherland, over and above the conflicting orders of a general.

I do not consider them as mental deficient who are unable to understand whether or not it is legitimate to burn a child alive. I consider them sovereign and fully conscious citizens: rich in the good common sense of the poor; immune to certain intellectual perversions which often afflict the sons of the bourgeoisie: those, for instance, who read D'Annunzio and made us the gift of Fascism and its wars.

At Nuremberg and Jerusalem men have been condemned for their obedience. All mankind agrees that they should not have obeyed; for there exists a law which men perhaps have not yet transcribed into their law-books but which is written into their hearts. A large part of humanity calls it the law of God. Others call it the law of conscience. Those who believe neither in the one nor in the other are only a tiny, sick minority. It is they who cultivate blind obedience.

To condemn our letter is tantamount to telling the young Italian soldiers that they must not have a conscience; that they must obey like robots; that their crimes will be paid for by those who gave the orders.

Instead we must tell them that Claude Eatherley, the pilot of Hiroshima, who night after night has visions of women and children burning and melting like candles, refuses to take tranquilisers, does not want to sleep, does not want to forget what he did when he was a "good boy, a disciplined soldier" (as his superiors defined him at that time), "an irresponsible imbecile" (as he has defined himself now). (*Letters of Claude Eatherley and Günter Anders*. Milan: Einaudi, 1962).

When I was studying Moral Theology, I came across a principle of Roman law which you, too, will accept: the principle of joint responsibility. Popularly it is known in the form of a proverb: "He who holds the bag is no less of a thief than he who steals."

When you have two persons who jointly commit a crime, for instance the principal and the executioner, you send both of them to the penitentiary, and everybody knows that the responsibility cannot be divided in two.

A crime like that committed at Hiroshima called for thousands of directly co-responsible culprits: politicians, scientists, technicians, workers, pilots. Each one of these has silenced his own conscience, pretending that the guilt was to be divided by a multiple of a thousand. A remorse reduced to millionths does not disturb a man's sleep nowadays.

Thus we come to this absurdity: When a cave man kicked another, he knew he had done wrong and he was sorry. The airman in the atomic era fills the tank of the plane that shortly will reduce to ashes some 200,000 Japanese — and does not feel any remorse.

If we were to listen to certain advocates of the theory of obedience — or to certain German courts, it would only be Hitler who should be held responsible for the murder of six million Jews. But Hitler was irresponsible because he was mad. Thus the crime was never committed because no one committed it.

There is only one way out of this macabre play of words. To tell the young that they are all sovereign: that obedience is no longer a virtue but the subtlest of temptations; and that they should not count on using it as a shield, either before men or before God; that each one of them must feel uniquely and integrally responsible for everything.

Only if this happens, will mankind be able to say that this century has seen a moral progress parallel and commensurate to its technological progress.

SPEAKING AS A PRIEST

Up to this point I have spoken as a citizen and teacher who believes he has rendered a service to society with his school and his letter: not committed a legal offence.

But let us assume once more that you consider it a legal offence.

If the accusation is made against me alone, and not at the same time against my confreres, it follows that my orthodoxy as a Catholic and as a priest is put in question. It would seem in fact that you are condemning the personal ideas of an odd priest. But I am a living part of the Church. More than that: I am its minister. If I had said anything extraneous to its teaching, the Church would have condemned me. The Church did not do so because my letter says things that are elementary to Christian doctrine, such as priests have been teaching for the last two thousand years. If I have committed a legal offence, you should prosecute all of us.

I have quite intentionally avoided speaking from the point of view of the non-violent. Personally I believe in non-violence. I have tried to educate my boys in this sense. I have directed them, as far as I could, towards the trade unions (the only organisations which apply the technique of non-violence on a large scale). But non-violence is not yet the official doctrine of the whole Church. The doctrine of the priority of conscience over and above the law of the State, on the other hand, has been adopted by the Church in its entirety.

It will be easy for me to demonstrate that, in my letter, I have spoken as an integral Catholic; often even as a conservative Catholic.

Let us begin with history.

The history of Italy until 1929 as I summarised it in my letter is exactly as the priests used to tell it in their seminaries up till that date. My old parish priest told me that *La Squilla*, the Florentine Catholic paper, used to carry black stripes on top and at the bottom to indicate its state of mourning for the *Risorgimento*!

In what concerns more recent history, that is, my judgment of the Fascist wars, it may well be that one or the other of my confreres takes a more nostalgic attitude, but it is well known that the vast majority of priests are in favour of the democratic party which has been the main author of the Constitution (i.e., also of the word "repudiates").

Let me now consider doctrine.

The doctrine that places the law of God before and above the law of Man is accepted, nay, glorified, by the entire Church.

I need not look for modern difficult theologians to prove this.

You may ask any child who is preparing for his first Communion: "If father or mother order an evil thing, must one obey? The martyrs disobeyed the laws of the State. Did they do well or did they do wrong?"

There are some who misquote, in this respect, the saying of St. Peter: "Obey your superiors even if they are evil." Certainly. It is of no importance whether the person who commands is personally good or evil. Only he will answer before God for his own deeds.

It is important, however, whether he orders us to do good or evil: because for our own actions we will have to answer before God.

So much so that St. Peter wrote his wise exhortations to obedience from jail — where he was imprisoned for having solemnly disobeyed.

The Council of Trent was explicit on this point: (Catechism, part III, Precept IV, par. 16): "If the political authorities command anything iniquitous, they must not be listened to. In explaining this matter to the people, the priest should point out what great and commensurate prize will await in heaven those who obey this divine precept" — that is, to disobey the State!

Certain Catholics of the extreme right (the same, perhaps, who have denounced me) are full of admiration for the Exhibition of the Church of Silence. That Exhibition amounts to an exaltation of citizens who for the sake of their conscience rebel against the State. Thus even my most superficial accusers really think the way I do. Their only mistake is to remember this eternal precept when the State is Communist and the victims are Catholic while forgetting it in those cases (like Spain) where the State is allegedly Catholic and the victims are Communist.

These are painful things to say, but I have mentioned them to show you that, on this point, the circle of Catholics who think the way I do, is closed.

Everybody knows that the Church honours its martyrs. Not far from your Tribunal, the Church has erected a basilica in honour of a humble fisherman who paid with his life for the conflict between his conscience and the law then in force. St. Peter was a "bad citizen." Your predecessors at the Roman court were not altogether wrong in condemning him.

And yet they were not intolerant against religion as such. They built temples in Rome for all the gods and they were glad to offer their sacrifices on any altar.

In only one religion their profound legal sense perceived a mortal danger to their institutions. The religion whose first commandment says: "I am a jealous God: Thou shalt have no other gods before me."

In those times it was thus inevitable that good Jews and good Christians would seem to be bad citizens.

Then the laws of the State progressed. Let me tell you — whether the laicizers like it or not — that the laws of the State

kept approximating always more closely to the law of God. Thus it is becoming every day easier for us to be recognised as good citizens. But this is happening by coincidence: not intrinsically. You should not be surprised therefore if even now we cannot yet obey all the laws of man. Let us improve those laws, and one day we'll be able to obey all of them.

For I have confidence in the laws of man. During the brief span of my own life it seems to me they have progressed by leaps and bounds. The law today condemns so many evil things which it still sanctioned yesterday. Today the laws condemn the death penalty, absolutism, monarchy, censorship, colonialism, racism, the inferiority of women, prostitution, child labour. Today they sanction the right to strike, the trade unions, the political parties.

All this means an irreversible coming nearer to the law of God. The coincidence between the two in our days is such that, normally, a good Christian may pass his whole life without ever being impelled by his conscience to break a law of the State. I myself, for instance, have had a clean record up to this moment. And I hope to maintain it clean even after the end of this trial. This is a wish I make for the sake of those who are really patriotic. Who knows how miserable they would feel if they could read all the letters I receive from abroad, from countries where conscription does not exist, or which recognise the right to conscientious objection. The writers of these letters think they are writing to a savage country. One writer asked me for how long poor Father Balducci will still have to stay in jail.

We said that today our two laws almost coincide. But there are some exceptional cases in which the old divergence still obtains, and the ancient commandment of the Church is still valid: that we must obey God rather than human beings.

In the indicted letter I have enumerated some of these cases. I may add some further considerations.

Let us take conscientious objection in the strict sense of this term.

Just in recent days the Church has given me aid and comfort on this particular point. The Council invites all legislators to respect (*respicere*) those who, whether to testify to Christian meekness, out of reverence for life, or horror to commit violence of any kind, for reasons of conscience refuse military service or any individual actions of imminent cruelty such as war entails." (Schema 13, par. 101. This is the text as proposed by the relevant Commission, which reflects all the currents of the Council. It is most likely therefore that it will become the final text.)

Those twenty military chaplains in Florence said that a conscientious objector is a coward. I have merely said that, perhaps, he is a prophet. It seems to me the Bishops are saying much more than what I said.

I want to mention three further, symptomatic facts.

If a theological student who came back from the war of 1918

wanted to become a priest, he had to ask the Holy See for a dispensation for the canonical irregularities he might have committed in obeying his officers' orders. In 1929 the Church requested that the State exempt theological students, priests and bishops from military service.

Canon 141 prohibits members of the clergy from signing up as volunteers — except in cases where they do it in order to get out sooner (*ut citius liberi evadant!*)! If any disobey he shall automatically be returned to the status of a layman.

Thus the Church considers military activity on the whole as something unsuitable for a priest — to put it mildly: something that has its lights and its shadows: that same thing that the State celebrates with medals and monuments.

Let us now finally face the most burning problem of these last wars and of those to come: the killing of civilians.

The Church has never admitted that it is lawful in a war to kill civilians, except if it happens incidentally, that is, during an effort to hit military objectives. Now we have read at school an article — quoted by *Il Giorno* — by Nobel Prize winner Max Born, published by the *Bulletin of Atomic Scientists*, April, 1964. Born says that during the First World War 5 per cent of all dead were civilians, 95 per cent were military (one still could sustain the thesis that the civilians had died "incidentally").

During the Second World War 48 per cent of the dead were civilians, 52 per cent military (it was no longer possible to claim that the civilians had died "incidentally").

In the Korean war 84 per cent of the dead were civilians, 16 per cent military (one may now sustain the thesis that it is the military who are killed "incidentally").

We all know that *generals* today study strategy in terms of "megadeaths" (1 megadeath = one million dead), that is, that today's weapons aim directly at the civilians, and that perhaps only the military will go scot-free.

As far as I know there is not one theologian who would admit that a soldier may aim directly (one might even say: exclusively) at civilians. In this situation the Christian must object — even if it cost him his life. I should add that it would seem to me logical that in such a war the Christian may not participate even as a kitchenhand.

Gandhi understood this long before the atomic bomb came into the picture. "I make no distinction between him who carries weapons of destruction and him who serves in the Red Cross. Both participate in the war and further its cause. Both are guilty of the crime of war (*Non-violence in Peace and War*, Ahmedabad 14, vol. 1).

At this point I ask myself whether it is not academic to continue to talk about war in terms that were inadequate already at the time of the Second World War.

Yet I must talk also about the wars of the future, because the accusation of advocacy of misdemeanour that has been made against me, co-involves the question of what our boys should or should not do tomorrow.

With regard to the war of the future, the inadequacy of the terminology of our theology and of your legislation becomes even more self-evident.

It is well known that the only "defence" in a war waged with atomic missiles is to fire twenty minutes ahead of the "aggressor." But in good Italian, to shoot first is called "aggression", not "defence".

But let us imagine a most honest State which, in "self-defence", shoots twenty minutes later. Which means its submarines would fire — they being the only survivors of a country that would have been deleted from the map. In good Italian this is called "revenge", not "defence".

I am sorry if this discussion is taking on a tone of science fiction, but Kennedy and Khrushchev have publicly emitted threats of this sort against one another.

"We are fully aware of the fact that this war, if it unleashed, will be, from the very first hour, a thermonuclear war and a world war." (Letter from Khrushchev to Bertrand Russell, October 23, 1962.)

Thus we are tragically adhering to the world of the real.

Defensive wars, then, no longer exist. Therefore there exists no longer any "just war" — neither for the Church nor for the Constitution.

The scientist have warned us more than once that the survival of the human species is at stake. (e.g., Linus Pauling, Nobel prize for Chemistry and for Peace.)

And we keep arguing here whether the soldier has or has not the right to destroy the human species?

I whole-heartedly hope that you will acquit me. The idea of playing the hero in jail does not amuse me. But I cannot help declaring in explicit terms that I shall continue to teach my boys what I have been teaching them thus far: that is, if an officer gives them the order of a paranoic, it will be their duty to tie him up good and tight and take him to the madhouse.

I hope that my fellow priests and teachers of all religions and all schools all over the world will teach the way I do.

In spite of that some general may find somewhere the villain who obeys, and thus we shall fail to save humanity. This is no reason for not doing our duty as teachers to the end. If we cannot save humanity, let us at least save our souls.

Lorenzo Milani
Burbiana, October 18, 1965