

IS WAR EVER RIGHT?

When we consider the present tragic state of nearly all Europe we are struck with the horrible-ness of war. Soon two years will have passed since the present great conflict began—a conflict that has caused miseries known in full only to God. And only to God is known the number of people deprived of life in its progress thus far. The thoughtful person may ask himself, are not the nations engaged in this war all at fault; and is not war at all times and under all circumstances to be condemned. Statistical calculations tell us that in wars of recorded time 17 billion human lives have been sacrificed. We read in the Decalogue, "Thou shalt not kill." Does the intentional killing, then, of 17 billion people mean that 17 billion mortal sins have thereby been committed? Does "Thou shalt not kill" forbid absolutely one man's dealing the death blow to a fellow man? Does the fifth commandment of God preclude at all times and in all circumstances the possibility of legitimate armed contention between civil and sovereign powers? These are questions of social morality, of civic righteousness and of civic sin; they are questions that involve fundamental principles of duty—duty of man toward God, and of man toward man. And for answer to

them we turn to God's guardian of truth on earth—the unchanging and unchangeable Catholic Church.

The purpose of this article is not to state whether an individual Power to-day at war is in the right or in the wrong. On the contrary, it is to indicate by broad outline how Catholic teaching answers these two questions: First, if a nation's right of war exists, whence does it arise? and secondly, under what conditions may a sovereign power justifiably engage in and carry on violent relations with other sovereign power or powers?

As to the first of these two questions Catholic teaching is that a war may be just and right, and moreover that the right of a nation to carry on war arises from the natural law. If this statement is not to be meaningless to us, we must know the signification of the term "natural law," and must get an understanding of how, and how far this "natural law" applies to the individual as well as to society in general.

By the term "natural law" is meant the unwritten rules of creature conduct which God necessarily made when he decreed creation. For example, a beast protects its young or repels attacks made upon its own life, in accordance with the natural law.

Self preservation is life's first law; everything that lives strives to prolong its existence because implanted in the nature of all living things is the impulse toward self preservation. This is an example of the natural law. Likewise man's first impulse when danger threatens is either to flee or to fight. Man thus arms himself to protect limb or life because when God created him He necessarily (i. e., He must have done it owing to man's nature), gave man the right to use the means needful for self preservation when destruction seemed imminent.

If an armed man approaches you with a business-like expression on his face you have a right according to an unwritten rule—a rule discernible to correct reason—to arm yourself in defense and to oppose him in the degree to which he is armed and presses you. Of course, you do not know in the moment of defense just how intense his aggressiveness is going to be, and, as circumstances prevent the possibility of such calculation, the defendant's duty is self preservation even if it costs the death of his aggressor.

Now we come back to the commandment, "Thou shalt not kill"—a law of God apparently violated in the slaying of the armed aggressor. But let us examine more closely the nature of this command. "Thou shalt not kill" is a positive law of God, and as

such in contrast to a natural law it was made freely by God (and not necessarily as is the natural law) that creatures might attain their proper end; and again because it is a positive law, it is not immutable as are the natural laws. A law that God makes of His own free will and not because He is bound of a necessity to make it is called a positive law. Positive laws are subject to change and to suspension, i. e., in some circumstances they may be set aside for a time. The natural law binds always and under all circumstances. Consequently if there comes a clash between the natural law and the positive law the natural law takes precedence. In the above case of assault the natural law commands the man attacked to preserve his life, while the positive law commands him not to slay his aggressor. Evidently in this clash the immutable natural law is to be obeyed and the defendant may rightfully kill the man who would otherwise kill him. Man must have life if he is to work out his present and final end. In virtue then of a connatural right given him by the natural law, the individual, in order to preserve the means necessary to attain those ends for which God created him, may take the life of another.

Man is by nature a social being. And there are many kinds of so-

ciety. "Civil society is a union of many persons who are their own masters *sui juris* joined together for the purpose of protecting their rights and securing their temporal happiness." As civil society is morally a person the state has certain rights and duties similar to those of an ordinary person. These rights and duties as for a person, so for a state, arise from the natural law. For since society is natural to man it owes its institutions to the Creator who necessarily must have made laws and rules for its proper continuance, which rules and laws are implanted in the hearts and minds of men.

According to President James Madison's definition of international law, "it consists of the rules which reason deduces as consonant to justice from the nature of the society existing among independent nations; with such differences and modifications as may be established by common consent." In point of natural rights all nations are equal, because the rights of a nation arise from its nature as a complete civil society. Consequently "reason deduces" and "it is consonant to justice" that nations have among other rights the following (and may carry on armed force, just as a single person may use violence, to enforce the respecting of these rights by other powers) viz. :—dominion over their own territory, preservation of their exis-

tence as nations, management of their own affairs, and honorable recognition by other nations. As to the right of preserving its existence as a nation it is presupposed as a condition that a nation is independent and has at its head properly constituted authority.

Nations also may take steps to protect weak and oppressed nations and also to wage wars for the recovery of damage inflicted upon themselves, or in certain cases upon a third nation, although in regard to this right the natural law is not so easily applied. Some argue that the right to wage punitive wars in behalf of other nations must exist somewhere and should logically exist in the nation willing to take such steps. Consequently it may be seen that there exists in nations, if they are to attain their end, which is prosperity and happiness, the right to wage war on other power or powers.

Now as to the conditions under which a nation may justifiably enter upon and carry on war with other nations: in the first place a war must be just. That is it must be waged for a just cause, the state being the one to decide as to the justice of the cause. In order that a war be pronounced just there are several points that must be considered. There must be a reasonable proportion between the cost of war and the damage done or threat-

ened before a war can be called just. Such proportion is calculated by comparing the most probable moral and physical cost of war to the nation with the most probable moral and physical cost of the violation of a right whether the violation of the right be actual or merely threatened. Another point that must be considered is the danger of allowing too full play to vanity and senseless sensitiveness when a nation's honor has been slighted. Again war must be waged as a last resort and with the view of reaching peace as soon as possible. If there is a possibility through arbitration, threat or delay, of reaching the end desired or repairing the damage done, some of these means must be employed and war must not be waged. But when a state, through the person or personnel of its civil authority decides that war should be entered upon, it must observe a number of principles of justice that are commonly known to exist in connection with civilized warfare. Chief among these are the following: First, only such damage to life and property should be done as will effect the purpose of war—the submission of the enemy or whatever the end may be. This means that wanton and indiscriminate destruction of property should not take place. Secondly, in the causing of the dam-

age no acts intrinsically immoral, e. g., lying or treachery should be committed. Thirdly, the intentional and unnecessary killing of non-combatants, as well as the destruction of their property further than is beneficial to the invading state or its army, is also forbidden. And as our forefathers, if President Madison's perfect definition of international law satisfied them, had true concepts as to what was right and wrong in war, so international lawmakers of to-day forbid poisoning, assassinations, and the using of excessively destructive ammunition, etc.

In general then, a war to be just, must be waged by a sovereign power formally declaring war and must be conducted with a moderation that approves of no act intrinsically wrong. Moreover, war must be the only available means that the nation has of securing a perfect right of its own, or of some other nation that invokes its aid; and lastly there must be a proportion between the payment exacted (in case of a punitive war), damage done, and the entire cost of waging the war—there must be a proportion between all these and the right (which must be a real right, i. e., one arising from the natural law), which is violated or threatened.

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