

## THE MORALITY OF WAR

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THE Treaty of Paris and the President's Naval program have focused the Nation's thought on peace, or, perhaps to be more precise, on the avoidance of war. Yet, because of the diametrically opposed methods of approach used in them, and because of the exaggerated claims which are sure to be set forth by the proponents and antagonists of these measures, the exact status of war, from a moral viewpoint, may be greatly clouded. Hence in this paper we purpose to examine the question of war and to determine the conditions justifying or condemning this instrument of nations.

"War is a contention carried on by force of arms between sovereign states, or communities having in this regard the right of states."<sup>1</sup> That war is not intrinsically wrong is evident both from the Divine Positive Law and from the Natural Law. For John the Baptist, in his instruction to the soldiers,<sup>2</sup> says nothing about laying down their arms; which certainly he would have said if war were never justifiable before God. Furthermore, the Natural Law confers on nations the moral powers necessary to the purpose of the nation; *viz.*, to obtain its corporate rights and the rights of its citizens. To forbid it the use of coercion in maintaining intact and inviolable these rights would be to label the end and duties of the nation meaningless, since each nation, being supreme in its temporal affairs, is without a superior to which it can appeal. "The right of self-defense is part of the law of our nature, and it is the indispensable duty of civil society to protect its members in the enjoyment of their rights, both of person and property."<sup>3</sup> Nations may surrender a part of this right by pacts and treaties, but it is only with the consent of the individual nations that international courts may exercise this right, as in the nation alone does the Natural Law implant this right.

But of more practical importance than the fact that war is

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<sup>1</sup> Charles Macksey, S. J., "War," *Catholic Encyclopedia*, XV, 546.

<sup>2</sup> cf. Luke, iii, 14.

<sup>3</sup> James Kent, *Commentaries on American Law* (Boston, 1896), I, 48.

not by its very nature unjust is the question as to when war is just. For, though the Natural Law is the basis of the right to make war, we cannot conclude that every war is therefore just. On the contrary, since this law is the justification of this right, all conditions arising from it must be fulfilled before any war can be termed a just war.

What these conditions are, St. Thomas tells us. "That any war be just, three things are necessary. First, the authority of the sovereign by whose command the war is to be waged . . . Secondly, a just cause is required, namely that those who are attacked, should be attacked because they deserve it on account of some fault . . . Thirdly, it is necessary that the belligerents have a rightful intention, so that they intend the advancement of good, or the avoidance of evil."<sup>4</sup>

The authority in declaring an offensive war must be the supreme authority of the nation; that is, emperor, king, president, or a body having corresponding powers. Since war is the supreme act of vindictive justice among nations, it follows that its declaration pertains to that moral person in the nation who has no superior in temporal matters. In a defensive war, however, should the danger and necessity demand immediate action, a lesser authority with jurisdiction over the territory threatened may declare war. The Natural Law vests even private citizens with the right to repel force with force; hence the lesser authority may do likewise. Furthermore, in the event of the supreme authority culpably neglecting to vindicate an injury, a lesser authority or a dependent republic may, if the enemy because of this negligence becomes bolder and threatens a new injury, assume the aggressive, since the war would then take on the aspect of defense. An illustration of this is had in the possibility of an attack on Texas by Mexico. Ethically, Texas would be justified in proclaiming war should Mexico launch an attack demanding immediate resistance. Not only this, but, with the supreme authority taking no cognizance of a prior attack, the state could send its forces into Mexico to prevent the entrance of the latter's army into the state; and this in both cases by virtue of the right of self-defense. Legally, however, by reason of pacts between nations or by reason of the laws of a nation, such acts would not be justifiable. Moreover, such affairs are covered by International or National law or custom;

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<sup>4</sup> *Summa Theologica*, IIa IIae, q. 40, a. 1.

hence we can say that the supreme authority has the unique right to declare war, sure it is the highest tribunal in the land.<sup>5</sup>

The exercise of this right is a far different thing. The right is absolute, its exercise, dependent. This dependence may be expressed in the general condition; *viz.*, the existence of a just cause arising from a grave injury which has been suffered and which not only has not been repaired but which is reparable in no other way. This is manifest. War being an act of justice, to resort to it without a just reason or when reparation has been offered would be clearly against justice, since it would be the violation of the supreme right of another nation.

Consequently, the second condition for a just war is a grave injury unrepaired and reparable only by war. The injury must be so grave that the good to follow will outweigh the evil consequences. (It must be noted, however, that circumstances can cause a light injury to become grave, so that if it is not suppressed it will increase to a very grave stage.) By such an injury the common good of the nation is imperilled. If, therefore, nations have no instrument with which to protect their sovereignty, national honor and the right to existence are but mere words, and might becomes the last criterion of independence.

In what does this grave injury consist? First of all, foreign aggression endangering the rights of the nation directly or indirectly through those of its citizens; secondly, the need of making safe the future by the punishment of the threatening or infringing nation; thirdly, a grave injury done to the ruler or his ambassadors; fourthly, violation of a weighty agreement, or aid borne to an unjust enemy or obstruction of the just punishment of the guilty; fifthly, unjust war against an ally or the harassing of innocent people; sixthly, the refusal to surrender what is rightly due; lastly, refusal of a peaceful passage without foundation for fears of depredation.<sup>6</sup>

But such an injury received or threatened is not of itself a just title to war. Indispensable to this title is that war alone can repair this injury. "War is not to be resorted to without absolute necessity, nor unless peace would be more miserable and dangerous than war itself. . . . Every milder method of

<sup>5</sup> cf. Francis Victoria, *De Indis et Jure Belli Relectiones* ("The Classics of International Law" collection, Washington, 1917), pp. 275-278.

<sup>6</sup> cf. Victoria, *ibid.*, p. 278; Billuart, *Summa Sancti Thomae*, Tractatus de Charitate, Diss. VIII, a. 3; Janvier, *Exposition de la Morale Catholique*, La Charite, III, pp. 144-145; Macksey, *ibid.*, p. 548; Kent, *ibid.*, p. \*49.

redress is to be tried, before the nation makes an appeal to arms."<sup>7</sup> Consequently, if the offending nation shows a serious inclination to make amends and give guarantee for the future, war ceases to be inevitable. Granted that the Natural Law has constituted the offended nation the last court, nevertheless, when the grounds for complaint are not clear-cut and the public authority is morally certain that a tribunal can be established which will render justice, then the Natural Law seemingly demands arbitration. This is based on the fact that the life of but one citizen is sufficient to demand the exhaustion of all available means before the engines of destruction are unloosed, and also on the fact that justice demands the acceptance of reparation. Consequently, the offending nation should be given the opportunity to make it.

Presupposing that the supreme authority has declared the war and that an injury, inflicted or threatened, is remediable only by war, still another and last condition is necessary; *viz.*, a right intention, that is, the intention of promoting good or avoiding evil. Otherwise the war is morally wrong. Since the offending nation has violated justice and threatened the common good, the sole purpose of the ruler must be to satisfy this justice and to protect the common good. Under this right intention, first and foremost comes the duty to make certain that the injury is of such a nature that it can be remedied only by war. Certainly a ruler cannot be said to have a right intention who plunges a nation into unnecessary or, at most, dubiously necessary strife. Therefore, the supreme authority, if it be vested in one man, ought to summon men well-versed in political, legal, economic, and military lore, and above all, possessed of justice, equality, charity, and free from that graspingness blinding them to the common good and true patriotism. Bannez holds that "if the ruler who declares war cannot by himself examine the justice of the war without consulting the other ruler, he is bound to send ambassadors to him to ask that the whole case be investigated by judicial arbitrators."<sup>8</sup>

Having availed himself of wise and honest counsel, with the result that he declares war, the ruler from the outset must conduct it with the purpose in mind of attaining peace and safety, yet of avoiding wanton and unnecessary destruction of life and

<sup>7</sup> Kent, *ibid.*, p. \*49. His doctrine, based on Grotius, is squarely in accord with that of Victoria and Suarez, "the fathers of International Law."

<sup>8</sup> In *Ia Iae*, q. 40, a. 1, dub. 5, concl. 1 and 2. Bannez was a disciple of Victoria.

property. He must safeguard the welfare of the other nation by not draining completely his resources and paralyzing his power of production, unless this be the only alternative to his own nation's destruction.

To what would this moderation entitle the nation defending its right? To all that is necessary for the defense of the public good, for this is the purpose of the war. Hence, it is permissible to destroy fortifications and towns in which the hostile troops are stationed, if this will help to cause submission and the will to settle for the offense. And this, even though it entail the unintentional killing of innocent and helpless persons in these places. Again it permits the seizure of all things necessary for victory, peace and satisfaction. The justification for all these things is that, being subject to the dominion of the enemy nation, the latter may be punished in them.

When these three conditions are present, declaration by the supreme authority, a just cause, a right intention, then is the war just. But just though such a war be, and justly though a nation may have acted in conducting it along the lines in the third condition, peace truly lasting and secure can be had only along the path laid out by Victoria at the end of his treatise on war. The clearness and forcefulness of his exhortation can be reproduced only by quoting his words.

"First rule: assuming that the prince has the authority to make war, he should first of all not go seeking occasions and causes of war, but should, if possible, live in peace with all men, as St. Paul enjoins us (Rom. xii, 18). Moreover, he should reflect that others are his neighbors whom we are bound to love as ourselves, and that we all have a common lord, before whose tribunal we shall have to render account. For it is the extreme of savagery to seek for or rejoice in grounds for killing and destroying men for whom Christ died. But only under compulsion and reluctancy should he come to the necessity of war.

"Second rule: when war for a just cause has broken out, it must not be waged so as to ruin the people against whom it is directed, but only so as to obtain one's rights and in order that from the war peace and security may in time result.

"Third rule: when victory has been won and the war is over, the victory should be utilized with moderation and Christian humility, and the victor ought to deem that he is sitting as a judge between two nations, the one which has been wronged and the one which has done the wrong, so that it will be as judge and not as accuser that he will deliver the judgment

whereby the injured nation can obtain satisfaction. This so far as possible should involve the offending state in the least degree of calamity and misfortune, while the offending individuals are to be chastised within lawful limits; and a special reason for this is that in general, among Christians, all the fault is to be laid at the door of the prince. For subjects when fighting for their princes act in good faith, and it is thoroughly unjust, in the words of the poet that *'ut quidquid delirant reges, plectantur Achivi'* (for every folly that kings commit, the punishment should fall upon the Greeks.)<sup>9</sup>

Militarism or Pacifism! my country right or wrong, or peace whatever come of it. Both are dangerous extremes; the one a threat to all that other nations justly demand for themselves, the other a threat to the nation's honor and glory. Between these two, like a beacon light, stands the doctrine of the Church on this terrible but oftentimes necessary weapon.

To conclude this article here would be logical, but unbecoming. Side by side with its teaching on war, the Spouse of Christ, mindful of its mission, sends forth a clarion to all nations to keep ever before their eyes the divine doctrines of charity, justice and equality; to hold always in their hearts the universal brotherhood of men in the universal fatherhood of God. To the individual she recalls his obligations to strive to promote and attain this peace of nations by his intelligent and hearty support of all means conducive to unite all nations in a bond of true Christian love and peace. And as an essential condition, she commands them, in the name of Christ, to seek these things in prayer from "the Giver of all good gifts."

<sup>9</sup> Victoria, *ibid.*, p. 297.

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