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# WAR

## *A Moral Analysis*

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*by*

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By EDWARD LODGE CURRAN, Ph.D.

## DEDICATION

TO ALL MY FELLOW-AMERICANS  
WHO, BELIEVING IN PEACE AND PREPAREDNESS,  
ARE DETERMINED THAT NEVER AGAIN  
SHALL AMERICAN BLOOD OR AMERICAN MONEY  
BE WASTED ON UNGRATEFUL AND IMPERIALISTIC  
BATTLEFIELDS ABROAD  
THIS BOOK  
IS HUMBL Y AND LOVINGLY DEDICATED

The Author

BROOKLYN,  
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## FOREWORD

THIS book is neither political nor economic. It is strictly moral in viewpoint and in treatment. Wherever political or economic factors appear, they are utilized to explain or develop some phase of morality.

We hope that the reader will reach one conclusion from its reading. Since a just war can only be predicated upon the violation of a nation's rights, when every peaceful method of repairing the violation has been exhausted, we hope that the reader will realize the futility of duplicating the mistake made by the United States of America two decades ago.

No European nation has as yet violated our fundamental rights as a Sovereign Nation. No imminent or even remote threat to our rights exists at the present time. If we arm ourselves, adequately and completely, we need fear no violation of our rights at any time. Consequently, there is no reason why these United States of America should ever again be swept into the bloody maelstrom of the imperialistic wars which now disturb the peace of Europe and Asia and Africa, as they have done for hundreds of years.

Many requests have been made for a volume which would discuss war as a moral problem. This book is the answer to those requests. May its pages be the means of keeping the United States out of war and of concentrating the energies of the United States upon the domestic problems of religion, freedom, prosperity and preparedness.

*God Bless America!*

## CHAPTER 1.

# Facts and Forces

### What is War in Reality?

War is wholesale violence. It is not glorious. It is not magnificent. It is cruel. It is sordid. It is the destroyer of life and of property. It unleashes the most violent passions in the breasts of men. It empties homes of loved ones.

Most of the war pictures in historical textbooks and on the walls of museums are a fraud and a deceit. They show a few men, flushed with victory, marching into a conquered town. They do not show the dead and rotting bodies upon the battlefields. They do not show the pestilence of disease ravishing a conquered territory. They do not show the bitter tears of womanhood and the tons of youthful blood that incarnadine the ground.

War is not blown bugles. War means blackouts and the silent thrust of frenzied bayonets and the shrieking of shells and the speeding of vulture bombing planes across the sky and the blood-foaming mouths of the wounded and the unheeded rattle of the dying.

There is only one museum of war: the hospitals where armless and legless and blinded and butchered men await the reveille of eternity.

There is only one true monument to war: the white crosses on un-named graves in national cemeteries.

### **What is War by Definition?**

War is strictly defined as a struggle between two or more Sovereign States by force of arms.

There are other conflicts, in which a Sovereign State may resort to arms, which do not come under the strict definition of war.

Sometimes a Sovereign State is obliged to call out the National Guard or the Regular Army to put down riots or to overcome civil disobedience on the part of certain groups of its own citizens. Such conditions of civil strife are not usually dignified with the title of war.

Where, however, the conflict between a State and any armed group of its own citizens is serious in character and in number and where armed groups of citizens are fighting to overthrow their own government, the warlike condition known as Revolution is taking place.

### **What was the peculiar character of the American Civil War?**

The American Civil War is also known as the War Between the States.

The Civil War was not a conflict between two co-equally independent Sovereign States. Nor was it strictly a revolutionary movement waged by groups of citizens against their government.

It was an armed conflict between one group of Sovereign States, which sought to withdraw from our Federal Union of States, against another group of Sovereign States, which remained loyal to the Union.

The Confederate States attempted to withdraw from the Federal Union known as the United States of America. The

Northern States remained within the Union. The question of slavery was not the primary question in the War Between the States. It was only secondary. The primary question was whether States already in the Union had the right to withdraw from the Union.

### **What other terms are associated with the idea of War?**

For a clear understanding of the idea of war, it is necessary to distinguish the following terms:

A state of Belligerency or a state of War

A state of Neutrality

A state of Non-belligerency.

### **What is the difference between War and Belligerency?**

War refers to the hostile acts of violence, on land and sea and in the air, to which nations resort for the sake of victory.

Belligerency, strictly speaking, refers to civil wars, revolts, etc. Less accurately, belligerency sometimes refers to the attitude and condition assumed by the conflicting parties before the actual prosecution of the war.

### **What is Neutrality?**

The term Neutrality refers to the stand taken by a Sovereign State in the event of war between two other Sovereign States.

A Sovereign State which declares that it will take no side in the conflict between two other States and that its relations with both the warring parties will be governed by the principles and practices of international law, is said to be a Neutral State.

Such a declaration of Neutrality is generally made by the Executive Power of the Neutral State. The assurance of neu-

trality is generally communicated by the Neutral Government to the Ambassadors or Ministers of the warring powers accredited to the Neutral Government.

Thus in the World War, 1914-1918, Holland, Switzerland and Denmark, although situated in the very midst of the warring countries, maintained a status of Neutrality.

The citizens of a Neutral Government may freely express their opinions concerning the merits of a foreign war without subjecting their Neutral Government to the charge of violating its declared Neutrality. However, a declaration of favoritism for one of the warring Powers on the part of the Chief Executive or the Chief Legislative Body of the Neutral Government may destroy its status of Neutrality and lead to the status of War.

### **What is required to maintain Neutrality?**

Besides its declaration of Neutrality, the Neutral Government must officially indulge in no deliberate acts, other than those permitted to Neutrals by international law, which will favor or aid the cause of one of the contending States against the other.

Sometimes, two Sovereign States will enter into a treaty, the purpose of which is to guarantee the neutrality of each contracting party, should a future war be waged by one of the contracting parties against some third Power not a party to the Treaty of Neutrality.

### **What is Non-belligerency?**

Non-belligerency is a negation of Neutrality. It is not, however, an affirmation of hostility. There is no such status as Non-belligerency in international law. The term, Non-belligerency, is something new in the language of the press

Thus, a Sovereign State which declares, through its Government, that it favors the cause of one of the warring nations over another but that it does not intend to involve itself in the conflict, has adopted, loosely speaking, what is called a status of Non-belligerency. Non-belligerency, strictly speaking, is a word to describe unneutral conduct.

Where a Sovereign State has proclaimed that it will do its best to aid one of the warring powers by sending materials of war for its success, even though such an offer is accompanied by the statement that such aid will always be short of actual participation in the struggle, a dangerous degree of so-called Non-belligerency has been adopted.

### **What precaution should a Non-belligerent Nation take?**

Any Sovereign State which abandons Neutrality for the status of Non-belligerency should be sure that its own defenses are in order.

Non-belligerency means official favoritism and aid, short of war, for one of the warring powers against the interests of the other warring power.

The latter warring power may not wish to accept the non-belligerent attitude of another nation with equanimity. The offended, warring power may even seek to strike against the State which abandoned Neutrality for Non-belligerency.

For this reason a Sovereign State which abandons Neutrality for a status of Non-belligerency should be fully and adequately equipped for its own defense and for the protection of its own citizens against attack.

The protection of its own citizens against foreign warfare is the primary duty of every Sovereign State. It is wrong, as well as foolish, for any Sovereign State to risk the protection and the

welfare of its citizens by an imprudent abandonment of Neutrality for the status of Non-belligerency.

### **What advantages are gained by Non-belligerency?**

Practically none. Under international law a Neutral Country may not sell arms and ammunition to any warring power. Its private citizens, however, may sell them. Under international law a Neutral Country may legislate any restrictions of credit or transportation upon such sale of arms and ammunition to maintain its neutrality. Neutrality would only be abandoned by an official refusal to allow sales to one of the warring powers under any conditions and by an official promise that all war materials manufactured by private firms be sent to one of the warring powers to the exclusion of the other.

Thus, when one of the warring powers is blockaded by the enemy from reaching neutral ports, it would be foolish and imprudent for a Neutral Power to abandon Neutrality by declaring that the war materials of its private firms are for the blockading power and not for the blockaded power.

Furthermore, the private citizens and firms of a Neutral Country are not bound by international law to sell to both sides indiscriminately. They may choose their customers. They may be guided by public opinion in a Neutral Country in refusing to sell to one of the belligerents. Such a refusal on the part of the citizens or firms of a Neutral Country would not alter the status of Neutrality officially adopted by their Government, provided the Government itself has not ordered such discrimination against one of the warring powers.

### **Is War ever Necessary?**

War is never necessary as an end or career or activity. War may be necessary, from time to time, as a means or method of

preserving the rights and protecting the citizens of the Sovereign State which declares war.

It is important, from the moral standpoint, to make this distinction between war *as an end in itself* and war *as a means of* correcting wrongs or preserving rights.

Too many war-lords in the world try to glorify war in the minds of youth as something beautiful and glorious for its own sake. War must never be waged for the sake of waging war. The strict rules which govern the necessity and justice of war will be presented in the course of these pages.

### **Why does the Catholic Church deal with the subject of War?**

Because War is a moral problem as well as a political and economic and military problem.

There are just wars and unjust wars. The moral rights of citizens are affected by war. The civic duty of obedience is involved. There are things which a warring nation is permitted to do according to the moral law, and things which a warring nation is not permitted to do. There are matters of justice and matters of mercy to be considered.

All these phases of war are problems of morality. The Catholic Church, which was founded by Christ, is a teacher of morals as well as of dogma. She preserves and teaches the religious truths revealed by Christ. She is also the teacher and exponent of the Natural Law of Almighty God.

The moral problems involved in war fall under the scope of the natural law and consequently are included in the moral teaching and guidance of the Catholic Church.

### Has the Catholic Church tried to diminish Warfare?

Throughout her long history of nineteen hundred years the Catholic Church has always preached and acted in the cause of peace. In doing this, she has been true to Christ her divine founder, who is the Prince of Peace.

During the Middle Ages of Faith—the “Great Thousand Years”, as the non-Catholic historian and architect Ralph Adams Cram calls them—the Catholic Church was able to diminish warfare and advance the cause of peace in many ways. The two most prominent means adopted by the Catholic Church for the delimitation of war are called the “Peace of God” and the “Truce of God.”

Nations which accepted the Church’s “Peace of God” agreed to protect many classes of civilians from the ravages of warfare.

By the “Truce of God”, which was established in the eleventh century, all warfare was forbidden from Wednesday evening until Monday morning of each week. No warfare was to be undertaken throughout the seasons of Lent and Advent and Easter.

Nations then, as nations now, were prone to rush into war for the settlement of their disputes. Many times the Church appealed to the rulers of nations to forego the method of war, but in vain. The Church cannot be blamed for the refusal of such rulers to listen to her appeals.

Through the medium of the “Peace of God” and the “Truce of God”, however, the Church accomplished more for the cause of peace than all the treaties during the past century and a half of so-called scientifically progressive civilization.

In the sixteenth century the Church’s voice was no longer heeded by many nations. The wars that have been fought from the sixteenth century to the close of the fourth decade of the

twentieth century have been far more brutal in quantity and quality than the wars waged throughout the Middle Ages. The wars of the nineteenth and twentieth centuries have been the most brutal of all.

### Indicate some recent “peace moves” undertaken by the Catholic Church.

In August, 1917, Pope Benedict XV addressed a plea to the rulers of the warring nations in the World War, 1914-1918, to cease fighting and to bring about a just and an honorable peace.

The plea of Pope Benedict XV was rejected. As a result, the World War, 1914-1918, was fought out to the bitter end. And out of the hatred and bitterness, in which the last World War ended, has arisen the present World War with its kindred bitterness and hatred.

Since his coronation, Pope Pius XII has spared no effort of prayer or appeal in order to maintain peace in the world. In recognition of the fact that the voice of Pope Pius XII has been one of the strongest and most insistent in the cause of peace, the President of the United States sent Mr. Myron Taylor, who is not a Catholic, as his personal representative to the person of the Pope for the cause of peace.

It is hard to understand why certain Protestant groups in this country should have objected to such an appointment. Those who objected falsely stated that this action of the President might result in a union of State and Church in America. Nothing could be farther from the truth. Those who objected should remember that their objections contribute nothing to the good will and mutual unity which all Americans should maintain at the present time.

One of the greatest tributes ever paid to the Pope’s efforts



and energies in the cause of peace was made before the Canadian Parliament in Ottawa by Prime Minister MacKenzie King, who said:

"All members of the House will join with me, I know, in paying a tribute to the noble example set by the present occupant of the Holy See in his unceasing work for the preservation of peace, and the exaltation of humanity itself, amidst discord and clamor of the world which is falling in ruins around us."

### **Why was not the Pope successful in keeping Italy out of War?**

For the simple reason that the head of the Italian Government refused to heed the appeal of the Pope.

We must always remember that the Church teaches that the State is supreme in purely temporal affairs, just as she herself is supreme for all Catholics in spiritual affairs. The Catholic Church teaches that the State is a perfect society and that the Church is a perfect society. The State is supreme in temporal affairs. The Church is supreme in spiritual affairs. The Catholic Church teaches that the State should not be absorbed by the Church, and that the Church should not be absorbed by the State.

Consequently, even in countries which are presumably Catholic, the Church as a spiritual society can only appeal to the consciences of rulers and to the consciences of statesmen for the cause of peace. If statesmen turn a deaf ear to her appeals, the Church should be commended for having made the appeal. She should not be blamed for any country's refusal to heed the appeal.

The Church has constantly denounced attacks made by the Government of Italy upon the rights of individuals, upon the rights of the home and upon the rights of the Church herself.

She has denounced similar attacks made by Nazi Germany and Soviet Russia against the citizens of those lands.

The history of these war-ridden years reveals that the Catholic Church is still praying and working for the time when peace will prevail amongst nations, when the war drums will throb no longer, and when the battle flags will be permanently furled.

### **How has the so-called progress of Science made War more Terrible?**

Science merely consists in finding and utilizing the powers and forces which God has incorporated within His creation from the very beginning.

It has taken many minds, and long centuries to discover the wonders and the powers of God's creation. Only after thousands of years was the circulation of blood throughout the human body discovered. Only after thousands of years were bacteria found to be a cause of human disease. The science of Bacteriology is a very recent one.

Only after thousands of years did men learn how to conquer the air for airplanes, using the laws which God incorporated in the atmosphere and in the materials out of which planes and their engines are formed.

There are still undiscovered forces and powers in the universe, which God created and which, undoubtedly, men will discover with the passage of the centuries. The cause of the disease called cancer still eludes the finest medical and surgical minds of our day.

Unfortunately, while modern scientific inventions and forces have proven to be a blessing, as God desired them to be, they have also been used by man for purposes of destruction. Thus, airplanes, which were intended by God to bring the human race

closer together, are used, as bombing planes, to wreak destruction upon the cities of nations at war.

Similarly, the various products of chemistry, which have a proper place in alleviating pain and preserving the health of the human race, are used in war to increase the speed and ghastliness of death.

This is but another example of how man has utilized the blessings of God for purposes of destruction. In a similar way men use the intellect and will, which God has given them, to destroy the moral law of God by the commission of sin.

## CHAPTER II.

# Power of Coercion

## What is the nature of the right to wage War?

The right to wage war is but one exercise of what is known as the subsidiary right of coercion. In other words, there are other circumstances and other methods of exercising coercion besides waging war.

## What is the right of Coercion?

A right is the legitimate power which an individual or group has to possess something or to do something.

As our own American Declaration of Independence indicates, all men possess certain God-given inalienable rights. Among these, the same document mentions, are the right to life, liberty and the pursuit of happiness.

In other words, the natural law of Almighty God gives many rights to individuals and to groups. Thus every individual born into the world has a right to own and dispose of private property. He has a right to life. Any unjust attack upon his person is a violation of that right. He has a right to his property. Stealing is a violation of that right.

In the same way, the natural law of Almighty God gives the State the right to make just laws for its own preservation and for the common good of all its citizens.

The right of coercion is the right to use physical force,

either by an individual or a State, in order to preserve and protect other legitimate rights. Thus an individual may use physical force against anyone who unjustly attacks him or who wrongfully snatches personal property from his person. He also has the right to repel any invasion of his home by a thief.

In the same way, the Sovereign State has the right to use physical force for the protection of the Commonwealth. This coercive right of the State to employ physical force against another Sovereign State is War.

### **Why is the right of Coercion called a Subsidiary Right?**

Because it is not a primary right. A primary right is one that may be exercised and enjoyed for its own sake. Thus the right to private property is exercised by securing and using houses and land and other forms of property for their own sake and for their immediate contribution of happiness to the possessor of the right and his family.

The right of Coercion, or physical violence, must never be used or exercised for its own sake. It can only be used to protect prior rights already enjoyed by the one who is forced to use physical violence to continue in their possession. Thus, to strike an innocent party is a clear violation of the moral law. No man has the right to strike his neighbor wilfully and deliberately for the mere sake of striking him. He may not use such physical violence unless it be necessary to repel an unjust attack by his neighbor against his person or his property.

There are certain rights to which the subsidiary right of Coercion is not attached. Thus an individual who had been called a name would not be justified in resorting to physical violence against the name-caller. If the calling of the name involves slander, the aggrieved individual should have recourse to the law courts.

For this reason the Catholic Church has always condemned the practice of dueling as immoral. Private violence is never permitted to restore what some men are pleased to call their "honor."

Coercion is therefore a subsidiary right because it cannot exist by itself or for itself. Within very narrow limits it exists only as a means of protecting or recovering superior rights that have already been unjustly violated.

### **In what special cases may an individual exercise the right of Coercion?**

As we have already noted, an individual is permitted to use physical force for the protection of his rights, only when the safety of his body or the security of his possessions in being unjustly and violently violated. In all other instances of the violation of private rights, the individual must utilize the protection of the law for the protection or recovery of his rights.

### **In what circumstances may the Sovereign State exercise the right of Coercion?**

In this book we are concerned with the coercive power of the State known as War.

A Sovereign State may justly exercise the coercive power of war:

1. To defend its own rights and the rights of its citizens against attack.
2. To recover its own rights and those of its citizens, which have already been unjustly taken away.
3. To inflict whatever damage is necessary in the course of defending or recovering these rights.

## Where does the power of Coercion exist in civilized communities?

In civilized communities only the Sovereign State has the right to use the coercive power of war, both for the protection of its own rights and the rights of its citizens.

To permit individuals or groups of individuals to exercise this right of coercion would be to upset the public peace, open the way for injustices and to sacrifice one of the primary functions of the State, namely, the preservation of law and order.

## In what other instances, besides War, does the State exercise Coercion?

The State exercises coercion to put down riots or to subdue sedition. The State also exercises coercion in the apprehension and punishment of criminals.

Formerly, the State prescribed floggings and other forms of coercion for the punishment of hardened criminals. These methods have generally disappeared from the penal statutes of civilized communities. Capital punishment, however, is still exercised in most civilized States throughout the world. Furthermore, in order to maintain peace in prisons and to remove dangerous criminals from the opportunity of doing damage, the State indulges in various minor forms of physical punishment such as a diet of bread and water for a stated number of days. Needless to say, the very act of imprisoning criminals is a form of coercion. All prisons have guns mounted upon the walls for the prevention of escapes. Tear gas bombs, which involve physical violence, are used to quell riots in a prison shop or mess hall.

We indulge in these thoughts in order to remind our reader that there are many forms of physical punishment or coercion

utilized legitimately by the Sovereign State in its efforts to protect itself and its citizens against wrong-doers.

Wherever, in the remainder of this book, we refer to Coercion we shall restrict its meaning to the Coercive power of War.

## Are there any limitations imposed upon the exercise of Coercion?

We have already referred to the strict limitations imposed upon the use of violence by an individual in defense of his rights.

There are also limitations in the use of violence by the Sovereign State. Thus, even in the exercise of its coercive power for the maintenance of internal peace and the restoration of justice against criminals, the Sovereign State is not permitted to use its coercive power indiscriminately and vindictively.

We must always remember that in the exercise of all its powers—coercive and otherwise—the State is bound by the Law of God. Neither cruelty nor injustice can be justified simply because it is committed in the name and with the power of the State.

The State has no right to deprive its citizens of those fundamental rights which they have received from their Creator. The State has no right to destroy the superior and fundamental rights of the Home. The State has no right to pass unjust laws which are opposed to conscience. The State has no right to interfere with the duties which the citizen owes to his God.

In the exercise of its Coercive Power the State is bound by the following limitations:

1. The exercise of such power must be a necessity.
2. In the exercise of such power no more damage must be inflicted than is necessary for the protection of the rights involved.

Amendment VIII of our Federal Constitution imposes a specific limitation upon the Federal Government even in its exercise of internal coercive power:

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

### CHAPTER III.

## Declaration of War

### When may a State exercise the power of War?

There are two general classes of rights for the protection of which Sovereign States are permitted, under certain limitations, to exercise the power of War.

1. *The Corporate Rights of the State Itself*: A Sovereign State is not a mere conglomeration of citizens. It is a unit and a power in itself. It is a corporate entity. It possesses corporate rights. It has a right to rule over a specific portion of territory. It has a right to secure civil obedience, in all just laws, from its citizens. It possesses property. It enjoys sovereignty or the right to be recognized as an independent power by similar sovereign states throughout the world.

A Sovereign State is, therefore, entitled to defend its corporate rights, to protect its territory and property, to preserve its sovereignty against the unjust violation of these rights by any other Sovereign State.

2. *The Rights of its Citizens*: One of the duties of every Sovereign State is to protect the rights of its citizens. No Sovereign State can tolerate, with impunity, the wilful and deliberate violations of the fundamental rights of its citizens by a foreign power. In international law every Sovereign State has the unqualified right to refuse to admit an alien and to expel summarily an admitted alien. The laws of a particular State and specific treaties may alter this.

Provided aliens obey the laws of the land wherein they reside and provided they are not intent upon overthrowing the government of the land they are visiting, their fundamental rights as human beings, as long as they are admitted, should be respected.

No government has the obligation and no government should have the burden of tolerating such aliens as Communists who are dedicated to the cause of overthrowing, by violence, the Government of every non-Communist nation in the world. The present defeat of France is due partly to the superior equipment of the German armies and also partly to the weakening and betrayal of France by the Communists who rose to power during the Popular Front Government of Leon Blum.

Every government should take measures to stop aliens, as well as its own citizens, from plotting the overthrow of the government. Seditious aliens should be deported.

Outside this particular case, aliens from other lands, even if they do not manifest a desire to become citizens, should be protected by the laws of the land. Once admitted to a country, they are entitled to have their fundamental rights as human beings respected.

Sometimes, however, a nation indulges in violating the fundamental rights of the citizens of other nations. Where the violation is a serious one and where no other settlement of the difficulties can be had, recourse to war, with the necessary limitations, may be made.

Thus one Sovereign State would be entitled, *as a last resort*, to declare war against another nation that has persistently engaged in sinking ships belonging to its citizens, provided such ships were not carrying contraband of war. Even ships with contraband material must first be called upon to halt. Only escape or resistance can justify a sinking. The seas should be free. No nation has a right to interfere with the personal or

property rights of any nation or of the citizens of any nation at sea.

One of the reasons for the War of 1812 between the United States and England was interference on the part of English ships with the freedom of Americans to travel abroad. British warships were in the habit of stopping American ships at sea and taking off American citizens, who were thereupon impressed into the service of the British Navy. This is one instance of how violation of the rights of citizens of one nation led to war with the nation which violated them.

### **What is the difference between Defensive, Offensive and Punitive Warfare?**

Strictly speaking, a Defensive War is one engaged in by a Sovereign State to ward off an actual or approaching attack or to resist the actual invasion of its rights.

Strictly speaking, an Offensive War is one in which the aggrieved nation takes the initiative in declaring and waging war. An Offensive War can only be justly declared and waged to prevent a real threat of attack or to forestall a real and imminent violation of its rights.

Where there is no real threat of attack or no real imminent violation of rights, an Offensive War would be unjust.

In many circumstances, however, a War of Offense may be in reality a War of Defense.

A Punitive War is one waged by an aggrieved nation to punish another Sovereign State for the evil it has committed against the former. Too many European nations have been fond of waging punitive wars, especially against the peoples of Africa and Asia, presumably to punish native governments for some evil directed against the European governments or their citizens,

but, in reality, to take over the colonial country for purposes of trade or settlement.

International law recognizes the justice of both Offensive and Defensive Wars in the sense we have defined. If by an offensive war is meant a war declared by one Sovereign State where there has been no threat of attack or no imminent violation of rights, such a war is an unjust war.

There are conditions under which a Punitive War, to correct an evil committed against the warring nation or even some other nation, is justified. Thus, when the Holy Lands were invaded and occupied and despoiled by the Seljuk Turks in the eleventh century, the Christian nations of Europe were justified in uniting to wage war against the Turks for the return of the Holy Lands to their former owners. The attack of the Turks against the Holy Lands prevented the free access of all European pilgrims to the Land hallowed by the life and sufferings of Christ. At one and the same time the Turks had destroyed Greek ownership of Palestine and trampled upon the Christian rights of Europe.

### **Whence does the State derive its right to declare War?**

As Saint Paul says, all power comes from God. The rights of the State, as well as the rights of individuals, are derived ultimately from God through the natural law.

The Ten Commandments are the codification of the natural law, containing the moral duties of man towards God and towards his neighbor. In their mutual relationships Sovereign States are bound by the same precepts of the natural law.

Just as, in certain limited cases, the natural law permits the individual to use force against actual attack upon his person, so the natural law permits Sovereign States to use that species of force, known as War, to protect and preserve its rights.

The mere consent of men does not produce the right to wage War. War must be declared and waged in accordance with the requirements of the natural law. Just as the State is not permitted to steal the territory of another State, so States are forbidden to indulge in violence without just and necessary cause.

The law of nature, or the natural law, is the series of obligations and rights which God has incorporated in the nature of men or in the nature of society for the adequate realization of the purpose for which He created them.

### **How have Sovereign States at various times limited their right to declare War?**

By International Agreements and by International Custom. No Sovereign State is bound to surrender its power of Coercion, known as War, to any external tribunal. The right of every Sovereign State to wage war under definite circumstances is a right of the natural law. No other Sovereign State can force it to forego that right.

Once, however, any Sovereign State has pledged itself by International Agreement to limit its right to declare War, it is bound in justice by the terms of such agreement, *unless* by adhering to the International Agreement in question its own existence or the fundamental rights of its citizens would be destroyed.

The Kellogg-Briand Peace Pact, which bound the signatory nations to renounce war as an instrument of national policy, was signed by many Sovereign States some of which thereupon proceeded to violate their agreement.

Where a Sovereign State is not actuated by Christian principles and the Christian virtues of justice and charity, no number of treaties of non-aggression or arbitration has ever been able to control or limit its exercise of the power to wage War.

Not until the entire civilized world returns to the unity of Christianity and recognizes the spiritual leadership of Christ's Church, can any attempt to confine all wars within the scope of justice be anything but a failure. Pride and power and ambition and greed account for the violation of rights and for the use of violence among individuals. The same uncontrolled emotions account for unjust wars among nations. Only when a common spiritual authority is recognized by the nations of the earth can there be a real League of Nations. A league of Nations with only self interest as the bond is a denial of that unity implied in the title of League.

### **Why are not Subordinate units of the State empowered to declare War?**

The right to use the coercive power of war belongs, by natural law, to that unit which is charged with the welfare of the common good and which has corporate rights of its own to defend.

In any given State it is the supreme and sovereign authority that must protect its own corporate rights for the common welfare. Moreover the sovereign authority of the State is the natural guardian of the rights of all subordinate units within its jurisdiction.

To permit subordinate units, such as provinces or cities, to exercise the power of War would be to plunge the whole commonwealth into disorder, for special and sometimes selfish reasons, to the detriment of all other subordinate units.

If at the present time, each individual State within the Federal jurisdiction of the United States, had the power to declare war, the action of one or more of these states might imperil the entire country. There would be no unity of foreign policy.

For this reason the power to declare war was explicitly placed in the Federal Government, which represents the nation as a whole, instead of in the constituent states of our American Republic.

### **Who has the right to determine the necessity of war?**

Since the world is composed of Sovereign States, each of which has the power to protect its own rights and the rights of its citizens through war, the determination of whether war is necessary or not belongs to each Sovereign State.

Once a Sovereign State has justly declared that a state of War exists between it and another Power, the subjects of the Sovereign State owe their government the fullest obedience and the fullest cooperation in the prosecution of the war. Civil obedience is a moral virtue in time of war and in time of peace.

Moreover, it is the common citizens of a country who are called upon to make the greatest sacrifices in waging war. It is their lives that will be sacrificed. It is their ways of living that will be disturbed. It is their homes that will be emptied. What happens to the ordinary citizen in time of war, should be among the many things considered before any nation indulges in war.

For these two reasons—because all citizens are bound by a nation's Declaration of War and because the personal welfare of all citizens is placed in jeopardy—statesmen should be cautious and not casual, reasonable and not emotional, in all the steps that may lead to a declaration of war.

The leaders and rulers of the government of every Sovereign State have the moral duty to know and apply the moral rules and conditions which must exist if any declaration of war is to be a just one. The deliberations of statesmen prior to any declaration of war should be marked by Justice, Prudence, Temperance and Fortitude.



Too often Statesmen forget the vested rights—both of person and of property and of human homes—of their own citizens, which are altered and destroyed by war. For the sake of its own people no Sovereign State should ever declare and prosecute an unjust war.

### **Should a Sovereign State be guided by popular opinion before declaring war?**

Wherever possible, without detriment to the national defense or the national welfare, the reactions of a nation's citizens towards committing a country to war should be secured by the governing power. The Catholic Church favors every legitimate extension and increase of participation by the people in the functions of government.

Evidently, summary action is generally needed by a government in defending the rights of the State or of its citizens against actual or imminent foreign invasion and attack. In such instances, to delay a declaration of war until all citizens had the fullest opportunity to deliberate or debate, might result in aiding the enemy at the expense of national welfare.

Where, however, there is no necessity of immediately declaring war, the Sovereign Authority of the State should welcome the opinions of the free people which constitutes its citizenry.

The United States of America already possesses the machinery by which a referendum on war can be held within forty-eight hours after the announcement of such a referendum. Our yearly election system has provided us with this machinery. In all cases, save that of defense against actual or imminent attack, a popular referendum on the subject of war should be submitted to the citizens of the United States of America. In order to insure this, a constitutional referendum might well be passed pro-

viding for such a national referendum in all cases save that of defense against actual or threatened invasion.

In this way, no foreign propaganda and no pressure from financial or munition-making sources could ever betray the American people into another world war. Such a popular referendum would not prevent the government from immediately defending the country. It would prevent the government from becoming the tool of financial or foreign interests instead of remaining, what it should always be, the representative of all citizens of the United States for their common welfare.

### **Where is the war-power vested in the United States of America?**

In the Congress of the United States of America.

The President of the United States has not the power to commit this nation to war. The President is the Commander-in-Chief of the Army and Navy in time of war and in time of peace. But the President has no power, either by the Constitution or by Statutory Law, to declare war.

Only the Congress has the power to declare war.

### **Who controls the Foreign Policies of the United States of America?**

As has been already declared, only the Congress can establish a state of war between the United States and any foreign power.

Foreign policies in times of peace are determined by treaties with foreign nations. Both the President and the Congress are empowered, by Section II of Article II, of the Federal Constitution, to make treaties and to appoint ambassadors, ministers and consuls to foreign governments.

Treaties with foreign powers must be approved by two-thirds of the Senators present. Only a majority approval of the Senators is necessary for the appointment of our foreign representatives.

The foreign affairs of the United States are conducted by the following three agencies:

1. The State Department, which is a branch of the Executive power and which is presided over by the Secretary of State. It is to the State Department that our Ambassadors and Ministers and Consuls report. The State Department reports regularly to the President. The State Department is the agency of the President and not of the Congress.

2. The Foreign Relations Committee of the United States Senate. This Committee is appointed by the Senate as its agency for the transaction of foreign business. It may summon members of the State Department to give necessary information at its hearings.

3. The Foreign Affairs Committee of the House of Representatives. This Committee is appointed by the House as its agency for the transaction of foreign business. It may also summon members of the State Department to give necessary information at its hearings.

### **What precautions should be taken by the Congress in the matter of Declaring War?**

Since it is the Congress which has the sole power to declare war, every member of both Houses of Congress should remember that war is a moral problem.

It is the Congress which should prevent the American people from ever prosecuting an unjust war.

It is the Congress which should be certain of the moral jus-

tification—and not merely of the political or economic justification—of any contemplated war.

Every Congressman should be acquainted with those moral conditions which must be present before any declaration of war can be a just one.

### **What precautions should be taken by the President in foreign affairs?**

The Congress is not always in session. The President, through the State Department, is in constant contact with all our foreign representatives abroad.

The President should always remember that it is the Congress which possesses the sole power to declare war.

The President should therefore never promise or commit the armed aid of the United States to any nation whatsoever. That is the function of Congress.

The President should not, by word or deed, create situations in which the Congress might be forced to declare war.

In the conduct of our foreign relations, the President should keep in close contact and cooperation with the Senate and the House of Representatives.

The President, as well as the Congress, should remember that war is also a moral problem.

The President, as well as the Congress, should know the moral requirements of a just declaration of war.

The people's representative for purposes of foreign relations is both the President and the Congress.

But the people's representative for purposes of declaring war is the Congress alone.

A war-minded President is out of place in our American scheme of government.

earthly destiny of the citizens committed by the power and Providence of God to its care.

That is why the citizens of a State should elect officials who believe in God and morality and in the spiritual destiny of all mankind.

That is why the Supreme Authority of a Sovereign State can alone be blamed for violating God's natural law whenever an unjust war has been declared.

### **What is the obligation of the individual citizen in time of war?**

Citizens are bound by the obligation of civil obedience in time of war as well as in time of peace. When the Sovereign Authority of a State has declared that a state of war exists between itself and another Sovereign State, which has violated or threatens to violate its fundamental rights, it is the duty of each citizen to cooperate with his government to the fullest of his ability. The common good of the nation in time of war demands the loyalty of each individual citizen.

Civilized nations take account of those citizens who describe themselves as conscientious objectors. Such conscientious objectors object to becoming an active part of the fighting forces of a nation. Usually they are assigned to some task which does not involve actual handling of guns or firing of bullets. Conscientious objectors, however, must give their fullest loyalty to the government in performing the non-fighting task assigned to them.

The possible attitudes that may be taken by citizens of a nation towards a declaration of war are worthy of comment.

Where the declaration of war is clearly just, no citizen can be excused from the virtue of civil obedience, even though the

## *CHAPTER IV*

# **War—Just and Unjust**

### **Are all Wars just?**

No. Whenever war occurs, a moral analysis will reveal one nation to be in the right and another nation to be in the wrong. The nation morally in the wrong is therefore waging an unjust war.

Every nation in the history of the world has engaged in both just and unjust wars.

Examples of cases where a declaration of war is just and of cases where a declaration of war is unjust will be presented in the course of this book. Meantime, we should develop the mental attitude that war, simply because it is war, is not thereby just. It may be just or it may be unjust.

Moral considerations are required to determine the justice or injustice of war.

### **Who has the responsibility for the declaration of war?**

The supreme authority or government in every Sovereign State.

That is why the rulers and authorities of every Sovereign State should be acquainted with the moral analysis of war. That is why every Sovereign State should recognize and practice the Christian principles of justice and charity. That is why every Sovereign State should recognize the spiritual as well as the

government may recognize the religious scruples of those who call themselves conscientious objectors.

Where the declaration of war is just in the unbiased opinion of the Sovereign Authority of a nation, although the individual citizen may not clearly see the justice of it, the virtue of civil obedience is still binding.

Where, however, the declaration of war is clearly unjust, then the citizen is not bound to obey, any more than a citizen is bound to obey laws that are clearly unjust. Thus it would be clearly unjust for the United States to fight for the cause of any other government which espouses the cause of militant atheism throughout the world.

### **In what three primary instances is a State justified in declaring War?**

The three primary reasons justifying a declaration of war by a Sovereign State are:

1. To protect the rights of the Sovereign State, including the rights of its citizens, against the *menace of attack* by a foreign power.

The Government of the Sovereign State should be convinced of the *actuality of the menace*. There should be no vagueness or emotion in this matter. If the menace is merely a remote possibility, then adequate preparedness on the part of the Sovereign State—and not an immediate declaration of war—will render the Sovereign State secure.

In this case *war must always be the last resort*. Every possible reasonable attempt to settle the difficulties by peaceful means should be offered and tried before declaring war.

2. To defend the Sovereign State and its citizens against the actual violation of rights, where no other means of repairing the damage is available.

In this case war may sometimes be the first resort. Where, however, the offending nation is willing to apologize and to repair the damage inflicted, the apology and the reparation offered should be accepted without recourse to war. The presence of enemy troops on a nation's soil or of enemy boats in a nation's territorial waters or of enemy planes in a nation's skies can sometimes be repelled only by immediate and effective declaration of war.

3. To punish an offending nation in order to bring about future security against repetition of the offense. Here the future security of the Sovereign Nation that has been attacked or threatened is intended. Where the future security of a nation's fundamental rights must be secured, a Sovereign State *may* be justified in declaring *war as a last resort*. Moreover the rights protected must be fundamental and not minor. They must also be rights and not mere claims.

By way of summary, the three cases in which a Sovereign State may justly declare war are:

(1) To stop an actual Menace; (2) To resist Attack; (3) To protect the Future. In all cases *war must be the last resort*.

### **Is it ever lawful for one State to wage war at the request of another State?**

Yes. Such cases, however, are most rare. No Sovereign State has the right to plunge its own citizens into the horrors of warfare simply because another State has requested help in time of war.

Let us suppose that State A is engaged in war with State B. State A calls upon State C to join in the war against State B.

It would be wrong for State C to enter the war at the request of State A against State B, when both State A and State B have been guilty of mutual wrongdoing.

It would be wrong for State C to enter the war when State B has done no wrong to State C, and when there is no likelihood that a victory of State B over State A will make State B the enemy of State C.

It would be wrong for State C to enter the war simply because the government of State C is in sympathy with the government of State A.

There are only two cases when entrance into the war by State C can be justified.

State C might enter the war if it had already bound itself by a solemn covenant that it would assist State A in any *just* war in which State A might happen to find itself.

Or, if State A were an *absolutely innocent victim* of aggression by State B, and if the very existence of State A were threatened with annihilation, then a call upon State C by State A might be answered by State C.

It is important to note, however, that the peril of State A referred to is not merely the peril of losing colonies or even part of its major territory or merely of being defeated. Only the peril of annihilation coupled with absolute innocence on the part of State A could justify the entrance of State C into the war, *provided all other conditions for a just war were likewise present.*

Again, it cannot be too strongly or too frequently insisted, any such war by State C should be the *last resort*. State C should exhaust all other means of settling the dispute between State A and State B.

### **Is it lawful for a State to wage war for the protection of the innocent against oppression?**

Theoretically yes. We say theoretically, because in practice it is very hard to delimit the cases to which the theory applies.

An example will explain. Let us suppose that a European Power X has certain colonies in Africa. European Power Y has colonies elsewhere but not in Africa.

Let us now suppose that European Power X mistreats her colonial subjects. Immediately, the Press of European Power Y becomes very pure and righteous and humanitarian. Editors of newspapers in European Y weep copious tears about inhuman conditions in X's African Colony. Not too many facts are given to the readers of Y's controlled Press, for most people are allergic to facts. Emotions are aroused. A controlled Press calls for intervention on the part of Y against X in order to save X's innocent colonial subjects from oppression.

The slightest suggestion that the whole matter of X's treatment of her colonial subjects be reviewed by an impartial board of nations is rejected by Y's controlled Press as a sign of weakness. The attitude that, before risking warfare, the government of Y should try to deliberate with the government of X is denounced as giving aid and comfort to the enemy.

The controlled Press of Y does not reveal that the colonial tribal chieftains of X's colony are ready to hand over valuable mineral or water rights to the government of Y, if only Y can come and get them. Nothing in the press or on the radio of European Power Y must indicate anything but the purest and most altruistic motives in Y's agitation against X.

Before the world, Y wishes to stand out as the savior of backward peoples. Publicly she wants the plaudits of humanitarians. Secretly she covets the plumes of colonial conquest. Actually colonial gold or rubber or ivory is her desire. She even wants the world to forget that her own colonial history would not make a pleasant bed-time story for children.

In this state of assembled facts any war waged by European Power Y against European Power X, for the purpose of

rescuing the innocent colonial subjects of X from presumed and not clearly proven oppression, would be fraudulent and hypocritical and unjust.

European Power Y would be guilty on three counts. First of all, Y would not be entering the war with the right intent. We must always remember that there is, many times, a big difference between the *alleged* reason why a nation goes to war and the *real* reason why a nation goes to war. In the hypothetical case proposed here, European Power Y is going to war in reality to secure or increase her own colonial possessions for the sake of raw materials. Y's declaration that she wants to free X's colonial subjects from oppression is a subterfuge.

European Power Y would also be guilty on a second count. War must always be the *last resort*. In this hypothetical case—Y scorned any suggestion of arbitration or consultation as weakness and treachery. Y was therefore not entitled to declare war against X.

Furthermore, Y would be guilty on a third count. The charge of oppression must be established as a fact. Newspaper reports are not necessarily facts, no matter how many times they may be repeated or copied by the press of the world. Even if X were guilty of unjust cruelty in oppressing an uprising on the part of her colonial subjects, it would not entitle Y to assume the role of world savior, especially when Y's own colonial history is not beyond reproach. Nations like individuals are always prone to mind other people's business instead of their own. Nations, like individuals, are always prone to reform others before themselves.

Before any declaration of war by Y against X could be just, X's oppression of her colonial subjects must be proven to be certain and permanent and inhumanly cruel and irremedial by any other means except war; every form of appeal and arbitration must be utilized by Y and other civilized powers to

bringing about a change of colonial attitude on the part of X; and finally Y must not have any sinister motive in going to war.

One of the maxims of a court of Equity declares that the petitioner who seeks Equity must do Equity. Nations that presume to engage upon punitive warfare must live up to a similar maxim.

### **Is it just to declare war merely for the common good of the nation?**

No. Whenever the problem of war appears, the common good of the nation is one of the factors to be considered in deciding whether the contemplated war is just or unjust. But it is clearly unjust for any nation to engage in warfare merely for the common good of its own people, where there is no problem of defense and where there is no problem of future security.

Nations, like individuals, must put up with certain disabilities or difficulties and not attempt to solve them by violence against their neighbors. Thus a nation that would declare war simply to acquire war materials for purposes of manufacture or to increase its trade would be in the wrong.

A war merely to secure added territory as an outlet for excess population would also be an unjust war.

Many modern wars have been waged for trade and raw materials and expansion. War, however, is not the manner in which the nations of the world should settle their need for raw materials or for territory. No family, let us say, with ten children and a small dwelling, is entitled to take by violence the larger dwelling place of a family with only two children. No workingman is entitled to seize the tools of a fellow-workingman by violence.

There are other ways in which national and international problems of raw materials and territorial expansion can be settled. The need for a world economic conference at which such problems can be discussed and resolved grows more important and necessary with the passing of time.

Larger and richer nations should be willing to place their surplus of colonial possessions and their surplus ownership of raw materials at the disposal of less fortunate nations, which may need such territory or raw materials in order to survive. If the nations of the world were united in the Christian ideal, this could be accomplished. Since, however, the collapse of the authority of Christianity in the halls of government some three hundred years ago, the larger nations of the world have reverted in their foreign policies to the pagan doctrine of "the survival of the fittest" and to pagan practices of greed and ambition.

No league of nations which fails to repudiate paganism can hope to keep the peace of the world. A league of nations must recognize God as the Father of all nations, must devote itself to the realization of the principles of Christian civilization, and must be the means of conforming nations to the practice of Christian justice and Christian charity in all international dealings.

Beyond any mere league of nations there must be a supreme spiritual authority capable of interpreting spiritual ideals and spiritual obligations, and to whose authority the nations of the world will give respect and obedience. Such an authority existed during the Ages of Faith when the Catholic Church was able to institute the "Peace of God" and the "Truce of God" and thereby delimit the sphere and moderate the operations of warfare.

A league of nations under such a Christian regime would become a league of principles and not a mere league of notions.

Peace comes from Christian principles and not from paganism dressed in the garments of collective security.

### **What is the most important condition for a just declaration of war?**

War must be the *last resort* and never the first resort between disputing nations. This truth must become part of the thinking process of all peoples and of all statesmen. A dispute between nations should not immediately result in war. Even when one nation has suffered a wrong at the hands of another nation, the former nation should not shut the door against every possible settlement and reparation save war.

Sometimes a mere threat of war is enough to prevent the violation of a nation's rights. In such an event the threat of war, and not the actual declaration of warfare, should be the medium of protecting national rights.

Even after a wrong has been committed, diplomacy or arbitration should be resorted to, wherever possible, in order to right the wrong and in order to attain security against future wrongs.

Statesmen should not be so anxious to resort to war at the slightest annoyance or friction. Most of the wars waged in Europe for the past three hundred years might have been avoided, if war had been considered the last resort and not the first resort. Thus the War of 1870 between France and Germany was brought about by war-mongering statesmen on both sides of the Rhine. Neither Bismarck nor Louis Napoleon were committed to the belief that war should be the last resort.

The common people of the world are not warlike. They believe in peace. They endorse peaceful settlement of disputes. They realize that there is no reason to hate other nations or other races. They know, by virtue of the Christian civilization

which is their heritage, that God has made all men—irrespective of race or color—to His image and likeness, and that Christ has died for the salvation of all.

Normally, therefore, the common people of the world accept this teaching that war must be the *last resort* in the settlement of all disputes or even in repairing wrongs already suffered by one nation at the hands of another.

In every nation, however, there are war-mongering statesmen and war-mongering editors and war-mongering munition makers. To overcome the natural peace-loving instincts of the ordinary citizens the press and radio utilize every measure of emotional propaganda. Sometimes, in certain nations, those who preach the necessity of peace and the necessity of prudence in the matter of war, become branded by press and war-mongers as potential traitors. In order to limit the number of wars and in order to bring about a condition of affairs wherein war will always be considered the *last resort*, the citizens of every country must strive to secure greater power and influence in the matter of declaring war and of shaping international relations.

### **Name other instances where wars have been declared unjustly.**

Henry VIII plunged England into war in order to distract the English people from the tyranny which he exercised over Parliament and from terrible economic conditions at home.

War has always been the favorite smoke screen of tyrants to conceal their tyranny.

War has also been used by rulers to perpetuate themselves in office.

Moreover, the rulers of nations with large standing armies have too often yielded to the temptation of exercising their armies in foreign warfare.

None of these reasons, of course, constitute a reason why nations should go to war. Unless the reasons already advanced for a just war exist and unless every effort is made to settle disputes first by peaceful means, no declaration of war can be considered just.

### **Is any Sovereign State bound to consent to Arbitration of its disputes?**

There are two situations in which every Sovereign State should first follow the pathways of arbitration before setting out on the pathway of war.

Where nations have bound themselves to arbitrate, an obligation in justice is imposed upon the States so contracting, unless, of course, there is no time to arbitrate and unless the act of arbitrating could be used by the enemy to weaken and conquer the aggrieved nation. International agreements of arbitration should be respected and obeyed.

The natural law also imposes an obligation to arbitrate, where time permits and where arbitration is possible, as part of the necessity of making war in all instances the *last resort*. This obligation of arbitration is apart from any such obligation imposed by mutual treaties. Where, however, war is the last resort and arbitration would be dangerous to the welfare of the aggrieved state, there is no obligation in the natural law to arbitrate.

At the present time, in the United States of America, there is conceivably no quarrel or dispute with any foreign nation which cannot be settled by arbitration. Protected from invasion by the Atlantic and the Pacific Oceans, the United States is not in immediate danger from invasion by any European or Asiatic Power. Consequently, mutual discussion or arbitration should precede any attempt by the United States to declare war for the settlement of any disputes that may arise between the United States and a European or Asiatic Power.



During the present World War the United States was aggrieved by the action of the British Navy in opening mail directed to citizens of the United States. The State Department made proper protests. The matter was discussed by both the English and American governments. Some sort of a settlement of the dispute was reached.

This is typical of what can be done in most of the instances in which the United States may feel itself aggrieved by a foreign power. For the United States to have plunged into war against the British without indulging in such discussion, would have been a violation of the principle that *war must always be the last resort*.

Certain European powers are tremendously interested in building up their trade with South America. The United States has expressed its dislike of certain of these trade practices. Instead of rushing to war for so-called trade reasons, the United States is attempting to win over South American trade by a commercial and political policy of good will, which, incidentally, should have been practiced long before South American markets became monopolized by European nations. The success of European nations in the matter of trade with South America does not constitute a valid reason for a declaration of war by the United States against these successful trading powers of Europe. Every nation has a right to trade with perfect freedom anywhere in the world. The United States should cultivate trade with South America along legitimate lines. Competition in trade or commerce should not and cannot be justly solved by war.

### **What else must be considered before a declaration of war is just?**

Several problems must be approximately evaluated in the minds of statesmen before war can be justly declared.

In order to make such an evaluation, the damages that will be inflicted upon the enemy nation as well as the damages that will be suffered by the aggrieved nation must be taken into consideration.

Mathematically, of course, it is impossible to make an accurate computation of the sufferings that will be endured by both sides to the conflict, in order to determine whether for the common good of the aggrieved nation it may be better to forego entrance into war.

Some such evaluation of the damage which war will bring and some thought as to the possibility of victory must be made. The necessity of this evaluation proceeds from the obligation of every Sovereign State to act for the common good of all its citizens. How deeply or how permanently will the common good of its citizens be affected? Is the wrong which the aggrieved nation has suffered of such a character in itself, or so bound up with its future security as to entitle the nation to resort to war? These are questions which must be considered and answered before any nation is justified in upsetting the lives of its citizens and in risking the common welfare of its citizens by plunging into war.

The welfare of munition makers or the welfare of a small privileged group of citizens is not sufficient justification to engage in warfare. Nor is it just to declare war for the elusive and very specious thing called "national honor." Certain nations have been known to go to war simply because their flag has been fired upon by backward peoples in Africa, without giving the tribe in question an opportunity to apologize for the so-called national insult. An offense against so-called national honor, which involves no threat to the rights or future security of the nation, does not justify a declaration of war.

In other words, statesmen are not entitled to rush into war, even after a nation has suffered a wrong or an insult, unless

they observe some proportion between the right violated and the damage to be inflicted. In other words, does this violation of right justify the damage that war will inflict upon the two nations involved in the struggle?

The same principle of proportion exists in the case of individuals called upon to defend their rights by the exercise of force. A robber who would steal a woman's purse can be legitimately stopped by a police officer using violence. The police officer is even entitled to shoot if the robber is escaping and refuses to halt. However, the police officer, if he shoots, should not shoot to kill. His bullet should be aimed merely to halt the robber's flight. Most times, the sound of a bullet fired into the air is enough to stop the escaping thief. In the given instance, the police officer would not be justified in purposely shooting to kill the thief. Reparation of this particular wrong committed would not justify the killing of the wrongdoer.

Moreover, if the robber were escaping in a crowded city street, a police officer would not be justified even in shooting at the robber to stop his escape. The danger of killing innocent people should prevent him. More damage would be inflicted by shooting to prevent the robber's escape than would be justified either by the theft or by the fact that the thief is escaping.

In the same way statesmen must take the nature of the wrong and the amount of damage which war will inflict into consideration. The lives of its own innocent citizens that will be killed, the hardships that its own citizens will have to endure—these, certainly, should temper any emotional urge to declare war on the part of statesmen, even though a wrong against the nation has been committed.

In other words, the natural law demands that the processes of reason be employed. War must not become the reflex of national emotions alone, even where the nation has suffered a violation of its rights.

## **How is this balance between violated rights and war damage to be reached?**

Once again we must repeat that, if the damage which war will inflict is far beyond the nature or consequences of the violation, war must not be declared. Or, if the violation is a minor violation, war must not be used as the means of rectification.

There must be some balance between the nature and consequences of the violation on the one hand and the damage that a nation will inflict upon its enemy through the declaration and prosecution of war.

Consequently the following three items must be considered:

1. The nature and consequences of the violation as far as the present welfare and future security of the aggrieved nation is concerned.
2. The loss of life and property and other values by the nation against whom war is to be declared.
3. The loss of life and property and other values and the possibility of victory by the aggrieved nation itself.

If the moral weight of item (1) is as great as the damage included in item (2) then a declaration of war may be both a prudent and a just act on the part of the aggrieved nation.

It is also important to take item (3) into consideration. Where there is no possibility of victory or where the suffering inflicted on its own people by a declaration of war would far outweigh the benefit secured by punishing a nation under item (1), then from the standpoint of prudence and of justice it may be well for the aggrieved nation to tolerate its wrongs patiently and temporarily, until such time as a war can result in the rectification of wrongs without adding further destruction of rights or possible annihilation of the aggrieved nation.

Something of what is meant by a discussion of this latter principle may be gathered from the recent action of the French in signing an armistice with Germany, instead of fighting on to the bitter end, which would have included destruction of the French army and of French civilians as well as destruction of many vestiges of civilization in France.

Faced with this possibility, the French government signed an armistice in order to bring the war against her to an end. Several factors entered into this determination. The military defense of France had been weakened and sabotaged long before the war broke out by the Communistic activities of the Red Popular Front Government under the leadership of the Pinkish Premier, Leon Blum.

Secondly, the French government publicly blamed the British for failure to cooperate adequately with the French Army fighting in Belgium and northern France. French Foreign Minister Paul Baudouin has claimed that the flight of the British Army towards the Channel Ports instead of an attack by the British Army southwards, as requested by the French government, accounts for the defeat of the French armies in Northern France.

Whatever the military factors involved may be, the French government was faced with the problem of continuing to fight, at the risk of having France annihilated, or of signing an armistice for what the French Government believed to be the common good of the French people. The French Government felt that the common good of France, under these circumstances, would be best accomplished by an Armistice, despite the harshness of the terms. No further help could be expected from its British Ally. English troops had been withdrawn across the Channel. No victories could be expected from the French armies in France, weakened as they had been by lack of proper mechanized equipment for which the Red and Sabotaging Government

of Leon Blum must take the blame. For the common welfare of France the government of Marshal Henri Pétain thereupon brought the war, as far as France was concerned, to a close.

The common good of the entire nation—and not of a class or group within the nation—is the criterion on which a just declaration of war must be based.

If the loss of a nation's rights involves more moral harm to the common good of the aggrieved nation than the damages inflicted upon the offending nation, and if a declaration of war will not damage the common good of the aggrieved nation more than tolerance of the wrong inflicted, then, in such a situation the aggrieved nation is both prudent and just in declaring war against the offending nation, provided all other means of settling the dispute have been prudently exhausted. Once again, *war must be the last resort*.

### **Why should the possibility of victory and the sufferings that will be endured by the aggrieved nation be considered before a declaration of war?**

In order to insure, as far as possible, the common good of the aggrieved nation. Circumstances arise in the life of nations, as well as in the life of individuals, which make it more prudent for nations, like individuals, to bear the ills they have rather than fly to others that may be worse and more permanent. In such cases, prudence is the better part of valor.

It would be unjust to its own citizens and unwise, from the larger point of view, for an unarmed and unprepared nation to rush headlong into war against an armed and prepared nation, even if the latter has violated the former's rights. Beyond the fact of wisdom and prudence is the fact of the physical impossibility of an unarmed nation to fight successfully against an

armed nation. That is why nations should be adequately prepared to defend their rights against the threat of aggressor nations. Any government which has had notice of the march of aggressor nations and has nevertheless failed to build up adequate defenses, is guilty of a serious breach of duty towards its own citizens. Such a government should be replaced at the ballot box by a government that will build up an adequate program of defense.

The first duty of any government is to protect its own citizens against foreign invasion. To wait until the threat of invasion becomes imminent, is to betray the peace and prosperity of the nation itself. Modern warfare is highly technical and scientific. Mere manpower—especially when such manpower is untrained—is not enough. Peace is connected with preparedness.

### **How do these thoughts apply to the present military condition of the United States of America?**

According to army and naval experts, who gave public testimony in Washington, the defenses of the United States on land and sea and in the air are not adequate for the defense of our country against attack. Luckily, there is no imminent threat of attack on the part of any foreign power against the United States of America at the present time.

Instead of building up a Navy adequate to protect both our Atlantic and Pacific coasts, we have a Navy that can only defend one coast. Any attack by an Asiatic Power that would draw our Navy to the Pacific Ocean, would leave our Atlantic coast unprotected. Any government interested in the adequate defense of the United States will devote its energies to developing what is called a "two-ocean navy."

Since much of modern warfare is fought in the air and since bombing planes are used to destroy an enemy's ships at sea and an enemy's infantry and bases of supply on land, the United States should have an air force capable of defeating any squadron of planes that might threaten destruction to our coast lines or to the Panama Canal.

Unfortunately, this state of unpreparedness, in which the United States finds itself, has endured for the past seven years, despite the appropriation of seven billions of dollars for purposes of defense and despite the fact that both Europe and Asia have given sufficient evidence of the growth and intensity and ruthlessness of warfare among modern nations.

The government of the United States owes it to the common good of the citizens of the United States to return to that policy of preparedness which consists in "talking softly and carrying a big stick," instead of maintaining that policy of idealized boastfulness which consists in "talking loudly and carrying a lolly-pop."

Thanks be to God, the government of the United States has finally awakened to the necessity of preparing the United States against all possible attack. The recent experience of the French nation should warn the United States against the fallacy of counting for help or defense upon any other nation's navy or army or air force.

The United States of America should keep out of European diplomacy, out of European entangling alliances, and out of European imperialistic wars. It is time that the United States learned the sad lesson of our participation in the last world war. To protect the United States, and not to police the world, is the fundamental duty of any government elected to guide the destinies of the United States of America.

## When does the conduct of a nation warrant a declaration of war by another nation against it?

Only when such conduct involves the violation or threatened violation of a right which the offending nation owes the aggrieved nation in justice.

For a war to be just, the reason for so declaring and waging war must be grounded in justice.

No other reason, except a reason founded upon justice, can justify war.

Thus every sovereign State is entitled to the peaceful possession of its territory and to the recognition of its sovereignty. These are rights which other sovereign states are bound to respect in justice. Sometimes such rights are specifically recognized by what are called non-aggression treaties.

Ironically enough, both Nazi Germany and Communistic Russia had non-aggression treaties with Poland. Despite these treaties, both Nazi Germany and Communistic Russia invaded Poland and divided the territory of Poland between themselves. The rights of Poland were thereby unjustly violated.

Moreover, there must be a clear violation of rights or a clear threat to violate them before any declaration of war can be called just. Nations are not allowed to taunt foreign powers into violence and then take refuge in declaring war, after the foreign power has been taunted into a violation of the taunting nation's rights. Such a state of affairs would render the aggrieved nation as guilty of the situation as the offending nation.

The important point to remember is that, for any just declaration of war, the clear and certain rights of a nation must be violated or threatened with violation, and the rights in question must be such as fall under the concept of justice.

Rights involve duties. The failure of a nation to fulfill its duty towards another nation in the matter of justice is the adequate and the only adequate cause of just warfare. And, of course, *war must always be the last resort*.

## What is the distinction between an ethical duty and a juridical duty?

A juridical duty is based upon justice. A juridical duty means that one nation is bound to fulfill some obligation in justice towards another nation. Failure to do so means a violation of the just right of the aggrieved nation and a failure to act justly or a wilful act of injustice on the part of the offending nation towards the aggrieved nation.

An ethical duty, as far as nations go, is one which arises from some other source than justice. It is not a duty which one nation owes to another nation. Consequently, the violation of an ethical duty by any nation does not involve the violation of any other nation's rights and consequently cannot be a legitimate cause of war.

In order to understand this distinction it may be well to seek examples in the field of individual moral conduct. A thief violates the juridical duty of respecting property belonging to others. One who commits assault and battery violates the juridical duty to respect the person or bodily welfare of others. These violations are against the virtue of justice and, as we have seen, may be repelled by the injured party with a proper and adequate amount of force.

However, a father who refuses to educate his children properly violates no juridical duty owed to any other individual. Such a father, of course, is guilty of a sin against God and of a crime against the State, for which he can be held to accountabil-

ity by God and the State. But, and this is the point we are emphasizing, he has violated no duty which he owes to any other parent in the neighborhood. Consequently, his neighbor may not invoke violence in order to compel the erring father to educate his children.

The same distinction of duties exists in the concept of moral conduct on the part of Sovereign States. A State which unjustly seizes the territory of another State, is guilty of a violation of a juridical duty which may lead to war. A State which indulges in repressive legislation at home against its own citizens or its own colonists is violating the law of God and sinning against its citizens or colonists, but it is not violating a juridical duty which it owes in justice to any other Sovereign State.

It is important to keep in mind the distinction between the juridical duties which one Sovereign State owes in justice to another Sovereign State and the ethical duties which a State owes to God but the violation of which involves no injustice towards the rights of other Sovereign States.

### **May war be justly declared against a foreign government that is merely violating ethical duties?**

No. War can be justly declared against a foreign State only when the latter has violated some duty which it owes the aggrieved state in justice.

The mere failure of one Sovereign State to administer its territory or colonies in accordance with what another Sovereign State thinks should be done, does not justify the latter Sovereign State's resort to war.

Except in case of absolute starvation no nation, just as no individual, is permitted to take territory which belongs to another nation. The need for economic expansion is not a just

cause for war. Neither is the desire to exclude all nations from control of the sea, for purposes of maintaining one's international trade or of protecting one's colonies. Every Sovereign State has a right to its own territory and its own possessions even against States that do not own similar territories or possessions. In the same way, every Sovereign State has the right to use the sea for purposes of trade. A nation's territory belongs to the nation. The sea belongs to everyone.

### **May war be justly declared to force a foreign government to treat its own citizens better?**

No. No Sovereign State is permitted by the natural law or by any positive prescription of international law to interfere in the internal affairs of any other Sovereign State. The passage and administration of harsh and unjust laws by a foreign power against its own citizens is not sufficient cause for a just declaration of war by another Sovereign Nation.

Only in the rare case of a righteous revolution by the citizens of a foreign state against their tyrannical government, and only on the request of the citizens in legitimate revolt, is war-like interference in the affairs of another Sovereign State justified. In such an instance the citizens in legitimate revolt against their government are presumed to be legitimately exercising the right of force and to be communicating something of their right to the foreign Power called upon to aid them.

This is a very rare case. It is not the rule or, rather, it should not be the rule. We need not emphasize the fact that certain Big Powers in the past have purposely stirred up revolution in so-called second class Powers or in so-called backward countries, not in order to help the revolting citizens secure their freedom from tyranny, but in order to take over the country in which the revolution has been manufactured.

Where a foreign nation persecutes its own citizens, and thus violates the duties which it owes, in justice, to its citizens, other Sovereign States are entitled to express their displeasure and to cut off diplomatic or trade relations in order to manifest their abhorrence at such injustice. No war, however, can be justly declared in these circumstances.

Thus many public officials in the United States expressed their indignation at the cruelty with which England treated Ireland at the close of the World War. American citizens of Irish blood brought these cruelties to the attention of their fellow-American citizens. But no attempt was made to ask the United States of America to declare war upon England because of the persecution of the Irish by the English government.

When the Communistic government of Mexico slaughtered priests and oppressed its Catholic citizens and violated every law of justice and mercy, many American groups, including the Knights of Columbus, attempted to have the Government of the United States withdraw our Ambassador from Mexico, as an expression of American horror against the persecution of Catholics in Mexico.

This request to the President of the United States was made in vain. No attempt, however, was ever made to ask the United States to plunge into war against Mexico, because the Catholic citizens of Mexico were being persecuted by their own government.

At one period in the persecution of the Jewish population of Germany by the government of Nazi Germany, the President withdrew our Ambassador to Germany, as an expression of the resentment which all Americans felt against such persecution. In the case of Germany, as in the case of Mexico and of England, no American citizen can expect the United States to declare war against such foreign nations for violating the duty which they owe to their own citizens.

Wherever a tyrannical government persecutes its own people, two things and only two things may result. The persecuted people of such a nation may revolt against their tyrannical government and, if their revolution be legitimate, may call upon some other nation to help them. If no revolution results, the other nations of the world may publicly express their horror at such tyranny, break off trade relations, remove diplomatic representatives, but they cannot justly go to war. The nation which is offending its own citizens has violated no juridical duty which it owes to its sister nations, and it is only for the actual violation or threatened violation of juridical duties between nations that war may be justly declared.

### **Has any Nation the natural and moral right to police the world?**

No. The right to police the world does not reside in any nation, either by virtue of the natural law or by virtue of positive international law or by mutual agreement. A nation should be careful, therefore, lest, in its protestations that it will police the world, it bring the horror of warfare against its own citizens.

The nations of the world should be spiritually united in the common bond of Christian civilization. The nations of the world should acknowledge the Sovereignty of God and the Kingship of Christ. They should pay respect and obedience to the moral law which should regulate the activities of nations as well as of individuals.

If nations were animated by the principles of Christianity, it would be possible to establish a Union of Nations to which all Christian States would voluntarily belong. Such a Christian Union of Nations might possess sufficient moral authority to punish any nations violating the moral code of such a Union,

whether the violations were committed against sister nations or against their own citizens.

The disruption of Christianity by the very forces in control of most of the civilized nations today makes such a Union of Nations a remote and not an immediate possibility. The last League of Nations involved too much crystallization of power politics, materialism and revenge. As such it was repudiated by the government of the United States of America.

Each nation should cleanse its own household, exercise the role of fraternal correction, whenever prudent, towards all sister nations without discrimination and without favoritism, prepare to defend itself against every threat of invasion, and give to the world the example of peace and prosperity at home.

## CHAPTER V.

# The Prosecution of War

## **What amount of damage may be legitimately inflicted in the course of war?**

Only such damage of life and of property as may be necessary to bring the offending nation into submission, so that the wrongs suffered by the aggrieved nation may be righted and its future security against the repetition of such wrongs guaranteed.

All rules of conduct are not suspended in warfare. The virtues of justice and mercy are still operative. Wilful and unnecessary destruction of life and of property, where such destruction has no relationship to ultimate victory, is forbidden. There is a code of ethics for war as well as a code of ethics for peace.

Soldiers and statesmen should be acquainted with this code.

## **What limitation does the natural law impose upon the prosecution of war?**

The natural law demands that the war be a just one.

The natural law limits the damage inflicted in warfare to that which is necessary to subdue the enemy.

The natural law justifies the means taken to inflict the quantity and quality of damage necessary to win the war.



But the natural law forbids the infliction of any damage or the use of any military operations which are intrinsically immoral.

It is immoral to teach or believe or act in accordance with the statement that "the end justifies the means." No immoral means can ever be justified. No nation, in war or in peace, is entitled to make use of activities or campaigns or actions that are intrinsically immoral in order to win a victory.

It would be intrinsically immoral for a national at war to attempt to corrupt enemy soldiers by immoral means. No nation would be justified in employing an immoral woman as a spy in order to corrupt a foreign diplomat as a means of securing enemy secrets. There is legitimate espionage and illegitimate espionage. Nations at war are forbidden by the natural law to use espionage that is intrinsically immoral.

It would be intrinsically immoral for a nation to torture the wife and children and relatives of an enemy soldier as a means of forcing the enemy soldier to become a traitor to his country. The end, even victory, does not justify the use of an immoral means.

This was the immoral means used by Communistic Russia to stop escaped Communists from revealing the truth about the godless tyranny practiced by the Communist Government of Soviet Russia upon the helpless Russian people.

In subsequent questions we shall discuss the morality of certain warlike activities. The basic truth that *the end does not justify the means*, either in war or in peace, must be established at the very outset.

Everything does not go in war. Not even the aggrieved nation, which has justly declared war, is permitted to use means that are intrinsically immoral simply for the sake of victory. Every means taken to win a just war must be a legitimate

means in itself. An immoral means cannot be utilized even for a moral end.

### **Is the killing and injuring of non-combatants forbidden by the Natural Law?**

Yes. War is waged against a Sovereign State and not against the citizens of such an enemy State as individuals. In time of war it is the armed forces of a nation which represent the State. Consequently, the activities of war should be directed against a nation's armed forces and not against men or women or children who are not actively engaged in representing the State in war. Non-combatants have something of the status of innocent parties to the struggle. To kill or injure non-combatants, wilfully and wantonly, is to indulge in something that is intrinsically immoral and therefore forbidden to nations in time of war as well as in time of peace.

Due to the progress (?) of modern warfare the number of non-combatants has been largely lessened. Since modern warfare is waged by means of oil and mechanized equipment, those who work in oil refineries where the output is devoted to purposes of war and those who work in factories where arms and ammunition are manufactured, cannot be classified as non-combatants. The killing of such employees in the bombing of munition factories or wartime oil refineries is not the killing of non-combatants.

Moreover, we are not here referring to that accidental killing or injuring of non-combatants which takes place when cities containing armies or war supplies are bombed by enemy planes. It is up to the government of every nation to remove or evacuate non-combatants, especially women and children, from military cities that may become the targets of enemy planes. Failure to do so places the responsibility for the killing or the injuring

of non-combatants upon their own government rather than upon the enemy government.

We are referring here to the wilful and wanton killing and injuring of non-combatants in what are called open cities, namely, cities that do not possess any military objectives. The natural law forbids the bombing of such open cities, where the only result is the killing and injuring of non-combatants.

During the recent Spanish Civil War the Red Loyalists indulged in a practice that was little short of being diabolical. Instead of removing non-combatants from the area of military objectives in such cities as Barcelona, the Red Loyalists kept non-combatants in such areas, in order to be able to accuse the bombing planes of the Nationalists of the crime of killing non-combatants when such military areas were attacked. Any blame for the killing of non-combatants in such instances is on the consciences of the Red Loyalists and not on the consciences of the Nationalists. In this way the Red Loyalists were able to arouse considerable sympathy for their side on the part of the American Press which did not take the time to find out the truth. Little space was given to the offer of the Nationalists to eliminate certain areas in Madrid from bombing, so that the non-combatants might be gathered there and protected from the damage that was to be inflicted upon the military areas elsewhere in the city.

### **May the property of non-combatants be wantonly destroyed?**

No. Where the property of non-combatants possesses no military value and is not devoted to the service of the armed forces of the State, it is intrinsically immoral to destroy it.

Where, of course, the property of non-combatants is being actually utilized by the State for purposes of war, it is liable

to destruction just the same as property in the hands of the armed forces. If, for instance, the retreating soldiers of a country take refuge in the houses or buildings of a certain city or town, the enemy forces have the right to invade such buildings in order to overcome resistance or to destroy such buildings in order to bring the enemy into the open. These are hardships of war, borne by non-combatants, which should be always considered by any government in its deliberations on the necessity of declaring war.

The property of non-combatants in open or non-military towns should not be destroyed.

### **May the property of the enemy state or of its soldiers be wantonly destroyed?**

No. Only such damage may be inflicted in the course of war as will bring about the submission of the offending State and result in the rectification of wrongs.

Any wilful deviation from this rule constitutes a violation of the natural law. In the War of 1812, brought about by the repeated violation of the rights of American citizens at sea, the British passed through Washington and wantonly destroyed the White House. The White House was not a military objective. It contained no arms or ammunition. It presented no threat to the advancing British. Consequently, the destruction of the White House by the British was a clear violation of the natural law which forbids the wanton destruction of the non-military property of an enemy State.

The railroad lines and the harbors and the air-ports of an enemy nation may be legitimately destroyed, because these are military objectives. Warehouses containing enemy supplies may also be destroyed for the purposes of victory.

It is immoral, however, to lay waste an entire countryside simply for the purpose of destroying it. For this reason it was an immoral act for certain of the Union Armies to engage in wholesale and wanton destruction of the State of Georgia when no battle was being fought, simply to strike terror into the hearts of non-combatants. All enemy property directly and immediately related to the prosecution of the war may be destroyed, but no non-military property should be wantonly destroyed.

### **Is it right to kill prisoners of war?**

No. Both justice and charity forbid the killing of prisoners of war. When a soldier becomes a prisoner of war, he attains the status of a non-combatant and is consequently entitled to the preservation of his life at the hands of the enemy. Even the killing of prisoners of war by one of the contending parties does not justify a similar retaliatory measure on the part of the other contending party.

This prohibition of the natural law has been incorporated by civilized nations in their international agreements. Prisoners of war may be kept in concentration camps. Due to the necessities of warfare their rations may be just enough to sustain life, but they must be treated as human beings. It is immoral to subject them to physical or mental torture and to deprive them of their right to life.

### **What other unnatural practices are forbidden by the natural law?**

The natural law forbids all wilful lying and perjury and fraud and deceit and treachery indulged in by nations at war or for the purpose of arousing war. Newspapers that indulge in lies or in the suppression of the truth, for the sake of national

glory or in order to make the actions of foreign nations seem offensive, are violators of the natural law. Statesmen are not allowed to lie to one another any more than men engaged in business or any other individuals. Lying and perjury and fraud and deceit and treachery are intrinsically wrong and cannot be used as means to secure victory. These are just as wrong and just as much prohibited as the wanton destruction of the lives and property of non-combatants.

International law, interpreting the natural law, has forbidden the use of arms and ammunition which cause excessive suffering or which produce unnatural results. An ordinary bullet may be used in a just war for the purpose of conquering the enemy. It is immoral, however, to use dum-dum bullets which by spreading throughout the human body produce unnatural wounds and unnatural suffering. Only such damage may be inflicted in warfare as will stop the enemy.

International law, in accord with the natural law, has forbidden the practice of poisoning the water supply of a country with the attendant suffering and killing of innocent non-combatant men, women and children. There are other ways of conquering an enemy without indulging in these barbarous practices.

During the recent Spanish Civil War priests and nuns were subjected to inhuman cruelties by the Red Loyalists. Representatives of religion have always been spared by invading armies for over a thousand years. Not until the atheistic fury and communistic tyranny of Soviet Russia were unleashed upon the hapless inhabitants of Russia, was the modern world presented with the spectacle of representatives of religion butchered and starved in Red Russia and slaughtered by the Red Loyalists of Spain.

War does not justify every means taken in the course of its

prosecution. In the Hague International Peace Conference of 1899, 26 nations of the world defined certain warlike practices, such as projectiles and explosives hurled from balloons, the use of soft and explosive bullets, and poisonous gases, as immoral methods which all nations should forego in war. Further steps were taken by the Hague Convention of 1907.

The violation of the restrictions already made by international law and international agreements is due to the fact that all nations have, at one time or other, violated them. Requests, therefore, made to warring powers by non-warring nations are rejected by the combatants on the theory that the nations invoking them have been too prone and ready to violate the restrictions themselves for the sake of victory.

It is immoral, likewise, for any nation to engender hatred towards the citizens of any other nation. Exaggerated nationalism which seeks to stimulate an erroneous feeling of proud superiority on the part of one's own nationals against other peoples is likewise wrong. The natural law calls for love of neighbor as well as for love of God.

Even in time of war a nation is not permitted by the natural law to arouse hatred and frenzy towards an enemy people while training its own citizens in rifle or bayonet practice. Christ said: "Love your enemies." Wars are just when waged for the rectification of wrongs and not as an outlet for the systematically stimulated hatred which pagan governments too often breed in the hearts of their citizens towards the citizens of another State. Christ said: "Love your enemies." Love of the right means hatred of the wrong but not of the wrongdoer. Even in the active line of duty the soldier must be motivated by a sense of duty towards his own nation, which may be defending her rights, rather than by a personal sense of hatred towards the enemy whom he must conquer by virtue of his patriotism and civil obedience.

If the schools and the press of the world followed the leadership of the pulpit in stressing the Fatherhood of God and the Brotherhood of man, the peoples of all nations who want to live in peace would be able to exert greater influence upon their governments for the cause of peace.

### **What may the victor in a war legitimately demand?**

Just as a warring State is not permitted to use any means, no matter how immoral, for the sake of victory, so a victorious State is bound to limit its demands upon the conquered State in accordance with justice. In addition to the limitations of justice, the victorious State should be guided by the virtues of charity and of mercy. Any desire to destroy one's enemy completely, without due regard for justice and mercy, should be eliminated from the deliberations of the peace table.

The victorious State, which has been waging a just war, may rightly make the following three demands and secure the fulfillment of these demands on the part of the conquered nation:

1. Full restoration of the rights violated by the offending nation.
2. Compensation for the losses suffered by the aggrieved nation in the just war which the offending nation forced upon her.
3. Adequate guarantee that the offending nation will not duplicate its offense against the aggrieved nation in the future.

If the wrong committed by the offending nation consisted of an unjust appropriation of territory belonging to the aggrieved nation, such territory must naturally be restored. It is difficult to itemize every possible form of restoration that must be made. Each case is specific.

In securing compensation for its war losses, the aggrieved

victorious State should be honest and sincere. Huge sums that have no factual relationship to the actual amount of losses endured, should not be imposed. The victorious State is entitled to full compensation but not to exaggerated compensation.

In order to guarantee that the offending defeated nation will not duplicate its wrongdoing, the victorious nation should cultivate the good will of its opponent. The guarantee requested for future security should not consist in the absolute annihilation or enslavement of the conquered nation. No nation can be permanently humbled and destroyed. Sometimes the demand that the conquered country change the personnel of the government, which was responsible for the wrongdoing, will guarantee future peace and justice.

In general, the discussion of such problems at a peace table should be marked by recognition of the spiritual unity of all mankind. If the virtues of justice and mercy are allowed to operate during peace discussions, the discussions will end in peace and not in a desire for revenge on the part of the conquered nation.

### **What is meant by the statement that peace treaties are sometimes the source of future wars?**

Just wars are waged to right wrongs. The rectification of such wrongs is the business of a peace treaty. Where, however, the victorious nation goes beyond the requirements of justice, the peace treaty itself becomes the source of injustice against the conquered nation.

Smarting under the injustices of the peace treaty, the representatives of the conquered nation are only too prone to fan the emotion of revenge and resentment in the minds of their citizens back home. As a result, the conquered nation may

plan for the day when it finds itself in a position to wage war on the plea that an injustice was committed against it by the former peace treaty.

Where the conquering nation gives full rein to a desire to punish the conquered nation in every possible way, throwing aside the controls of justice and of mercy, it is sowing the seeds of a possible future war. For this reason the presence of some impartial third power at a peace table would do much to stabilize the peace treaty in the interests of justice and of charity.

The failure of the Allied Powers at the close of the World War, 1914-1918, to have a Papal representative present at the Peace deliberations in Versailles, robbed both victors and conquered of a spiritual and impartial influence that would have done much to remove the injustices which the conquered Central Powers claimed to have suffered at the hands of their conquerors. The Pope, who has loyal spiritual subjects in every land and in every race, would have been the ideal exponent of justice and of mercy.

Every historian realizes that the present World War had some of its roots in the Treaty of Versailles which ended the last World War and which was supposed to end all wars in Europe.

Peace treaties should result in peace and not in continued warfare.

**Declaration of War:**

1. Only a Sovereign State is entitled to declare war.
2. For violation or threat of violation of its sovereign rights or the fundamental rights of its citizens.
3. Against the Sovereign State so violating or threatening them.
4. Provided the violation or threat of violation is clear and certain.
5. Provided the aggrieved State has no sinister or wrong intention in declaring war.
6. Provided the rectification of the wrong is worth all the damage that will be inflicted on both sides to the struggle.
7. And provided the wrong can be righted in no other way.

**WAR MUST ALWAYS BE THE  
LAST RESORT!**

## Summary of Moral Analysis of

### War

In order that the declaration, prosecution and conclusion of war may be just, the following factors must be present:

**Prosecution of War:**

1. No intrinsically immoral act must be done by the aggrieved State in prosecuting the war.
2. The lives and property of non-combatants must be respected.
3. Only such damage must be done to the lives and property of combatants as will result in victory.
4. In war and in peace the *end does not justify the means*.

**Conclusion of War:**

1. Reparation of the wrong inflicted may be demanded by the aggrieved nation engaged in a just war.
2. Compensation for the actual losses suffered because of the war.
3. Just penalties may be imposed or just guarantees secured to prevent repetition of the wrong-doing.
4. The peace deliberations should be characterized by justice and by mercy.
5. The Peace Treaty should beget Peace and not revenge.

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