

## REMARKS ON THE MORAL PROBLEM OF WAR

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THERE ARE three distinct standpoints from which it is possible to launch a discussion of the problem of war in this strange and perilous age of ours that has yet to find its name. My initial assertion will be that it is a mistake to adopt any one of them exclusively and to carry the argument on to its logical conclusions. If this is done, the argument will end in serious difficulties.

First, one might begin by considering the possibilities of destruction and ruin, both physical and human, that are afforded by existent and projected developments in weapons technology. Here the essential fact is that there are no inherent limits to the measure of chaos that war might entail, whether by the use of nuclear arms or possibly by the methods of bacteriological and chemical warfare. Carried to its logical conclusion an argument made exclusively from this standpoint leads towards the position that war has now become a moral absurdity, not to be justified in any circumstances today. In its most respectable form this position may be called relative Christian pacifism.<sup>1</sup> It does not assert that war is intrinsically evil simply because it is a use of force and violence and therefore a contravention of the Christian law of love promulgated in the Sermon on the Mount. This is absolute pacifism, an unqualified embrace of the principle of non-violence; it is more characteristic of certain Protestant sects. The relative pacifists are content to affirm that war has now become an evil that may no longer be justified, given the fact that no adequate justification can be offered for the ruinous effects of today's weapons of war. Even this position, I shall say, is not to be squared with the public doctrine of the Church.

Second, one might begin the argument by considering the present historical situation of humanity as dominated by the fact of Communism. The essential fact here is that Communism, as an ideology and as a power-system, constitutes the gravest possible menace to the moral and civilizational values that form the basis of "the West,"

<sup>1</sup> On the style, e.g., of F. Stratmann, *War and Christianity Today* (Westminster, Md., 1956); cf. his earlier book, *The Church and War* (New York, 1928).

understanding the term to designate, not a geographical entity but an order of temporal life that has been the product of valid human dynamisms tempered by the spirit of the gospel. Arguing from this standpoint alone one could well posit, in all logic, the present validity of the concept of the "holy war." Or one might come to some advocacy of "preventive" war or "pre-emptive" war. Or one might be led to assert that, since the adversary is completely unprincipled, and since our duty in face of him is success in the service of civilization itself, we must jettison the tradition of civilized warfare and be prepared to use any means that promise success. None of these conclusions is morally acceptable.

Third, one might choose as a starting point the fact that today there exists a mode of international organization that is committed by its charter to the preservation of peace by pacific settlement of international disputes. One might then argue that the validity of war even as a legal institution has now vanished, with the passing of the hypothesis under which its legal validity was once defended, namely, the absence of a juridically organized international community. But this conclusion seems, at very best, too rapid, for several reasons. The United Nations is not, properly speaking, a juridical organization with adequate legal authority to govern in the international community. It is basically a power-organization. And its decisions, like those rendered by war itself, are natively apt to sanction injustice as well as justice. It is not at all clear that the existence of the United Nations, as presently constituted, definitely destroys the hypothesis on which the validity of war as a legal institution has traditionally been predicated. It is not at all clear that the United Nations in its present stage of development will be able to cope justly and effectively with the underlying causes of international conflict today or with the particular cases of conflict that may arise.

If therefore one adopts a single standpoint of argument, and adheres to it narrowly and exclusively, one will not find one's way to an integral and morally defensible position on the problem of war. On the other hand, all of the three standpoints mentioned do derive from real aspects of the problem itself. In consequence, each of them must be exploited, if the problem is to be understood in its full scope. This is my second assertion. It is not possible here to develop it in detail. I

shall merely suggest that there are three basic questions that must be explored at length and in detail. Moreover, there is an order among these questions.

The first question concerns the exact nature of the conflict that is the very definition of international life today. This is the first question because it sets the perspectives in which all other questions must be considered.<sup>2</sup>

I would note here that Pius XII fairly steadily considered the problem of war and of the weapons of war, as well as the problem of international organization, within the perspectives of what he called "the line of rupture which divides the entire international community into opposed blocs,"<sup>3</sup> with the result that "coexistence in truth"<sup>4</sup> is not possible, since there is no common acceptance of a "norm recognized by all as morally obligatory and therefore inviolable."<sup>5</sup>

I would further note that the exact nature of the international conflict is not easily and simply defined. The line of rupture is not in the first instance geographic but spiritual and moral; and it runs through the West as well as between East and West. It cannot be a question of locating on "our" side of the rupture those who are virtuous and intelligent, and, over against "us," those who are evil and morally blind. In contrast, it cannot be a question of maintaining that both East and West are so full of moral ambiguities that the line of rupture between them either does not exist or is impossible to discern.<sup>6</sup> In a

<sup>2</sup> As a minor contribution to this analysis I attempted a description of the unique character of the Soviet Empire in *Foreign Policy and the Free Society* (New York, 1958) pp. 21-49. In what concerns academic and public opinion in the English-speaking world, a considerable difficulty arises from the fact that there exists no real consensus with regard to the aims and motivations of Communist imperialism in its action on the world scene. There are at least four schools of thought; their major difference arises from their variant estimates of the role of ideology in Soviet behavior.

<sup>3</sup> Christmas Message, 1950; *AAS* 43 (1951) 57.

<sup>4</sup> Christmas Message, 1954; *AAS* 47 (1955) 25.

<sup>5</sup> Allocution to the Ambassador of Ecuador, July 13, 1948; *AAS* 40 (1948) 339.

<sup>6</sup> This view exists in a number of forms. There is, for instance, the contextualistic morality of Prof. Hans Morgenthau, revealed in his Introduction to E. Lefever, *Ethics and United States Foreign Policy* (New York, 1957). His basic view, never quite brought to philosophical explicitness, seems to be that all moralities are purely "national"; they cannot be subjected to judgment in terms of universal principles. There are also various types of neo-Lutheran theory which see evil as radical, ubiquitous, and inextricable in all human action. In quite a different category there are those who are confused, as well they might be in this age, by the problem of the relations between morality and power; cf.,

word, one must avoid both a moral simplism and a moral scepticism in the analysis of the international conflict.

Finally, it is most important to distinguish between the mainsprings of the conflict and its concrete manifestations; or, with Sir David Kelly,<sup>7</sup> between the relatively superficial facts of change in our revolutionary world and the underlying currents of change. Moreover, it is important to relate the two levels of analysis, in so far as this can be done without artificiality.

The tendency of this whole line of analysis, bearing on the nature of the international conflict, will be to furnish an answer to a complex of questions that must be answered before it is possible to consider the more narrow problem of war. What precisely are the values, in what hierarchical scale, that today are at stake in the international conflict? What is the degree of danger in which they stand? What is the mode of the menace itself—in particular, to what extent is it military, and to what extent is it posed by forms of force that are more subtle? If these questions are not carefully answered, one will have no standard against which to match the evils of war. And terror, rather than reason, will command one's judgments on the military problem. This is the danger to which the seven moral theologians in Germany pointed in their statement of May 5, 1958:

A part of the confusion among our people has its source in the fact that there is an insufficient realization of the reach of values that are endangered today, and of the hierarchical order among them, and of the degree of danger in which they stand. On the other hand, from the *Unheimlichkeit* of the technical problems [of war itself] there results a crippling of intelligence and of will.<sup>8</sup>

The second basic question concerns the means that are available for insuring the defense of the values that are at stake in the international conflict. This too is a large and complex question. A whole array of means is available, in correspondence with the multi-faceted character

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for instance, an intelligent and earnest thinker, Mr. Kenneth Thompson, "Moral Choices in Foreign Affairs," *Worldview* 1 (1958) 4-7. One of today's characteristically confused debates goes on between the "realists" and the "idealists." One school holds that politics is wholly a matter of morality; the other maintains that politics is wholly a matter of power. Both are wrong. But they agree on a disastrous tenet, that between morality and power a great gulf is fixed.

<sup>7</sup> *The Hungry Sheep* (London, 1955).

<sup>8</sup> *Herder-Korrespondenz* 12, no. 9 (June, 1958) 396.

of the conflict itself. It is a matter of understanding both the usefulness and the limitations of each of them, from spectacular "summit meetings" across the gamut to the wholly unspectacular work, say, of agricultural experts engaged in increasing the food supply of so-called underdeveloped nations. This whole complex question of the means of conflict must be fully explored antecedently to the consideration of the problem of war. The basic reason is that otherwise one can give no concrete meaning to the concept of war as *ultima ratio*. Moreover, the value of the use of force, even as *ultima ratio*, will be either overestimated or underestimated, in proportion as too much or too little value is attached to other means of sustaining and pressing the international conflict.

The third and final question concerns the *ultima ratio* itself, the arbitrament of arms as the last resort.

Here we confront the third novelty in the total problem. The present historical situation of international conflict is unique. "Never," said Pius XII, "has human history known a more gigantic disorder."<sup>9</sup> The uniqueness of the disorder resides, I take it, in the unparalleled depth of its vertical dimension; it goes to the very roots of order and disorder in the world—the nature of man, his destiny, and the meaning of human history. There is a uniqueness too in the second basic question posited above, scil., the unprecedented scope of the conflict in its horizontal dimension, given the variety of means whereby it may be, and is being, waged. A special uniqueness resides too in the existence of the United Nations, as an arena of conflict indeed, but also as an instrument of peacemaking to some degree. However, the most immediately striking uniqueness comes to view when one considers the weapons for warmaking that are now in hand or within grasp.

There are two subordinate questions under this general heading of the nature of war today. The first concerns the actual state of progress (if it be progress and not a regress to barbarism) in the technology of defensive and offensive weapons of war. The second concerns the military usefulness, for any intelligible military and political purposes, of the variety of weapons developed. This latter question raises the issue of the strategic and tactical concepts that are to govern the use of these various weapons. The facts that would furnish answers to these ques-

<sup>9</sup> Christmas Message, 1950; *AAS* 43 (1951) 57.

tions are to a considerable extent hidden from the public knowledge; and, to the extent to which they are known, they have been generative of confusion in the public mind. In any case, these questions must have some reasonably satisfactory answer, if the moral problem of war is to be sensibly discussed.

Here then are three preliminary lines of inquiry to be pursued before the moral issues involved in warfare today can be dealt with, even in their generality.

An initial, not necessarily complete, exploration of these three lines is sufficient to suggest the outlines of a general moral theory. Whether Catholic thought can be content to stop with a moral theory cast simply in the mode of abstractness that characterizes the following propositions will be a further question. In any case, it is necessary in the first instance to state the general propositions. In stating them I am undertaking to render the substance of the thought of Pius XII; but there will be only a minimum of citation, and even of explanation.

1) All wars of aggression, whether just or unjust, fall under the ban of moral proscription.

I use the term "war of aggression" because Pius XII used it.<sup>10</sup> However, he gives no real definition of the term. It seems to stand simply as the contrary of a war of self-defense (whose definition, as we shall

<sup>10</sup> The concept of aggression is undoubtedly a major source of bedevilment in the whole modern discussion of the problem of war. The recent lengthy attempt to reach a satisfactory definition resulted in failure; cf. Julius Stone, *Aggression and World Order* (Berkeley, Calif., 1958). The concept, I think, is a typically modern one; older theories more characteristically spoke in terms of "injustice." I venture the opinion, merely as an opinion, that the modern prominence of the concept derives from the modern theory that there may be "justice" on both sides of a conflict. Hence the issue of "justice" is proximately decided by "aggression," scil., which nation's armed forces first cross the borders of the other nation. But this military transcription of a basically moral concept is of little, if any, use in our contemporary situation, with its two unique new features. First, today's weapons systems make possible the employment of force at enormous distances without concern for the space between; the concept of "crossing borders" no longer means anything. Second, in view of the striking power of these weapons systems the nation that initiates the attack ("crosses the border") can render the opposing nation defenseless, incapable of exerting a right of self-defense. Consequently, aggression in the older military-moral sense has ceased to be a standard by which to decide the issue of justice in war; it has become simply a technique by which to decide the issue of success. The use of force can no longer be linked to the moral order merely by the concept of aggression, in the modern understanding of the concept. There is urgent need for a thorough moral re-examination of the basic American policy that "we will never shoot first." Under contemporary circumstances, viewed in their entirety, is this really a *dictamen rationis*?

see, is more concrete and historical). Expressly, the Pope denies that recourse to force is "a legitimate solution for international controversies and a means for the realization of national aspirations."<sup>11</sup> He seems therefore to be denying to individual states, in this historical moment, the *ius belli* (*compétence de guerre*) of the modern era of the unlimited sovereign state, scil., the right of recourse to war, on the sovereign judgment of the national state, for the vindication of legal rights and legitimate interests. The use of force is not now a moral means for the redress of violated legal rights. The justness of the cause is irrelevant; there simply is no longer a right of self-redress; no individual state may presume to take even the cause of justice into its own hands. Whatever the grievance of the state may be, and however objectionable it may find the status quo, warfare undertaken on the sovereign decision of the national state is an immoral means for settling the grievance and for altering existent conditions.<sup>12</sup>

If this be the correct interpretation of Pius XII's thought, it will be seen that an important modification of the modern Scholastic doctrine of war has been made.<sup>13</sup> The reasons for making it derive from two of

<sup>11</sup> Christmas Message, 1944; *AAS* 37 (1945) 18.

<sup>12</sup> Modern theory distinguished three reasons for recourse to war by the sovereign state: *ad vindicandas offensiones, ad repelendas res, ad repellendas iniurias*. Pius XII, it seems to me, outlawed the first two categories of "war-aims." The third category is proper to the concept of "defensive" war. At that, the main thrust of his thought on war, viewed in the total context of his dominant concern with international organization, goes against the modern notion of the *ius belli* as an inherent attribute of national sovereignty.

<sup>13</sup> For a statement of the modern Scholastic theory, and a critique of it, cf. A. Vanderpol, *La doctrine scolastique du droit de guerre* (Paris, 1919). It would be interesting to have a new study made of this book, which is not without its bias. I also suggest another question. Pius XII seems relatively unconcerned to give an exact definition of aggression. He seems to want to move back into the center of Catholic thought the older, broader Augustinian concept of *causa iusta*. War is not simply a problem of aggression; more fundamentally it is a problem of injustice. It is the concept of justice that links the use of force with the moral order. Would it be correct to say that Pius XII represents an effort to return Catholic thought to more traditional and more fruitful premises? If there is a way out of the present impasse created by the outworn concept of aggression in the modern sense, it can only be a return to the concept of justice. There would still remain the formidable moral and legal problem of translating *iustitia* into *id iustum*. In politico-moral terms this is today the problem of what is called policy. As a moral problem, war is ultimately a problem of policy, and therefore a problem of social morality. Policy is made by society, especially in a democratic context; and society bears the moral responsibility for the policy made. As a problem in justice, the problem of war is put to the People, in whom, according to good medieval theory, the sense of justice resides, and from whom the moral judgment,

the above-mentioned lines of inquiry. First, the immeasurably increased violence of war today disqualifies it as an apt and proportionate means for the resolution of international conflicts and even for the redress of just grievances. Second, to continue to admit the right of war, as an attribute of national sovereignty, would seriously block the progress of the international community to that mode of juridical organization which Pius XII regarded as the single means for the outlawry of all war, even defensive war. In this connection, it would be well to note the observation of M. Gabriel Matagrin:

The preoccupation of Pius XII seems to be much less to determine what might be just in the actual situation of an unorganized humanity than to promote a genuine international organization capable of eliminating war, because the juridical reason for the right of war is the unorganized state of international life.<sup>14</sup>

Pius XII clearly stigmatized "aggressive" war as "a sin, an offense, and an outrage against the majesty of God."<sup>15</sup> Should this sin in the moral order also be transposed into a crime in the legal order? Pius expressly said that "modern total war, and ABC warfare in particular," when it is not stringently in self-defense, "constitutes a crime worthy of the most severe national and international sanctions."<sup>16</sup> I should think that the same recommendation would apply to less violent forms of "aggressive" warfare. However, Pius XII did not enter the formidable technical problem, how this legal transcription of a moral principle is to be effected. The problem has hitherto been insoluble.

2) A defensive war to repress injustice is morally admissible both in principle and in fact.

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direction, and correction of public policy must finally come. As a moral problem in the use of force, war is not simply, or even primarily, a problem for the generals, the State Department, the technologists, the international lawyers. Here, if anywhere, "the People shall judge." This is their responsibility, to be discharged before the shooting starts, by an active concern with the moral direction of national policy. My impression is that this duty in social morality is being badly neglected in America at the moment.

<sup>14</sup> "La légitimité de la guerre d'après les textes pontificaux," *Lumière et vie* 7, no. 38 (July, 1958) 56.

<sup>15</sup> Christmas Message, 1948; *AAS* 41 (1949) 13.

<sup>16</sup> Allocution to the World Medical Congress, Sept. 30, 1954; *AAS* 46 (1954) 589. The tradition maintains that the highest value in society is the inviolability of the order of rights and justice. If this order disintegrates or is successfully defied, society is injured in its most vital structure and end. Peace itself is the work of justice; and therefore peace is not compatible with impunity for the evil of injustice. It is pertinent to emphasize these truths in an age in which economic and material values have come to assume the primacy.



In its abstractness this principle has always formed part of Catholic doctrine; by its assertion the Church finds a way between the false extremes of pacifism and bellicism. Moreover, the assertion itself, far from being a contradiction of the basic Christian will to peace, is the strongest possible affirmation of this will. There is no peace without justice, law, and order. But "law and order have need at times of the powerful arm of force."<sup>17</sup> And the precept of peace itself requires that peace be defended against violation:

The precept of peace is of divine right. Its purpose is to protect the goods of humanity, inasmuch as they are the goods of the Creator. Among these goods there are some of such importance for the human community that their defense against an unjust aggression is without doubt fully justified.<sup>18</sup>

There is nothing new about these assertions. What is important is their reiteration by Pius XII in today's highly concrete historical context of international conflict. The reiteration of the right of defensive war derives directly from an understanding of the conflict and from a realization that nonviolent means of solution may fail. The Church is obliged to confront the dreadful alternative: "the absolute necessity of self-defense against a very grave injustice that touches the community, that cannot be impeded by other means, that nevertheless must be impeded on pain of giving free field in international relations to brutal violence and lack of conscience."<sup>19</sup>

The harshness of statement in that last phrase marks a new note that came only late (in 1953) into Pius XII's utterances. I think it fair to say that the gentle Pope of Peace brought himself only with great reluctance, and under the unrelenting pressure of events, to focus on the instant possibility of war, as generated by the essential ethos of the Communist system: "brutal violence and lack of conscience." The focus becomes even sharper after the events in Hungary, and in the light of the Soviet threat to use atomic weapons in Europe if the French and English adventure in Suez were not terminated. These words from the Christmas message, 1956, need to be quoted:

<sup>17</sup> Allocution to the visiting members of the U. S. House of Representatives' Armed Services Committee, Oct. 8, 1947; *Civiltà cattolica* 98/4 (1947) 264. Note that there is question of "injustice," not of "aggression."

<sup>18</sup> Christmas Message, 1948; *AAS* 41 (1949) 13.

<sup>19</sup> Allocution to military doctors, Oct. 19, 1953; *AAS* 45 (1953) 748.

The actual situation, which has no equivalent in the past, ought nevertheless to be clear to everyone. There is no further room for doubt about the purposes and the methods that lie behind tanks when they crash resoundingly across frontiers to distribute death and to force civilized peoples to a form of life that they distinctly abhor. When all the possible stages of negotiation and mediation are bypassed, and when the threat is made to use atomic arms to obtain concrete demands, whether these are justified or not, it becomes clear that, in present circumstances, there may come into existence in a nation a situation in which all hope of averting war becomes vain. In this situation a war of efficacious self-defense against unjust attacks, which is undertaken with hope of success, cannot be considered illicit.<sup>20</sup>

One can almost feel the personal agony behind the labored sentences (more tortured in the original than in the translation). The agony, and utterance itself, are born of the Pope's reluctant realization that, as he had said earlier that same year, there are rulers "who except themselves from the elementary laws of human society."<sup>21</sup> The tragedy in the situation is accented by his further vision that the people over whom these rulers stand "cannot but be the first to feel the need once more to form part of the human family."<sup>22</sup>

There is no indication that this reaffirmation of the traditional principle of defensive warfare, to which Pius XII was driven by the brutal facts of international life, extends only to wars conducted by so-called conventional arms. On the contrary, the Pope extended it explicitly, not only to atomic warfare but even to ABC warfare. One cannot therefore uphold the simple statement that atomic war as such, without further qualifications, is morally unjustifiable, or that all use of atomic weapons in war is, somehow in principle, evil.

There are, however, conditions. The basic condition has been stated: "One cannot, even in principle, raise the question of the liceity of ABC warfare except in the case in which it must be judged indispensable for self-defense in the conditions indicated."<sup>23</sup> These further conditions are simply those found in traditional doctrine. But each of them was sharpened to a fresh stringency by Pius XII in the light of the horrors of destruction and death now possible in war.

Briefly, the war must be "imposed by an obvious and extremely

<sup>20</sup> Christmas Message, 1956; *AAS* 49 (1957) 19.

<sup>21</sup> Radio Broadcast, Nov. 10, 1956; *AAS* 48 (1956) 789. <sup>22</sup> *Ibid.*

<sup>23</sup> Allocution to the World Medical Congress, 1954; *AAS* 46 (1954) 589.

grave injustice.”<sup>24</sup> No minor infraction of rights will suffice, much less any question of national prestige. The criterion is high, namely, that the nation should “in all truth have been unjustly attacked and menaced in its vital rights.”<sup>25</sup>

The second condition is the familiar principle of war as always the *ultima ratio*. Moreover, it is today the extremity of means in a unique sense, given, on the one hand, the new means of negotiation and arbitration presently available, and on the other, the depths of manifold agony into which recourse to the *ultima ratio* may now plunge humanity as a whole.

The third condition is also familiar, the principle of proportion. It invokes a twofold consideration.

First, consideration must be given to the proportion between the damage suffered in consequence of the perpetration of a grave injustice, and the damages that would be let loose by a war to repress the injustice. Pius XII laid some stress on the fact that the comparison here must be between realities of the moral order, and not sheerly between two sets of material damage and loss. The standard is not a “eudaemonism and utilitarianism of materialist origin,”<sup>26</sup> which would avoid war merely because it is uncomfortable, or connive at injustice simply because its repression would be costly. The question of proportion must be evaluated in more tough-minded fashion, from the viewpoint of the hierarchy of strictly moral values. It is not enough simply to consider the “sorrows and evils that flow from war.”<sup>27</sup> There are greater evils than the physical death and destruction wrought in war. And there are human goods of so high an order that immense sacrifices may have to be borne in their defense. By these insistences Pius XII transcended the vulgar pacifism of sentimentalist and materialist inspiration that is so common today.

Second, Pius XII requires an estimate of another proportion, between the evils unleashed by war and what he calls “the solid probability of success”<sup>28</sup> in the violent repression of unjust action. The specific attention he gives to this condition was immediately prompted by

<sup>24</sup> *Ibid.*; again the word used is “injustice,” not “aggression.”

<sup>25</sup> Allocution to the World Congress of Women’s Organizations, Apr. 24, 1952; *AAS* 44 (1952) 422.

<sup>26</sup> Christmas Message, 1948; *AAS* 41 (1949) 13.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

his awareness of the restiveness of the peoples who are presently captive under unjust rule and who are tempted to believe, not without reason, that their rescue will require the use of force. This condition of probable success is not, of course, simply the statesman's classical political calculus of success. It is the moral calculus that is enjoined in the traditional theory of rebellion against tyranny. Furthermore, Pius XII was careful to warn that in applying this moral calculus regard must be had for the tinderbox character of our world in which a spark may set off a conflagration.<sup>29</sup>

A fourth principle of traditional theory is also affirmed by Pius XII, the principle of limitation in the use of force. It may be a matter of some surprise that he gave so little emphasis and development to it, at least in comparison to the preponderant place that the problem seems to have assumed in the minds of other theorists, Catholic and non-Catholic. There is one formal text. After asserting the legitimacy of "modern total warfare," that is, ABC warfare, under the set of stringent conditions already stated, he added:

Even then every effort must be made and every means taken to avoid it, with the aid of international covenants, or to set limits to its use precise enough so that its effects will be confined to the strict exigencies of defense. In any case, when the employment of this means entails such an extension of the evil that it entirely escapes from the control of man, its use ought to be rejected as immoral. Here it is no longer a question of defense against injustice and of the necessary safeguard of legitimate possessions, but of the annihilation, pure and simple, of all human life within its radius of action. This is not permitted on any account.<sup>30</sup>

This is a very general statement indeed. And it takes the issue at its extreme, where it hardly needs statement, since the moral decision cannot fail to be obvious. Who would undertake to defend on any grounds, including military grounds, the annihilation of all human life within the radius of action of an ABC war that "entirely escapes from the control of man"?<sup>31</sup> We have here an affirmation, if you will, of the

<sup>29</sup> *Ibid.*, pp. 11–12.

<sup>30</sup> Allocution to the World Medical Congress, 1954; *AAS* 46 (1954) 589.

<sup>31</sup> Around this time (1954) there was a lot of loose and uninformed talk about weapons that really would go beyond human control; there was talk, for instance, of the so-called "cobalt bomb" and its "unlimited" powers of radioactive contamination. It is impossible to know what were the sources of the Pope's scientific information. To my knowledge, he

rights of innocence, of the distinction between combatant and non-combatant. But it is an extremely broad statement.

One finds in the earlier utterances of the Pope, when he was demonstrating the first thesis in the traditional doctrine of war (that war is an evil, the fruit of sin), much advertence to "massacres of innocent victims," the killing of "infants with their mothers, the ill and infirm and aged," etc. These tragedies stand high on the list of the evils of war. In the text cited there is no explicit return to this principle of the rights of innocence when it is formally a question of total nuclear war and the use of nuclear weapons. If there is an anomaly here, the reason for it may lie in the fact that the Pope was forcing himself to face the desperate case. And in desperate cases, in which conscience is perplexed, the wise moralist is chary of the explicit and the nice, especially when the issue, as here, is one of social and not individual morality. In such cases hardly more than a *Grenzmoral* is to be looked for or counseled. In fact, the whole Catholic doctrine of war is hardly more than a *Grenzmoral*, an effort to establish on a minimal basis of reason a form of human action, the making of war, that remains always fundamentally irrational.<sup>32</sup>

Two further propositions in the general theory must be mentioned. The first concerns the legitimacy of defense preparations on the part of individual states. Their legitimacy is founded on two actual facts of international life. First, at the moment there does not exist what Pius XII constantly looked forward to as the solution of the problem of war, namely, a constituted international authority possessing a monopoly of the use of armed force in international affairs. Second, there does exist the threat of "brutal violence and lack of conscience." In this factual situation, "the right to be in a posture of defense cannot

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never adverts to the qualitative distinction and radical discontinuity between low-kiloton and high-megaton weapons. The former are not necessarily weapons of mass destruction. Even the latter do not "escape from the control of man"; their blast and fire effects, and their atmosphere-contamination effects, have been fairly exactly measured.

<sup>32</sup> I am not for a moment suggesting, of course, that the principle of the rights of innocent life has become in any sense irrelevant to the contemporary problem of war. Still less am I suggesting that Pius XII modified the traditional doctrine in this respect. I am merely noting what I noted, scil., that this principle receives no sharp emphasis, to say the least, in his doctrine. There may be other reasons for this than the one that I tentatively suggested in the text above.

be denied, even today, to any state.”<sup>33</sup> Here again the principle is extremely general; it says nothing about the morality of this or that configuration of the defense establishment of a given nation. The statement does not morally validate everything that goes on at Cape Canaveral or at Los Alamos.

Finally, the Pope of Peace disallowed the validity of conscientious objection. The occasion was the controversy on the subject, notably in Germany, where the resonances of a sort of anticipatory *Fronterlebnis* were giving an alarming impulse to pacifist movements. Particularly in question was the deposit of nuclear weapons on German soil as part of the NATO defense establishment. The Pope’s judgment was premised on the legitimacy of the government, the democratic openness of its decisions, and the extremity of the historical necessity for making such defense preparations as would be adequate in the circumstances. He concluded that such a government is “acting in a manner that is not immoral” and that “a Catholic citizen may not make appeal to his own conscience as ground for refusing to give his services and to fulfil duties fixed by law.”<sup>34</sup> This duty of armed service to the state, and this right of the state to arm itself for self-defense, are, he added, the traditional doctrine of the Church, even in latter days under Leo XIII and Benedict XV, when the problem of armaments and conscription put a pressing issue to the Christian conscience.

The foregoing may do as a statement, at least in outline, of the traditional doctrine on war in the form and with the modifications given it by the authority of the Church today. It is not particularly difficult to make this sort of statement. The difficulty chiefly begins after the statement has been made. Not that objections are raised, at least not in Catholic circles, against the doctrine itself as stated. What is queried is the usefulness of the doctrine, its relevance to the concrete actualities of our historical moment. I shall conclude with some comments on this issue.

I think that the tendency to query the uses of the Catholic doctrine on war initially rises from the fact that it has for so long not been used, even by Catholics. That is, it has not been made the basis for a sound critique of public policies and as a means for the formation of a right

<sup>33</sup> Allocution to the Sixth International Congress of Penal Law, Oct. 3, 1953; *AAS* 45 (1953) 733.

<sup>34</sup> Christmas Message, 1956; *AAS* 49 (1957) 19.

public opinion. The classic example, of course, was the policy of "unconditional surrender" during the last war. This policy clearly violated the requirement of the "right intention" that has always been a principle in the traditional doctrine of war. Yet no sustained criticism was made of the policy by Catholic spokesmen. Nor was any substantial effort made to clarify by moral judgment the thickening mood of savage violence that made possible the atrocities of Hiroshima and Nagasaki. I think it is true to say that the traditional doctrine was irrelevant during World War II. This is no argument against the traditional doctrine. The Ten Commandments do not lose their imperative relevance by reason of the fact that they are violated. But there is place for an indictment of all of us who failed to make the tradition relevant.

The initial relevance of the traditional doctrine today lies in its value as the solvent of false dilemmas. Our fragmented culture seems to be the native soil of this fallacious and dangerous type of thinking. There are, first of all, the two extreme positions, a soft sentimental pacifism and a cynical hard realism. Both of these views, which are also "feelings," are formative factors in the moral climate of the moment. Both of them are condemned by the traditional doctrine as false and pernicious. The problem is to refute by argument the false antinomy between war and morality that they assert in common, though in different ways. The further and more difficult problem is to purify the public climate of the miasma that emanates from each of them and tends to smother the public conscience.

A second false dilemma has threatened to dominate the argument on national defense in Germany. It sloganized itself thus: "Lieber rot als tot." It has made the same threat in England, where it has been developed in a symposium by twenty-three distinguished Englishmen entitled, *The Fearful Choice: A Debate on Nuclear Policy*. The choice, of course, is between the desperate alternatives, either universal atomic death or complete surrender to Communism. The Catholic mind, schooled in the traditional doctrine of war and peace, rejects the dangerous fallacy involved in this casting up of desperate alternatives. Hidden beneath the fallacy is an abdication of the moral reason and a craven submission to some manner of technological or historical determinism.

It is not, of course, that the traditional doctrine rejects the extreme

alternatives as possibilities. Anything in history is possible. Moreover, on grounds of the moral principle of proportion the doctrine supports the grave recommendation of the greatest theorist of war in modern times, von Clausewitz: "We must therefore familiarize ourselves with the thought of an honorable defeat." Conversely, the doctrine condemns the hysteria that swept Washington in August when the Senate voted, eighty-two to two, to deny government funds to any person or institution who ever proposes or actually conducts any study regarding the "surrender of the government of the U.S."<sup>35</sup> "Losing," said von Clausewitz, "is a function of winning," thus stating in his own military idiom the moral calculus prescribed by traditional moral doctrine. The moralist agrees with the military theorist that the essence of a military situation is uncertainty. And when he requires, with Pius XII, a solid probability of success as a moral ground for a legitimate use of arms, he must reckon with the possibility of failure and be prepared to accept

<sup>35</sup> When "Washington" thinks of "surrender," it apparently can think only of "unconditional" surrender. Thus does the demonic specter of the past hover over us, as a still imperious *rector harum tenebrarum*. Thus patriotism, once the last refuge of the scoundrel, now has become the first refuge of the fool. It is folly not to foresee that the United States may be laid in ruins by a nuclear attack; the folly is compounded by a decision not to spend any money on planning what to do after that not impossible event. There is no room today for the heroic romanticism of the apocryphal utterance, "The Old Guard dies but never surrenders." Even Victor Hugo did not put this line on the lips of Cambronne; he simply had him say, "Merde." For all its vulgarity, this was a far more sensible remark in the circumstances. For my part, I am impressed by the cold rationality of Soviet military thought as described by Raymond L. Garthoff, *Soviet Strategy in the Nuclear Age* (New York, 1958): "The fundamental Soviet objectives which determine political and military strategies may be concisely summarized in one: Advance the power of the Soviet Union in whatever ways are most expedient so long as the survival of the Soviet power itself is not endangered" (p. 5). For the Soviet Union survival is not an issue in war; for us it is the only issue. In Soviet thought military action is subordinate to political aims; with us military action creates its own aims, and there is only one, "victory," scil., unconditional surrender. "The Soviet strategic concept, in the thermonuclear era as before, is founded on the belief that the primary objective of military operations is the destruction of hostile military forces, and not the annihilation of the economic and population resources of the enemy. Thus the Soviets continue to adhere to the classical military strategic concept, while contemporary American views often diverge sharply from this traditional stand" (pp. 71-72). Finally, Soviet policy envisages the "long war" even after a massive exchange of thermonuclear weapons (pp. 87-91). With us, if deterrence fails, and this massive exchange occurs, that is the end; we have no policy after that, except stubbornly to maintain that it is up to the enemy, and not us, to surrender—unconditionally. There is no little irony in the fact that the Communist enemy seems to understand better than we do the traditional doctrine on the uses of force.



it. But this is a moral decision, worthy of a man and of a civilized nation. It is a free, morally motivated, and responsible act, and therefore it inflicts no stigma of dishonor. It is not that "weary resignation,"<sup>36</sup> condemned by Pius XII, which is basic to the inner attitude of the theorists of the desperate alternatives, no matter which one they argue for or accept.

On the contrary, the single inner attitude which is nourished by the traditional doctrine is a will to peace, which, in the extremity, bears within itself a will to enforce the precept of peace by arms. But this will to arms is a moral will; for it is identically a will to justice. It is formed under the judgment of reason. And the first alternative contemplated by reason, as it forms the will to justice through the use of force, is not the possibility of surrender, which would mean the victory of injustice. This is the ultimate extremity, beyond even the extremity of war itself. Similarly, the contrary alternative considered by reason is not a general annihilation, even of the enemy. This would be worse than injustice; it would be sheer folly. In a word, a debate on nuclear policy that is guided by the traditional doctrine of war does not move between the desperate alternatives of surrender or annihilation. If it means simply an honorable defeat, surrender may be morally tolerable; but it is not to be tolerated save on a reasonable calculus of proportionate moral costs. In contrast, annihilation is on every count morally intolerable; it is to be averted at all costs, that is, at the cost of every effort, in every field, that the spirit of man can put forth.

Precisely here the proximate and practical value, use, and relevance of the traditional doctrine begin to appear. Its remote value may lie in its service as a standard of casuistry on various kinds of war.<sup>37</sup> Its remote value certainly lies in its power to form the public conscience and to clarify the climate of moral opinion in the midst of today's international conflict. But its proximate value is felt at the crucial point where the moral and political orders meet. Primarily, its value resides in its capacity to set the right terms for rational debate on public poli-

<sup>36</sup> Christmas Message, 1948; *AAS* 41 (1949) 13.

<sup>37</sup> I use the subjunctive because I do not know how many wars in history would stand up under judgment by the traditional norms, or what difference it made at the time whether they did or not.

cies bearing on the problem of war and peace in this age,<sup>38</sup> characterized by international conflict and by advanced technology. This is no mean value, if you consider the damage that is being presently done by argument carried on in the wrong terms.

The traditional doctrine disqualifies as irrelevant and dangerous the false dilemmas of which I have spoken. It also rejects the notion that the big problem is to "abolish war" or "ban the bomb." It is true that the traditional doctrine on war looks forward to its own disappearance as a chapter in Catholic moral theology. The effort of the moral reason to fit the use of violence into the objective order of justice is paradoxical enough; but the paradox is heightened when this effort takes place at the interior of the Christian religion of love. In any case, the principles of the doctrine themselves make clear that our historical moment is not destined to see a moral doctrine of war discarded as unnecessary. War is still the possibility, not to be exorcised even by prayer and fasting. The Church does not look immediately to the abolition of war. Her doctrine still seeks to fulfil its triple traditional function: to condemn war as evil, to limit the evils it entails, and to humanize its conduct as far as possible.

In the light of the traditional doctrine and in the no less necessary light of the facts of international life and technological development today, what are the right terms for argument on public policy? These are readily reached by a dialectical process, an alternation between principle and fact. The doctrine asserts, in principle, that force is still the *ultima ratio* in human affairs, and that its use in extreme circumstances may be morally obligatory *ad repellendam iniuriam*. The facts

<sup>38</sup> I am not sure that one should talk today in these categories, "war and/or peace," leaving unexamined the question just what their validity is as moral and political categories. The basic fallacy is to suppose that "war" and "peace" are two discontinuous and incommensurable worlds of existence and universes of discourse, each with its own autonomous set of rules, "peace" being the world of "morality" and "war" being the world of "evil," in such wise that there is no evil as long as there is peace and no morality as soon as there is war. This is a common American assumption. Moreover, it would help greatly to attend to the point made by Mr. Philip C. Jessup that we live today in an "intermediate state" between peace and war; he contends that, "if one were accustomed to the idea of intermediacy, it can be argued that the likelihood of 'total war' could be diminished. . . . The basic question is whether our concepts, our terminology, our law have kept pace with the evolution of international affairs" (*American Journal of International Law* 48 [1954] 98 ff.).

assert that today this *ultima ratio* takes the form of nuclear force, whose use remains possible and may prove to be necessary, lest a free field be granted to brutal violence and lack of conscience. The doctrine asserts that the use of nuclear force must be limited, the principle of limitation being the exigencies of legitimate defense against injustice. Thus the terms of public debate are set in two words, "limited war." All other terms of argument are fanciful or fallacious. (I assume here that the argument is to be cast primarily in political terms, only secondarily in military terms; for armed force is never more than a weapon of policy, a weapon of last resort.)

I shall not attempt to construct the debate itself. But two points may be made. First, there are those who say that the limitation of nuclear war, or any war, is today impossible, for a variety of reasons—technical, political, etc. In the face of this position, the traditional doctrine simply asserts again, "The problem today is limited war." But notice that the assertion is on a higher plane than that of sheer fact. It is a moral proposition, or better, a moral imperative. In other words, since nuclear war may be a necessity, it must be made a possibility. Its possibility must be created. And the creation of its possibility requires a work of intelligence, and the development of manifold action, on a whole series of policy levels—political (foreign and domestic), diplomatic, military, technological, scientific, fiscal, etc., with the important inclusion of the levels of public opinion and public education. To say that the possibility of limited war cannot be created by intelligence and energy, under the direction of a moral imperative, is to succumb to some sort of determinism in human affairs.

My second point is that the problem of limited war would seem to require solution in two stages. One stage consists in the construction of a sort of "model" of the limited war. This is largely a problem in conceptual analysis. Its value consists in making clear the requirements of limited war in terms of policy on various levels.<sup>39</sup> Notably it makes clear that a right order must prevail among policies. It makes clear,

<sup>39</sup> The most significant attempt in this direction was made by Henry A. Kissinger, *Nuclear Weapons and Foreign Policy* (New York, 1957). The validity of his theories on limited war (chaps. 5-7) has been contested on technical and other grounds. The more permanent value of the book may lie in its convincing argument that a vacuum of doctrine, military as well as moral, lies at the heart of the whole vast defense establishment of the U.S. (cf. chap. 12 and *passim*).

for instance, that the limitation of war becomes difficult or impossible if fiscal policy assumes the primacy over armament policy, or if armament policy assumes the primacy over military policy, or if military policy assumes the primacy over foreign policy in the political sense.

The second stage is even more difficult. It centers on a *quaestio facti*. The fact is that the international conflict, in its ideological as in its power dimension, comes to concrete expression in certain localized situations, each of which has its own peculiarities. The question then is, where and under what circumstances is the irruption of violence possible or likely, and how is the limitation of the conflict to be effected in these circumstances, under regard of political intentions, as controlling of military necessities *in situ*. The answer to this question is what is meant by the formulation of policy. Policy is the hand of the practical reason set firmly upon the course of events. Policy is what a nation does in this or that given situation. In the concreteness of policy, therefore, the assertion of the possibility of limited war is finally made, and made good. Policy is the meeting-place of the world of power and the world of morality, in which there takes place the concrete reconciliation of the duty of success that rests upon the statesman and the duty of justice that rests upon the civilized nation that he serves.

I am thus led to one final comment on the problem of war. It may be that the classical doctrine of war needs more theoretical elaboration in order to relate it more effectively to the unique conflict that agitates the world today, in contrast with the older historical conflicts upon which the traditional doctrine sought to bear, and by which in turn it was shaped.<sup>40</sup> In any case, another work of the reflective intelligence and study is even more badly needed. I shall call it a politico-moral analysis of the divergent and particular conflict-situations that have arisen or are likely to arise in the international scene as problems

<sup>40</sup> It may be that Jessup's "basic question" (cf. *supra* n. 36) may legitimately be raised in connection with the theory of the just war as fashioned by later Scholasticism. There is always room for a respectful inquiry, whether a proposed "doctrine" is really the tradition or only an *opinio recepta*. What troubled Vanderpol now troubles others, scil., the subtle impact on the traditional doctrine exerted by the modern concept of the sovereign national state. It might be argued that the traditional doctrine has not absorbed this impact without damage to itself. (The same argument, incidentally, might be made with regard to the traditional doctrine on Church-State relations.) In this connection cf. J. T. Delos, "A Sociology of Modern War and the Theory of the Just War," *Cross Currents* 8 (1958) 248-66.

in themselves and as manifestations of the underlying crisis of our times. It is in these particular situations that war actually becomes a problem. It is in the midst of their dense materiality that the *quaestio iuris* finally rises. To answer it is the function of the moralist, the professional or the citizen moralist. His answer will never be more than an act of prudence, a practical judgment informed by principle. But he can give no answer at all to the *quaestio iuris* until the *quaestio facti* has been answered. From the point of view of the problem of war and morality the same need appears that has been descried elsewhere in what concerns the more general problem of politics and morality.<sup>41</sup> I mean the need of a far more vigorous cultivation of politico-moral science, with close attention to the enormous impact of technological developments on the moral order as well as on the political order.

The whole concept of force has undergone a rapid and radical transformation, right in the midst of history's most acute political crisis. One consequence of these two related developments was emphasized by Panel Two, "International Security: The Military Aspect," of the Special Studies Project of the Rockefeller Brothers Fund: "The overall United States strategic concept lags behind developments in technology and in the world political situation."<sup>42</sup> This vacuum of military doctrine greatly troubled the members of the panel. But I know from my own association with the Special Studies Project that they were even more troubled by another vacuum in contemporary thought, scil., the absence of an over-all political-moral doctrine with regard to the uses of force. This higher doctrine is needed to give moral sense and political direction to a master strategic concept. "Power without a sense of direction," they said, "may drain life of its meaning, if it does not destroy humanity altogether."<sup>43</sup> This sense of direction cannot be found in technology; of itself, technology tends toward the exploitation of scientific possibilities simply because they are possibilities. Power can be invested with a sense of direction only by moral principles. It is the function of morality to command the use of power, to forbid it, to limit it; or, more in general, to define the ends for which power may or must be used and to judge the circumstances of its use. But moral principles cannot effectively impart this sense of direction to power until they have first, as it were, passed through the order of politics;

<sup>41</sup> Cf. F. A. Hermens, "Politics and Ethics," *Thought* 29 (1954) 32-50.

<sup>42</sup> *New York Times*, January 6, 1958, p. 20, col. 1. <sup>43</sup> *Ibid.*, col. 2.

that is, until they have first become incarnate in public policy. It is public policy in all its varied concretions that must be "moralized" (to use an abused word in its good sense). This is the primary need of the moment. For my part, I am not confident that it is being met.<sup>44</sup>

<sup>44</sup> Bibliographies on the military aspects of the problem may be found in Kissinger (*op. cit.*) and in Garthoff (*op. cit.*); also in R. A. Preston, S. F. Wise, H. O. Werner, *Men in Arms: A History of Warfare and its Interrelationships with Western Society* (New York, 1956). The older Catholic books are still the best, though not good enough: e.g., J. Eppstein, *The Catholic Tradition of the Law of Nations* (London, 1935); L. Sturzo, *The International Community and the Right of War* (New York, 1930). The most significant wartime study of a particular problem was by John C. Ford, "The Morality of Obliteration Bombing," *THEOLOGICAL STUDIES* 5 (1944) 261-309. The periodical literature in recent years has been rather meager; the following is a selection of the more useful articles: A. Gunther, "Der Papst über den Krieg," *Benediktinische Monatschrift* 34 (1958) 279-86; G. Gundlach, S.J., "Der Papst und der Krieg," *Stimmen der Zeit* 159 (1957) 378-83; L. C., "Le Vatican et la seconde guerre mondiale," *Ami du clergé* 66 (1956) 61-64; A. Tillet, "Guerre et paix," *Ami du clergé* 65 (1955) 290-96, 585-92; A. Tillet, "Pie XII et la paix," *Ami du clergé* 65 (1955) 713-17; M. Vaussard, "L'Eglise catholique, la guerre et la paix," *Nouvelle revue théologique* 75 (1953) 951-64; C. Pepler, O.P., "War in Tradition and Today," *Blackfriars* 35 (1954) 62-69; P. Zamayón, O.F.M.Cap., "Moralidad de la guerra en nuestros dias y en lo porvenir," *Salmanticensis* 2 (1955) 42-79; John C. Ford, S.J., "The Hydrogen Bombing of Cities," *Theology Digest* 5 (1957) 6-9; John R. Connery, S.J., "Morality of Nuclear Armament," *Theology Digest* 5 (1957) 9-12; R. Rémond, "Le conflit et la guerre devant l'histoire," *Vie intellectuelle* 26 (1955) 33-48; A. Messineo, S.J., "La comunità internazionale e il diritto di guerra," *Civiltà cattolica* 106/1 (1955) 72-76; J. M. Todd, "Just Wars and Christian Peace," *Irish Ecclesiastical Record* 83 (1955) 27-40; I. Hislop, O.P., and L. Bright, O.P., "The Morality of Nuclear War," *Blackfriars* 37 (1956) 100-117; T. E. Murray, "Rational Nuclear Armament," *Ordnance* 41 (1956) 220-23; "Statement on Atomic Tests and Disarmament," *Ecumenical Review* 10 (1957) 70-72; J. Moretti, "Les effets des armes atomiques," *Etudes* 296 (1958) 353-60; P. Vogelsanger, "Christlicher Atomstreik? Antwort an Helmut Gollwitzer," *Reformatio* 7 (1958) 503-21, 596-608; J. Thibaud, "Le projet de pool atomique et les Etats-Unis d'Europe," *Angelicum* 33 (1956) 267-86; K. Peters, "Probleme der Atomaufrüstung," *Hochland* 51 (1958) 12-25; W. Sandell, "The Church and Nuclear Warfare," *Church Quarterly Review* 159 (1958) 256-65; T. D. Roberts, "Nuclear Dilemma," *Month* 19 (1958) 282-86; A. Auer, "Atombombe und Naturrecht," *Neue Ordnung* 12 (1958) 256-66; K. Schmidhüs, "Atomwaffen und Gewissen," *Wort und Wahrheit* 13 (1958) 405-24; "Ist die Atomrüstung Sünde?", *Orientierung* 22 (1958) 115-19; J. B. Hirschmann, "Kann atomare Verteidigung sittlich gerechtfertigt sein?", *Stimmen der Zeit* 160 (1958) 284-96; A. Buzzard, "Limiting War," *Cross Currents* 8 (1958) 97-101; "La guerre," *Lumière et vie*, no. 38 (1958) (a symposium with articles by J.-Y. Jolif, O.P., A. Brunet, O.P., G. Matagrín, and M.-D. Chenu, O.P.); H. de Riedmatten, O.P., "Christians and International Institutions," *Blackfriars* 38 (1957) 498-508; P. M. Zammit, O.P., "The Need of International Society," *Thomist* 18 (1955) 71-87; D. Morton, "Morality in International Relations," *Blackfriars* 36 (1955) 108-13; H. Schwann, "Politische Ethik," *Orientierung* 22 (1958) 87-90.

A comprehensive bibliography on limited war, compiled by the staff of the Army library, was recently published as Department of the Army Pamphlet 20-60.