

# War and Murder

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From Walter Stein (ed.), *Nuclear Weapons: A Catholic Response* (London and New York, 1961).

## The Use of Violence by Rulers

Since there are always thieves and frauds and men who commit violent attacks on their neighbours and murderers, and since without law backed by adequate force there are usually gangs of bandits; and since there are in most places laws administered by people who command violence to enforce the laws against law-breakers; the question arises: what is a just attitude to this exercise of violent coercive power on the part of rulers and their subordinate officers?

Two attitudes are possible: one, that the world is an absolute jungle and that the exercise of coercive power by rulers is only a manifestation of this; and the other, that it is both necessary and right that there should be this exercise of power, that through it the world is much less of a jungle than it could possibly be without it, so that one should in principle be glad of the existence of such power, and only take exception to its unjust exercise.

It is so clear that the world is less of a jungle because of rulers and laws, and that the exercise of coercive power is essential to these institutions as they are now--all this is so obvious, that probably only Tennysonian conceptions of progress enable people who do not wish to separate themselves from the world to think that nevertheless such violence is objectionable, that some day, in this present dispensation, we shall do without it, and that the pacifist is the man who sees and tries to follow the ideal course, which future civilization must one day pursue. It is an illusion, which would be fantastic if it were not so familiar.

In a peaceful and law abiding country such as England, it may not be immediately obvious that the rulers need to command violence to the point of fighting to the death those that would oppose it; but brief reflection shows that this is so. For those who oppose the force that backs law will not always stop short of fighting to the death and cannot always be put down short of fighting to the death.

Then only if it is in itself evil violently to coerce resistant wills, can the exercise of coercive power by rulers be bad as such. Against such a conception, if it were true, the necessity and advantage of the exercise of such power would indeed be a useless plea. But that conception is one that makes no sense unless it is accompanied by a theory of withdrawal from the world as man's only salvation; and it is in any case a false one. We are taught that God retains the evil will of the devil within limits by violence: we are not given a picture of God permitting to the devil all that he is capable of. There is current a conception of Christianity as having revealed that the defeat of evil must always be by pure love without coercion; this at least is shown to be false by the foregoing consideration. And without the alleged revelation there could be no reason to believe such a thing.

To think that society's coercive authority is evil is akin to thinking the flesh evil and family life evil. These things belong to the present constitution of mankind; and if the exercise of coercive power is a manifestation of evil, and not the just means of restraining it, then human nature is totally depraved in a manner never taught by Christianity. For society is essential to human good; and society without coercive power is generally impossible.

The same authority which puts down internal dissension, which promulgates laws and restrains those who break them if it can, must equally oppose external enemies, These do not merely comprise those who attack the borders of the people ruled by the authority; but also, for example, pirates and desert bandits, and, generally, those beyond the confines of the country ruled whose activities are viciously harmful to it, The Romans, once their rule in Gaul was

established, were eminently justified in attacking Britain, where were nurtured the Druids whose pupils infested northern Gaul and whose practices struck the Romans themselves as "dira immanitas", Further, there being such a thing as the common good of mankind, and visible criminality against it, how can we doubt the excellence of such a proceeding as that violent suppression of the man-stealing business<sup>1</sup> which the British government took it into its head to engage in under Palmerston? The present-day conception of 'aggression', like so many strongly influential conceptions, is a bad one, Why must it be wrong to strike the first blow in a struggle? The only question is, who is in the right, if anyone is. [NOTE—1. It is ignorance to suppose that it takes modern liberalism to hate and condemn this. It is cursed and subject to the death penalty in the Mosaic law. Under that code, too, runaway slaves of other nations had asylum in Israel.]

Here, however, human pride, malice and cruelty are so usual that it is true to say that wars have mostly been mere wickedness on both sides, Just as an individual will constantly think himself in the right, whatever he does, and yet there is still such a thing as being in the right, so nations will constantly wrongly think themselves to be in the right - and yet there is still such a thing as their being in the right. Palmerston doubtless had no doubts in prosecuting the opium war against China, which was diabolical; just as he exulted in putting down the slavers. But there is no question but that he was a monster in the one thing, and a just man in the other.

The probability is that warfare is injustice, that a life of military service is a bad life "militia or rather malitia", as St Anselm called it. This probability is greater than the probability (which also exists) that membership of a police force will involve malice, because of the character of warfare: the extraordinary occasions it offers for viciously unjust proceedings on the part of military commanders and warring governments, which at the time attract praise and not blame from their people. It is equally the case that the life of a ruler is usually a vicious life: but that does not show that ruling is as such a vicious activity.

The principal wickedness which is a temptation to those engaged in warfare is the killing of the innocent, which may often be done with impunity and even to the glory of those who do it. In many places and times it has been taken for granted as a natural part of waging war: the commander, and especially the conqueror, massacres people by the thousand, either because this is part of his glory, or as a terrorizing measure, or as part of his tactics.

### Innocence and the Right to Kill Intentionally

It is necessary to dwell on the notion of non-innocence here employed. Innocence is a legal notion; but here, the accused is not pronounced guilty under an existing code of law, under which he has been tried by an impartial judge, and therefore made the target of attack. There is hardly a possibility of this; for the administration of justice is something that takes place under the aegis of a sovereign authority; but in warfare--or the putting down by violence of civil disturbance--the sovereign authority is itself engaged as a party to the dispute and is not subject to a further earthly and temporal authority which can judge the issue and pronounce against the accused. The stabler the society, the rarer it will be for the sovereign authority to have to do anything but apprehend its internal enemy and have him tried: but even in the stablest society there are occasions when the authority has to fight its internal enemy to the point of killing, as happens in the struggle with external belligerent forces in international warfare; and then the characterization of its enemy as non-innocent has not been ratified by legal process.

This, however, does not mean that the notion of innocence fails in this situation. What is required, for the people attacked to be non-innocent in the relevant sense, is that they should themselves be engaged in an objectively unjust proceeding which the attacker has the right to make his concern; or - the commonest case - should be unjustly attacking him. Then he can attack them with a view to stopping them; and also their supply lines and armament factories. But people whose mere existence and activity supporting existence by growing crops, making clothes, etc., constitute an impediment to him - such people are innocent and it is murderous to attack them, or make them a target for an attack which he judges will help him towards victory. For murder is the deliberate killing of the innocent, whether for its own sake or as a means to some further end. The right to attack with a view to killing normally belongs only to

rulers and those whom they command to do it. I have argued that it does belong to rulers precisely because of that threat of violent coercion exercised by those in authority which is essential to the existence of civil societies. It ought not to be pretended that rulers and their subordinates do not choose<sup>2</sup> the killing of their enemies as a means, when it has come to fighting in which they are determined to win and their enemies resist to the point of killing: this holds even in internal disturbances. [NOTE --2. The idea that they may lawfully do what they do, but should not *intend* the death of those they attack, has been put forward and, when suitably expressed, may seem high-minded. But someone who can fool himself into this twist of thought will fool himself into justifying anything, however atrocious, by means of it.]

When a private man struggles with an enemy he has no right to aim to kill him, unless in the circumstances of the attack on him he can be considered as endowed with the authority of the law and the struggle comes to that point. By a "private" man, I mean a man in a society; I am not speaking of men on their own, without government, in remote places; for such men are neither public servants nor 'private'. The plea of self-defence (or the defence of someone else) made by a private man who has killed someone else must in conscience - even if not in law - be a plea that the death of the other was not intended, but was a side effect of the measures taken to ward off the attack. To shoot to kill, to set lethal man-traps, or, say, to lay poison for someone from whom one's life is in danger, are forbidden. The deliberate choice of inflicting death in a struggle is the right only of ruling authorities and their subordinates, (But I do not deal here with rightful rebellion and struggle against usurped authority.)

In saying that a private man may not choose to kill, we are touching on the principle of "double effect". The denial of this has been the corruption of non-Catholic thought, and its abuse the corruption of Catholic thought. Both have disastrous consequences which we shall see, This principle is not accepted in English law: the law is said not usually to distinguish the foreseen and the intended consequences of an action, Thus, if I push a man over a cliff when he is menacing my life, his death is considered as intended by me, but the intention to be justifiable for the sake of self-defence, Yet the lawyers would hardly find the laying of poison tolerable as an act of self-defence, but only killing by a violent action in a moment of violence. Christian moral theologians have taught that even here one may not seek the death of the assailant, but may in default of other ways of self-defence use such violence as will in fact result in his death, The distinction is evidently a fine one in some cases: what, it may be asked, can the intention be, if it can be said to be absent in this case, except a mere wish or desire?

And yet in other cases the distinction is very clear. If I go to prison rather than perform some action, no reasonable person will call the incidental consequences of my refusal--the loss of my job, for example--intentional just because I knew they must happen, And in the case of the administration of a pain-relieving drug in mortal illness, where the doctor knows the drug may very well kill the patient if the illness does not do so first, the distinction is evident; the lack of it has led an English judge to talk nonsense about the administration of the drug's not having really been the cause of death in such a case, even though a post mortem shows it was. For everyone understands that it is a very different thing so to administer a drug, and to administer it with the intention of killing. However, the principle of double effect has more important applications in warfare, and I shall return to it later.

### The Influence of Pacifism

Pacifism has existed as a considerable movement in English speaking countries ever since the First World War. I take the doctrine of pacifism to be that it is eo ipso wrong to fight in wars, not the doctrine that it is wrong to be compelled to, or that any man, or some men, may refuse; and I think it false for the reasons that I have given. But I now want to consider the very remarkable effects it has had: for I believe its influence to have been enormous, far exceeding its influence on its own adherents. We should note first that pacifism has as its background conscription and enforced military service for all men. Without conscription, pacifism is a private opinion that will keep those who hold it out of armies, which they are in any case not obliged to join. Now universal conscription, except for the most extraordinary reasons, i.e. as a regular habit among most nations, is such a horrid evil that the refusal of it automatically commands a certain amount of respect and sympathy.

We are not here concerned with the pacifism of some peculiar sect which in any case draws apart from the world to a certain extent, but with a pacifism of people in the world, who do not want to be withdrawn from it. For some of these, pacifism is prevented from being a merely theoretical attitude because they are liable to conscription, and so are prepared to resist it; or are able directly to affect the attitude of some who are so liable.

A powerful ingredient in this pacifism is the prevailing image of Christianity. This image commands a sentimental respect among people who have no belief in Christianity, that is to say, in Christian dogmas; yet do have a certain belief in an idea which they conceive to be part of 'true Christianity'. It is therefore important to understand this image of Christianity and to know how false it is. Such understanding is relevant, not merely to those who wish to believe Christianity, but to all who, without the least wish to believe, are yet profoundly influenced by this image of it. According to this image, Christianity is an ideal and beautiful religion, impracticable except for a few rare characters. It preaches a God of love whom there is no reason to fear; it marks an escape from the conception presented in the Old Testament, of a vindictive and jealous God who will terribly punish his enemies. The 'Christian God' is a *roi faineant*, whose only triumph is in the Cross; his appeal is to goodness and unselfishness, and to follow him is to act according to the Sermon on the Mount --to turn the other cheek and to offer no resistance to evil. In this account some of the evangelical counsels are chosen as containing the whole of Christian ethics: that is, they are made into precepts. (Only some of them; it is not likely that someone who deduces the *duty* of pacifism from the Sermon on the Mount and the rebuke to Peter, will agree to take "Give to him that asks of you" equally as a universally binding precept.)

The turning of counsels into precepts results in high-sounding principles. Principles that are mistakenly high and strict are a trap; they may easily lead in the end directly or indirectly to the justification of monstrous things. Thus if the evangelical counsel about poverty were turned into a precept forbidding property owning, people would pay lip service to it as the ideal, while in practice they went in for swindling. "Absolute honesty!" it would be said: "I can respect that - but of course that means having no property; and while I respect those who follow that course, I have to compromise with the sordid world myself." If then one must 'compromise with evil' by owning property and engaging in trade, then the amount of swindling one does will depend on convenience. This imaginary case is paralleled by what is so commonly said: absolute pacifism is an ideal; unable to follow that, and committed to 'compromise with evil', one must go the whole hog and wage war *a outrance*.

The truth about Christianity is that it is a severe and practicable religion, not a beautifully ideal but impracticable one. Its moral precepts (except for the stricter laws about marriage that Christ enacted, abrogating some of the permissions of the Old Law) are those of the Old Testament; and its God is the God of Israel.

It is ignorance of the New Testament that hides this from people. It is characteristic of pacifism to denigrate the Old Testament and exalt the New: something quite contrary to the teaching of the New Testament itself, which always looks back to and leans upon the Old. How typical it is that the words of Christ "You have heard it said, an eye for an eye and a tooth for a tooth, but I say to you. . ." are taken as a repudiation of the ethic of the Old Testament! People seldom look up the occurrence of this phrase in the juridical code of the Old Testament, where it belongs, and is the admirable principle of law for the punishment of certain crimes, such as procuring the wrongful punishment of another by perjury. People often enough now cite the phrase to justify private revenge; no doubt this was as often "heard said" when Christ spoke of it. But no justification for this exists in the personal ethic taught by the Old Testament. On the contrary. What do we find? "Seek no revenge" (Leviticus 19: 18), and "If you find your enemy's ox or ass going astray, take it back to him; if you see the ass of someone who hates you lying under his burden, and would forbear to help him; you must help him" (Exodus 23: 4-5). And "If your enemy is hungry, give him food, if thirsty, give him drink" (Proverbs 25: 21). This is only one example; given space, it would be easy to show how false is the conception of Christ's teaching as correcting the religion of the ancient Israelites, and substituting a higher and more 'spiritual' religion for theirs. Now the false picture I have described plays an important part in the pacifist ethic and in the ethic of the many people who are not pacifists but are influenced by pacifism.

To extract a pacifist doctrine--i.e. a condemnation of the use of force by the ruling authorities, and of soldiering as a profession--from the evangelical counsels and the rebuke to Peter, is to disregard what else is in the New Testament.

It is to forget St. John's direction to soldiers: "do not blackmail people; be content with your pay"; and Christ's commendation of the centurion, who compared his authority over his men to Christ's. On a pacifist view, this must be much as if a madam in a brothel had said: "I know what authority is, I tell this girl to do this, and she does it . . ." and Christ had commended her faith. A centurion was the first Gentile to be baptized; there is no suggestion in the New Testament that soldiering was regarded as incompatible with Christianity. The martyrology contains many names of soldiers whose occasion for martyrdom was not any objection to soldiering, but a refusal to perform idolatrous acts.

Now, it is one of the most vehement and repeated teachings of the Judaeo-Christian tradition that the shedding of innocent blood is forbidden by the divine law. No man may be punished except for his own crime, and those "whose feet are swift to shed innocent blood" are always represented as God's enemies.

For a long time the main outlines of this teaching have seemed to be merely obvious morality: hence, for example, I have read a passage by Ronald Knox complaining of the "endless moralizing", interspersed in records of meanness, cowardice, spite, cruelty, treachery and murder, which forms so much of the Old Testament. And indeed, that it is terrible to kill the innocent is very obvious; the morality that so stringently forbids it must make a great appeal to mankind, especially to the poor threatened victims. Why should it need the thunder of Sinai and the suffering and preaching of the prophets to promulgate such a law? But human pride and malice are everywhere so strong that now, with the fading of Christianity from the mind of the West, this morality once more stands out as a demand which strikes pride- and fear-ridden people as too intransigent. For Knox, it seemed so obvious as to be dull; and he failed to recognize the bloody and beastly records that it accompanies for the dry truthfulness about human beings that so characterizes the Old Testament.<sup>3</sup> [NOTE---3. It is perhaps necessary to remark that I am not here adverting to the total extermination of certain named tribes of Canaan that is said by the Old Testament to have been commanded by God. That is something quite outside the provisions of the Mosaic Law for dealings in war.]

Now pacifism teaches people to make no distinction between the shedding of innocent blood and the shedding of any human blood. And in this way pacifism has corrupted enormous numbers of people who will not act according to its tenets. They become convinced that a number of things are wicked which are not; hence seeing no way of avoiding wickedness, they set no limits to it. How endlessly pacifists argue that all war must be *a outrage!* that those wage war must go as far as technological advance permits in the destruction of the enemy's people. As if the Napoleonic wars were perforce fuller of massacres than the French war of Henry V of England. It is not true: the reverse took place. Nor is technological advance particularly relevant; it is mere squeamishness that deters people who would consent to area bombing from the enormous massacres *by hand* that used once to be committed.

The policy of obliterating cities was adopted by the Allies in the last war; they need not have taken that step, and it was taken largely out of a villainous hatred, and as corollary to the policy, now universally denigrated, of seeking "unconditional surrender". (That policy itself was visibly wicked, and could be and was judged so at the time; it is not surprising that it led to disastrous consequences, even if no one was clever and detached enough to foresee this at the time.)

Pacifism and the respect for pacifism is not the only thing that has led to a universal forgetfulness of the law against killing the innocent; but it has had a share in it.

### The Principle of Double Effect

Catholics, however, can hardly avoid paying at least lip-service to that law. So we must ask: how is it that there has been so comparatively little conscience exercised on the subject among them? The answer is: double-think about double effect.

The distinction between the intended, and the merely foreseen, effects of a voluntary action is indeed absolutely essential to Christian ethics. For Christianity forbids a number of things as being bad in themselves. But if I am

answerable for the foreseen consequences of an action or refusal, as much as for the action itself, then these prohibitions will break down. If someone innocent will die unless I do a wicked thing, then on this view I am his murderer in refusing: so all that is left to me is to weigh up evils. Here the theologian steps in with the principle of double effect and says: "No, you are no murderer, if the man's death was neither your aim nor your chosen means, and if you had to act in the way that led to it or else do something absolutely forbidden." Without understanding of this principle, anything can be--and is wont to be-- justified, and the Christian teaching that in no circumstances may one commit murder, adultery, apostasy (to give a few examples) goes by the board. These absolute prohibitions of Christianity by no means exhaust its ethic; there is a large area where what is just is determined partly by a prudent weighing up of consequences. But the prohibitions are bedrock, and without them the Christian ethic goes to pieces. Hence the necessity of the notion of double effect.

At the same time, the principle has been repeatedly abused from the seventeenth century up till now. The causes lie in the history of philosophy. From the seventeenth century till now what may be called Cartesian psychology has dominated the thought of philosophers and theologians. According to this psychology, an intention was an interior act of the mind which could be produced at will. Now if intention is all important--as it is--in determining the goodness or badness of an action, then, on this theory of what intention is, a marvellous way offered itself of making any action lawful. You only had to 'direct your intention' in a suitable way. In practice, this means making a little speech to yourself: "What I mean to be doing is. . .".

This perverse doctrine has occasioned repeated condemnations by the Holy See from the seventeenth century to the present day. Some examples will suffice to show how the thing goes. Typical doctrines from the seventeenth century were that it is all right for a servant to hold the ladder for his criminous master so long as he is merely avoiding the sack by doing so; or that a man might wish for and rejoice at his parent's death so long as what he had in mind was the gain to himself; or that it is not simony to offer money, not as a price for the spiritual benefit, but only as an inducement to give it. A condemned doctrine from the present day is that the practice of coitus reservatus is permissible: such a doctrine could only arise in connection with that 'direction of intention' which sets everything right no matter what one does. A man makes a practice of withdrawing, telling himself that he intends not to ejaculate; of course (if that is his practice) he usually does so, but then the event is accidental and praeter intentionem: it is, in short, a case of 'double effect'. This same doctrine is used to prevent any doubts about the obliteration bombing of a city. The devout Catholic bomber secures by a 'direction of intention' that any shedding of innocent blood that occurs is 'accidental'. I know a Catholic boy who was puzzled at being told by his schoolmaster that it was an accident that the people of Hiroshima and Nagasaki were there to be killed; in fact, however absurd it seems, such thoughts are common among priests who know that they are forbidden by the divine law to justify the direct killing of the innocent.

It is nonsense to pretend that you do not intend to do what is the means you take to your chosen end. Otherwise there is absolutely no substance to the Pauline teaching that we may not do evil that good may come.

### Some Commonly Heard Arguments

There are a number of sophistical arguments often or sometimes used on these topics, which need answering.

*Where do you draw the line.* As Dr Johnson said, the fact of twilight does not mean you cannot tell day from night. There are borderline cases, where it is difficult to distinguish, in what is done, between means and what is incidental to, yet in the circumstances inseparable from, those means. The obliteration bombing of a city is not a borderline case.

*The old "conditions for a just war" are irrelevant to the conditions of modern warfare, so that must be condemned out of hand:* People who say this always envisage only major wars between the Great Powers, which Powers are indeed now "in blood stepp'd in so far" that it is unimaginable for there to be a war between them which is not a set of enormous massacres of civil populations. But these are not the only wars. Why is Finland so far free? At least partly because of the "posture of military preparedness" which, considering the character of the country, would have made

subjugating the Finns a difficult and unrewarding task. The offensive of the Israelis against the Egyptians in 1956 involved no plan of making civil populations the target of military attack.

*In a modern war the distinction between combatants and non-combatants is meaningless, so an attack on anyone on the enemy side is justified:* This is pure nonsense; even in war, a very large number of the enemy population are just engaged in maintaining the life of the country, or are sick, or aged or children.

*It must be legitimate to maintain an opinion - viz. that the destruction of cities by bombing is lawful – if this is argued by competent theologians and the Holy See has not pronounced:* The argument from the silence of the Holy See has itself been condemned by the Holy See (Denzinger, 28th Edition, 1127). How could this be a sane doctrine in view of the endless twistiness of the human mind?

*Whether a war is just or not is not for the private man to judge: he must obey his government:* Sometimes, this may be; especially as far as concerns causes of war. But the individual who joins in destroying a city, like a Nazi massacring the inhabitants of a village, is too obviously marked out as an enemy of the human race, to shelter behind such a plea.

Finally, horrible as it is to have to notice this, we must notice that even the arguments about double effect - which at least show that a man is not willing openly to justify the killing of the innocent - are now beginning to look old-fashioned. Some Catholics are not scrupling to say that *anything* is justified in defence of the continued existence and liberty of the Church in the West. A terrible fear of communism drives people to say this sort of thing. "Our Lord told us to fear those who can destroy body and soul, not to fear the destruction of the body" was blasphemously said to a friend of mine; meaning: "so, we must fear Russian domination more than the destruction of people's bodies by obliteration bombing."

But whom did Our Lord tell us to fear, when he said: "I will tell you whom you shall fear" and "Fear not them that can destroy the body, but fear him who can destroy body and soul in hell" ? He told us to fear God the Father, who can and will destroy the unrepentant disobedient, body and soul, in hell. A Catholic who is tempted to think on the lines I have described should remember that the Church is the spiritual Israel: that is to say, that Catholics are what the ancient Jews were, salt for the earth and the people of God \_ and that what was true of some devout Jews of ancient times can equally well be true of us now: "You compass land and sea to make a convert, and when you have done so, you make him twice as much a child of hell as yourselves." Do Catholics sometimes think that they are immune to such a possibility? That the Pharisees - who sat in the seat of Moses and who were so zealous for the true religion - were bad in ways in which we cannot be bad if we are zealous? I believe they do. But our faith teaches no such immunity, it teaches the opposite. "We are in danger all our lives long." So we have to fear God and keep his commandments, and calculate what is for the best only within the limits of that obedience, knowing that the future is in God's power and that no one can snatch away those whom the Father has given to Christ.

It is not a vague faith in the triumph of the spirit over force (there is little enough warrant for that), but a definite faith in the divine promises, that makes us believe that the Church cannot fail. Those, therefore, who think they must be prepared to wage a war with Russia involving the deliberate massacre of cities, must be prepared to say to God: "We had to break your law, lest your Church fail. We could not obey your commandments, for we did not believe your promises."