

Catholic Association for International
Peace. (U.S.) Committee on Ethics.
c.2 International ethics ADN2497

AMPHLET NO. 1

International Ethics

Right Rev. John A. Ryan, D.D.
and
Ethics Committee

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	THE MORAL LAW IN RELATION TO STATES	
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A Report of the Ethics Committee

Fourth Edition (Revised), 1942

PRICE 10 CENTS



THE CATHOLIC ASSOCIATION FOR INTERNATIONAL PEACE
1312 Massachusetts Avenue, N.W.
Washington, D. C.

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THE publication of this revised edition of *International Ethics*, the basic report of the Catholic Association for International Peace, was sponsored by *St. John's University, Collegeville, Minnesota*, in its co-operation with efforts to help build "a new edifice of fraternal solidarity among the nations of the world, an edifice built upon new and stronger foundations, with fixed and stable guarantees, and with a high sense of moral sincerity which would repudiate every double standard of morality and justice for the great and small or for the strong and the weak." (Pope Pius XII, Easter Sunday Message, April 13, 1941.)

INTERNATIONAL ETHICS

Right Rev. John A. Ryan, D.D.

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The Committee on Ethics

A REPORT OF THE ETHICS COMMITTEE

THE CATHOLIC ASSOCIATION FOR
INTERNATIONAL PEACE

1312 MASSACHUSETTS AVENUE, N.W.
WASHINGTON, D. C.

THE PAULIST PRESS
401 WEST 59TH STREET
NEW YORK, N. Y.

THIS is a Report of the Committee on Ethics of the Catholic Association for International Peace and is being issued as a Study from this Committee. It was presented and discussed at the regular annual meeting of the organization. The Committee co-operated in the final form of the Report and it was presented to the Executive Council which ordered it published. The Committee co-operated also in the revisions in the current edition. As the process indicates, this Report is not a statement from the whole Association.

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International Ethics

I

PRELIMINARY CONSIDERATIONS

AS a science,¹ international ethics investigates and establishes the principles and precepts of international morality; that is, those moral truths and rules which govern the dealings of states with one another. As a system of principles and rules it constitutes an international moral code. While this pamphlet exemplifies in some degree the former use of the term, its main object is to set forth a system of ethical principles and rules applicable to the relations among states.

International ethics differs on the one hand from the Law of Nations (*Jus Gentium*) and on the other hand from what men ordinarily have in mind when they pronounce the words "international law." In the usage of the Roman jurists and the Schoolmen, the Law of Nations comprises those secondary precepts, or universal applications, of the natural law which are recognized as such, or are rather generally adopted, in the legislation of particular states. While these ordinances apply in part to international affairs, their main province is the relations among fellow citizens and between a state and its own citizens. Since the precepts of the Law of Nations are based upon human nature, they are the same for all peoples. They constitute a common code of world law, even though all nations may not interpret or apply them in exactly the same way.

¹ This brief preliminary statement of International Ethics was prepared by the Committee on International Ethics of the Catholic Association for International Peace. It was presented at a national meeting of the Association and discussed during the whole session. In the light of the discussion the report was revised by the committee and presented to the executive committee, which accepted it with gratitude and ordered its publication.

International Law and International Ethics

International law may be defined as the sum total of the duties and rights, customs and usages, by which states are bound together in their dealings with one another. Like the domestic laws of states, it contains two elements: natural and positive. The former comprises those principles and rules which are immediately drawn from the moral law of nature. The positive element consists mainly of treaties, customs and usages which the states have formally accepted or sanctioned. In so far as accepted international law does not include pertinent precepts of the natural law, that is, in so far as it fails to recognize all the duties and rights which it ought to recognize, it falls short of completeness; in so far as it contains articles contrary to the precepts of the natural law it loses all binding force and frustrates its own purpose.

Indeed, the problem of creating an adequate international code is for the most part the problem of incorporating the principles and conclusions of the natural law in a form applicable to the actual conditions of civilized nations. An ideal code of international law would contain the pertinent principles and rules of the natural law plus all those positive enactments which are necessary for right relations among states. We can, then, define international ethics as the sum total of those principles and rules and these positive enactments in so far as the latter have binding force.

Among the ancient peoples the precepts of international ethics were not entirely unknown. To a very great extent indeed, these nations identified right with might and showed little respect for justice, charity or pity on the battlefield; nevertheless, they recognized some ethical principles in their relations with one another. Many of them respected the sanctity of treaties, especially when these had been confirmed by oaths. They distinguished between just and unjust wars. Some of them even held that the conduct of war was subject to law. Aristotle, the Stoics, Cicero and



Justinian had clear, even though inadequate, notions of international morality.

International Law and Christianity

Being a supra-national religion, Christianity exercised a profound and extensive influence in making the nations conscious of their common membership in the family of humanity. Although Christ and the Apostles formulated no system of international ethics, they enunciated doctrines and principles in which such a code was implicit. Accordingly, we find St. Ambrose² citing as a long established principle the obligation of states to exemplify love and justice toward their enemies in war, and St. Augustine³ severely condemning warfare which originated in national selfishness and sought international domination. The Church effected a considerable measure of unity among the nations that she governed, while the Popes, with the support of the emperors, frequently acted as international arbitrators.

Owing to the practical efficacy of these principles and personages, and to the fact that the political organization of the time was feudal, the formulation of a specific code of international right was for a long time delayed. The need for it became pressing only after the destruction of Christian unity by the Protestant Reformation and the formation of national states.

Catholics Fathered International Law

The first systematic work in creating a system of international ethics, or international law, was performed by the theologians, Francisco de Vitoria (d. 1546) and Domingo Soto (d. 1560) and the jurist, Baltasar Ayala.⁴ These were followed by the Jesuits, Molina and Suarez. The first

² *De Officiis*, L. 1, C. 29.

³ *De Civitate Dei*, L. 4, C. 6.

⁴ See Cathrein, *Moralphilosophie*, II, 740, 741. Cf. Scott, *The Spanish Origin of International Law*, Washington, 1928.

Protestant writers on the subject came considerably later than Vitoria and Soto. Gentili published his *De Legationibus* in 1583 and his *De Jure Belli* in 1589. The great work of Grotius, *De Jure Belli et Pacis*, did not make its appearance until 1625. Hence, it is scarcely accurate to call Grotius the founder of international law. Most of the underlying principles had been laid down in the works of St. Thomas Aquinas, while the more specific principles were fairly well systematized in the writings of the theologians cited above. From these sources Grotius borrowed not a little of the doctrines which he set forth in *De Jure Belli et Pacis*.⁵

Although many modern writers on the subject regard international law as a purely positive collection of treaties, customs and usages accepted by the nations, the classical Protestant authors, Grotius and Vattel, understood it as including principles and precepts of the natural law and as resting upon that foundation. The table of contents of the former's treatise is sufficient to show that the discussion is to a much greater extent natural than purely positive. Of course, the Catholic writers have always set forth and stressed the natural law as the more pervasive and more fundamental element. International ethics is, therefore, important not merely in relation to world peace but as a guide and norm for the nations in all their dealings with one another.

⁵ Cathrein, *op. cit.*, II, 742.

II

THE MORAL LAW IN RELATION TO STATES

THE most important principles of international ethics are those which concern the end of the state and its sovereignty. If we regard the state as an end in itself we logically declare it free from the moral law, in relation both to its own members and to foreign states and persons. The prevalence of this view in the nations of antiquity and the international immoralities which it inspired and sanctioned are among the commonplaces of history. The very considerable influence which it has exercised in the policies of many modern states is likewise well known. The literature and the propaganda of the First World War made us familiar with the names of Hegel, Von Hartmann, Lasson, Treitschke, as prominent protagonists of the doctrine that neither states nor the public acts of statesmen are subject to the ordinary rules of morality.⁶ Since the close of that conflict, we have witnessed the rise of at least three great Totalitarian states—Nazi Germany, Bolshevik Russia, and Fascist Italy. All three accept and, in varying degrees, exemplify the doctrine that the individual exists only for the state, and derives all his rights from the state, and that the state itself is above the moral law as traditionally understood.

A Government's Sovereignty Not Unlimited

British and American writers in their teaching on sovereignty have pretty generally followed John Austin, who held that political sovereignty is legally or juridically unlimited. While this proposition explicitly declares nothing more than that no sovereign state has a right to interfere in the affairs of another sovereign state, and that there is no legal power within the state superior to the state, it easily lends itself to the inference that the power

⁶ Cathrein, *op. cit.*, II, 743, 744.

of the state is absolute. And this inference has been drawn by more than one adherent of the Austinian formula. Professor Burgess declares that the state is the best interpreter of the laws of God and of reason, that it is the human organ least likely to do wrong; therefore, we must hold to the principle that the state can do no wrong.⁷ In current controversies on the relations between church and state, the number of participants who assume that the good citizen must obey every enactment of the state, indicates a very wide acceptance of the principle laid down by Professor Burgess.

While the latter was speaking in the passage just summarized of internal sovereignty, his principle is equally applicable to international affairs. If a state can do no wrong in its dealings with its own members it is likewise morally immune, or infallible, in its relations with other states. Speaking of political authority in general, another American writer says: "If in any case the limitations of the divine law are recognized, the State in the last analysis must be the interpreter of the divine will, so that in fact the restriction is nothing but a self limitation. In other words, the principles of morality, of justice, of religion, etc., so far as they constitute limitations upon the sovereign, are simply what the consciousness of the State decides them to be, for there can be no other legal consciousness than that of the State."⁸

States Subject to Moral Law

Against all theories which either expressly or by implication assert that the state is independent of the moral law we set forth the Catholic position that states, like individuals, are subject to the moral precepts of both nature and Revelation.

When two or more individuals unite to form a private society, such as a business partnership or a benevolent association, they are obviously bound by the moral law in

⁷ *Political Science and Constitutional Law*, II, 44-47.

⁸ Garner, *Introduction to Political Science*, p. 254.

their corporate acts. A moral or corporate person is subject to ethical rules quite as definitely and extensively as a physical or natural person. To deny this principle would be to authorize men to exempt themselves from the moral law in large spheres of conduct through the simple device of a formal association. In their corporate capacity they could lawfully do that which is forbidden them as individuals. This would be especially convenient in economic relations. The business corporation and the trade union could do no wrong.

Since the state is a community of human beings it is as truly subject to the moral law as any private society. The fact that it is a necessary society does not affect its character as a moral person. Its acts are the acts of an organized group of human beings. Its international conduct affects other human beings. While its end is primarily the welfare of its own members, it must attain that end with due regard to the welfare of persons who are outside its jurisdiction, just as the acts of a family must be consistent with the rights and claims of other families. Hence, the state is bound by the precepts of justice, charity, veracity and all the other moral rules which govern human relations.

To be sure, some provisions of the moral law do not apply to states in the same way as to individuals. When crime has been committed the state may deprive men of liberty, property and even life. The state has a right to wage war. On the other hand it may not subordinate itself or the welfare of its members to the interests of some other political community. Reservations and modifications of this sort, however, have to do with the manner not the fact of the subjection of the state to the moral law.

From another point of view the same truth emerges. Man is bound by the moral law in all the circumstances of life, whether individual, social or civil. Nothing in the nature of the human person, either individually or socially considered, can be adduced as a logical basis for the supposition that he becomes exempt from the moral law in his

political or international relations. In the words of Chancellor Kent: "States or bodies politic are to be considered as moral persons having a public will, capable and free to do right and wrong, inasmuch as they are collections of individuals, each of whom carries with him into the service of the community the same binding law of morality and religion which ought to control his conduct in private life."⁹

Every international action of a state must be justified or condemned in the light of its effect upon the welfare of human beings; and the moral rights of all peoples are of equal intrinsic worth. Now, injury done by one state to another is injury done to human beings. Therefore, just as no state has a right to harm its own members, neither is it justified in causing damage to the members of other states.

⁹ *Commentaries*, I, p. 2.

III

THE PRECEPT OF JUSTICE

BY nature all states have equal rights, since all have the same end. The essential purpose of the state is to promote the welfare of its members as a whole, as united in families and as grouped in social classes. These objects are equally important in all political societies, because the constituent groups are of equal worth as human beings.

In current political treaties, the rights of states are discussed and defined in relation to the concept of sovereignty. While the term and the concept are not free from ambiguity, they are in such general use that they cannot be ignored in any fundamental discussion of the rights of nations. Briefly, the sovereignty of a state means its legal supremacy, or self sufficiency; that is, its legal independence of other states in the exercise of its functions. Of course, legal independence is not absolute. If it were the world could contain only one sovereign state. The root idea in sovereignty is that a state derives its governing authority from itself not from any other political organization. International law recognizes all sovereign states as equal and requires them to respect one another's sovereignty, both external and internal. Inasmuch as sovereignty can sometimes, without objection on the part of positive international law, be exercised in ways that are not sanctioned by morality, it is not identical in meaning with moral authority.

Political societies, whose legal power is limited by constitutional subordination or waived by treaty, do not enjoy the full measure of political rights available in the natural law. Examples are the commonwealths of federal governments and countries subject to a protectorate which restricts in some degree either their internal or their external sovereignty. Such political societies or states do not possess equal moral rights with completely sovereign states, for

they have surrendered or have never acquired the full authority and rights of sovereign states. Outside the field enclosed by these positive limitations, such states possess equal moral rights with all other states.

Rights of States

The principal rights of states relate to self preservation and self development. Under the former is included the right to continue as an independent state, moral immunity from forcible subjection to another state. Hence it implies the right of self defense by all legitimate means. The state has a right to require its members to defend the common good against aggression.

Protection of Lives and Property Abroad

Self preservation may also include protection of the lives and property of nationals in foreign countries. That the natural law always *requires* states to perform this function may well be doubted. Conditions in a foreign territory might be so disturbed, the political authority might be so insecure, that sojourners or investors there would have no moral right to call upon their own governments for protection of either life or property. While existing international law recognizes this as a national right, it does not necessarily make the exercise of this power legitimate in morals. While citizens have in general a valid claim to protection by their government, even where they have no right to expose their country and their fellow citizens to disproportionately grave inconvenience, travelers and investors in foreign lands have no right to expect as much protection from their governments as they would have obtained had they remained at home. The situation involves the welfare of a small group of adventurous citizens versus the welfare of the community. In any case, armed intervention on behalf of the former interests is never justified when they can be secured through peaceful means, such as nego-

tiation, arbitration, severing diplomatic relations, and putting an embargo upon trade.

"National Honor"

More important than the foregoing right is that of being accorded due respect by other states. It arises chiefly in relation to the official representatives of a state in foreign lands. They have a right to be treated with that consideration which natural law and international usage prescribe in the situation, and the state which they represent has a right to insist upon this degree of respect. As in the case of life and property, however, so here, the right need not be urged so far as to involve the use of armed force. "National honor" has many times been utilized as a pretext for wars of aggression.

The right of self-preservation implies also the right of a state to prevent by proportionately just means other states from fostering seditious doctrines and movements within its territory. All the moral presumptions, however, are against the use of armed force in such situations.

Conquest

The right of a state to self development must, of course, be exercised with due regard to the rights of other states. It does not justify conquest, nor making the flag follow either migration or trade, nor forcible annexation of territory which had once been subject to the state that thus seeks expansion. The welfare and preferences of the present inhabitants of the territory as well as the just interests of the state of which they now form a part, constitute much stronger ethical claims than any that can be derived from merely historical considerations.

Colonies

On the other hand, the right of self development may justify a state in occupying sparsely developed territory

which lacks an organized government worthy of the name, or which might properly be regarded as a politically ownerless area. God created the earth for all the children of men in general, in such a way that He did not set apart any portion of it for the exclusive political or economic control of persons or races that fail to utilize it adequately. In exercising this right of occupancy, however, the superior state must safeguard all the natural rights of the natives, including that of property. It is also obliged to provide for their education, physical, mental and moral, and to develop their capacity for some measure of self government. Whether the dominating state should eventually withdraw from such a territory, leaving the inhabitants politically independent, is a question that cannot be answered except in the most general terms. The welfare and rights of the occupying state must be given due consideration. For some peoples local autonomy, particularly as regards economic and social affairs, is better than complete sovereignty. A protectorate may be advantageous to both the weaker and the stronger people. On the other hand, the fact that a people has for a long time and with practical unanimity desired self rule creates a strong presumption in favor of a right to political independence. The right becomes certain as soon as independence becomes essential to the welfare of that people.

Although the relation between a state and its subordinate national groups is not technically a question of international ethics, it seems to require some discussion in this place. Sometimes a state has a right to prevent the secession and independence of national minorities. In other words, the so-called "right of self determination" is not universally valid. After all, this right is not an intrinsic good; it is not an end in itself. It is merely a means to the welfare of the people or group on whose behalf it is asserted. Moreover, it must be exercised and applied with due regard to the rights and welfare of other national and political groups, including the one to which the aspiring group has heretofore been politically subject. If a status of sovereignty would

do the subordinate national group more harm than good, or if concession of it would result in grave injury to the dominant state, the change could not be justified by any such abstract principle as "the right of self determination." The national minority might never have enjoyed political independence in its present territory, might be too small to maintain a separate government, or might be so intermingled with other groups that it could not be politically detached without grave injury to itself or to the state to which it now owes allegiance. On the other hand, the national group might occupy a distinct territory, might have an average capacity for self government, might have formerly enjoyed political independence, might cherish a strong and long continued desire for independence and might be in a position to exercise it without violating the rights of the state in which it is now incorporated. Such a group would undoubtedly possess a moral right to separation and self rule. Its claim thereto would be justified by the end of all government, namely, human welfare.

Rights of Minorities

In any case, national minorities have a right to maintain their language, customs, sense of unity and all their other national characteristics, so long as these possessions are not clearly and gravely detrimental to the welfare of the majority or of the state as a whole. If the national minority occupies a distinct area it should be allowed all the local self government that is enjoyed by the occupants of any similar provincial or municipal jurisdiction. Obviously most of the foregoing rights can be vindicated more certainly and generally with regard to national groups that have occupied a distinct region for centuries than as regards groups composed of immigrants or the immediate descendants of immigrants.

To harmonize the rights and welfare of any subordinate national group with the rights and welfare of the majority is one of the most delicate and difficult tasks that can face

a government. The strength and value of national sentiment and claims can easily be underestimated and the national minority is prone to minimize its obligations of knowing and regarding sympathetically the opinions and feelings of the majority, of identifying itself with the political community of which it forms a part and of interesting itself in the social, economic and political problems which concern the state as a whole.

International Intercourse

One of the most important means of national self development is regular international intercourse. The individual cannot live a normal life nor adequately develop his personality unless he exchanges goods, material, moral and intellectual, with his fellows. He needs their co-operation and they need his. In all but extremely exceptional cases, therefore, the individual is morally bound to maintain these relations. One of the most striking proofs of this obligation is derived from the common right of all persons to use and enjoy the bounty of nature. Men cannot exercise this right equitably unless they hold constant intercourse with one another. They must make contracts concerning their private possessions and they must use them in such a way that all non-possessors will have due access to them. Similarly, states cannot promote the welfare of their members adequately nor use the common bounty of nature equitably unless they hold intercourse with one another.

Owing to the great variety of circumstances, it is not practicable to formulate a complete set of rules for international intercourse which can or should be applied universally. Probably the most powerful interferences are customs tariffs, export taxes and embargoes and restrictions upon immigration. Even though an import tariff system is in the long run injurious to the state which imposes it as well as to foreign peoples, it cannot as a rule be conclusively proved contrary to either justice or charity. Its effects are too complex. Its temporary and partial

benefits, which are indisputable, might be sufficient to justify the counter-balancing inconveniences. On the other hand, embargoes or excessive taxes upon the export of raw materials can easily amount to international uncharity and international injustice against peoples that lack certain necessary raw materials. To deprive a nation of such goods is generally a much greater injury than to reduce its opportunity of marketing its products.

Immigration

Exclusion of immigrants is generally a violation of charity when maintained by a rich and powerful state over one that is weak and overpopulated. It would probably be difficult to show, however, that such a policy is against justice. Limitation of the number of immigrants, particularly of undesirable persons, need not be contrary to either justice or charity. At the present time, immigration is a grave and urgent problem of international comity and international ethics.

Treaty Obligations

International intercourse normally implies the establishment of international treaties. Generally speaking, states have both the right and the duty to form agreements of this character. The moral obligation of international treaties is obviously based upon the natural law. Human welfare demands that just agreements should be observed whether among individuals or among those groups of individuals that we call states. To attempt to derive the sanctity of treaties from positive law, from some such formula as "international agreements must be kept," is utterly futile. Instead of establishing a moral obligation, it only pushes the difficulty further back; for it immediately raises the question, what is the moral basis of the principle itself, "agreements must be kept"? Unless we are to face an infinite series of postulates, we must introduce the intrinsic principle of the natural law.

The obligation of a state to observe a treaty which has been unjustly imposed upon it, is a very difficult ethical question. Among individuals such extortionate agreements can ordinarily be dissolved or modified in the civil courts. When there exists no competent and authoritative international court, no such recourse is open to a state. Either the unjust treaty must be unquestioningly accepted or the aggrieved state must be morally authorized to decide for itself the question of observance. Inasmuch as it lacks valid consent by one of the parties, an unjustly imposed treaty carries no more direct moral obligation than an unfair contract which has been forced upon a weaker individual; the state which has compelled another state to accept unjust commitments has no valid right to their fulfillment, and the unjustly coerced state does not directly owe fidelity to the offending state.

But unjust treaties may involve indirect obligation. If individual states were left ethically free to decide whether an agreement was extortionate and whether it should be kept, would not a grave injury be done to international good faith? Might not the menace to the common welfare of the nations outweigh the burden inflicted upon particular states? Might not the common good require the unjustly treated state to observe treaty provisions which the offending state had no right to exact?

According to the prevailing opinion of Catholic moralists, these questions should be answered in the affirmative. Dr. Cronin accepts the common view with some qualification. He declares that an extorted treaty is not morally binding, "if the conditions imposed are manifestly and flagrantly unjust, for instance, if they are such as to reduce a state to the condition of absolute and irretrievable penury and the duress is extreme."¹⁰ Some writers follow Grotius in the opinion that unjustly imposed treaties are binding when they are as solemn and important as those by which

¹⁰ *The Science of Ethics*, II, 658.

peace is made at the close of a war.¹¹ If the contrary persuasion were generally held it would render all treaties of peace insecure, cause wars to be more devastating and more prolonged and constitute a continuous menace to international stability.

This argument is impressive but not universally conclusive. In opposition it might be urged that no state is obliged to promote the common good of the nations at the expense of vital rights and interests of its own members, and that if all unjust peace treaties were universally observed the stronger states would be more frequently and powerfully tempted to inflict unjust treaties upon the weaker. Possibly this is a reasonable position: unjustly imposed agreements which cover performances and conditions of secondary importance are not always morally obligatory, but the provisions of treaties which terminate wars are universally binding unless they have been made under extreme duress and inflict an extreme amount of injustice. In the latter case, the notoriety of the injustice would automatically free the coerced nation from the unjustly imposed conditions.

International Obligations of New Governments

Finally, the common welfare of the nations requires that a new form of government, whether or not it has been established by a revolution, should respect and perform all the international obligations contracted by its predecessor. Unless states are recognized as continuous entities, as identical moral persons persevering despite governmental changes, international faith, security and welfare are vitally injured.

¹¹ Cf. Meyer, *Institutiones Juris Naturalis*, II, 770, 771.

IV

THE PRECEPT OF CHARITY

MANY persons hold that the relations among states are governed by the precept of justice but exempt from that of charity. No logical believer in the universality of the moral law can accept this view. Since states are moral persons they are united by the same bonds of humanity as physical persons. Men do not cease to be brothers in the human family when they become grouped into states nor do they get rid of their obligations of universal charity when they take on the character of national citizens or national rulers. Like individuals, states are bound to love that which is worthy of love and all states are thus deserving, since all are composed of human beings. Charity is as necessary for human welfare among states as among individuals. States no less than individuals are benefited by mutual love and assistance.

Duty to Curb Excessive Patriotism

Two specific duties of international charity require particular emphasis in our time. The first is that of curbing nationalism and excessive patriotism. The obverse side of this duty is to develop and promote a reasonable and moderate internationalism. In the words of M. Louis le Fur, "the conflict of nationalism and internationalism constitutes the gravest problem of international law, affecting its very existence."¹² Nationalism is a modern phenomenon. Its distinguishing note is "a proud and boastful habit of mind about one's own nation, accompanied by a supercilious or hostile attitude toward other nations; it admits that individual citizens of one's country may do wrong, but insists that one's own nationality or national state is always

¹² *Le Problème de la Vie Internationale*, p. 227. Cf. *Enquete sur le Nationalisme*, Maurice Vaussard.

right."¹³ It is defined by Father Cathrein as "inordinate love of country." In his encyclical on "The Peace of Christ," Pope Pius XI refers to it in these items: "Patriotism—the stimulus of so many virtues and of so many noble acts of heroism when kept within the bounds of the law of Christ—becomes merely an occasion, an added incentive, to grave injustice when true love of country is debased to the condition of an extreme nationalism, when we forget that all men are our brothers and we members of the same great human family, that other nations have an equal right with us both to life and to prosperity, that it is never lawful nor even wise to dissociate morality from the affairs of practical life, that, in the last analysis, it is 'justice which exalteth a nation: but sin maketh nations miserable' (Proverbs xiv. 34)."

It is the clear and urgent duty of contemporary states to repress this excessive patriotism, this nationalism, and to cultivate a sane internationalism. They are bound in charity to exemplify and to spread the truth that all persons and peoples are equal in nature and intrinsic worth, and of equal importance in the sight of God. All the nations have claims upon one another both in justice and in charity. All have certain common interests. All will prosper best if they recognize these claims and interests both in theory and in practice. Sane internationalism does not involve the destruction or the diminution of reasonable patriotism, any more than good citizenship requires neglect of one's family.

The harmony between national and international patriotism was well stated by M. Eugene Duthoit at the *Semaine Sociale* held at Havre, August, 1926. "According to the Catholic view," he said, "national duty and international duty are two aspects of the same duty. . . . Just as the state requires the diversity of families, communes, corporations and provinces, so the harmony of states calls for the rich and varied diversity which is found among the nations. The Church, in order to preach the Gospel every-

¹³ Carlton J. H. Hayes, *Essays on Nationalism*, p. 275.

where, requires that the various nations be organized and united in a community of law. Thus the double obligation, national and international, proceeds from universal charity and from the common bond which unites all men to God their Father, which unites them to one another as brethren and which conducts all to their super-terrestrial destiny."

Right of Intervention

The other important duty of international charity which calls for present emphasis is that of intervention by one state in the affairs of another. Whether sanctioned or prohibited by international positive law, it is sometimes required by the law of natural morality and the law of Christianity. Among the conditions which justify and require it are grave and long continued oppression of one state by another, the revolt of a people or a nation against intolerable tyranny, the unsuccessful efforts of a state to put down a rebellion which injures national or international welfare, grossly immoral practices, such as cannibalism and human sacrifices under the guise of religion, and continued anarchy in a state that is for the present unable to maintain a tolerably competent government. Evils of this magnitude would justify an individual or a group of individuals in calling for the assistance of other individuals or groups, and the latter would be morally bound to respond unless the inconvenience involved were disproportionately great. Consequently a similar obligation rests upon states.

Its Limits

In order to justify intervention, the foregoing evils, or any of them, must be definite, certain and extreme. Hope must be wanting of any remedy from within. In particular, the existence or the assertion of anarchical conditions in a state must be carefully scrutinized and the motive of the nation which intervenes should be free from selfishness. If these conditions are fulfilled, intervention may be of great

benefit to the assisted people, not only as regards peace and order, but also in education, and in the art of government. When these tasks have been performed, the foreign government ought to withdraw, if such is the desire of the assisted people. Of course, a state has no right whatever to use armed force in the affairs of another so long as milder methods, even those of moral coercion, are sufficient.

However difficult may be the application of these rules and however frequently intervention may have been undertaken for selfish purposes, the general ethical principle is clear and incontrovertible. Just as individuals are bound to come to the assistance of their needy neighbors, so are the groups called states. Whenever intervention becomes a duty it necessarily implies the right to intervene. The pretentious assertion that no state ever has such a right is purely gratuitous and doctrinaire. It ignores the truth that governments exist for human welfare and that the right of political independence has neither logical nor ethical foundation when it is urged on behalf of a state which instead of attaining frustrates this end. Unless we are willing to uphold the absurd contention that political independence is an end in itself, we must admit that it ceases or is suspended when it persistently and profoundly fails to safeguard the welfare of the state and its members.

In the nineteenth century this absurdity was so widely preached by political writers and so-called liberals that it provoked a formal condemnation by Pope Pius IX. No. 62 in the Syllabus of condemned propositions runs thus: "The principle styled 'non-intervention' is one to be proclaimed and put into practice." So glaring a contradiction of the moral precept of charity richly deserved the Papal denunciation.

THE MORALITY OF WAR

ACCORDING to the pacifist, all employment of force among nations is immoral. This assumption finds no support in either the law of Revelation or the law of nature. Certain sayings of Christ which are cited on its behalf, such as the injunction to turn the other cheek and not to resist evil, have always been interpreted by the Catholic Church as counsels of perfection. They are not precepts. Moreover, they were addressed to individuals, not to states.

As to the natural law, it clearly authorizes the individual to defend himself by force against unjust aggression. The unjust aggressor has forfeited his right to physical integrity. In some conditions, force is the only effective means of protecting goods which have been unjustly attacked or jeopardized. Were innocent and upright persons to refrain from defending their rights by physical means the amount of evil and suffering in the world would be increased instead of diminished, for unjust men are always willing to use that weapon and they would be able to exercise it more frequently and effectively. Righteousness would not be promoted if wicked men were permitted to have a monopoly of physical coercion. All the arguments that justify force in the vindication of individual rights are fully applicable to the political groups known as states. Moreover, the individual is sometimes morally free to forego violent self-defense in accordance with a counsel of perfection,¹⁴ whereas the obligations of the state to its members forbid it to indulge in such self-denial.

¹⁴ "One of the advisory declarations of Christ, by some held not to be absolutely binding, but to have been given as an aid in attaining approximate moral perfection. The counsel of perfection (See Matthew xix. 21)" (Webster's Unabridged Dictionary); "A commandment is a matter of necessity, whereas a counsel is left to the free will of the person to whom it is proposed" (*Moral Theology*, Koch Preuss I, 237).

Conditions of a Just War

Three conditions are usually set down by the moralists as essential to entrance by a state into war. They are:—sovereign authority, a just cause and a right intention. Obviously neither a private person or group nor a subordinate political division possesses this right. Equally obvious is a right intention:—even though engaged in justifiable warfare a state should not include wrongful ends among its objectives. The second condition is sometimes formulated as “a just and necessary cause.” But the first adjective implies the second, for no cause will justify war unless it is such as to render war necessary.

What Is Necessary Self-Defense?

Hence, the second condition may be properly and advantageously converted into the phrase, “necessary self-defense.” What facts, conditions, circumstances are implied in this formula? In the first place, it means that a state may make war only to safeguard its rights. These must be either actually violated or in certain and imminent danger. Hence a war is not morally justified which aims at extending national territory, enhancing national power and prestige, promoting an international “balance of power” or forestalling some hypothetical or merely probable menace. Utterly inadequate are the formulations employed by some moral theologians, as “the good of the community,” “public peace,” “necessity” and similar general terms, which can be and have been used as pretexts for unnecessary wars. Moreover, legitimate defense of rights implies that the aggrieved state is not simultaneously violating the rights of the state against which it contemplates war. Otherwise, the two nations would be at once the victims and perpetrators of mutual injustice. Only that state which is less guilty could possibly have a right to begin war in these circumstances. Consequently the more guilty state would not be justified either in taking the offensive or in repelling an attack by the

less guilty, so long as the latter sought nothing more than the vindication of its rights and was willing to refrain from unjust conduct. This is the pure theory of the situation. Practically speaking, not even the less guilty state would be justified in beginning hostilities until it had definitely and manifestly ceased to commit lesser, but real, acts of international injustice. Failure to do so would clearly disclose the absence of a "right intention."

The foregoing propositions have to do with the objective situation. They are predicated of actual facts, not of the notions existing in the minds of the war-making and war-contemplating authorities. This distinction brings us to the second implication of "necessary self-defense." It is that the violation of national rights must appear to the aggrieved state as *morally certain*. No degree of probability, not even a great preponderance of probability, is sufficient. Such seems to have been the clear teaching of St. Augustine, St. Thomas and all the theologians down to the beginning of the seventeenth century.¹⁵ According to Bannez, "The state that wishes to declare war must not entertain a single doubt; the justifying reasons must be clearer than day. A declaration of war is equivalent to a sentence of death; to pronounce the latter with a doubtful conscience is murder." With equal positiveness the same principle was asserted by Vasquez. But it was abandoned by Suarez. The latter would permit a ruler to make war who regarded his right to do so as more probable than his obligation to refrain, or who thought that the probabilities of justice favored his cause rather than that of the opposing state. In technical terms, Suarez applied to the question of war-making the principle of probabiliorism. His fellow countryman and fellow Jesuit, Vasquez, declared flatly that no degree of probability would suffice to justify the initiation of "the greatest evil in Chris-

¹⁵ Cf. Stratmann: *Weltkirche und Weltfriede*, pp. 85-89, Augsburg, 1924. This is one of the best works of modern times on the Catholic principles of peace and war. An English abbreviated translation has been published under the title, *The Church and War* (Sheed & Ward, 1929).

tian society." Sylvius was of the same opinion. In practice, said St. Alphonsus, war involves such grave evils that it can almost never be justified on the basis of a probable opinion. So great was the authority of Suarez, however, that his view came to be adopted by a considerable number of moral theologians in the seventeenth and eighteenth centuries.

Surely Suarez was wrong. Surely Bannez was right when he compared a declaration of war to a sentence of death. If a jury or a judge is morally forbidden to condemn a man to death unless they feel assured of his guilt beyond all reasonable doubt, how can a civil ruler be justified in virtually pronouncing the death sentence upon hundreds or thousands of men, without moral certainty that his country's rights are being violated? While realizing that the evidence of present injustice generates merely a preponderant probability, he might, however, feel morally certain that if he failed to take belligerent action, the probable injustice would become actual. In other words, the ruler might regard actual injustice as merely probable but future and contingent injustice as morally certain. In similar circumstances, an individual would be justified in using extreme measures for self-defense. In both cases there would be moral certainty, not merely a high degree of probability, that one was confronted by a grave evil.

Rule of Proportionate Evil

Neither actual violation of national rights nor moral certainty about it, nor both combined, are sufficient to make war morally lawful. As in every other situation when an act is contemplated which will lead to both evil and good results, the rules of ethics require that the cause or reason must be in proportion to the magnitude of the evil. War, particularly in modern times, inflicts so many, so various and such enormous injuries upon innocent and guilty alike that it cannot be justified except by very grave reasons, by the gravest known to human society. *Causa gravissima* is

the phrase used by the distinguished moral theologian, Père Tanquerey.¹⁶ Hence the rights and interests that are unjustly attacked or jeopardized must be of primary importance to the state and its members. Such minor evils as a slight or temporary offense against national honor or prestige or comfort or property will not justify the production of the awful evils involved in devastating warfare. The welfare of the aggrieved state as well as that of the aggressor state is better safeguarded through the toleration of relatively small wrongs until such time as they can be repaired through peaceful processes. In the words of Suarez, "Not every cause is sufficient, but a grave cause, proportionate to the damage of war."

Even though all three of the foregoing conditions are fulfilled, a declaration of war is not yet morally lawful. It is not yet a necessary means of self defense. Recourse to war is not justified until all peaceful methods have been tried and found inadequate. The principal pacific means and devices are:—direct negotiation, diplomatic pressure of various kinds, such as trade embargoes, boycotts and rupture of normal international intercourse, and mediation and arbitration and judicial settlement. If all these should prove ineffectual, "the calm, deliberate judgment of the people, rather than the aims of the ambitious few should decide whether war be the only solution. Knowing that the burdens of war will fall most heavily on them, the people will be slower in taking aggressive measures, and, with an adequate sense of what charity and justice require, they will refuse to be led or driven into conflict by false report or specious argument. Reluctance of this sort is entirely consistent with firmness for right and zeal for national honor. If it were developed in every people, it would prove a more effectual restraint than any craft of diplomacy or economic prudence."¹⁷

Father Stratmann informs us that Cajetan and Vitoria

¹⁶ *De Virtute Justitiae*, p. 152.

¹⁷ *Pastoral Letter of the American Hierarchy*, pp. 69, 70.

added another condition as essential to a legitimate declaration of war.¹⁸ It is that the aggrieved nation should be morally certain of victory. Statesmen are not justified in making war if their country is likely to find itself in a worse condition at the end than at the beginning. However, it does not seem reasonable that the responsible persons should possess moral certainty of a successful outcome. In the nature of the case, that is frequently impossible. It would seem sufficient that the government should have solid reasons, proportionate to the evil alternative of defeat, for expecting victory.

There are then seven conditions necessary and sufficient to justify a state in entering upon war:—(1) some kind of declaration of war, either absolute or conditional, by the sovereign authority of the aggrieved state prior to the beginning of actual hostilities; (2) a right intention, that is, the defensive activities should not be utilized for the attainment of an immoral objective; (3) actual or certainly imminent violation of rights; (4) moral certainty that this is the situation; (5) a degree of evil in the injury proportionate to the evils involved in war; (6) insufficiency of peaceful means; (7) and a well-grounded hope of bringing about better conditions. As distinguished from the entrance into, the conduct of the war should be free from methods or acts that are contrary to the moral law.

In few, if any, modern wars have all these conditions been observed by the nations which initiated hostilities. Indeed, an honest attempt by all states to observe all these conditions would make war practically impossible.

To continue a war longer than is necessary for the protection or vindication of rights is quite as immoral as to begin it unnecessarily. It is pretty generally realized now that all the belligerents in the late war would be in a better situation today if Pope Benedict's plan of peace had been accepted in August, 1917.

In the course of a war justice may change sides, or it

¹⁸ *Loc. cit.*

may come to be disregarded by both combatants. The latter hypothesis was verified when the representatives of both groups refused to heed the plea of Pope Benedict.¹⁹

Treaties of Peace

The process of concluding peace is likewise subject to the moral law. Charity as well as justice must be exemplified by both parties. Victory does not give the unjust aggressor the right to impose burdens upon the vanquished. On the contrary, the former owes the latter full measure of restitution. If victory crowns the arms of the state whose cause was just, it confers no right to exact more than adequate reparations and indemnities, while charity may require these obligations to be postponed or reduced or entirely condoned and canceled. Inasmuch as both victors and vanquished always believe that they have been in the right, and inasmuch as no victorious nation can be trusted to treat the conquered nation with either justice or charity, it is desirable that peace treaties should be made under the supervision of some impartial tribunal.

¹⁹ Cf. Cyprian Emanuel, O.F.M., and the Ethics Committee, *The Ethics of War*, C. A. I. P.; *Catholic Principles of Politics*, by Ryan and Boland, Macmillan; *A Code of International Ethics*, Catholic Social Guild, Oxford.

VI

THE OBLIGATION OF PROMOTING PEACE

JUSTICE requires a state to promote peace for the sake of its own members, while charity obliges it to pursue the same end for the welfare of both itself and other nations. These duties rest not only upon governments, but upon peoples, particularly upon those persons and organizations which can exert influence upon public opinion and upon political rulers.

Education in Peace

The first and most generally obligatory means and action is education. The people require instruction concerning the universality of brotherhood and the possibility of permanent peace, while statesmen stand in particular need of becoming familiar with the principles of international ethics.

Human brotherhood must be intensively and extensively preached to all groups and classes; in theological seminaries, in colleges and schools; in the pulpit and in catechetical instructions; in religious books and periodicals. The individual must be taught a right attitude of mind toward all foreigners. It is not enough to declare that "every human being is my neighbor." The obligations which are implicit in this phrase must be made explicit. They must be set forth in detail with regard to foreign races and nations. Men must be reminded that "every human being" includes Frenchmen, Germans, Italians, Englishmen, Japanese, Chinese, and all other divisions of the human family. "All men are one human family," said Pope Pius XI. And this doctrine should be repeated and reiterated. Effective teaching and adequate assimilation depend largely upon the simple process of repetition.

False Patriotism

In the second place, the duties of patriotism must be expounded in a more restrained and balanced way than that which has been followed heretofore. Men must be taught that it is *not* "sweet and becoming to die for one's country" if one's country is fighting for that which is unjust. Without denying or weakening the sentiment of national patriotism, we can set forth that wider and higher patriotism which takes in all the peoples of the earth. A large part of our efforts in this field must be specifically, courageously and persistently directed against the spirit of exclusiveness and narrowness which characterizes that perversion of national sentiment now stigmatized as nationalism. "The national state through education in national school, national army and national journalism, through the social pressure of national patriotism, inculcates in its citizens the fancy that they are a world by themselves, sufficient unto themselves; it teaches them that they are a chosen people, a peculiar people, and that they should prize far more what is theirs as a nationality than what is theirs as human beings."²⁰ This fundamentally erroneous and un-Christian education has had a long start in every modern state. The task of arresting and counteracting it will be long and arduous. Until it is accomplished, however, no fundamental progress can be made in the prevention of war and the safeguarding of peace.

Statesmen and a Just War

Another urgent task is to bring about a profound shifting of emphasis in formal statements of the conditions which justify war. Instead of laying stress upon the lawfulness of engaging in a war of self defense, we should clearly and fully and frequently set forth all the conditions which are

²⁰ Hayes, *op. cit.*, p. 258.

required according to the principles of morality. We should challenge disproof of the conclusion that all these conditions have rarely been available to justify the outbreak of war. If it be objected that statesmen have *assumed* the presence of these conditions and, therefore, have made war in good faith, the reply is that statesmen have very rarely taken the trouble to ask themselves deliberately and conscientiously whether the justifying conditions were really present. They have seldom given the question an amount of honest consideration proportionate to the evils entailed by a declaration of war. Hence the obligation of examining into and observing all of the conditions should be urged in a special way upon the rulers of states. We should put particular emphasis upon the fourth condition, namely, the exploration of all pacific methods for avoiding a bloody conflict.

Finally we should keep before men's minds the fundamental ethical truth that as a whole, as a two-sided performance, war is always wrong. In the words of Rev. Theodore Meyer, S.J.: *Bellum nequit esse, objective loquendo, ex utraque parte formaliter et materialiter justum.*²¹ If one state is defending its rights the other is necessarily violating rights. Even the former is guilty of injustice if it has begun hostilities in disregard of any one of the other necessary conditions.

Peace Is Feasible

The mental attitude of the people must be changed and reformed with regard to the possibility of establishing permanent peace. One of the greatest obstacles to peace has always been the lazy assumption that wars must come, that there will always be war while men are men. So long as this pessimism prevails, the majority of persons will not assert themselves in the cause of peace. World peace is largely, if not mainly, a matter of human faith. If the majority of people believe that peace can be established and

²¹ *Institutiones Juris Naturalis*, II, p. 794. "Objectively speaking, war cannot be formally and materially just on both sides."

secured, peace will be established and secured. We must persistently show that a reign of peace is feasible, until this idea and this faith become a dominating and effective element in the habitual thinking of average men and women.

Papal Peace Recommendations

The second great duty in fulfilling our obligation of promoting world peace is to consider fairly and to support, so far as our abilities and conscience permit, practical proposals and arrangements for preventing war and making peace secure. In general terms these methods were all set forth by Pope Benedict XV. In fact he was the first to recommend them as a comprehensive and consistent scheme. In his letter to the belligerents, August, 1917, he proposed that:—moral right be substituted for the material force of arms in the reciprocal dealings of nations; the nations enter upon a just agreement for the simultaneous and reciprocal reduction of armaments; armed force be replaced by the noble and peaceful institution of arbitration, with the provision that penalties be imposed upon any state which should refuse either to submit a national question to such a tribunal or to accept the arbitral decision.

In his encyclical on "International Reconciliation," Pentecost Sunday, 1920, the same Pontiff laid particular stress upon the association of the states in an international organization: "All states should put aside mutual suspicion and unite in one sole society or rather family of peoples, both to guarantee their own independence and safeguard order in the civil concert of the peoples. A special reason, not to mention others, for forming this society among the nations is the need generally recognized of reducing, if it is not possible to abolish entirely, the enormous military expenditure which can no longer be borne by the state, in order that in this way murderous and disastrous wars may be prevented and to each people may be assured, within just confines, the independence and integrity of its own territory."

Of the two foregoing pronouncements, one was issued in the midst of the First World War; the other more than a year and a half after the Armistice. Unfortunately neither of them was accepted as a guide by the dominant and responsible states. As a consequence, most of the important peoples of the earth are now engaged in a Second World War, which will probably become much more horrible and devastating than the First.

Almost twenty years after the second of Pope Benedict's declarations was published, another Sovereign Pontiff gave to the world another program for peace. In his Christmas message for 1939, Pope Pius XII offered the following "Five Conditions for a Just Peace":

We believe those who with watchful eyes consider these serious potentialities and the possibility of such an evolution of events will, notwithstanding war and its horrible accompaniments, hold themselves wholly prepared to define clearly, so far as they themselves are concerned, the fundamental points of a just and honorable peace at the opportune moment; and that they would not flatly reject opportunity for negotiations, whenever the occasion presents itself, with the necessary guarantees and security.

First. A fundamental condition of a just and honorable peace is to assure the right to life and independence of all nations, large and small, strong and weak. One nation's will to live must never be tantamount to a death sentence for another. When this equality of rights has been destroyed, injured or imperiled, the juridical order requires reparation whose measure and extent are not determined by the sword or selfish, arbitrary judgment, but by the standards of justice and reciprocal equity.

Second. That order, reestablished in such a manner, may be tranquil and durable—the cardinal principles of true peace—nations must be liberated from the heavy slavery of the race for armaments and from the danger that material force, instead of serving to protect rights, become the tyrannical violater of them.

Conclusions of peace which failed to attribute fundamental importance to disarmament, mutually accepted,

organic and progressive both in practice and spirit, and failed to carry out this disarmament loyally, would sooner or later reveal their inconsistency and lack of vitality.

Third. In any reordering of international community life, it would conform to the rules of human wisdom for all parties concerned to examine the consequences of the gaps and deficiencies of the past; and in creating or reconstituting the international institutions, which have so lofty a mission and at the same time one that is so difficult and full of the gravest responsibilities, they should keep present before them the experiences which poured from the inefficacy or defective operation of similar previous projects.

And, since it is so difficult—one would be tempted to say almost impossible—for human weakness to foresee everything and assure everything at the time of the drafting of treaties of peace—when it is difficult to be entirely free from passions and bitterness—the establishment of juridical institutions, which serve to guarantee the loyal and faithful fulfillment of terms and, in case of recognized need, to revise and correct them, is of decisive importance for an honorable acceptance of a peace treaty and to avoid arbitrary and unilateral ruptures and interpretations of the terms of these treaties.

Fourth. A point which should draw particular attention if better ordering of Europe is sought, concerns the real needs and just demands of nations and of peoples as well as of ethnical minorities: demands which, if not always sufficient to form a strict right when there are recognized or confirmed treaties or other juridical titles which oppose them, deserve at all events benevolent examination to meet them in a peaceful way and, where it appears necessary, by means of equitable, wise, and harmonious revision of treaties.

Once true equilibrium among nations is thus brought back and the basis of mutual trust is reestablished, many of the incentives to resort to violence would be removed.

Fifth. But even better and more complete settlements will be imperfect and condemned to ultimate failure, if those who guide the destinies of peoples, and the peoples themselves, do not allow themselves to be pene-

treated always more and more by that spirit from which alone can arise life, authority, and obligation for the dead letter of articles in international agreements—by that spirit, namely, of intimate, acute responsibility that measures and weighs human statutes according to the holy unshakable rules of Divine Law; by that hunger and thirst for justice which is proclaimed as a Beatitude in the Sermon on the Mount, and which has, as a natural presupposition, moral justice; by that universal love which is the compendium of and most comprehensive term for the Christian ideal, and therefore throws across also a bridge to those who have not the benefit of participating in our own Faith.

In his address on Pentecost Sunday, June 1, 1941, in observation of the fiftieth anniversary of *Rerum Novarum*, the Holy Father expounded “three fundamental values” to be embodied in the post-war reconstruction. His exposition follows:

Three fundamental values, which are closely connected one with the other, mutually complementary and dependent are: the use of material goods, labor and the family.

Use of material goods:

The Encyclical *Rerum Novarum* expounds on the question of property and man's sustenance, principles which have lost nothing of their inherent vigor with the passage of time and today, fifty years after, strike their roots deeper and retain their innate vitality.

In Our Encyclical *Sertum Laetitiae*, directed to the bishops of the United States of America, We called the attention of all to the basic idea of these principles which consists, as We said, in the assertion of the unquestionable need “that the goods which were created by God for all men should flow equally to all, according to the principles of justice and charity.”

Every man, as a living being gifted with reason, has in fact from nature the fundamental right to make use of the material goods of the earth, while it is left to the will of man and to the juridical statutes of nations to regulate

in greater detail the actuation of this right. This individual right cannot in any way be suppressed even by other clear and undisputed rights over material goods. Undoubtedly the natural order, deriving from God, demands also private property and the free reciprocal commerce of goods by interchange and gift, as well as the functioning of the State as a control over both these institutions. But all this remains subordinated to the natural scope of material goods and cannot emancipate itself from the first and fundamental right which concedes their use to all men; but it should rather serve to make possible the actuation of this right in conformity with its scope. Only thus can we and must we secure that private property and the use of material goods which bring to society peace and prosperity and long life, and they no longer set up precarious conditions which will give rise to struggles and jealousies and which are left to the mercy and the blind interplay of force and weakness.

USE OF MATERIAL GOODS

The native right to the use of material goods, intimately linked as it is with the dignity and other rights of the human person, together with the statutes mentioned above, provides man with a secure, material basis of the highest import on which to rise to the fulfillment, with reasonable liberty, of his moral duties. The safeguarding of this right will ensure the personal dignity of man and will facilitate for him the attention to and fulfillment of that sum of stable duties and decisions for which he is directly responsible to his Creator.

Man has in truth the entirely personal duty to preserve and order to perfection his material and spiritual life, so as to secure the religious and moral scope which God has assigned to all men and has given them as the supreme norm, obligatory always and everywhere, before all other duties.

To safeguard the inviolable sphere of the rights of the human person and to facilitate the fulfillment of his duties should be the essential office of every public authority. Does not this flow from that genuine concept of the com-

mon good which the State is called upon to promote? Hence it follows that the care of such a common good does not supply a power so extensive over the members of the community that, in virtue of it, the public authority can interfere with the evolution of that individual activity which We have just described, decide on the beginning or the ending of human life, determine at will the manner of man's physical, spiritual, religious and moral movements in opposition to the personal duties or rights of man, and, to this end, abolish or deprive of efficacy his natural rights to material goods.

To deduce such extension of power from the care of the common good would be equivalent to overthrowing the very meaning of the words common good, and, falling into the error, that the proper scope of man on earth is society, that society is an end itself, that man has no other life which awaits him beyond that which ends here below. The national economy, as it is the product of the men who work together in the community of the state, has no other end than to secure, without interruption, the material conditions in which the individual life of the citizens may fully develop. Where this is secured in a permanent way a people will be in a true sense economically rich because the general well-being and consequently the personal right of all to the use of worldly goods is thus actuated in conformity with the purpose willed by the Creator.

JUST DISTRIBUTION OF GOODS

From this, beloved children, it will be easy for you to conclude that the economic riches for people do not properly consist in the abundance of goods measured according to a purely and solely material calculation of their worth, but in the fact that such an abundance represents and offers really and effectively the material basis sufficient for the proper personal development of its members. If such a just distribution of goods were not secured, or were effected imperfectly, the real scope of national economy would not be attained; for although there were at hand a lucky abundance of goods to dispose of,

the people, in not being called upon to share them, would not be economically rich, but poor. Suppose, on the other hand, that such a distribution is effected genuinely and permanently and you will see a people, even if it disposes of less goods, making itself economically sound.

These fundamental concepts regarding the riches and poverty of peoples it seems to us particularly opportune to set before you today when there is a tendency to measure and judge such riches and poverty by balance sheets and by purely quantitative criteria of the need or the abundance of goods. If, instead, the scope of the national economy is correctly considered then it will become a guide for the efforts of statesmen and peoples and will enlighten them to walk spontaneously along a way which does not call for continual exaction in goods and blood but will give fruits of peace and general welfare.

Labor:

With the use of material goods you yourselves, dear children, see how labor is connected. The *Rerum Novarum* teaches that there are two essential characteristics of human labor; it is personal and it is necessary. It is personal because it is achieved through the exercise of man's particular forces; it is necessary because without it one cannot secure what is indispensable to life; and man has a natural, grave, individual obligation to maintain life. To the personal duty to labor imposed by nature corresponds and follows the natural right of each individual to make of labor the means to provide for his own life and that of his children; so profoundly is the empire of nature ordained for the preservation of man.

But note that such a duty and the corresponding right to work is imposed on and conceded to the individual in the first instance by nature and not by society, as if man were nothing more than a mere slave or official of the community. From that it follows that the duty and the right to organize the labor of the people belongs above all to the people immediately interested: the employers and the workers. If they do not fulfill their functions, or cannot because of special extraordinary emergencies fulfill them,

then it falls back on the state to intervene in the field of labor and in the division and distribution of work according to the form and measure that the common good, properly understood, demands.

In any case every legitimate and beneficial interference of the state in the field of labor should be such as to safeguard and respect its personal character, both in the broad outlines and, as far as possible, in what concerns its execution. And this will happen if the norms of the state do not abolish or render impossible the exercise of other rights and duties equally personal; such as the right to give God His due worship; the right to marry; the right of husband and wife, of father and mother, to lead a married domestic life; the right to a reasonable liberty in the choice of a state of life and the fulfillment of a true vocation; a personal right, this last, if there ever was one, belonging to the spirit and sublime when the higher imprescriptible rights of God and of the Church meet as in the choice and fulfillment of the priestly and religious vocations.

The family:

According to the teaching of the *Rerum Novarum* nature itself has closely joined private property with the existence of human society and its true civilization and in a very special manner with the existence and development of the family. Such a link appears more than obvious. Should not private property secure for the father of a family the healthy liberty he needs in order to fulfill the duties assigned him by the Creator regarding the physical, spiritual and religious welfare of the family?

In the family the nation finds the natural and fecund roots of its greatness and power. If private property has to conduce to the good of the family, all public standards, and specially those of the state which regulate its possession, must not only make possible and preserve such a function in the natural order under certain aspects superior to all others—but must also perfect it ever more.

A so-called civil progress would in fact be unnatural which—either through the excessive burdens imposed or

through exaggerated direct interference—were to render private property void of significance, practically taking from the family and its head the freedom to follow the scope set by God for the perfection of family life.

Of all the goods that can be the object of private property none is more conformable to nature, according to the teaching of the *Rerum Novarum*, than the land, the holding in which the family lives, and from the products of which it draws all or part of its subsistence. And it is in the spirit of the *Rerum Novarum* to state that, as a rule, only that stability which is rooted in one's own holding makes of the family the vital and most perfect and fecund cell of society, joining up, in a brilliant manner, in its progressive cohesion the present and future generations. If today the concept and the creation of vital spaces is at the center of social and political aims, should not one, before all else, think of the vital space of the family and free it of the fetters of conditions which do not permit even to formulate the idea of a homestead of one's own?

RIGHT TO VITAL SPACE

Our planet, with all its extent of oceans and seas and lakes, with mountains and plains covered with eternal snows and ice, with great deserts and tractless lands, is not, at the same time, without habitable regions and vital spaces now abandoned to wild natural vegetation and well suited to be cultivated by man to satisfy his needs and civil activities; and more than once, it is inevitable that some families migrating from one spot to another should go elsewhere in search of a new homeland. Then according to the teaching of the *Rerum Novarum* the right of the family to a vital space is recognized. When this happens emigration attains its natural scope as experience often shows; We mean the more favorable distribution of men on the earth's surface suitable to colonies of agricultural workers; that surface which God created and prepared for the use of all. If the two parties, those who agree to leave their native land and those who agree to admit the newcomers, remain anxious to eliminate, as far as possible, all obstacles to the birth and growth of real

confidence between the country of emigration and that of immigration, all those affected by such a transference of people and places will profit by the transaction: the families will receive a plot of ground which will be native land for them in the true sense of the word: the thickly inhabited countries will be relieved and their people will acquire new friends in foreign countries; and the states which receive the emigrants will acquire industrious citizens. In this way the nations which give and those which receive will both contribute to the increased welfare of man and the progress of human culture.

These are the principles, concepts and norms, beloved children, with which We should wish even now to share in the future organization of the new order which the world expects and hopes will arise from the seething ferment of the present struggle to set the peoples at rest in peace and justice.

These four Papal pronouncements provide, not only Catholics, but all men of good will, with a complete program for a just and enduring peace. They comprise not only the necessary political and juridical elements but also those of an economic nature which are essential to a regime of social justice. No Catholic, no Christian, no believer in God, no lover of his kind, can refuse to accept wholeheartedly and with all his energies strive for the realization of these principles of a righteous and permanent peace.

READING LIST

- "Primer of Peace and War." Plater, S.J. (Kenedy.)
- "Catholics and the Problems of Peace." Keating, S.J. (Catholic Social Guild: Oxford.)
- "Christian Ethics." Ross, C.S.P. (Devin-Adair.)
- "The Science of Ethics." Cronin. (Benziger.)
- Catholic Encyclopedia*—articles on "International Law," "War," "Papal Arbitration," "Peace Congresses," etc.
- "The Ethics of War," Cyprian Emanuel, O.F.M., and the Ethics Committee. (Catholic Association for International Peace.)
- "The Morality of Conscientious Objection to War," Cyprian Emanuel, O.F.M., and the Ethics Committee. (Catholic Association for International Peace.)
- "History and Nature of International Relations." Walsh, S.J. (Ed.) (Macmillan.)
- "Encyclicals of Pius XI." James H. Ryan. (Herder.)
- "Vitoria and Suarez: The Founders of the Modern School of International Law." Scott. (Georgetown School of Foreign Service.)
- "Syllabus on International Relations." Moon. (Macmillan.)
- "International Law." Charles G. Fenwick. (Century.)
- "Essays on Nationalism." Carlton J. H. Hayes. (Macmillan.)
- "Imperialism and World Politics." Moon. (Macmillan.)
- "Problems of a New World." Hobson. (Macmillan.)
- "American Foreign Policy." Latané. (Doubleday, Page.)
- "History of American Foreign Relations." Sears. (Crowell.)
- Files of America, Commonweal, Catholic World, Social Justice.*
- "Moralphilosophie." Cathrein.
- "The Law, the State and the International Community." J. B. Scott. (Columbia University Press.)
- "The Catholic Conception of International Law." J. B. Scott. (Georgetown University Press.)

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- "Catholic Principles of Politics." Ryan and Boland. (Macmillan.)
- "Catholic Tradition of the Law of Nations." Eppstein. (Catholic Association for International Peace.)
- "Code of International Ethics." (Catholic Social Guild, Oxford.)
- "Patriotism, Nationalism and the Brotherhood of Man." Carlton J. H. Hayes and International Attitudes Committee. (Catholic Association for International Peace.)
- "Pius XII—Summi Pontificatus." (National Catholic Welfare Conference.)
- "Pope Pius XII and Peace." (National Catholic Welfare Conference.)
- "The Crisis of Christianity." Bishops of the United States. (National Catholic Welfare Conference.)
- "La Patrie et La Paix." Yves de la Brière, S.J. (Desclée de Brouwer.)
- "The Pope Speaks." Rankin and O'Hara. (Harcourt, Brace.)
- "Church and War; a Catholic Study." Franziskus Stratmann. (Sheed.)

N. C. W. C. STUDY CLUB OUTLINE ON INTERNATIONAL ETHICS

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Lesson I

GOVERNMENTS SUBJECT TO MORAL LAW (Parts I and II of the Report)

SUBJECTS FOR DISCUSSION

1. Relation between international law and international ethics.
2. Christianity and international ethics.
3. Origins of international law.
4. Opponents of international morality.
5. Subjection of governments to laws of right and wrong.
6. Consequences of denying this.

QUESTIONS

1. What is international ethics?
2. What is international law?
3. Why is Christianity the inspiration of international peace?
4. What special reasons were there that Spanish Catholics of the sixteenth century should have systematized international ethics and international law?
5. Measure the motto, "Right or wrong, my country," against this section of the report.
6. Why is a government bound by laws of right and wrong in its relations with other governments?

PAPERS

1. "Francis of Vitoria" (*Catholic Encyclopedia*; Scott).
2. "The Work of the Catholic Association for International Peace" (Write the organization).

Lesson II

JUSTICE (Part III of the Report)

SUBJECTS FOR DISCUSSION

1. Equal moral rights of all states.
2. Protection of lives and property of citizens abroad.
3. Protection of national honor.

4. Limitations on national development.
5. Elements of international intercourse.
6. Immigration and international peace.

QUESTIONS

1. What limitations are placed upon the right of a government to the protection of the life and property of its citizens abroad?
2. Upon "National Honor"?
3. Upon national development?
4. Upon retention of peoples as colonies?
5. Upon self-determination of peoples?
6. Why are tariffs of importance in international relations?

PAPERS

A review of the sections dealing with the United States in Moon's "Imperialism and World Politics."

Lesson III

CHARITY. (WAR NOT ALWAYS WRONG. Part IV of the Report) (Part V, first two Paragraphs)

SUBJECTS FOR DISCUSSION

1. Charity as a duty of governments.
2. Patriotism and nationalism.
3. Intervention as sometimes a right and duty of international charity.
4. Limitations upon it.
5. Possibility of a just war.

QUESTIONS

1. Why is charity a duty of government?
2. Wherein does excessive patriotism oppose Christian charity?
3. What different forms of intervention are there?
4. Why is war not essentially morally wrong?
5. Discuss reasons why some persons hold war is always wrong.

PAPERS

1. Review of Hayes' "Essays on Nationalism," the work to be divided between two persons.
2. Review of "Patriotism, Nationalism, the Brotherhood of Man," Hayes (Catholic Association for International Peace).

Lesson IV

WHEN IS WAR JUST? (Part V of the Report, Continued)

SUBJECTS FOR DISCUSSION

1. Safeguarding rights.
2. Certainty of their violation.
3. Proportionately grave cause.
4. Necessity of recourse to peaceful means.
5. Good reasons to hope for victory.
6. Arbitrated peace treaties.

QUESTIONS

1. Why must the rights be actual rights?
2. Why must a government be certain of its case?
3. Why ought there be greater cause in the future than in the past to justify war?
4. Why ought war to be the last resort?
5. Why ought peace treaties be arbitrated rather than imposed or negotiated?

PAPERS

1. A Review of "The Morality of Conscientious Objection to War" (Catholic Association for International Peace).
2. "The American Citizen and Foreign Policy."

Lesson V

PROMOTING PEACE (Part VI of the Report)

SUBJECTS FOR DISCUSSION

1. Obligation of American citizens in our foreign policy.
2. Education towards peace.
3. Excessive patriotism in the United States.
4. Catholic lay organizations and peace.
5. The Catholic press and peace.
6. The possibility of permanent peace.
7. Pope Benedict's peace proposals.
8. Pope Pius XII's Peace Program.

PAPERS

1. "Christ, the Prince of Peace" (Encyclicals *Ubi Arcano* and *Quas Primas*, Encyclicals of Pius XI).
2. Review of "The World Society" and "America's Peace Aims" (Catholic Association for International Peace).

THE Catholic Association for International Peace is a membership organization. Its object is to further, in accord with the teachings of the Church, the "Peace of Christ in the Kingdom of Christ," through the preparation and distribution of studies applying Christian teaching to international life.

It was organized in a series of meetings during 1926 and 1927—the first held just following the Eucharistic Congress in Chicago, the second held in Cleveland that fall to form an organizing committee, and the third in Easter week, 1927, in Washington, when the permanent organization was established.

The Association works through the preparation of committee reports. Following careful preparation, these are discussed both publicly and privately in order to secure able revision. They are then published by the organization. Questions involving moral judgments are submitted to the Committee on Ethics.

The Association solicits especially the membership and co-operation of those whose experience and studies are such that they can take part in the preparation of Committee reports.

The junior branch of the Association has been composed of students in International Relations Clubs in more than a hundred Catholic colleges and in Catholic clubs of secular universities. The separate clubs are united in geographical federations, *e. g.*, New England, Lake Erie, Middle Atlantic, Capital, Ohio Valley, Mid-Western and Central. The clubs comprising these Student Peace Federations are becoming the nucleus of the International Relations Commission of the National Federation of Catholic College Students. The N. F. C. C. S. together with the Newman Club Federations and Diocesan Councils constitutes the National Catholic Youth Council, which operates under the National Catholic Welfare Conference.

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