

thing is to love; without love there is no good action. Love is not some particular behaviour, and therefore when we prescribe love we do not prescribe a particular course of action. But since the word 'love' has meaning, and is not just a comforting noise, there are certain actions which would be opposed to it, for example murder, adultery, and so on, and these are therefore, as a matter of logic, prohibited.

To summarise my objection to the New Morality: I think it rests on a dualistic view of man, on the view that he inhabits two worlds—a public world of observable actions like cruelty and murder and adultery, and a private world of really human actions, like motives and intentions and love. The central thesis of the New Morality is that there is no intrinsic connection between the two: what we say about the public world is only a rough guide to what is really right and wrong in the private world; we can only make real moral judgements when we enter into the private world and ask 'Am I loving or not?'

## The Bird's Eye View

### Some Thoughts about the Just War Tradition

G. S. WINDASS

#### 1. *The Theory*

Although the teaching and example of Christ clearly call us away from violence and hatred and bloodshed, the world often pulls the other way. The tension which results can be agonising; and it is tempting to get rid of it straightaway by a kind of intellectual manoeuvre. We can for instance pretend that the world does not exist—or that we are not responsible for it; or we can pretend that the gospels do not apply to it. If we succeed in reducing the tension, then is the time to beware; for the tension between the world and the gospels can only be removed by eliminating one of them; and both are necessary for a Christian-in-the-World.

St Augustine felt forced by historical circumstances to admit that a man could serve in the army and still please God; but it was not without

a great sense of strain that he gave some kind of approval to 'such great, repulsive and cruel evils'. From scraps of St Augustine, the Western Church evolved what has come to be known as the 'just war tradition', permitting war, and later making it obligatory, in certain defined circumstances. The idea of a 'just war' is an explosive one; it provokes extreme responses. The Roman Catholic who still bases his thinking on this tradition, or the more common type, who simply relies on the opinions of 'experts' and does not think at all, will regard the just war as part of the Creed and will afford it an unquestioning reverence; those who do not have such faith consider it as just another piece of appalling Roman casuistry.

Before we become heated on either side of this debate, it is worthwhile to consider the very real difficulty which gave birth to, and which will continue to give birth to, just war traditions. St Augustine's difficulties with the Vandals on the coast of North Africa may seem remote to us; but the difficulties of the Indians in the face of the Chinese invasion, and the difficulties of Hammarskjöld in the Congo, are not so remote. Unless we are prepared to condemn outright any use of organised violence by any group, to condemn Hammarskjöld for his armed intervention in the Congo, and the Indians for their resistance to the Chinese, we seem forced to say that there are some circumstances in which we 'admit' the 'justice' of war. And as soon as we try to organise these hypothetical circumstances into a coherent system, to define precisely when it is 'right' and when it is 'wrong' to fight, then we are on the highroad of the just war theory, which has been trod before by the theologians of the Roman tradition. Theirs is the most coherent attempt to work out such a system; so their efforts are worthy at least of our very serious consideration.

The central theme of this system of thought, as expressed for example by St Thomas Aquinas, is that war can be an *instrument of justice*. What this means is best understood by comparing the life of a nation, in which the individuals are ruled by the state, with the life of the international 'community', in which the states themselves become like citizens. Now every state finds it necessary to have some kind of system of justice, and to use some form of judicial punishment, if only to keep order; and clearly someone must do the same in the international community. No-one can do this however in the international community except sovereign states—because they are, by definition, supreme, and therefore no-one can do what they cannot do. Sovereign states therefore have a right of judicial punishment in the international field, just as they have in the national field; the only alternative is international barbarism.

Of course, there are plenty of *lacunae* and theoretical difficulties in all this. The most obvious difficulty is the oddity of saying that one supreme being can ever punish another supreme being. But theoretical difficulties are only a challenge to ingenuity; according to the usual explanation, a state which commits an offence becomes, by that very act, subject to the state which it offends in respect of that particular breach of order; automatically, therefore, the offended state becomes judge and executioner of the offending state.

By appealing to the idea of order in the international community, the just war thinkers gave to war this definite status as an instrument of justice; this is the central idea, the central light which illuminates the whole system. Only in the light of this idea can we really understand the arrangement and the detail of a treatise such as that of the Spanish theologian, Suarez, who in many ways represents the final flowering of the medieval tradition.

All the emphasis is on the *conditions* of the just war, that is, on the reasons which would make the original decision to go to war a just decision. For, since the war is essentially an instrument of justice, the formal decision of the judge-state which has 'tried' the case in the instance is obviously of prime importance.

These 'conditions' are most easily understood under the three categories of St Thomas: legitimate authority, just cause, and right intention. There must be legitimate authority: that is, the war must be declared by a genuinely *sovereign* state, for only these states, according to the general theory, have judicial capability. There must be just cause: and this of course is the condition which comes in for the most extensive discussion, since here are elaborated the 'laws' according to which the sovereign judge makes his decision; in general terms, what is required under 'just cause' is a gross violation of a right, which cannot be remedied in any other way than by war. There must finally be right intention: that is, the warring state must intend to promote the good and avoid evil: and under this last condition come the notoriously difficult 'rules of proportion'; the possible good results of the war must be weighed up against the possible evils of the act of war—and victory must be probable enough to justify the use of such dangerous means of achieving it.

The other subjects discussed by the just war theorists are peripheral to this central theme. There are, for instance, the questions relating to the actual *conduct* of the war. Strictly speaking, there are *no general* rules at all for the conduct of war: there are only rules for the conduct of war by the *just* side—the other side has no right to be fighting at all. You would not

expect a state to draw up rules about how a policeman should be assaulted, or how a judge should be assassinated. The rules for the just side are determined by the general principle, that war is an instrument of justice. With regard to prisoners of war, Vittoria considers that it would not be 'a violation of justice' if guilty prisoners were put to death. With regard to the sacking of cities, Suarez considers that such an act is permissible, if it is required by the gravity of the offence, or by the need to deter other offenders. These answers are logical, and in a sense necessary, according to the original scheme of thought.

The rights and duties of the individual citizens can be understood in the same light. Has the soldier, or even a prominent citizen, any duty to enquire into the justice of his prince's wars? Suarez's predecessors had been inclined to say that prominent citizens, at least, had such a duty, because charity would require them to save their sovereigns from the great evil of embarking on an unjust war if they were in a position to do so. Suarez' system however is more coherent; he realised that if many people felt obliged to enquire into the justice of their prince's war before committing themselves to it, then war simply *would not work* as an instrument of justice, and therefore the whole basis of the just war tradition would be cut away. The sovereign is the judge; the people must be the instrument, not a crowd of squabbling auxiliary judges. Great stress is placed therefore on *obedience*. Suarez does admit, grudgingly, that if a soldier has *very grave doubts* about the justice of his prince's war—that is, if he is practically sure that it is in fact unjust—then he must enquire further; but as to what he should do after his enquiries, Suarez gives no guidance; he leaves the matter discreetly alone.

A third 'peripheral' problem often discussed is that of neutrality. There is in the just war traditions no 'right' of neutrality; and this must be obvious, when we consider that war is essentially an instrument of order for the benefit of the whole international community. There can therefore be no *right* of neutrality, any more than an individual citizen has a right to stand by and watch a policeman being beaten up by a bandit. A country may perhaps be neutral because it cannot make up its mind who is right and who is wrong; but this is an unfortunate state of affairs, and its first duty will be to find out who is right, and then join in on the right side.

## 2. *The Practice*

Unfortunately the just war theory, which was essentially an attempt to *comprehend* war in a certain pattern of thought, did not succeed in *regulating* the actual situation. This is very understandable; for after all, what

Suarez was in effect saying to the warring princes of the sixteenth-century, consumed with nationalistic pride and ambition for glory, was 'You must not go to war unless you are fairly sure that you have a just cause—and unless you are fairly sure that you are going to win'; and to their subjects, of whatever status, he said 'Do as you are told!'

In the nineteenth century, however, a very different kind of legal thinking began to make its presence felt in the world. A Genevan called Henry Dunant, who had seen for himself the sufferings of wounded soldiers left on the battlefield without medical care, began in the 1850's a kind of 'crusade of charity' to remedy the situation by legal means. His efforts were eventually crowned with success when a large number of nations met at Geneva, and signed the first International Convention concerning the care of wounded soldiers. The signing of this convention was immediately followed by the growth of international organisations all over the world dedicated to the relief of suffering in war, and they all remained attached to the central organisation in Geneva. We know this movement as the International Red Cross, since it adopted as its emblem a reversal of the Swiss flag (which is a white cross on a red ground). As its motto, it took the words 'Inter Arma Caritas'.

This first Geneva Convention was the beginning of a whole series of international conferences and agreements, notably the conferences held at the Hague, which were concerned, not to comprehend, but to regulate war, and to mitigate its horrors.

What is extraordinary about these conferences is that the pattern of international law which emerged from them is *utterly different* from the theoretical law of the just war tradition; it does not deal with the same subjects, nor does it deal with them in the same way.

The most startling difference is that the whole central focus of the just war tradition is completely missing from the international law. There is no attempt at all to formulate the conditions of the just war, and to show how a nation-judge can make the original decision which determines who is right and who is wrong. It is the peripheral problems instead which now come into the centre—problems concerning the conduct of war, the treatment of prisoners, the conditions of neutrality. What was mere detail for the medieval tradition is now central for the international lawyers.

Inevitably, then, the treatment of these other subjects is radically different from the treatment of the same subjects in the just war theory. There is no means of determining the just and the unjust side; consequently, there can be no question of rules which apply to one side and

not to the other. There can only be the question of which rules everyone is prepared to accept, on the basis of common humanity and mutual self-interest, to limit the area of violence.

The original subject of the Geneva Convention, the treatment of wounded soldiers, is still a main subject of legislation; yet it does not enter at all into just war theory. Both sides, of course, are bound by the same rules; and the rules, on the whole, were observed, even in the midst of the recent calamitous wars. Hospital ships sailed brightly lit, with a Red Cross prominently displayed; and hardly ever were they deliberately attacked. On board soldiers of both sides were treated alike, simply as wounded men. No weapons of any kind were carried; soldiers arriving on the hospital ships stacked their arms on the deck ready to be taken back to the shore. On one occasion when a hospital ship was forced to sail with a stack of arms on deck, the commander did not hesitate to order his crew to throw them all into the sea. Such is the effect of a clear practical rule which has a firm foundation in humanity and common sense.

The treatment of prisoners of war is another central concern of the international conventions. Needless to say, they are not to be executed. But the Geneva Conventions say much more than this; they regulate the conditions of work for prisoners, their food, shelter and intellectual needs. These rules were less rigorously observed than those concerning wounded soldiers; but nevertheless they have passed into the manuals of military law, and certainly did much to mitigate the hardships of prisoners on both sides. Regulations concerning the treatment of civilians in occupied territory had a similar mixed success.

Rules about the limitation of weapons have also been agreed to, but these have had little effect; and the reason is not far to seek. If the conventions against poisonous weapons were to be enforced by an international court, there is little doubt that they would outlaw all nuclear arms.

The sharpest contrast between the just war tradition and the established rules of war is, however, in the matter of neutrality. Instead of being a regrettable situation in which some nations find themselves for lack of information, neutrality now becomes a proper status, carefully safeguarded by every possible rule. It is a defined international *right*, and it implies defined obligations. The territory of a neutral is inviolable—no warring nation can use it for the passage of weapons or troops; and the neutrals themselves must observe a strict code of conduct in return for their privileges. Certain states, like Switzerland, are guaranteed perpetual neutrality by diplomatic convention. There is a kind of sanctity

about neutrality in international law, which is the counterpart of the sanctity of the just belligerent in the just war tradition.

As for the initiation of war, there is no elaboration of the 'conditions of a just war' in the style of the old theorists. On the other hand, there is a consistent and prolonged effort in all manner of treaties and conventions and other instruments of international law to renounce violence, to establish third-party arbitration of disputes, to extend the concept of the *illegality of war*. Self-defence is still reserved as a right, of course, in the UN charter. Superficially, one could say that the international law at this point is saying exactly the same thing as those champions of a reduced form of the just war theory, who maintain that only 'self-defence' and 'necessity' are now legitimate 'causes'. But in reality, there is usually a very different type of thinking involved. It is one thing to say that a nation can plead self-defence if it is charged with the crime of war before an international court; and it is quite another to proclaim self-defence as an abstract sovereign right, a diminished survival of a more general right of war. It is like the difference between saying that self-defence is a possible defence-plea in a murder trial, and saying that people have a right to kill each other, but that they should only do it nowadays if it is necessary or if they consider it vital for self-defence!

The fact is that the just war theory, as its name suggests, remains constitutionally bound to a concept of the radical *justice of war*—however much its exercise is limited. Whereas man's efforts, so far unsuccessful, to drag himself out of the mire of mass-violence, have always been based on an implicit assumption of the radical *injustice of war*, as the major symptom of international disorder.

How is it that the two traditions, the tradition of international law and the tradition of the just war theorists, can be so radically different? Although one is an attempt to *comprehend*, and the other to *regulate*, still we should not expect them to be so very different, if they are really both concerned with justice; surely the theory and the practice should not be contradictory!

The fact is that there are two enormous difficulties in the way of any law concerning the justice of war between nations. They are difficulties both in theory and in practice; but whereas in theory it is possible to overcome them, in practice they are quite obviously insuperable.

One is the difficulty of working or conceiving any legal system in which every man, or sovereign, is a judge in his own cause; and the other is the difficulty which always arises when any attempt is made to marry justice to violence.

### 3. *The Difficulties*

It is one of the best-founded principles of justice that no man should be the judge in his own cause. It is based on the fairly well-established fact that people usually tend to approve of their own conduct. If this is true of individuals, it is a thousand times more true of nations, as has been demonstrated by the philosopher and theologian Reinhold Niebuhr, and more recently by Gordon Zahn, who has shown by a sociological study<sup>1</sup> that Hitler's wars were almost unanimously supported by Catholics in Germany. The principle is almost universally recognised, for without it there is in practice no order but only chaos. Even squabbling children recognise in a vague kind of way that the only way to settle really serious quarrels without broken heads is by arbitration; and, of course, all legal codes embody the same principle. It is not an exaggeration to say that the idea of an impartial judge is built in to the very meaning of the word 'justice' as we normally use it.

It is easy to see, then, that if each nation is constituted a judge in its own cause, this is a difficulty in theory as well as in practice—it is in fact a difficulty concerning the most practical of theories. The theorist finds this awkward; the lawyer finds it quite impossible. Suarez, for instance, admits that there is something badly wrong with international justice so long as sovereigns do have to judge their own causes; and he even looks forward vaguely to a time when this will no longer be the case; but in the meantime, he is quite content to elaborate a complex theory of justice in which the nations do judge their own causes, since, he argues, some form of justice, even though it is faulty, is better than no form of justice. After all, the difficulty is not a radical one; there *is* an objective right and wrong, justice and injustice in the abstract, and although it may be hard to arrive at it if you judge your own cause, it is obviously not impossible to do so.

International law however cannot follow this path. For if two opposing states, both sovereign, confront each other in war, and each judges its own cause by a 'legal' process, the result would be only too easy to predict; each would judge itself to be in the right—and *legally speaking*, each would be in the right! Consequently, if anything like the 'just war' process were written into international law, practically all wars would be just on both sides—which is of course legal nonsense. That is why international law does not try to build any rules at all on such an unsure foundation.

The linking of violence with justice presents another kind of difficulty;

<sup>1</sup>*Catholics and Hitler's Wars*, Sheed and Ward, 1963.



for violence and justice are two radically opposed ideas. They represent two ideally opposite ways of living together, and the progress of humanity is largely the progress from one to the other. Difficulties thrown up by the unnatural union of the two opposites emerge, both in just war theory and in international law; and again the theorists manage to sail round a difficulty which makes the channel of the just war quite unnavigable for the international lawyers.

It was always stressed in the just war theory that you had to be sure of victory before you could legitimately fight a war. This rule is an inevitable one, if you are going to say that the purpose of war is really to make things better, and not to make them worse; but equally inevitable is the conclusion that, if only those who are sure of victory can make war, the more powerful nations have on the whole *more right* to make war than the weaker ones—since they can be more sure of victory. Suarez' stately ship of justice sails near to the rocks when he discusses the question of *how sure* of victory you have to be before you can make war. Previous writers had said 'morally certain'; but Suarez cannot accept this, partly on the grounds that it would mean a weaker nation could never vindicate its rights of war against a larger one—and this, of course, outrages our sense of justice; therefore, says Suarez, you only have to be fairly sure (more than 50 per cent sure) of victory. What he does not point out, however, is that this still means that a *very* small nation can never vindicate its rights against a *very* big one—which, if anything, outrages our sense of justice even more! Again, Suarez acknowledges the difficulty; he even feels that, in view of this difficulty, the Great Author of human nature must have other plans for the future. But Suarez hasn't; and the theory sails on.

For international law, the difficulty is radical; to accept in any sense a judgement by violence is to dig a grave for justice. If such a rule were written into the law of nations, it would open up a prospect for the legal conquest of the whole world by one self-judging sovereign, whose supreme might would then be supremely right.

The law leaves war in a kind of no-man's land, which is neither legal nor illegal; it accepts the regrettable fact that international law suffers 'a kind of eclipse'<sup>2</sup> when the choice between peace and war is made. Abandoning for the moment this central problem, it concentrates on *restricting the area of violence*—excluding certain people, certain places, certain weapons, certain countries; in this way it follows the only really successful peacemaking efforts of the medieval church, the

<sup>2</sup>Julius Stone, *Legal Control of International Conflicts*, London, 1954, p. 297.

'Truce of God', which prohibited war on certain holy days, and forbade attacks on certain holy people. Like the modern international law, the Truce of God was an effort to regulate, and not to comprehend; it applied indiscriminately to both sides, and it built on the basis of what was then a common moral principle—a respect for the 'sacred'.

#### 4. *The Hidden Depths*

How is it that the just war tradition, even in the present world situation, manages to sail so easily round the difficulties which make nonsense of the whole idea of a just war in terms of practical law-making?

An easy answer would be that this tradition lives only in a realm of abstraction, where the ground of reality is lost in a cloud of hypotheses, and where any problem can be solved by a suitable manipulation of ideas. This is part of the truth; but it is not the whole truth. The fact is that just war thinking is still a very live tradition, and that it lives in an inarticulate form in the minds of ordinary folk, as well as in the manuals of Catholic theology; it is still a way of formulating a very real attitude to a real situation, for all the smoke-screen of abstraction.

It might be thought, on the other hand, that reducing the causes of a just war to 'self-defence' and 'necessity' would solve the problem. If someone flies at us with a knife, there seems no puzzle about our right to stop him, and not much need to calculate the possibility of success. This is, however, a dangerous misrepresentation of the real dilemma. If it is war between the major power blocs which is our concern, it is not going to start like that. It is obviously going to start from a crisis-situation such as that in Vietnam, in Berlin, in Cyprus, in Cuba, where the only thing that is really clear is the moral and legal complexity of the issues involved. We have, for instance, Kennedy's own word for the appalling injustice of America's past treatment of Cuba, and few of us would be enthusiastic about dying for President Diem. We are, in fact, in imminent danger of being involved in an unjust war of unimaginable dimensions. The complexity of the issues and the intensity of the passions involved make it more absurd than ever it was to base our whole position on the ability of each side to judge its own cause.

Once the crude analogy of the knife-attack disappears, and we begin to question more closely the concepts of 'necessity' and 'self-defence', the problem of the *calculation of success* also begins to assume gigantic proportions. It seems so obvious that such destruction would be involved in any nuclear war that it would not make sense to resolve any issue in this way.

So the problem remains. If the just war tradition is a real expression of a real attitude to present international conflict, how does it in *practice*, if not in theory, solve the very real problems which we have uncovered?

Throughout its long history, the just war tradition has been much more incarnate than it at first appears; much more bound up with actual historical situations, that is, than one would suspect from its lofty tone. St Augustine was concerned with the barbarian attack on Imperial Rome; Vittoria with the Spanish colonisation in Central America; Suarez with the wars against the heretical English. The just war theorists of our day who are still concerned to justify the use of international violence are concerned with one dominant theme; the conflict between communism and capitalism.

Not that this forms an explicit part of their doctrine; but the underlying presence of the real issue can be detected by the 'purple patches'. Most works of moral theology which touch on this problem of war, and yet remain comfortably within the conservatism of the just war tradition, are written in a 'cool' style; straightforward, logical, colourless, rationally persuasive. At times, however, the language lights up with an unaccustomed glow; this is when communism is discussed. Then a new kind of rhetoric emerges, and a new vocabulary—'ruthless, tyrannical, atheistic, unscrupulous'. These purple passages give us the key to our problem.

The problem of how states can judge their own causes is really solved by such writers, because they have in mind only one major conflict; and *this conflict they have already prejudged*. They are quite certain, as if by the light of a supernatural revelation, who will be right and who will be wrong; so there is simply no problem of how to decide. I am not arguing, for the moment, against this decision; I merely wish to draw attention to what is in fact going on under the smoke-screen.

What of the second problem, that concerning the marriage to violence? Even in terms of the just war tradition, it is unlawful to fight unless you are likely to succeed, and unless you will gain more by victory than you, and perhaps the whole of mankind, will lose by fighting. At first sight, this would seem to condemn in advance any nuclear war, both on the ground that you could not be sure of winning, and on the ground that, if you did, the world would be in such a mess that it would have been better not to fight. In other words, the contradiction between violence and justice now seems unescapable—there may be, as Pope Pius XII suspected, an obligation to 'suffer injustice'.

Yet again some modern moralists manage to sail round the difficulty;

how do they do it? Another set of 'purple passages' provides the clue we need; these are the passages in which the old heroic battle-imagery floats up to the surface. A war, we are told, can still be just, even if we are not going to 'win' it; because 'a higher obligation—that of respecting one's plighted word, of defending the higher values of religion and civilisation, etc., may sometimes lead to choosing an (*sic*) heroic defeat instead of an inglorious capitulation. The nations which have been *martyrs* (my italics) to their duty render a supreme testimony to Right which echoes throughout the centuries and keeps humanity faithful to the cult of honour and justice'.<sup>3</sup>

It is easy to see that the attitude of mind expressed here provides a real answer to the difficulties of reconciling violence and justice. If we can put it in logical terms, the answer is this: it is always just to fight for the right, because even if you are defeated and killed, your heroic death in battle will further the cause of justice and bring you 'glory'. The old fire of our Germanic ancestors still smokes in such sentiments, and the Christian words 'martyr' and 'sacrifice' acquire a new meaning. What is required to resolve the conflict of violence and justice is a kind of act of faith in battle; again, as in the previous problem, it is a supernatural illumination, a sort of *deus ex machina*, which solves the problem. Needless to say, the argument for war based on the necessary glory and efficacy of the heroic 'battle-martyrdom' implies a rejection of the whole Christian tradition of the non-violent sacrifice—the tradition of the early martyrs; for we can only argue for war on the grounds that defeat in battle is glorious and efficacious, if we at the same time deny that the non-violent sacrifice is glorious or efficacious in the same way.

All this fits rather oddly into the tradition of the just war, which is supposed to be an attempt of the natural, practical reason to solve a problem of order; but if I am right, it is in the purple passages, rather than in the subtle logic, that the crux of the problem of war is to be found. It is the sentiments they express which reveal the deepest motivation, and make the most effective appeal. Put in a crude form, these sentiments are the following: first, the cause of West against East is the cause of Right against Wrong, of God against the Devil, and therefore the demand for an impartial judge is not only superfluous but nonsensical; and, secondly, it is always just and glorious to fight for the right, and unjust and ignoble to submit.

<sup>3</sup>See *Code of International Ethics*, Catholic Social Guild, page 78, quoted with approval by Mgr McReavy in his latest book, *Peace and War*, published by Catholic Social Guild, 1963.

Nothing that I have said invalidates either of these positions. What must be emphasised, however, is that the just war theories are likely to be much more incarnate than they appear. They are often based on religious presuppositions and political attitudes which at least demand to be un-earthed and examined.

### 5. *The Bird's Eye View*

The worst danger to Christian moral thinking, and to the thinking of Roman Catholics in particular, is to imagine that there is always a moral system worked out by some 'specialist' which will give all the answers to the problems which torture the consciences of over-sensitive 'heretics'.

We have already seen that the just war theory is much more 'incarnate' than it appears to be. But even if we accept all its presuppositions, the just war tradition always points beyond itself, and demands today that we make a personal assessment of the world situation, an assessment that no-one else can make for us, and one that cannot be made just by applying rules. It demands, in effect, that we should weigh up the good to be achieved by a possible war against the evil it would involve.

To make this assessment we have to look, with our own moral eyes, into the face of violence as it really exists in our society. We must think seriously, realistically, about nuclear war, about the burning of people in cities, as a group act in which we may well be involved; and we must take another look at the values of our 'way of life' which we may be hoping to preserve by such an act. Such a confrontation is demanded by the just war tradition itself. To swallow someone else's estimate, whether on the grounds of obedience or through laziness, is not only to avoid our deepest responsibilities, but to misunderstand the very teaching we pretend to follow.

The 'bird's eye view' in moral theory is useful; but it is to a large extent illusory. The bird must have taken off somewhere, and he is going to land somewhere; and what is more, the 'view' he will have from the air depends very much on why he has taken off, and on what he intends to do when he lands. A moral bird's eye view is of the same kind. It is normally built into a life of moral perception and of real moral commitment, and, if this is recognised, the 'view' can be a useful help in making choices; but if this is not recognised, the upward flight can be morally dangerous. Either it will serve only to obscure a moral choice that has effectively been made; or it will become a trivial game with no serious relationship to any choice at all. The second of these two risks I shall call, the 'chess-game'.

The degeneration of moral thinking into a chess-game is in part the result of a kind of abstraction from normal legal thinking; it results from the pre-occupation with an ideal world of absolute right and wrong, of black-and-white values, of 'pure' justice. This is a reflection of legal thinking; for the law has to define, it has to fix absolutely right and wrong, it has to be 'cruel' to the exceptional case—because only in this way can the law be an effective guide to conduct, and a sound basis for clear judicial decision.

The just war tradition aims at the same kind of definition; but there is one very important difference between the just war tradition and positive human law. The laws by which we live are always being adjusted to changing reality; they are adjusted at one end by the law-making processes of the government, which, precisely because it has to *govern*, is concerned that its definitions should be useful ones; and they are adjusted at the other end by the courts, who are continuously applying the laws to concrete situations, and so building up a tradition of interpretation and practical wisdom. In the case of the just war tradition, the situation is very different. There is the same attempt at theoretical definition; but there is no corresponding contact with changing reality. There is no effective legislature which is really concerned to govern; and there are no courts to see how laws apply to concrete cases, and so build up a tradition of practical wisdom. There is no 'case-history' of the just war theory. The world moves on, and the theory remains; the old fancy dress can be retained, as it is by the 'guards' at the Tower of London, for amusement or for display; but the real work is done by plain-clothes men.

In a game of chess, you begin by defining the pieces; the king can, by definition, make certain moves, and the knights, the bishops and the castles can defend him in definite ways and in definite circumstances. Once the pieces are defined, the game can proceed; and the players can become extremely skilful. If anyone were to interrupt the game, overthrow the board, and say, 'But I don't think the king *ought* to take the pawn!' or, 'There are no more castles today', or 'I don't think the knight *should* jump over people's heads', he would be considered a boor and an idiot; and so he would be, in terms of the game. His mistake would be to think that the game had something to do with the world.

If the just war tradition is to avoid the danger of turning into a game of chess, it may have to make some distressing re-adjustments to its original definitions; of sovereignty, of war, and perhaps of justice itself.

6. *The Noose Round the Scriptures*

Has the Christian then no sure foundation to build on, no reliable guide in a world of changing values? Indeed he has a foundation, and he has a guide, in the revealed word of God; but this Word does not provide him with a ready-made blue-print for the structuring of human society, which he just has to copy off. The Word is a call, and a way, not a book of rules; it gives a direction, but it is not the 'first-right-second-left' sort of direction; it is rather the kind of direction that the sun gives when it rises in the East. It is still for the Christian, in community with his fellows, to examine the lie of the land, to choose the paths, perhaps even to make the roads that will lead towards the light.

Perhaps the saddest thing about the just war tradition is the way in which it has diminished the call of the gospels. It is fairly evident that the teaching and example of Christ have something to do with violence; and it is also evident that the idea of Christ making war is an odd one. Not that the question of war was at all a remote one in Palestine. The Jews were ruled by puppet kings and oppressed by a tyrannical government, which only a few years before the birth of Jesus had carried out mass-executions of Israelite rebels; an important body of Jewish opinion was always in favour of revolt. Since the question of war was a very immediate one, our dominant impression of Christ's attitude to it is important.

At the same time, as we saw at the beginning of this article, it seems that there are real human situations in which, so far as we can see, it would be out of place to condemn some organised violent resistance, taking into account the full human situation, and the stage of evolution reached by humanity; so St Augustine taught that a man could serve in the Roman army without sin, and we perhaps feel we cannot condemn the Indians for resisting the Chinese. So far, so good.

At this point, however, a very insidious danger can arise, through a demand for a certain type of religious systematisation. We demand, as it were, a clear black-and-white pattern, in which every conceivable human act is either ticked or crossed by a heavenly schoolmaster; and we regard the gospels as a sort of divine 'answer-book'. We find it meaningless, or inappropriate, to condemn violence in certain circumstances; therefore, we say, acts of violence in these circumstances are white, not black; therefore, our original impression that the gospels teach us something about the unholiness of violence in general *must be a mistake*—we must in fact have been wrong to think that the gospels had anything to do with this particular kind of situation; or rather, since there are 'white'

acts of violence, the gospels must, *if we read them carefully enough*, tell us quite clearly that they are right, and not wrong—for are they not the divine answer-book?

The result of this kind of thinking, if it is pressed, is to draw a kind of noose round the non-violent teaching of the gospels, which progressively tightens under intellectual pressure until the very life-blood of the counsels ceases to flow. The process is well-illustrated in 'just war' history; but it is an ever-present danger. The 'neck' of the gospels is the teaching of the Sermon on the Mount concerning non-retaliation, patience and the love of enemies, and the example of the crucifixion story, including the lesson to Peter which forms an integral part of it—'He who takes the sword shall perish by the sword'. The rope which forms the 'noose' is fashioned out of the 'peripheral' texts—the texts which are not really *about* violence at all, but which can be 'interpreted' as implying a kind of oblique approval by Christ of the kind of violence we wish to find 'ticked'.

There are at least four forms of intellectual 'constriction' normally applied to the scriptures.

The first is to limit the application of the gospel to 'inward' acts. St Augustine set the ball rolling by accepting the obvious meaning of the precepts of patience, but saying that, *as precepts*, they only applied in the 'sanctum cubile', the innermost sanctuary of the heart. Certainly he, and St Thomas who followed him, considered that the 'inner dispositions' should always be seeking outward expression; but it is a fairly easy step from this to the position that, as precepts, these teachings have *nothing to do with outward acts*—and this, of course, clears the decks for a theory of outward acts which need not take any account of troublesome texts. The final corruption of this attitude is probably seen in the popular piety which limits the 'love' of enemies to 'praying for them'—but apart from that, treats them exactly as they would have been treated if Jesus had never disturbed the world with his Sermon on the Mount.

Another constrictive device is to ask, not what is commanded by the gospels, but what is *forbidden* by them. Of course, if the gospels are the divine answer-book, it comes to the same thing—to know what is wrong is also to know what is right. Suarez takes the text, 'Revenge not yourselves, my dearly beloved' (which continues, 'If your enemy is hungry, give him to eat'), and he asks, what is forbidden by this precept? The answer is clear: revenge is forbidden. Therefore, so long as we avoid vengeance, we shall be on the right side of this precept; and the decks are cleared for a theory of the just war which will be concerned, not with



vengeance, of course, but with punishment.

A third constriction is to divide the teachings of Jesus into 'precepts' and 'counsels'; and then, even if the difficult texts are accepted at their face value, they can be regarded as a sort of 'optional extra', to be undertaken by special people, but not part of the essential fabric of salvation. They are like extra sums at the end to be done by the good boys; or like the decoration on the Christmas cake, which has no real connection with the quality of the cake inside. Again, this can have the effect of reducing the scope of the Word of God, and enables us to elaborate theories of justice which do not have to take scripture into account.

Yet a fourth constriction is to distinguish *private* acts from *public* acts, and to limit the application of the gospels to the private sphere. This distinction has been of far-reaching importance for Christian ethics. The advice to Peter, 'He who takes the sword shall perish by the sword', was taken by the early church to mean what it said—perhaps in a crudely literal sense. But from the fourth century onwards, it was taken to apply only to private acts of violence. If the executioner took the sword, or if the soldier took it on behalf of the public authority, this was quite outside the scope of Jesus's warning.

Thus the neck is steadily constricted; and the noose is woven from the peripheral texts where violence is not in question. The centurion's faith was commended by Jesus—and he was not told to get out of the army. John the Baptist told the soldiers to be content with their pay. Jesus chased the moneylenders with a whip. And—the most subtle thrust of all—he commanded his followers to pay the coin of the tribute to Caesar, who used this very money to pay the soldiers of Rome. Even today, learned theologians, if they do not happen to be scripture scholars, will descend to the level of Jehovah's Witnesses by pointing out that, whereas Jesus told his disciples not to take the sword, he also told them to sell their cloaks and buy swords with the money!

Suarez, at the beginning of his magnificent treatise on the just war, has to deal first of all, very briefly, with the pacifist heresy. He considers in turn all the notorious 'pacifist' texts, and dismisses them in turn by the various devices of interpretation which we have here outlined. The final result of his interpretation is to show that the gospels are in fact completely irrelevant to the whole issue, and this enables him to complete his logical and well-proportioned treatise without further reference to them. He has indeed dismissed pacifism; but one cannot help thinking that he has thrown out the baby with the bathwater.

7. *The Dilemma*

The dangers are obvious; but it is not so obvious how to avoid them. We have answered no problems, but only uncovered some. Perhaps this is the beginning of progress. After all the theoretical firework display is over, we are left with the world, the revelation, and our own responsibility. Christians have a light, which must be trimmed and held aloft to guide humanity; but they have no map to plot the path we must take.

If Jesus had been asked, 'What does your teaching apply to?' we may guess that his reply would be something like that which he gave to the Pharisee who asked, 'Who is my neighbour?' His answer to that question, enshrined in the parable of the Good Samaritan, was 'It is up to you who your neighbour is'. The answer to our question, 'What does the gospel apply to?' might be 'It is up to you what it applies to'.

It is an uncomfortable answer, because it leaves us with an ill-defined, and yet a heavy, and even a revolutionary, responsibility; but unless Christians can re-capture such a state of mind, they will have little to say to the world we are moving into.

## Snow against the Poets

KENELM FOSTER, O.P.

To this second edition<sup>1</sup> of his now famous Rede lecture Sir Charles Snow has added fifty pages of further thoughts provoked by the extraordinary amount of attention it received. One can say 'extraordinary' without irony, or with little. In itself the lecture was not very remarkable—neither deep, nor subtle, nor closely reasoned, nor witty. But it made its points with force and it was exceedingly topical. Moreover Sir Charles is an interesting and versatile man, and as a writer he has a beguiling knack of combining a certain high seriousness—solemnity even—with the common touch. One feels that he has tried hard not to be spoiled by success—not, in a sense, to be changed by it at all. He brings the whole of himself, his feelings as well as his gifts and experience, into all that he writes. He does so here. Allusions to Rutherford and G. H. Hardy,

<sup>1</sup>*The Two Cultures: and a Second Look*, by C. P. Snow; Cambridge University Press; 10s. 6d.