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## THE MORALITY OF OBLITERATION BOMBING

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### THE MEANING OF OBLITERATION BOMBING

IN GENERAL the term obliteration bombing is used as the opposite of precision bombing. In precision bombing very definite, limited targets, such as airfields, munitions factories, railroad bridges, etc., are picked out and aimed at. But in obliteration bombing, the target is not a well-defined military objective, as that term has been understood in the past. The target is a large area, for instance, a whole city, or all the built-up part of a city, or at least a very large section of the total built-up area, often including by design residential districts.

In the early days of the present war the British did not make use of obliteration bombing; the government insisted that only military objectives in the narrow sense were to be aimed at.<sup>1</sup> It was such insistence by the British government that led Canon E. J. Mahoney to justify the Catholic pilot or bombardier ordered by his commanding officers to drop bombs on Continental targets.<sup>2</sup> Churchill, on Jan. 27, 1940, had condemned Germany's policy of indiscriminate bombing as a "new and odious form of warfare."<sup>3</sup> But with the appointment of Sir Arthur Travers Harris to the control of the Bomber Command, on March 3, 1942, the RAF changed its policy and took up obliteration bombing.<sup>4</sup> According to *Time*, the men responsible for the new policy were Sir Arthur Harris, Chief of the RAF Bomber Command, and Major General Clarence Eaker, commander of the United States Eighth Air Force.<sup>5</sup>

The leaders in England acknowledged the new policy. Churchill no longer condemned this "odious form of warfare," and promised the House of Commons on June 2, 1942, that Germany was to be

<sup>1</sup> J. M. Spaight, *Bombing Vindicated* (London: Geoffrey Bles, 1944), p. 67; also Vera Brittain, "Massacre by Bombing," *Fellowship*, X (March, 1944), 51.

<sup>2</sup> E. J. Mahoney, "Reprisals," *Clergy Review*, XIX (Dec., 1940), 471.

<sup>3</sup> Vera Brittain, *loc. cit.*

<sup>4</sup> Vera Brittain, *loc. cit.*; J. M. Spaight, *loc. cit.*; Charles J. V. Murphy, "The Airmen and the Invasion," *Life*, XVI (Apr. 10, 1944), 95.

<sup>5</sup> "Highroad to Hell," *Time*, July 7, 1943.

subjected to an "ordeal the like of which has never been experienced by any country." In July, 1943, he spoke of "the systematic shattering of German cities." On Sept. 21, 1943, he said in the House of Commons: "There are no sacrifices we will not make, no lengths in violence to which we will not go."<sup>6</sup> Brendan Bracken, Minister of Information, speaking to the press in Quebec (August, 1943) echoed the leader, saying: "Our plans are to bomb, burn, and ruthlessly destroy in every way available to us the people responsible for creating the war."<sup>7</sup> And when Sir Archibald Sinclair, Secretary of State for Air, was asked in the House of Commons (March 31, 1943) whether on any occasion instructions had been given to British airmen to engage in area bombing rather than limit their attention to purely military targets, he replied: "The targets of Bomber Command are always military, but night bombing of military objectives necessarily involves bombing the area in which they are situated."<sup>8</sup> Area bombing is another name for obliteration bombing.

Leaders in the United States have approved the bombings. President Roosevelt, replying through his secretary, Mr. Stephen Early, to protests against the bombing did not deny that area or obliteration bombing was the present policy, and defended the kind of bombing going on in Germany on the ground that it is shortening the war.<sup>9</sup> A *New York Times* dispatch quotes Chief of Army Air Forces, General H. H. Arnold, as saying that the combined chiefs of staff at the Casablanca Conference had directed American and British Air Forces to destroy the German military, industrial, and economic systems and to undermine the morale of the people. General Arnold is quoted further:

I remember a day in the summer of 1941, the day a letter from President Roosevelt came to my desk, a letter written to the Secretary of War, asking us to

<sup>6</sup> A week or two later, Mr. Churchill, in a message to Bomber Command, described the process as "beating the life out of Germany." Also on Sept. 21, 1943, he told the House of Commons: "The almost total systematic destruction of many of the centers of German war effort continues on a greater scale and at a greater pace. The havoc wrought is indescribable and the effect upon the German war production in all its forms . . . is matched by that wrought upon the life and economy of the whole of that guilty organization . . ." (Vera Brittain, *op. cit.*, p. 52); cf. also Charles J. V. Murphy, *op. cit.*, p. 95.

<sup>7</sup> Vera Brittain, *op. cit.*, p. 52.

<sup>8</sup> *Loc. cit.*

<sup>9</sup> *New York Herald Tribune*, Apr. 26, 1944; Vera Brittain's reply to President Roosevelt, "Not Made in Germany," appears in *Fellowship*, X (June, 1944), 106.

determine what would be required to defeat Germany if we should become involved in the war. The plan drawn up by the air force in response to that letter is in substance the plan we are successfully carrying out right now. (May 23, 1944.)<sup>10</sup>

Because of our bombsight, most of the daytime precision work is assigned to American bombers, while the RAF does the obliteration by night.<sup>11</sup> But the whole strategic plan of wiping out the German cities is agreed on by the leaders of both countries, and the American Air Force on occasion acts interchangeably with the British in obliteration attacks.<sup>12</sup> Accordingly, the moral responsibility for the attacks is shared by both British and American leaders.

I have mentioned the "strategic plan of wiping out German cities"; for the bombing under discussion is strategic as distinct from tactical. The distinction between strategic and tactical operations is not always clear. Sometimes it is said that strategy is the plan of war, tactics the execution of the plan; or, strategy involves the planning and operations which prepare more remotely for the actual combat, the joining in battle. When the battle is joined the operations in support of it are tactical. Thus the bombing of Monte Cassino was clearly a tactical operation, in support of the infantry and artillery. The bombing of the installations along the coast of France on D-Day was clearly a tactical operation in support of the invasion battle. But the bombing of Berlin, Hamburg, and the other eighty-eight industrial centers marked for destruction is clearly a strategic operation. This paper deals only with strategic obliteration bombing. We have nothing to say about the use of tactical bombing as an immediate preparation for battle, or in support of a battle already in progress.<sup>13</sup>

The purpose of this strategic bombing is described by those in charge of it as follows: "The bombing of Germany that is now going on has two main objectives. One is, of course, the destruction of Germany's major industrial cities, with Berlin as the main target because it is the largest as well as the most important of those cities.

<sup>10</sup> May 23, 1944.

<sup>11</sup> Sir Arthur Travers Harris, "The Score," *New York Times Magazine*, Apr. 16, 1944, p. 35; cf. also *Target: Germany*, The Army Air Force's Official Story of the VIII Bomber Command's First Year over Europe (New York: Simon and Schuster, 1943), pp. 19-20.

<sup>12</sup> *Target: Germany*, *loc. cit.*

<sup>13</sup> J. M. Spaight, *Bombing Vindicated*, pp. 24 ff.

The other main target is the fighter aircraft factories and all related factories. . . . Thus Sir Arthur Harris, the organizer and chief executive of the obliteration attack.<sup>14</sup> Another purpose is the destruction of railroads and communications generally.<sup>15</sup> And no secret is made of the direct intent to wipe out residential districts where workmen live with their wives and children, so that absenteeism will interfere with industrial production.<sup>16</sup> The leaders have clearly declared their purpose to bomb very large sections of ninety German cities, with the direct intent of wiping out, if possible, not only the industrial but also the residential built-up districts of these cities. In a speech made on November 6, 1943, Sir Arthur Harris said: "We propose entirely to emasculate every center of enemy production, forty of which are centers vital to his war effort and fifty that can be termed considerably important. We are well on the way to their destruction."<sup>17</sup> And writing in the *New York Times Magazine*, April 16, 1944, the same leader declares: "There are only thirty industrial towns in Germany with a population over 200,000. . . . Of these thirty major cities there are now only five . . . which have not been seriously damaged. Twelve of them, not including Berlin, . . . now have had their capacity to produce destroyed." He also tells us: "Many cases involve destruction of about half the total built-up area in a city. . . . But many of these industrial towns which have been knocked out of the war are as much as two-thirds or three-quarters devastated." He calls it a "mass destruction of industrial cities."<sup>18</sup>

Charles J. V. Murphy assures us: "In recent months journalists have become aware of the 'blue-book' at Harris' headquarters. . . . In it are vertical maps of every one of the ninety industrial towns and cities of Germany which Harris has marked for 'emasulation'. . . . The industrial areas which include the built-up workers' districts are carefully marked off with a red line. As these are progressively disposed of they are 'blued' out."<sup>19</sup> Murphy also tells us that "Harris' technique . . . is primarily based upon the 'de-housing' of the German worker." And Harris himself reminds us that "in a blitzed town

<sup>14</sup> "The Score," *op. cit.*, p. 35.

<sup>16</sup> Charles J. V. Murphy, *op. cit.*, p. 95.

<sup>18</sup> Harris, "The Score," *op. cit.*, p. 36.

<sup>15</sup> *Target: Germany*, pp. 19, 115.

<sup>17</sup> Vera Brittain, *op. cit.*, p. 53.

<sup>19</sup> Charles J. V. Murphy, *op. cit.*, p. 105.

there is at least much loss of production as a result of absenteeism because armament workers have lost their houses and all public transport services are disorganized."<sup>20</sup>

It requires only a little imagination to picture the agonies which this obliteration bombing has inflicted on the civil populations. Since the bombs, including incendiaries, are aimed at whole areas, and aimed at residential districts on purpose, and over these districts are dropped blindly and indiscriminately, deaths of civilians, men, women, and children, have been very numerous. At times the bombs have been dropped through heavy banks of clouds so that the target (that is, the city) could not be seen at all. When the navigation instruments told them they were over the city, they dropped their enormous bomb loads.<sup>21</sup> (According to a press report, the Allies dropped 147,000 tons of explosives on Europe during the month of May, 1944.)

The details of injuries and death to civilians and their property are described at great length by Vera Brittain in the article cited above. She quotes a member of the German Government Statistics Office in Berlin, that over a million German civilians were killed, or reported missing (believed killed) in air raids from the beginning of the war up to October 1, 1943. These figures cannot be verified, and some believe they are unreliable German propaganda.<sup>22</sup> All we can say is that the loss of civilian life has been very great, and that in the interval since October 1, 1943, the combined air forces of Britain and the United States have done much more obliteration bombing than they did before that date. Compared with what we have done, the German blitz over England seems paltry. The words of John Gordon, editor of the *Sunday Express*, in which he welcomed the new policy of obliteration, have been literally fulfilled: "Germany, the originator of war by air terror, is now finding that terror recoiling on herself with an intensity that even Hitler in his most sadistic dreams never thought possible."<sup>23</sup>

France and Belgium are also witnesses to the severity and indis-

<sup>20</sup> *Ibid.*, p. 95.

<sup>21</sup> *Ibid.*, p. 104.

<sup>22</sup> But Vera Brittain, in "Not Made in Germany," *Fellowship*, X (June, 1944), 107, maintains the reliability of her figures against criticism by Shirer.

<sup>23</sup> Vera Brittain, "Massacre by Bombing," p. 52.

criminate character of allied bombings. The hierarchy of France protested in the following terms:

Almost daily we witness the ruthless devastation inflicted upon the civilian population by air operations carried out by the Allied Powers. Thousands of men, women and children who have nothing to do with the war are being killed or injured; their homes are wiped out; churches, schools, and hospitals are destroyed. . . . We are convinced that it should be possible to distinguish with greater care between military objectives and the humble dwellings of women and children with which they are surrounded. . . . We beg you to intercede with the responsible statesmen of your countries so that no further acts of warfare may be carried out, which, by striking blindly at innocent populations, by mutilating the face of our country, might engender between our nations a volume of hatred which not even peace will be able to assuage.<sup>24</sup>

Furthermore we have the testimony of an unexceptionable eyewitness that this kind of bombing goes on in Belgium, too. Joseph Cardinal Van Roey, Primate of Belgium, in an appeal to the governments of Britain and America to stop the bombing of Belgium said (May, 1944):

For about a month now Belgium has been the object of constant day and night raids, whose avowed aim is to destroy railway stations and junctions and railway installations in general. The manner in which these raids are carried out causes fresh streams of blood to flow each time and brings incredible and irreparable damage upon town and country. Thousands of our compatriots have already died a terrible death under the ruins of their houses or in collapsed shelters in which they imagined they were safe. Whole districts of some of the finest cities of the land, like Brussels and Liege and Ghent and Charleroi, have been reduced to heaps of rubble. A third or even a half of ancient cities like Malines and Louvain—I have been able to see them for myself—have been destroyed together with some of their most precious monuments. Death and despair reign over practically the entire country. We are told indeed that these tragic results are an inevitable corollary of war operations, which aim at destroying the means of transport and factories used by the enemy. The truth, as we have seen it with our own eyes, is that, except in a few rare cases where a small number of aircraft operating in daylight hit their objectives without causing great damage, explosive and even incendiary bombs have been dropped blindly, at random, and without distinction over densely populated agglomerations covering an area of several square kilometers.<sup>25</sup>

<sup>24</sup> *London Tablet*, CLXXXIII (May 20, 1944), 246; cf. also Harold Callender, in the *New York Times*, June 4, 1944, who quotes a friendly French critic to the effect that there is a blind indiscriminate bombing which results in "the maximum loss to civilian life with the minimum of strategic achievement."

<sup>25</sup> *Brooklyn Tablet*, June 3, 1944; this indictment by Cardinal Van Roey received hardly any notice in the secular press.

The following discussion of the morality of obliteration bombing does not depend altogether on the truth of the facts alleged by Vera Brittain or Cardinal Van Roey. I have given these facts and many more, based especially on the assertions of Allied leaders, in order that the phrase obliteration bombing might be given a definite meaning. That definite meaning (or definition) I couch in the following terms: *Obliteration bombing is the strategic bombing, by means of incendiaries and explosives, of industrial centers of population in which the target to be wiped out is not a definite factory, bridge, or similar object, but a large area of a whole city, comprising one-third to two-thirds of its whole built-up area, and including by design the residential districts of workingmen and their families.* If this kind of bombing is not taking place, so much the better. But we have such compelling reasons for thinking it does, that the following discussion of its morality is necessary.

#### THE MORAL PROBLEM RAISED BY OBLITERATION BOMBING

I do not intend to discuss here the question: Can any modern war be morally justified? The overwhelming majority of Catholic theologians would answer, I am sure, that there can be a justifiable modern war. And the practically unanimous voice of American Catholicism, including that of the hierarchy, assures us that we are fighting a just war at present. I accept that position. Our question deals rather with the morality of a given means made use of in the prosecution of a war which itself is justified.

However, it cannot be denied that this question leads us close to the more general one as to the possibility of a just modern war; for obliteration bombing includes the bombing of civilians, and is a practice which can be called typical of "total" war. If it is a necessary part of total war, and if all modern war must be total, then a condemnation of obliteration bombing would logically lead to a condemnation of all modern war. With Father Ulpian Lopez, of the Gregorian University, I do not intend to go that far.<sup>26</sup> I believe that it is possible for modern war to be waged within the limits set by the laws of morality, and that the resort to obliteration bombing is not an essential part of it, even when war is waged against an enemy who has no scruples in the matter. But I call attention to the close

<sup>26</sup> "Los inocentes y la guerra," *Razon y Fe*, CXXVIII (Sept.-Oct., 1943), 183.

connection between the two questions to show that I am not unaware of the implications. If anyone were to declare that modern war is necessarily total, and necessarily involves direct attack on the life of innocent civilians, and, therefore, that obliteration bombing is justified, my reply would be: So much the worse for modern war. If it necessarily includes such means, it is necessarily immoral itself.

The morality of obliteration bombing can be looked at from the point of view of the bombardier who asks in confession whether he may execute the orders of his military leaders, or it may be looked at from the viewpoint of the leaders who are responsible for the adoption of obliteration bombing as a recognized instrument of the general strategy of war. The present paper takes the latter viewpoint. It is not aimed at settling difficulties of the individual soldier's conscience.

(Of course, there is an unavoidable logical connection between the morality of the whole plan and the morality of the act of the bombardier who executes the plan.) If the plan is immoral, the execution of it is immoral. And nobody is allowed to execute orders to do something intrinsically wrong on the plea that he did it under orders. But when the priest in the confessional is presented with a comparatively new problem like this one—a problem which may involve tremendous upheavals in the consciences of many individuals, and on which ecclesiastical authorities have not laid down definite norms—he will necessarily hesitate before refusing absolution. When he has, besides, a well-established rule based on the presumption which favors civil authorities, and which in ordinary cases justifies subordinates in carrying out orders, his hesitation will increase. I believe that as far as confessional practice is concerned, the rule I suggested in 1941 (before we entered the war) is a safe one: "The application of our moral principles to modern war leaves so much to be desired that we are not in a position to impose obligations on the conscience of the individual, whether he be a soldier with a bayonet, or a conscientious objector, *except in the cases where violation of natural law is clear.*"<sup>27</sup> A clear violation of natural law can be known to the ordinary individual soldier in a case of this kind through the definite pronouncement of the Church, or of the hierarchy, or even through a consensus

<sup>27</sup> "Current Moral Theology," THEOLOGICAL STUDIES, II (Dec., 1941), 556.

of moral theologians over a period of time. On the question of obliteration bombing we have no such norms. The present article obviously does not supply the need. Hence, I believe the confessor is justified in absolving the bombardier who feels forced to carry out orders to take part in obliteration bombing, unless the penitent himself is convinced (as I am) of the immorality of the practice. interesting

The present paper attempts to deal with the problem on a larger scale. The Popes have condemned as immoral some of the procedures of modern war, but they have abstained, as far as I know, from using terms which would put a clear, direct burden on the conscience of the individual subordinate in a new matter like the present one. Later on I shall attempt to show that obliteration bombing must be one of the procedures which Pius XII has condemned as immoral. But my viewpoint at present is that of one trying to solve the general moral problem, not of teaching confessors at what point they must draw the line and refuse absolution. Incidentally, I do not believe a discussion of probabilism, or of what is probably allowable in this matter of bombing, would be fruitful, once one takes the larger point of view. Probabilism is the necessary resort of those who cannot find the truth with certainty, and yet must act. In confessional practice one must rely on it in some form or other. But to approach a major moral question probabilistically would be to confess at the start that the truth is unattainable. Such a state of mind would not be likely to contribute to the science of morality. My object is to make the small beginning of such a contribution.

The principal moral problem raised by obliteration bombing, then, is that of the rights of non-combatants to their lives in war time. Rights are protected by laws. The laws in question are the international law, the law of humanity, and the natural law. These distinct names are heard continually, especially in the documents of the present Pope.<sup>28</sup> But they do not always stand for distinct things. Sometimes international law coincides with and reinforces natural law, or the laws of humanity. And so of the others. The ideas often overlap. But, insofar as they are distinct from one another, that distinction may be briefly indicated and illustrated as follows. The rights which are protected by mere international law, are

<sup>28</sup> Cf. *Principles for Peace* (Washington: N.C.W.C., 1943), *passim*.

derived from positive compacts or treaties between governments, binding in justice, but ceasing to bind when the other party to the contract has ceased to observe it. For instance, certain laws that deal in detail with the treatment to be accorded prisoners are in this category. (I do not mean to imply that a single breach of an international engagement, or of a part of one, by one of the governments immediately releases the other government from all its contractual obligations to the first.)

The laws of humanity are rather vague norms based on more or less universal feelings of what decency, or fair play, or an educated human sympathy demand, but not based on compacts, and not clearly—as to particulars at any rate—contained within the dictates of the natural law. And sometimes the laws of humanity mean the laws of Christian charity, made known to us through the Christian revelation and exemplified in the life of Jesus Christ. For instance, the use of poison gas, or the spreading of disease germs among enemy combatants, if not forbidden already by international law, would be forbidden at least by the laws of humanity. It is not so clear, though, that such methods of putting the enemy soldiers out of the fight would be against the natural law.

I say that this is an example of what is meant by the law of humanity, insofar as this law is distinct from natural or international law. Actually, when the laws of humanity are mentioned, some precept of natural law is often involved. And it has been the task of international law, too, under the nourishing influence of the Christian religion, to protect the natural rights of combatants and non-combatants alike. International agreements have led to a clarification of natural precepts, and made certain what the laws of humanity would leave uncertain, and made definite and particular what the law of nature contained only in a general way. The widespread abandonment of international law which characterizes the conduct of total war, the retrogression towards barbarism in every direction, is one of the most frightening developments in modern times. It is a disease that can destroy civilization.<sup>29</sup>

The present paper, though not excluding considerations based on

<sup>29</sup> On this point Guido Gonella writes eloquently in *A World to Reconstruct* (Milwaukee: Bruce, 1944), Chap. XII.

international law and the law of humanity, will deal principally with the natural-law rights of non-combatants.<sup>30</sup> And our chief concern will be the right of the non-combatant to life and limb. His right not to have his property taken or destroyed (or his family torn asunder) is also pertinent, but will be mentioned only incidentally. Hence, we can put the moral problem raised by obliteration bombing in the form of the following questions, which the rest of the paper will try to answer:

- 1) Do the majority of civilians in a modern nation at war enjoy a natural-law right of immunity from violent repression?
- 2) Does obliteration bombing necessarily involve a violation of the rights of innocent civilians?

<sup>30</sup> Discussion of the morality of obliteration bombing became widespread in this country with the publication of Vera Brittain's "Massacre by Bombing" in *Fellowship*, X (March, 1944), 50. The article consisted of extracts from a book which appeared in England under the title, *Seed of Chaos*. A similar but much briefer article by R. Alfred Hassler, "Slaughter of the Innocent," had appeared in *Fellowship*, Febr., 1944. The reception accorded Vera Brittain's sober recital of facts, and moral arguments, is described by James M. Gillis in "Editorial Comment," *Catholic World*, CLIX (May, 1944), 97, who believes that obliteration, on Catholic principles, is clearly immoral. But both the facts and the moral *status questionis* of Miss Brittain's article were almost universally ignored or misrepresented by the press. There was an almost complete evasion of the moral issues involved. Even the President's reply, made through Mr. Early, is well characterized by the author herself as "irrelevant, unjustified, and destructive of the very ideals with which the American people went to war" ("Not Made in Germany," *Fellowship*, X, June, 1944, 106). Other discussions of her article, or of the subject of obliteration bombing from the moral point of view: *Saturday Review of Literature*, X (June, 1944), 106; *Christian Century*, March 15, 1944; March 22, 1944; *The Nation*, March 18, 1944; *Newsweek*, March 20, 1944; Nicholson, "Bombing Civilian Centres," *Spectator*, June 4, 1943; W. Johnstone, "Obliteration Bombing," *Spectator*, Sept. 24, 1943; *Commonweal*, March 17, 1944; March 31, 1944 (flatly condemning obliteration bombing as murder); *America*, May 27, 1944 (urging precautions but abstaining from judgment); Thos. H. Moore, S.J., "Obliteration Bombing," *The Founder* (239 Fingerboard Road, Staten Island, N. Y.), April, 1944; *The London Tablet*, May 20, 1944; *The Labor Leader* (New York), Apr. 30, 1944. *Bombing Vindicated* (London: Bles, 1944), by J. M. Spaight, is written mostly from the military point of view, but touches on morality, and is a most important book on the subject of the strategy of obliteration bombing and its implications. The Catholic hierarchy of the United States have not offered any joint opinions that I know of on the morality of our present bombing strategy, but they condemn indiscriminate bombing. Individual bishops have spoken in terms that condemn obliteration, e.g., Most Reverend Gerald Shaughnessy, D.D., S.M., of Seattle (cf. *The Catholic Worker*, May, 1944). The Australian hierarchy, protesting the threat to Rome, condemned indiscriminate bombing. Other statements of bishops and of the Pope will be cited in the course of the article. John L. Bazinet, S.S., has given excellent arguments against obliteration bombing, which have appeared in the Catholic press.

## COMBATANTS AND NON-COMBATANTS

It is fundamental in the Catholic view that to take the life of an innocent person is always intrinsically wrong, that is, forbidden absolutely by natural law. Neither the state nor any private individual can thus dispose of the lives of the innocent. The killing of enemy soldiers in warfare was justified by older writers on the theory that they were not innocent but guilty. They were guilty of unjust aggression, or of a violation of rights which could be forcibly vindicated. The individual enemy soldiers might be only materially guilty, but it was this guilt, and their immediate cooperation in violent unjust acts that made them legitimate objects of direct killing. As far as I know, this distinction between the innocent and guilty has never been abandoned by Catholic theologians. They still maintain that it is always intrinsically wrong to kill directly the innocent civilians of the enemy country.

But in the course of time the terms innocent and guilty have been replaced by the terms non-combatant and combatant, or by civilian and soldier.<sup>31</sup> And the definitions of these terms have been clarified by conventions of international law.<sup>32</sup> Writing in 1910 Mr. J. M. Spaight said:

The separation of armies and peaceful inhabitants into two distinct groups is perhaps the greatest triumph of international Law. Its effect in mitigating the evils of war has been incalculable. One must read the history of ancient wars, or savage wars of modern times—such as Chaka's campaigns, by which he made the Zulu name terrible throughout northern Natal—to appreciate the immense gain to the world from the distinction between combatants and non-combatants.<sup>33</sup>

<sup>31</sup> E. J. Mahoney, "Reprisals," *Clergy Review*, XIX (Dec., 1940), 471. Canon Mahoney holds that the terms combatant and non-combatant must now be replaced by the terms military and non-military objective; and he believes that it is absolutely essential to allow a very wide latitude in defining what is a military objective in modern warfare. Cf. also J. K. Ryan, *Modern War and Basic Ethics* (Milwaukee: Bruce, 1940), p. 35, who cites A. Pillet, *La guerre et le droit* (Louvain, 1922), p. 14.

<sup>32</sup> Louis le Fur, *Précis de droit international public* (Paris: Dalloz, 1939), nn. 889-91: "Belligerents and non-belligerents. The distinction between these two classes of persons is, or at least for centuries has been, a fundamental principle of the law of nations in time of war. Non-belligerents are the civilian population; belligerents those who form a part of the armed forces. . . . Before the war [World War I] the distinction . . . was admitted unanimously and considered essential."

<sup>33</sup> *War Rights on Land* (London, 1910), p. 37, cited by Ryan, *op. cit.*, p. 98.

The contribution of international law has been to make precise the definition of combatant and non-combatant and to determine just who is a legitimate object of lethal attack and who is not. Thus the natural-law distinction between innocent and guilty received the sanction of explicit pacts. Furthermore, the term non-combatant included *all* who were not bearing arms, whether they were strictly "innocent" or not, and so the number of those who were immune from attack was increased. The present immunity from direct violence, which the entire civilian population enjoys (theoretically), is based partly on natural law and partly on international law.

(I do not believe any Catholic theologian, in the face of papal and conciliar pronouncements, and the universal consensus of moralists for such a long time, would have the hardihood to state that innocent non-combatants can be put to death without violating natural law.) I believe that there is unanimity in Catholic teaching on this point, and that even in the circumstances of a modern war every Catholic theologian would condemn as intrinsically immoral the direct killing of innocent non-combatants. Since the denial of this proposition would be rash, I do not believe it incumbent on me to support it by further argument in a journal of this kind.

The thorny question is rather: *Who are to be considered non-combatants in a war like the present one?*

The same Mr. J. M. Spaight, who in 1910 wrote of the great triumph of international law in separating combatants from non-combatants, has written a book in 1944 called *Bombing Vindicated*. He was formerly Principal Assistant Secretary to the British Air Ministry. His thesis is that modern industrial cities are battlefields, and that British "strategic" bombing is a justifiable form of attack on them. He avoids the term obliteration, and insists that the targets are military. He makes little of the civilian losses, though he gives fully many of the horrifying details. He considers them pitiable, but only incidental to the attack on war production. He says not a word of Sir Arthur Harris' explicit aim of destroying residential districts. He believes the distinction between civilian and soldier is an anachronism in the "battle-towns," and he quotes approvingly one of the most cynical statements made during the war. Mr. Churchill, he tells us, solves the civilian problem thus:

The civilian population of Germany have an easy way to escape from these severities. All they have to do is to leave the cities where munition work is being carried on, abandon the work [as if the majority were engaged in it] and go out into the fields and watch the home fires burning from a distance. In this way they may find time for meditation and repentance. There they may remember the millions of Russian women and children they [was it they or the German army?] have driven out to perish in the snows, and the mass executions of peasants and prisoners of war which in varying scales they [they?] are inflicting on so many of the ancient and famous peoples of Europe.<sup>34</sup>

Mr. Churchill's target is "the life and economy of that whole guilty organization."<sup>35</sup>

All-out exponents of the theory of total war would go even further than Mr. Spaight. He at least is speaking of civilians who are munitions workers, and distinguishes between them and their wives and children. But others (explicitly or implicitly) proceed on the theory that *all* the inhabitants of the enemy country—men, women, and children—are legitimate objects of direct attack.<sup>36</sup>

#### *The Contemporary Validity of the Distinction*

In 1938, the late Father Joseph Keating, S.J., editor of *The Month*, said that the English government, like all the rest, was preparing to wage war on civil populations, should the need arise:

The elaborate preparations being made to save the population from the effects of gas-bombing are not confined to centers of military importance, but are practically universal. That shows that we do not expect the enemy to thumb the

<sup>34</sup> *Bombing Vindicated*, p. 95; Mr. Churchill spoke these words in a broadcast on May 10, 1942.

<sup>35</sup> Vera Brittain, "Massacre by Bombing," *Fellowship*, X (March, 1944), 52; Mr. Churchill was speaking to the House of Commons. On May 19, 1943, Mr. Churchill said, speaking in the Congress of the United States: "Wherever these centers [of war industry] exist or are developed they will be destroyed, and the munitions population will be dispersed" (my italics; cited by Spaight, *op. cit.*, p. 95). What Churchill effectively said to the "munitions-civilians" of the centers marked for obliteration was, in Mr. Spaight's words: "Get out while the going is good. If you don't, we'll bomb you out." Neither Mr. Spaight nor Mr. Churchill suggests any practical means of evacuating all innocent civilians from at least ninety German cities. When the robot bombing started, London authorities had great difficulty in evacuating a small part of the public.

<sup>36</sup> We have had examples of this theory in the mass executions by the Reds in Spain and in Poland, and by the Nazis in Poland, France, and elsewhere.

manuals of international law before dropping his bombs. His simple objective will be the island of England and its inhabitants. [The title of an official United States publication on the bombing of Germany is suggestive. *Target: Germany.*] And do not let us imagine, in our self-complacent zeal for humanity, that we shall ourselves refrain from retaliating in kind.

This quotation should not be taken to mean that Father Keating approved of total war, or would condone the killing of women and children. He merely takes a realistic view of what was likely to happen and confesses that modern war has blurred the old clear-cut distinctions.

Now more than ever the distinction between combatant and non-combatant has become confused. The Continental States have ... enacted laws mobilizing their whole populations and resources for service in war time, and thus, instead of the conflict of armed forces alone, nation will stand arrayed against nation, and the range of hostilities be indefinitely extended.

He also mentions that modern international relations include "the gradual elimination of the status of non-combatant." But he does not know whether the "employment of the civilian population of a belligerent state in various kinds of war-activity deprives them of their non-combatant rights."<sup>37</sup>

Canon E. J. Mahoney and Doctor Lawrence L. McReavy wrote on the subject of bombing at the beginning of the present war. Dr. McReavy said: "The innocent, that is to say, the harmless (if, apart from infants there are any) are of course immune from direct attack on their lives; but in modern conditions the theologian cannot tell *who* they are, and the attacking airman does not know *where* they are."<sup>38</sup> In summing up his agreements and disagreements with Canon Mahoney he wrote: "In the modern economy [we agree that] the vast majority of the enemy's non-combatant subjects is cooperating in the aggression and is therefore a legitimate object of violent repression, in the measure warranted by proportionate self-defence." But he adds: "For a reason on which we are not entirely

<sup>37</sup> Joseph Keating, S.J., "The Ethics of Bombing," *The Catholic Mind*, XXXVI (July 22, 1938), 279 ff.; reprinted from *The Month*, London; cf. also *The Month*, CLXVII (May, 1936), 391; CLXVIII (Aug., 1936), 104; CLXX (July, 1937), 4; CLXX (Oct., 1937), 291.

<sup>38</sup> Lawrence L. McReavy, "Reprisals: a Second Opinion," *Clergy Review*, XX (Feb., 1941), 138.



in agreement this right violently to repress the co-operation of non-combatants does not extend to their direct slaughter."<sup>39</sup>

Although Dr. McReavy apparently does not believe any of the enemy civilians are "innocent" (except infants), because they are all co-operators in aggression, yet the violent repression of them which he permits seems to mean only the destruction of their property and the accidental endangering of their lives. True he says: "The *one thing* a belligerent state can never lawfully do is this: it may not directly intend to kill the innocent, even only as a reluctantly adopted means to a laudable end, or take measures the *only direct* effect of which is to bring about their death."<sup>40</sup> But I am sure that even he would draw the line, as the Pope does, at the forcible separation of civilian children from their parents, the deportation of civilians, especially young women, from occupied lands, etc.<sup>41</sup>

These citations serve to show the extent to which the time-honored

<sup>39</sup> Lawrence L. McReavy, "Correspondence—Reprisals," *Clergy Review*, XX (March, 1941), 280.

<sup>40</sup> Lawrence L. McReavy, "Reprisals: a Second Opinion," *op. cit.*, p. 133 (my italics).

<sup>41</sup> On the other hand, I think he would approve of obliteration bombing in some circumstances, for he says: "Suppose . . . it became clear that the only effective way of preventing Germany from reducing all our cities to rubble was to smash a few of theirs by way of reprisal, then it seems to me that the Government would be quite justified in ordering such action and our airmen in executing it. They must not directly intend the killing of the innocent [infants only?] for that is intrinsically evil. But there is nothing intrinsically evil in the destruction of enemy civilian property. . . ." But Dr. McReavy also maintains that the civilian, even though not innocent (harmless), does not lose his right to life until he actually takes up arms. The reason? Because a direct attack on his life would not be a proportionate answer to his aggressive co-operation; it would exceed the limits of the *moderamen inculpatae tutelae*. It is easy to see why Canon Mahoney felt it necessary to apologize, as it were, "lest the casual reader . . . should stand appalled at the lengths to which moral theologians are stretching their principles. . . ." Dr. McReavy is the only Catholic moralist I know of who makes the appalling insinuation that only infants are innocent in a modern war. (And why draw the line at infants? They are "war potential"; their production is encouraged by dictators for warlike ends, and in a long war they will bear arms.) I think it is an appalling insinuation because for all practical purposes it means discarding the distinction between innocent and guilty altogether, and because Dr. McReavy's substitute, the *moderamen inculpatae tutelae*, is shown by Canon Mahoney to be no real safeguard against the savagery of total war. There is no parity between the cases to which this *moderamen* has been traditionally applied and the case of modern war practices. The distinction between guilty and innocent in war at least has hundreds of years' experience and the practical authority of the Church behind it. But if we were to toss it aside and adopt the *moderamen*, it would immediately be each man for himself as to what was allowed.

distinction between combatant and non-combatant has been called into question. It has been entirely eliminated in theory and practice by out-and-out exponents of total war. Mr. Spaight considers it an anachronism when applied to civilian munitions workers. Even some Catholics appear to believe that, as founded on the difference between innocence and guilt, the distinction is meaningless in modern practice.

Other Catholics, however, cling to the distinction as essential even for our own times. For instance, Father Ulpian Lopez, S.J., while admitting the difficulty of applying the distinction, insists that it is still valid and clearly valid for numerous classes of persons. He considers that old men, children and women, and in general all who are engaged in works of peace rather than works of war—doctors, clergy, religious, teachers, nurses, etc.—are certainly to be classed as innocent non-combatants. Even munitions workers are to be distinguished from combatants who are armed and ready to fight. Though not so positive on this point, he believes they should be classed as non-combatants both by natural and international law, and hence as immune from direct attack.<sup>42</sup>

The *Osservatore Romano* in September, 1939, had this to say of air-bombardments of non-military objectives:

Nothing more deeply wounds the civilized conscience than such transgression of the very laws of humanity; the more so since for seven centuries the Church in her Councils<sup>43</sup> has declared the inviolability of civilian populations—and, what is more, of their work, their fields, their workshops, their houses—from every assault of war. . . . Reprisals against civilian populations are a monstrous thing. The innocent would still pay for the guilty. Against the innocent victims of the one side would be set the innocent victims of the other. Not thus are humanity and offended justice to be appeased. This is no repayment of injuries; it is complicity in a crime—a crime not only as towards the contending parties, but first and foremost before the loftiest aspirations of life, of reason, of the heart of

<sup>42</sup> "Los inocentes y la guerra," *Razon y Fe*, CXXVIII (Sept.-Oct., 1943), 189.

<sup>43</sup> Gonella, *A World to Reconstruct* (Milwaukee: Bruce, 1944), Chap. XII, says: "It must not be forgotten that on the right of innocent persons to be spared in war the Church, with the canons of the Council of Clermont in 1095, and the four Councils of the Lateran, 1123, 1139, 1179, and 1215, was far in advance of the times." Some of the laws of the Church in the so-called "Truce of God" were positive, and binding only on Christians. Pope Nicholas II is also cited on the distinction between innocent and guilty. Ryan, *op. cit.*, p. 126, note 23, refers to A. Vanderpol, *La doctrine scolastique du droit de guerre* (Paris, 1925), for the text.

man . . . God is to be propitiated. Far from appeasing his vengeance, nothing can more loudly cry out for it than bloody havoc wrought on these weakest ones who are even now suffering the pangs of a ghastly trial in which they have no hand.<sup>44</sup>

It is not at all unlikely that the author of these statements is Professor Guido Gonella, then on the staff of the *Osservatore*. His book, which has appeared in English under the title, *A World to Reconstruct*, is based on articles he wrote for the *Osservatore* at that time, and contains very similar ideas. Throughout the book and especially in Chapter XII, Professor Gonella insists on the distinction between combatant and non-combatant, and on the rights of the innocent civil population, as based both on natural and international law. Gonella's articles in the *Osservatore* were considered officially inspired,<sup>45</sup> and his exposition of the Pope's peace messages justifies the surmise that Pius XII made use of his learning in the preparation of those documents.

Another writer who is firmly convinced that the distinction between combatant and non-combatant, as based on guilt and innocence, still has a practical and essential place in deciding the problems of modern war is Dr. John K. Ryan. He follows Suarez, who, he says, "is most insistent upon two principles: First, there is an essential moral distinction between innocent non-combatants and guilty combatants; second, the latter can be directly put to death during the war and even, in certain cases, after the war, while innocent non-combatants can be at most only indirectly put to death."<sup>46</sup> And after a searching examination of modern war conditions, he maintains that "the traditional doctrine . . . must still be held." Direct attacks on the civil population "cannot be defended on the score that the

<sup>44</sup> Quoted by E. J. Mahoney, "Notes on Recent Work: Moral Theology," *Clergy Review*, XX (Jan., 1941), 66.

<sup>45</sup> Camille Cianfarra, *The Vatican and the War* (New York: E. P. Dutton Co., 1944), pp. 201, 317. Professor Gonella has lately become editor of *Il Popolo*, daily newspaper founded by the Christian Democratic Party in Rome. *A World to Reconstruct* appeared first in Italian under the title *Presupposti di un ordine internazionale* (Vatican City, 1942), and then in Spanish, *Postulados de un orden internacional* (Editorial Católica: Alonso XI, 4, Madrid, 1943), and now in English, translated by T. Lincoln Bouscaren, S.J. (Bruce: Milwaukee, 1944). Dr. Gonella does not express an opinion on obliteration bombing under that name, but there is no doubt at all that this Vatican authority would condemn it as immoral.

<sup>46</sup> Ryan, *op. cit.*, p. 35.

entire civil population of a nation at war has become combatant and therefore guilty and deserving of death. Even with a whole nation in arms, the co-operation, moral and physical, of the generality of men, women, and children is not so immediate in time, place, or character as to give them the same essential status as active combatants in the field, on ships, or in the air."<sup>47</sup>

On September 1, 1939, before we became engaged in the war and long before we took up the practice of obliteration bombing, President Roosevelt addressed an appeal to the German and Polish governments. I do not quote the President as one whose opinions on morality would weigh with a professor of that science, but rather as a witness to the conscience of humanity. Speaking as the head of a technically neutral nation, and at any rate before the arguments of military necessity were made to bear heavily on whatever consciences we have, he said:

The ruthless bombing from the air of civilians in unfortified centres of population during the course of hostilities which have raged in various quarters of the earth in the past few years, which have resulted in the maiming and death of thousands of defenceless women and children, has profoundly shocked the conscience of humanity. If resort is had to this sort of inhuman barbarism during the period of tragic conflagration with which the world is now confronted, hundreds of thousands of innocent human beings, who have no responsibility for, and who are not even remotely participating in, the hostilities which have broken out, now will lose their lives. I am therefore addressing this urgent appeal to every Government which may be engaged in hostilities publicly to affirm its determination that its armed forces shall in no event and under no circumstances undertake bombardment from the air of civilian populations or unfortified cities, upon the understanding that the same rules of warfare will be scrupulously observed by all their opponents.<sup>48</sup>

A more authoritative recognition of the innocence and consequent immunity of these hundreds of thousands is contained in the vigorous protests (quoted above) of members of the French hierarchy and of Cardinal Van Roey, Primate of Belgium. Their protests are based on the distinction between innocent and guilty applied to this war. In addition, we have the responses to these appeals by the hierarchies of the United States and England. These responses take for granted

<sup>47</sup> Ryan, *op. cit.*, pp. 117, 118.

<sup>48</sup> *London Tablet*, CLXXXIII (May 20, 1944), 243.

that the distinction between combatants and innocent civilians is valid for this present war, and they add their voices to the appeal to governments to respect it.<sup>49</sup> (Incidentally, the governments themselves recognize the distinction by immediately crying outrage and murder when their own civilians are hit, by playing up the damage to hospitals, schools, women and children, and by playing down the ruthlessness of their own air bombardments with innocent-sounding names and military excuses. I have yet to hear any government—even the worst offenders, the Germans—publicly admit that its policy is to attack directly the civil population.) Finally, the Pope himself has spoken so often of the rights of innocent civilians and protested so often against the violation of these rights, that no one can entertain any doubt that he believes the distinction to be a valid one, and the basis of practical, obligatory, moral conclusions even in the present war.<sup>50</sup>

#### *The Contemporary Question of Fact*

But it is obvious at the same time that the conditions of modern war are changed, and the change makes it very difficult and sometimes impossible to draw accurately the line which separates combatants from innocent non-combatants according to natural law. Soldiers under arms are obviously combatants. It is not so clear what is to be said of civilian munitions workers, the members of various organized labor battalions not under arms, and so of others. Of these doubtful classes I do not intend to speak. In the end, only new international agreements will effectively and precisely protect the rights of these groups.

But it is not necessary to draw an accurate line in order to solve the problem of obliteration bombing. It is enough to show that there are large numbers of people even in the conditions of modern warfare

<sup>49</sup> The joint Pastoral Letter of the German Bishops, "In This Hour of Extreme Anxiety," issued this year, bears witness to the rights of the innocent in war: "The slaughter of people who have no personal guilt is in itself evil even when it is ostensibly carried out in the interest of the common good, as for example . . . against the mortally wounded, . . . against innocent hostages and unarmed prisoners of war" (*London Tablet*, CLXXXIII, May 20, 1944, 245). The text of the American hierarchy's reply to the French bishops appears in *Catholic Action*, XXVI (July, 1944), p. 5; for the report of the reply by the English bishops, see *New York Times*, May 29, 1944.

<sup>50</sup> Quotations will be given in the last part of this article.

who are clearly to be classed as innocent non-combatants, and then that, wherever the line is drawn, obliteration bombing goes beyond it and violates the rights of these people. It seems to me that an unnecessary attitude of defeat is betrayed by writers like Dr. McReavy, who seem to think that, because we do not know exactly where to draw the line, therefore we have to act as if there were no line at all between innocence and guilt (and hence find some other ground for protecting civilians from savagery). I think it is a fairly common fallacy in legal and moral argumentation to conclude that all is lost because there is a field of uncertainty to which our carefully formulated moral principles cannot be applied with precision.<sup>51</sup> It seems to me, furthermore, that this mentality is encouraged if one is taking the view of a confessor who thinks in terms of absolution for the individual penitent, and who naturally does not want to deny it unless he is certain that he has to. Finally, in this present matter, I think this defeatist mentality is encouraged in moralists who, as it were, have been put on the defensive by public, "patriotic," and official opinion, and overwhelmed with talk of the radically changed conditions of modern war—as if everything were now changed, and all or almost all civilians now played a direct part in the war, and as if in the past, when the classical formulas were put together, the civilians who were declared untouchable in those formulas had little or nothing to do with the war effort of their countries. Is it not evident that the most radical and significant change of all in modern warfare is not the increased co-operation of civilians behind the lines with the armed forces, but the enormously increased power of the armed forces to reach behind the lines and attack civilians indiscriminately, whether they are thus co-operating or not?

And so the question arises, who has the burden of proof—the civilian behind the lines, who clings to his traditional immunity, or the military leader with new and highly destructive weapons in his hands, who claims that he can attack civilians because modern industrial and economic conditions have changed the nature of war radically and made them all aggressors. / Do we start with the sup-

<sup>51</sup> We do not talk this way in the matter of the absolutely grave sum, even though it is impossible to draw the line with precision. Even in philosophy, when determining what is a miracle, we admit we do not know how far nature can go, but we are sure of some things that are beyond her powers.

position that the whole population of the enemy is presumably guilty, and that anyone who wants to exempt a group from that condemnation is called upon to prove the innocence of the group? Or do we start with the view that only armed soldiers are guilty combatants, and anyone who wants to increase the number of the guilty, and make unarmed civilians legitimate objects of violent repression, has the duty of proving his position? Is it not reasonable to put the burden of proof on those who are innovators? Do we not start from here: "Thou shalt not kill"? Seeing that the wartime rights of civilians to life and property are declared by centuries of tradition to be sacrosanct, what do we presume: a man's right to his life, even in war time, or my right to kill him? his right to his property, or my right to destroy it? Not merely the conscience of humanity, not merely international law, but the teaching of Catholic theologians for centuries, the voice of the Church speaking through her Councils and through her hierarchy and through the Supreme Pontiff down to the present day, uniformly insist on the innocence and consequent immunity of civil populations. It is obviously the burden of those who think that distinction invalid (or, what comes to the same thing, completely impractical) to prove their contention. I can understand how a confessor, with thoughts of probabilism running through his head, would feel that when he refuses absolution he has the burden of showing he has a right to refuse it. But I cannot understand a moralist taking that point of view with regard to the rights of civilians. He has not the burden of proving these rights. On the contrary, those who want to increase the number of combatants, and include large numbers, even the "vast majority," of the civilian population amongst the guilty, must justify themselves.

The principal justifications I have seen are worthless. They say: the enemy did it first; or, military necessity demands it; or, it is justified by way of reprisal; or, the present situation is desperately abnormal (as if there were ever a war which was not); or, nowadays the whole nation takes part in the aggression, whereas formerly it was only army against army. As to this last point, it is true that the number of civilians who contribute immediately to the armed prosecution of the war has increased in modern times, but to say that all or nearly all do so is a grave distortion of the facts, as we shall

see. And to imply that in the past the general civilian population co-operated not at all or only negligibly is equally far from the facts. Armies in the past had to be supplied with food, clothing, guns, and ammunition, and it was the civilian population who supplied them. The Church and the theologians in declaring civilians innocent realized very well that even in former times civilian sympathies, their moral support, and their actual physical aid went to further the cause of their country.

Perhaps the governments would like to enlist the active and immediate participation of all civilians in the war itself; but even this is doubtful. And the fact is that they do not succeed in doing so, and from the very nature of the case cannot. Even in a modern war there remains necessarily a vast field of civilian work and activity which is remote from the armed prosecution of the war.

Let us see for a moment what the abandonment of the distinction between combatants and non-combatants would mean in practice; or what it would mean to say that hardly any civilians are innocent in a modern war, because all are co-operating in the aggression. It would mean, for instance, that all the persons listed below are guilty, and deserve death, or at least are fit objects of violent repression. I should not inflict this long list on my readers (though I really believe one can profit by its careful perusal), unless I were convinced that some have been misled by the propaganda of total-war-mongers, or have taken uncritically at their face value statements about "a nation in arms," or "all co-operate in the aggression," or "the enemy has mobilized the whole population," or "nobody is innocent except the infant." Read the list. If you can believe that these classes of persons deserve to be described as combatants, or deserve to be treated as legitimate objects of violent repression, then I shall not argue further. If, when their governments declare war, these persons are so guilty that they deserve death, or almost any violence to person and property short of death, then let us forget the law of Christian charity, the natural law, and go back to barbarism, admitting that total war has won out and we must submit to it. The list:

Farmers, fishermen, foresters, lumberjacks, dressmakers, milliners, bakers, printers, textile workers, millers, painters, paper hangers, piano tuners, plasterers, shoemakers, cobblers, tailors, upholsterers, furniture makers, cigar and cigarette

makers, glove makers, hat makers, suit makers, food processors, dairymen, fish canners, fruit and vegetable canners, slaughterers and packers, sugar refiners, liquor and beverage workers, teamsters, garage help, telephone girls, advertising men, bankers, brokers, clerks in stores, commercial travelers, decorators, window dressers, deliverymen, inspectors, insurance agents, retail dealers, salesmen and saleswomen in all trades, undertakers, wholesale dealers, meatcutters, butchers, actors, architects, sculptors, artists, authors, editors, reporters, priests, laybrothers, nuns, seminarians, professors, school teachers, dentists, lawyers, judges, musicians, photographers, physicians, surgeons, trained nurses, librarians, social and welfare workers, Red Cross workers, religious workers, theatre owners, technicians, laboratory assistants, barbers, bootblacks, charwomen, cleaners and dyers, hotelmen, elevator tenders, housekeepers, janitors, sextons, domestic servants, cooks, maids, nurses, handymen, laundry operatives, porters, victuallers, bookkeepers, accountants, statisticians, cashiers, stenographers, secretaries, typists, all office help, mothers of families, patients in hospitals, prison inmates, prison guards, institutional inmates, old men and women, all children with the use of reason, i.e., from seven years up. (After all, these latter buy war stamps, write letters of encouragement to their brothers in the service, and even carry the dinner pail to the father who works in the aircraft factory. They all co-operate in some degree in the aggression.<sup>52</sup>)

Do these persons, whom I consider to be, almost without exception, *certainly innocent non-combatants according to natural law*, constitute a large proportion of the general civilian population? Here again, though it is impossible to give accurate figures for the proportion, it can be maintained with complete certitude that (they constitute the vast majority of the entire civil population even in war time.) In an industrial country like the United States they represent at least three-quarters of the total civil population, and probably much more. In other countries the proportion would vary according to the degree of industrialization and militarization, but I am convinced that even in the most totally war-minded country in the world the certainly innocent civilians far outnumber those whose status could be considered doubtful.

This estimate of three-quarters can be arrived at in various ways. For instance, the total estimated population of continental United

<sup>52</sup> Note also that the civilian populations of neutral countries are also aggressors on this theory—for they supply food and raw materials to the enemy—and so on *ad infinitum*. Another point to be remembered is that when strategic air blows are struck at the very beginning of a war, the populations that feel their heavy weight have not had time to become guilty aggressors.

States in 1944 could be placed roughly at 135 millions. An estimate of the armed forces is 11 millions. This leaves a civilian population of 124 millions. (The government census estimated the civilian population as of March 1, 1943, at more than 128 millions.) Of these 124 millions, it would be a very generous estimate that would place the number of those engaged in war work and essential work (manufactures immediately connected with the violent prosecution of the war, mining, transportation, communications, and even public offices close to the war) at 31 millions of people, that is, one-quarter of the whole civilian population.

I call this a generous estimate for the following reasons. In 1930, when our total population (continental United States) was about 123 millions, the census showed about 49 million persons over 10 years of age gainfully employed. Of these only about 15 millions at the most could be considered as working in industries, manufacturing, and other occupations, which in case of war would become connected closely with the prosecution of the war. It might be argued that at the present time these occupations have more than doubled their numbers, but this would be to forget that the general population has also increased 12 millions meanwhile, and that furthermore a very large number of the 11 million service men have been recruited from these same manufacturing and war industries.

Another approach is to take the total population in 1945, roughly estimated at 136 millions, and subtract from it, first, an estimated army and navy of 12 millions. Of the 124 million civilians left, 68 millions are women, 16 millions are male children under 14 years of age, and more than four and one-half millions are men over 65 years of age. Thus the civilian population of 124 millions contains 88 millions of women, children, and old men. Of course, some (a few millions perhaps?) of these women make munitions and do other war work, as do also some of the old men. They also take part in transportation and communications and other "essential" work. But many more millions of men are not in war work. And making all due allowance, it still seems to be a very safe estimate that at least three-quarters of the civilian population are in no sense giving such immediate co-operation to the armed prosecution of the war that they can be considered combatants, or guilty of aggression, or deserving

of violent repression.) Further statistics with regard to industrial cities, which will be given later, will confirm this general estimate.

The conclusion of this section of our paper is an answer to the question: Do the majority of civilians in a modern nation at war enjoy a natural-law right of immunity from violent repression? The answer is an emphatic affirmative. The great majority, at least three-quarters in a country like the United States, have such a right.

Now let us proceed to consider whether obliteration bombing, as carefully defined above, violates the rights of innocent non-combatants.

#### OBLITERATION BOMBING IMMORAL

I have defined obliteration bombing as follows: *It is the strategic bombing, by means of incendiaries and explosives, of industrial centers of population, in which the target to be wiped out is not a definite factory, bridge, or similar object, but a large section of a whole city, comprising one-third to two-thirds of its whole built-up area, and including by design the residential districts of workingmen and their families.* It is perfectly obvious that such bombing necessarily includes an attack on the lives, health, and property of many innocent civilians. Above I estimated that at the very least three-quarters of the civilian population in a country like the United States must be classed as certainly innocent civilians, and immune from attack. That estimate applied to the general population and was an extremely modest one. But even in industrial cities in war time there is a very large proportion of the civil population which it would be certainly immoral to attack—most women, almost all children under 14 years, almost all men over seventy, and a very large number of men who are engaged neither in war manufactures, transport, communications, nor in other doubtful categories. At least two-thirds and probably more are certainly to be classed among the innocent—an estimate based on figures supplied by statisticians of the War Manpower Commission.

For instance, in July, 1944, the Boston Labor Market Area had a total population of about 1,800,000. Of these, the War Manpower Commission estimates that only about 800,000 are gainfully employed, i.e., much less than fifty per cent. Now I feel sure that very few people who are not gainfully employed at all can be classed as proximate co-operators in the armed prosecution of the war. And of

those who are employed, a very large number are only remotely connected with the war effort. A statistician connected with the Commission estimates that out of the 800,000 we should consider only about 300,000 as essential war workers. The other 500,000 have been called "less essential" because their connection with the war is more remote. Even the classification "essential" would probably include many persons, such as textile workers making Army cloth and uniforms, etc., who are far from being engaged in violent warlike action.<sup>53</sup>

Making due allowance for government officials, semi-military personnel, such as air-raid wardens, WAVES, WACS, etc., it is very conservative to say that at least two-thirds of the total population of the Boston area is so remotely connected with the violent prosecution of the war that no stretching of terms or principles could make them legitimate objects of violent repression.

If Boston were subject to obliteration attack, not all the area would become a target. But the principal, more densely populated parts of it would, e.g., North End, South End, West End, East Boston, South Boston, Dorchester, Charlestown, Everett, Chelsea, Brighton, parts of Brookline, Cambridge, Hingham, Quincy, etc. Perhaps the number of munitions workers and "warlike" workers in these districts forms a higher percentage. It is impossible to find out. (Nor would the Germans bother to find out if they could take up obliteration bombing against us, as we have against them.) In any event, to say that two-thirds of the civil population liable to this kind of bombing is innocent is to make a conservative estimate.

In the Worcester Labor Market Area the total population in 1940 was about 260,000. This had increased, I believe, by 1943; but let us imagine it was about the same (since this works against us). The total of employed persons in the area in September, 1943, after we had been at war almost two years, was about 91,000. This means that far less than half of this highly industrial area was gainfully employed. Even in the city of Worcester itself, in 1943, the War

<sup>53</sup> The above estimate does not take into account Army and Navy personnel within the area. Statistics on that point are naturally unavailable, but we should remember that only about 8% of the total U. S. population is in uniform, and that the above area has no large troop concentrations included in the rough estimate of its total population.

Production Board estimated that only seventy-five per cent of the manufacturing employees were in war manufacturing.<sup>54</sup> I would estimate, on the basis of figures supplied by government statisticians, that of the total employed in the area (91,000), at least 30,000 to 35,000 could be classed as certainly not connected proximately with the violent prosecution of the war. This means—again making all due allowance for service men, government officials, transport, communications and utilities workers—that at the very least two-thirds of the civil population must be classed as certainly innocent according to theological standards.<sup>55</sup>

And lest anyone be surprised at this result, we should always remember that fifty per cent of the population throughout the United States is female, and about fifteen per cent are male children and old men. Facts and common sense tell us to guard carefully against the total-war fallacy that the whole nation is arrayed in arms against the whole enemy nation.

These figures are for typical centers of industry in the United States. What the figures would be in Germany no one can tell. But even in Germany in 1939 only about one-half of the total population was listed by the census as gainfully employed. And of these almost one-half were engaged in agriculture, trade, and domestic service. Allowing for higher percentages in the industrial centers (comparable to Boston and Worcester), now that the war has been going on five years, we are still safe in estimating that the majority of the inhabitants even in the centers of war production marked for devastation and obliteration are innocent civilians.<sup>56</sup>

<sup>54</sup> *An Analysis of Post War Economic Conditions in Worcester* (Worcester: Worcester Chamber of Commerce, 1943), p. 5. On p. 15, the estimate is made that, in 1939, 7.8% of the whole U. S. population was engaged in manufacturing, while 13.7% of the Worcester area population was thus engaged.

<sup>55</sup> This estimate is for the *certainly* innocent. It must not be forgotten that many of the others are probably innocent according to natural law, or at least probably immune from attack because of international agreements still in effect. Since I have promised not to discuss probabilism in this connection, I merely ask: Have these groups a *certain* right not to be deprived of life, family, and property until their combatant or guilty status is proved with certainty?

<sup>56</sup> I have seen the statement made that 10% of the population of the Ruhr is engaged at least part time in air defence work. This would include, I suppose, both the military personnel and the civilian passive defence services. Spaight, *Bombing Vindicated*, p. 115, says: "All the civilians enrolled in the service of passive defence—the fire-fighters, the

### *The Principle of the Double Effect*

And so the immorality of obliteration bombing, its violation of the rights of these innocent civilians to life, bodily integrity, and property would be crystal clear, and would not be subject to dispute, at least amongst Catholics, were it not for the appeal to the principle of the double effect. This principle can be worded as follows: The foreseen evil effect of a man's action is not morally imputable to him, provided that (1) the action in itself is directed immediately to some other result, (2) the evil effect is not willed either in itself or as a means to the other result, (3) the permitting of the evil effect is justified by reasons of proportionate weight.

Applying the principle to obliteration bombing, it would be argued: The bombing has a good effect, the destruction of war industries, communications, and military installations, leading to the defeat of the enemy; it also has an evil effect, the injury and death of innocent civilians (and the destruction of their property). The damage to civilian life (and property) is not intentional; it is not a means to the production of the good effect, but is merely its incidental accompaniment. Furthermore, the slaughter, maiming, and destruction can be permitted because there are sufficiently weighty excusing causes, such as shortening the war, military necessity, saving our own soldiers' lives, etc. This viewpoint, therefore, would find a simple solution to the moral problem merely by advising the air strategist to let go his bombs, but withhold his intention. In what follows I shall attempt to show that this is an unwarranted application of the principle of the double effect.

The principle of the double effect, though basic in scientific Catholic morality, is not, however, a mathematical formula, nor an analytical principle. It is a practical formula which synthesizes an immense amount of moral experience, and serves as an efficient guide in countless perplexing cases. But just because it is called into play to solve the more difficult cases, it is liable to sophistical abuse. Some applica-

fire-watchers, the rescue parties, the demolition squads—cannot be classed otherwise than as warriors," and hence are liable to direct lethal attack. The logic of total war is inexorable. I can set fire to your house. When your wife tries to put the fire out, she becomes a "warrior" and I can kill her. Spaight claims immunity for civilians who are not engaged in definitely warlike activities (p. 112), but in practice he extends warlike activity to include fire-watching and rescuing of the wounded.

tions of it can only be called casuistical in the bad sense of that word.<sup>57</sup> It is a truism among moralists that, though the principle is clear in itself, its application requires "sound moral judgment." It seems to me that the following are the points which require a moral, rather than a mathematical or merely verbal, interpretation of the principle, when it is applied in practice.

First, when is it possible, psychologically and honestly, for one to avoid the direct willing of an evil effect immediately consequent upon one's action; or to put it another way, when can an action, estimated morally, be considered really twofold in its immediate efficiency? Secondly, when is the evil effect to be considered only incidental to the main result, and not a means made use of implicitly or explicitly to produce it? To arrive at a sound moral estimate in these matters, it is often helpful to consider the physical proximity of the good and evil effects, or the inevitable and immediate character of the evil effect in the physical order, to consider its extent or size by comparison with the good effect immediately produced, and to consider especially whether the evil effect *de facto* contributes to the ultimate good desired, even if not explicitly willed as a means. And, of course, a careful estimate must be made of the proportionate excusing cause, in the light of all the circumstances that have a bearing on the case. Perhaps this is only saying that without common sense the principle of the double effect may lead to casuistical conclusions; but I believe I am saying more than that. I am pointing out that the principle is not an ultimate guide in difficult cases, because it is only a practical formula and has to be applied by a hand well practiced in moral principles and moral solutions.

#### *The Question of Intention*

As to obliteration bombing, then, is it possible to employ this procedure without directly intending the damage to innocent civilians

<sup>57</sup> Even St. Thomas has been accused repeatedly of defending the subtle proposition: When you kill an unjust aggressor you merely permit his death while intending to save your own life. Vicente Alonso, *El principio del doble efecto en los comentarios de Santo Tomas* (Rome: Gregorian University Dissertation, 1937), has shown that in II-II, q. 64, a. 7, St. Thomas merely held that the killing of an unjust aggressor must be willed only as a means, not as an end in itself. St. Thomas did not know the principle of the double effect as we formulate it.

and their property? Obviously, the destruction of property is directly intended. The leaders acknowledge it as an objective. And on this score alone one could argue with reason against the morality of the practice. But since the property of civilians is not so absolutely immune as their persons and lives from direct attack in war time, I prefer to deal mainly with the latter.

Looking at obliteration bombing as it actually takes place, can we say that the maiming and death of hundreds of thousands of innocent persons, which are its immediate result, are not directly intended, but merely permitted? Is it possible psychologically and honestly for the leaders who have developed and ordered the employment of this strategy to say they do not intend any harm to innocent civilians? To many, I am sure, the distinction between the material fabric of a city, especially the densely populated residential areas, and the hundreds of thousands of human inhabitants of such areas, will seem very unreal and casuistical.<sup>58</sup> They will consider it merely playing with words to say that in dropping a bomb on a man's house, knowing he is there with his family, the intent is merely to destroy the house and interfere with enemy production (through absenteeism), while permitting the injury and death of the family.

Dr. John K. Ryan of Catholic University wrote on this point as follows (after the present war started, but before we entered it):

The actual physical situation in great modern cities is not such that they can be subjected to attack on the principle that only industrial, military, administrative and traffic centers are being attacked directly, while the damage done to non-combatants is only incidental and not an object of direct volition. Modern cities are not as compact and fortresslike as were those of the past. Their residential sections are so extensive, so clearly defined, and so discernible, that it is for the most part idle to attempt to apply the principle of indirection to attacks on these districts. Thus to rain explosives and incendiary bombs upon the vast residential

<sup>58</sup> "When the Germans launched their blitz on the English cities in 1940 there was a widespread and intense moral indignation at the volume of wholly indiscriminate slaughter and ruin which was only remotely and casuistically to be associated with attacks on ports or factories," says an editorial in *The London Tablet*, CLXXXIII (May 20, 1944), 243. The editorial goes on to say that conditions made it necessary for the British in their bombing to "widen the definition of the target to cover industrial areas and the dwellings of those who worked in the factories." *The Tablet* does not approve this, neither does it condemn it. I consider such "widening the definition of the target" to be a casuistical device.

note of descriptions



tracts of say, Chicago, or Brooklyn, the Bronx, and the suburbs of New York City, on the score that this is only incidental to attack on munition plants and administrative headquarters in other parts of the city, cannot stand the slightest critical examination either moral or logic, as an instance of the principle of the double effect. In such an argument is contained the explicit distinction between groups and sections that may be made the object of direct attack and other groups and sections that are immune from such attack. But incendiary and explosive bombs would hardly respect this distinction, for they destroy with equal impartiality either group. When an entire city is destroyed by such means the military objectives are destroyed indirectly and incidentally as parts of a great civil center, rather than vice versa. It is a case of the good effect coming along with, or better, after and on account of the evil, instead of a case where the evil is incidental to the attainment of a good. . . . It is hardly correct to think and speak of the damage done to life and property in such situations as being 'incidental destruction.' Rather it is the realistic interpretation of this situation to hold that any good gained is incidental to the evil, and that the phrase 'wholesale destruction of property and civilian life' indicates the true relation between the good and evil effects involved. The evil effect is first, immediate and direct, while any military advantage comes through and after it in a secondary, derivative, and dependent way. As far as the principle of the double effect is concerned, an attack upon a large city with the weapons of modern warfare is the direct opposite of such an attack with the weapons of earlier days. . . . The general civil suffering from the immediate effects of total war cannot be justified on the score that it is indirect. Justification for the infliction of such suffering must be sought by other means, and it is doubtful if even war-time propaganda can present the new warfare as other than it is—a direct and intended offensive against the non-combatant population of the nations at war, especially as concentrated in large numbers in the great capital and industrial cities.<sup>59</sup>

Obliteration bombing would come squarely under the condemnation of this argument.<sup>60</sup> It is enough to recall that in a single raid on Cologne (according to Mr. J. M. Spaight, one of the most enthusiastic and articulate defenders of the bombing), 5000 acres of the built-up part of the city was wiped out.<sup>61</sup> That means a territory eight miles square. And the American Army Air Forces' official story of the first year of bombing says of Hamburg: "Well over 2200 British and

<sup>59</sup> John K. Ryan, *Modern War and Basic Ethics*, pp. 105 ff.

<sup>60</sup> But I do not know Dr. Ryan's opinion on this present problem, which arose after he had written the above. To the casual, or even the careful reader of his book, it would appear that he did not believe in the possibility of a just modern war at all. But we know from his later repudiation of this thesis that it had never been his intention to defend it; cf. *Ecclesiastical Review*, CVIII (May, 1943), 350.

<sup>61</sup> Spaight, *op. cit.*, p. 96.

American aircraft dropped more than 7000 tons of high explosive and incendiaries on a city the size of Detroit. To quote an official report: "There is nothing in the world to which this concentrated devastation of Hamburg can be compared, for an inferno of this scale in a town of this size has never been experienced, hardly even imagined, before."<sup>62</sup> The total weight of the bombs dropped on Hamburg in seven days equaled the tonnage dropped on London during the whole of the 1940-1941 blitz.<sup>63</sup> Mr. Spaight informs us: "What the effect was may be inferred from the ejaculations of one German radio commentator (Dr. Carl Hofman): 'Terror . . . terror . . . terror . . . pure, naked, bloody terror.'"<sup>64</sup>

More than nine square miles of Hamburg (77 per cent of its built-up area), including the largest workers' district in the city, were completely wiped out, according to British reports of the raids.<sup>65</sup> An RAF commentator said: "To all intents and purposes a city of 1,800,000 inhabitants lies in absolute ruins. . . . It is probably the most complete blotting-out of a city that ever happened."<sup>66</sup> This kind of thing is still going on. In July, 1944, General H. H. Arnold, commanding general of our Army Air Forces, announced that latest reports indicated that 40 to 50 per cent of the central portion of Berlin is "burned out. . . . Berlin is a ruined city." The bomber chief also stated that the Army Air Force plans to continue its air offensive against Germany, "burning out" its industries and war centers.<sup>67</sup>

If these are the facts, what is to be said of the contention that the damage to civilian property and especially to civilian life is only incidental? Is it psychologically and honestly possible for the air strategist in circumstances like these to let go his bombs, and withhold his intention as far as the innocent are concerned? I have grave doubts of the possibility.

<sup>62</sup> *Target: Germany*, p. 19. <sup>63</sup> *Loc. cit.* <sup>64</sup> Spaight, *op. cit.*, p. 89.

<sup>65</sup> Vera Brittain, "Massacre by Bombing," *Fellowship*, X (March, 1944), 57.

<sup>66</sup> *Loc. cit.* Another RAF commentator said that "the greatest destruction from these raids has been to business and residential property, especially in the built-up area." Estimates of those killed varied from 65,000 to 200,000, but these figures have been questioned. Owing especially to phosphorus and incendiaries, Hamburg experts in charge of salvaging bodies believed that in the fire district only a very small percentage of the population, even those in shelters, escaped death.

<sup>67</sup> *New York Times*, July 4, 1944.

But there is another reason for excluding the possibility of such merely indirect intent. At the Casablanca conference, the combined chiefs of staff ordered a joint British-United States air offensive to accomplish "the progressive destruction and dislocation of the German military, industrial and economic system and *the undermining of the morale of the German people* to the point where their capacity for armed resistance is fatally weakened."<sup>68</sup> *Target: Germany*, an official publication of the air forces, tells us that "the two bomber commands lost no time in setting about the job. To the RAF fell the task of destroying Germany's great cities, of silencing the iron heart-beat of the Ruhr, *of dispossessing the working population, of breaking the morale of the people.* The mission of VIII Bomber Command was the destruction of the key industries by which the German military machine was sustained."<sup>69</sup> This same authoritative publication (presented with a foreword by General Arnold himself) makes it clear that the terrorization of civilians is part of our bombing strategy. "Bombs behind the fighting fronts may rob armies of their vital supplies and make war so terrible that civilian populations will refuse to support the armed forces in the field. . . . *The physical attrition of warfare is no longer limited to the fighting forces.* Heretofore the home front has remained relatively secure; armies fought, civil populations worked and waited. This conflict's early air attacks were the first portents of a changing order." And after saying that we now follow the "bloody instructions" given us by the Nazis, and after describing the destruction of Hamburg and other industrial cities, this official account says: "Here, then, we have *terror and devastation* carried to the core of a warring nation."<sup>70</sup>

Now I contend that it is impossible to make civilian terrorization, or the undermining of civilian morale, an object of bombing without having a direct intent to injure and kill civilians. The principal cause of civilian terror, the principal cause of the loss of morale, is the danger to life and limb which accompanies the raids. If one intends the end, terror, one cannot escape intending the principal means of obtaining that end, namely, the injury and death of civilians.

<sup>68</sup> *Target: Germany*, p. 117 (italics added). <sup>69</sup> *Loc. cit.*

<sup>70</sup> *Ibid.*, p. 19 (italics added). Charles J. V. Murphy denies the terror motive, saying that the real motive as to civilians is "to hound him with the multiplying incidents of catastrophe . . ." (*op. cit.*, p. 95).

Both from the nature of the obliteration operation itself,<sup>71</sup> then, and from the professed objective of undermining morale, I conclude that it is impossible to adopt this strategy without having the direct intent of violating the rights of innocent civilians. This intent is, of course, gravely immoral.

On the question of direct intent it is well to remember, too, that it would be altogether naive to suppose that our military and political leaders were thinking in terms of a distinction between direct and indirect. Without impeaching their moral characters in the least, it is only common sense to recognize that their practical guiding norms in a matter of this kind are military necessity and political expediency. This is not to deny that they have consciences and follow them, but it is to doubt whether their consciences are sufficiently delicate to give them any trouble when this type of decision has to be made. When our forces bombed Rome, the officials took extreme care to hit only military objectives. And they took even greater care to broadcast the precautions they had taken, and to get statements from Catholic pilots defending the operation. Now if this solicitude had been due to a sincere regard for the morality of aiming at non-military targets, or for the necessity of avoiding direct intentional injury of the innocent, they would exercise the same care in every city they bombed, or at least in every comparable case. But I do not think it is cynical to believe that they were more interested in religious *feelings* and world reaction than they were in the morality of killing the innocent whether directly or indirectly, and of destroying non-military property. The present bombing of Germany confirms this view. From the moral point of view, the lives of the innocent inhabitants of Germany or any other country are far more precious than the religious monuments of Rome, or the real estate of the Holy Father. But we hear nothing of a week's preliminary briefing to insure the safety of non-military

<sup>71</sup> Mr. Spaight's description of obliteration technique inadvertently confirms the view that a great deal more than the so-called target is really aimed at. Because precision work was not effective, "it was necessary to bring into use projectiles of such destructive capacity that when launched from great heights on the estimated target area they could be counted upon to wreck the target as well as (unfortunately) much else besides. The justification of the method must rest on military necessity." Actually this means that one aims at a whole area in order to get at a target. The destruction of the target is incidental to the destruction of the *estimated target area* (*Bombing Vindicated*, p. 98). On p. 97 he describes the terrible "bomb-splash"; we do not know yet how devastating it is.

targets in Berlin. We hear just the opposite. We hear the word obliterate.

Furthermore, we continually hear the argument: "They did it first," as a justification of our bombing of Germany. The argument is that since the Germans have attacked our innocent civilian populations on purpose, we can do the same thing to them.<sup>72</sup> Mr. Norman Cousins, editor of the *Saturday Review of Literature*, who has interested himself in the subject of obliteration bombing, apparently believes that any procedure whatever, no matter how brutal, is moral and legitimate for us to adopt once the enemy adopts it: "Once the enemy starts it [poison gas, and even, it seems, indiscriminate bacteriological warfare] it becomes no longer a moral but a military question, no longer a matter of argument but a matter of action."<sup>73</sup> Mr. Churchill's appeal to the popular revenge motive has been public.<sup>74</sup>

<sup>72</sup> Mr. Spaight does not argue thus, however, in *Bombing Vindicated*. He claims that Germany never had a strategic bomber command and was seriously opposed to this kind of bombing in the present war, for reasons of self-interest (pp. 30, 41, 42, 47, 72, 74). England started building her strategic force in 1936 (p. 30). (Charles J. V. Murphy, "The Airmen and the Invasion," *Life*, Apr. 10, 1944, p. 95, says the English air force "has been painstakingly assembled since 1940 to do area bombing." General Arnold [see above, note 10] says that the general plans for our present bombing of Germany were laid in the summer of 1941.) Mr. Spaight thinks that England would inevitably have gone bombing in Germany even if Germany had never bombed England (p. 149). "We began to bomb objectives on the German mainland before Germans began to bomb objectives on the British mainland. That is a historical fact which has been publicly admitted" (p. 68). But Germany was the first to bomb towns in the present war, e.g., in Norway (p. 150). (Warsaw and Rotterdam were different because there the bombing was tactical—in immediate support of the invading army (p. 43, 149).) Mr. Spaight's contention is that to Great Britain belongs the credit and honor of adopting long ago the strategy now being applied (pp. 73, 143). [At the Disarmament Conference of 1932, Italy proposed the abolition of the bombing airplane and was supported by Germany, Russia, and the United States. Great Britain blocked the proposal because she wanted to reserve the use of the bomber for "police work," i.e., for bombing unruly native populations in India. According to *Time*, July 7, 1943, it was Sir Arthur Harris who introduced this technique.] Mr. Spaight is in doubt as to whether the English reservation killed the 1932 proposal at Geneva, but thinks we should at least say: "They [Eden and Lord Londonderry] did not kill the proposal to abolish bombing. If they had done so they would have done something of inestimable value to our national interests and the cause of civilization."

<sup>73</sup> "The Non-Obliterators," *Saturday Review of Literature*, Apr. 8, 1944, p. 14.

<sup>74</sup> On July 15, 1941, Churchill approved this sentiment: "We will mete out to the Germans the measure and more than the measure that they have meted out to us." He also made revengeful statements before the United States Congress regarding Japan (Vera Brittain, "Not Made in Germany," *Fellowship*, X, June, 1944, 108). Mr. Churchill gave

At the present time there are numerous calls for revenge of the robot bombing. An editorial in the *Boston Herald* asks: "Why not go all out on bombings? . . . Why be nice about the undefended towns and cities? . . . The time-honored system of tit for tat is the only one which Hitler and his Germans can understand."<sup>75</sup> The *New York Times* had an editorial along the same lines.<sup>76</sup> And in a letter to that paper one Carl Beck demands an ultimatum from the chiefs of the four United Nations, threatening Germany that "for every prisoner murdered we will take ten German lives, for all civilian mass murder we will take an equivalent number of Germans the minute we reach their soil—we ourselves will treat all prisoners according to civilized warfare."<sup>77</sup>

Naturally one does not expect political leaders to assert definitely that they intend to kill women and children.<sup>78</sup> The feelings of the whole civilized world are so completely in accord with the traditional distinction between innocent and guilty, and such a very large number of people (with votes) everywhere consider themselves to be among the innocent, that it would probably be political suicide to announce explicitly such a policy; and even from the military point of view it would provide the enemy with priceless propaganda. Any attack on the innocent civil population will always be covered up by a euphemistic name, like "area" bombing, or simply written off under the

the Golden Rule a new twist in a speech broadcast on May 10, 1942. He said that Bomber Command had done a great thing in teaching "a race of itching warriors that there is something after all in the old and still valid Golden Rule" (Spaight, *Bombing Vindicated*, p. 103).

<sup>75</sup> *Boston Herald*, July 4, 1944 (italics added).

<sup>76</sup> *New York Times*, June 1, 1944.

<sup>77</sup> *New York Times*, July 20, 1944. The question of revenge does not constitute any theoretical problem for the moralist. Such a motive includes hatred and is clearly immoral. It violates the Gospel law. But reprisals, as that term is used in international law, must be distinguished from revenge. When used as a last resort and with due regard for the moral law, they can be legitimate; cf. Louis le Fur, *Précis de droit international public* (Paris: Dalloz, 1939), nn. 873, 908. But their use is always dangerous, because it leads to a grim competition of frightfulness; cf. A. Messineo, S.J., "Le rappresaglie e la guerra," *Civiltà Cattolica*, Anno 92, Vol. I (March 15, 1941), p. 420.

<sup>78</sup> The statement of Mr. Stanley Baldwin quoted by Fr. Joseph Keating is exceptional: "The only defence is offence which means that you have to kill more women and children more quickly than the enemy [can] if you want to save yourselves" (quoted in "The Ethics of Bombing," *The Catholic Mind*, XXXVI, July 22, 1938, 279, note 3); the speech was made in the House of Commons on Nov. 10, 1932.

general absolution of "military necessity." My point, therefore, is to indicate that we have good grounds for suspecting that the *de facto* intent of the air strategists is not governed by the morality of direct and indirect intent at all, and that it is naive and unrealistic to imagine them conforming themselves to the principle of the double effect on this score.

*The Question of a Proportionately Grave Cause*

But furthermore, the question of direct or indirect intent is not decisive in the application of the principle of the double effect. There still remains the question of proportionately grave causes to justify the alleged "permission" of the evil. Even if I doubted, therefore, about the abstract possibility of "holding back the intention," I would have no doubt about the immorality of obliteration bombing. When it is carried out on the scale described, I am convinced it lacks all sufficient justification. And though the question of proportionate cause involves military considerations on which the moralist cannot speak with authority, yet it also includes strictly moral elements. And so, leaving aside for the moment the authority of the Pope (whose voice can be effectively appealed to on this question), as well as those principles of charity and humanity which, by law and example, Christ made the very groundwork of our religion, let us see whether the element of proportionate cause is satisfied in the general strategy of obliteration.

The principal reason alleged to justify the infliction of enormous agonies on hundreds of thousands and even millions of innocent persons by obliteration bombing is the reason of military necessity, or of shortening the war. We hear that "it must be done to win the war"; "it will shorten the war and save our soldiers' lives"; "it will liberate Europe and enable us to feed the starving sooner." Major General J. F. C. Fuller, writing long before obliteration bombing was an issue, said: "When however it is realized that to enforce policy, and not to kill, is the objective [in war] and that the policy of a nation though maintained and enforced by her soldiers and sailors is not fashioned by them but by the civil population, surely then if a few civilians get killed in the struggle they have nothing to complain of—

'dulce et decorum est pro patria mori!'"<sup>79</sup> Mr. J. M. Spaight makes the amazing claim that the long-range bomber, built for operations like the present one in Germany, is the savior of lives, of civilization, and the cornerstone of future peace.

Now in the practical estimation of proportionate cause it is fundamental to recognize that an evil which is certain and extensive and immediate will rarely be compensated for by a problematical, speculative, future good. The evil wrought by obliteration is certain injury and death, here and now, to hundreds of thousands, and an incalculable destruction of their property. The ultimate good which is supposed to compensate for this evil is of a very speculative character.

When Great Britain first adopted obliteration as a policy, Mr. Churchill called it an experiment. He did not know whether it would work or not.<sup>80</sup> The U. S. Army Air Forces in their account of the first year's work in Germany say: "*Target: Germany* is the story of an experiment," and admit that after a year "the final evaluation is yet to be made," and from the nature of the case cannot be made ahead of time or even at the time of the bombing. The effects on future battles are too far removed—sometimes not felt for six months.<sup>81</sup> To the question, "Will bombing win the war?," *Target: Germany* replies: "To the military logician the question is beside the point. Aerial assault is directed both at the enemy's will to resist and his means to resist. One may collapse before the other; either eventuality is desirable. Bombing will be carried out to the fullest extent in either case."<sup>82</sup> Naturally the authors of *Target: Germany* have confidence in the military effectiveness of their strategy, but they are far from talking in terms of certainty, and they are talking

<sup>79</sup> Quoted by John K. Ryan, *Modern War and Basic Ethics*, p. 115, note. Dr. Ryan gives many references to writers who hold the theory that attacking civil populations is a humanizing element in war.

<sup>80</sup> According to *Time*, July 7, 1943, Churchill "stated the reaction of the global strategists when he said, 'The experiment is well worth trying so long as other measures are not excluded.'" This was after Harris and Eaker had given assurances that Germany could be bombed out of the war in 1943. Seven months later this had not taken place.

<sup>81</sup> *Target: Germany*, p. 19.

<sup>82</sup> *Target: Germany*, p. 118; also p. 115; "The purpose of this book has been factually to record the testing of a new concept of vertical warfare."

of the whole air strategy, both the British and American assignments. It is well known, besides, that many military men and many air force men doubted the effectiveness of the strategic bombing of industrial centers. The French military officials were against it.<sup>83</sup> According to Mr. Spaight, the Germans have never believed in its military effectiveness for Germany.<sup>84</sup> This is not the time when we can expect the opponents of strategic bombing to voice their views. After all they are in the service, we are at war, and the defenders of the bombing have had their ideas officially endorsed. But on the merits of the question, whether this bombing is a profitable and effective strategy from the military point of view, there is disagreement among the military experts themselves.

We are told by a competent reporter of facts that Churchill had "powerful critics of the British Bomber command inside his own Air Ministry. . . . [Certain] British airmen . . . have come to distrust his bomber strategy. . . . The night attacks on German industrial populations, they think, are too haphazard, the targets too far back in the production sequence, to affect German military strength *now*. They argue that quite aside from ethical considerations Harris' technique . . . is not necessarily shortening the war." The same writer tells us that there is a "small but influential group of British intellectuals who have been arguing privately that the economic and social problems deriving from the wrecking of German communities will prove more disastrous in the end than the immediate problem which bombing is supposed to bypass."<sup>85</sup>

The United States' air leaders, though fully co-operating with British obliteration methods, cannot help betraying their preference for American precision work. And criticism of the general strategy over Germany is not unheard of among military men in this country. In a forthcoming book, Colonel W. F. Kernan, the well-known strategist, will express his opinion that bombing cities is the wrong strategy—this from a purely military point of view.<sup>86</sup>

<sup>83</sup> Spaight, *Bombing Vindicated*, pp. 70-71.

<sup>84</sup> *Loc. cit.* Mr. Spaight himself has no doubt about the policy.

<sup>85</sup> Charles J. V. Murphy, "The Airmen and the Invasion," *Life*, Apr. 10, 1944, p. 95.

<sup>86</sup> Col. Kernan is the author of *Defense Will Not Win This War* (Boston: Little, Brown, 1942), and *We Can Win This War* (Boston: Little, Brown, 1943). His forthcoming book will be called *Let's Be Heroic*, and it is in Chapter V that he expresses his views on the strategy used over Germany.

It remains to be seen, therefore, whether this type of bombing is a military *necessity* in order to win the war sooner and save British and American lives. The bombing of Monte Cassino was called a military necessity in order to save American lives; but the military experts proved to be mistaken. "Military necessity" can become a mere catchword, and a cloak for every sort of excess, especially when the judgment is made entirely on military grounds without taking into account other factors, such as psychology (not to mention morality).<sup>87</sup> Germany's strategic bombing of England was held to be a failure partly because it stiffened the resistance of the English. Who can say to what extent our obliteration will strengthen rather than weaken the German will to resist—or to what excesses of cruel retribution against our soldiers the people will be aroused? There are many military men who still agree with Marshal Foch: "You cannot scare a great nation into submission by destroying her cities."<sup>88</sup> Members of the French hierarchy have warned us that our bombing in France (the argument holds a fortiori for Germany), "by striking blindly at innocent populations, by mutilating the face of our country, might engender between our nations a volume of hatred which not even the peace will be able to assuage."<sup>89</sup> And more than one observer has noted the extreme cautiousness with which Russia has resorted to this type of bombing, in western Europe. Russia is not making enemies unnecessarily, where she intends to govern.

The next argument—that obliteration bombing will hasten the day when our victorious arms will enable us to feed the starving millions abused by the Axis—seems to contain an element of hypocrisy. If we wanted to feed starving Europe, we (the United States and Great Britain) could feed millions of the innocent right now. Mr. Hoover has pointed out the way. It does not become us to omit to feed the millions we certainly could feed now, and adopt obliteration with its

<sup>87</sup> Vera Brittain, "Not Made in Germany," *Fellowship*, X (June, 1944), 108, answers the President's argument that bombing, in the opinion of an overwhelming percentage of military authorities, is shortening the war. She says: "It is, however, well known that most military authorities possess expert minds which are necessarily limited to their own sphere. With rare exceptions they are apt to perceive only one aspect of the present and little of the future, and their judgments tend to be based on mathematical calculations rather than on human reactions."

<sup>88</sup> Quoted by John K. Ryan, *Modern War and Basic Ethics*, p. 117, note.

<sup>89</sup> *London Tablet*, CLXXXIII (May 20, 1944), 246.

immense torture of the innocent on the plea that it *may* enable us to feed the hungry later on; especially when President Roosevelt's personal envoy, Colonel Donovan, spoke as follows to the French ambassador at Ankara in the spring of 1941: "The American people are prepared to starve every Frenchman if that's necessary to defeat Hitler."<sup>90</sup> It would be more forthright to argue as Mr. Spaight does, that *since* it is permissible to starve civilians, then why is it not permissible to go on bombing them?<sup>91</sup> At least this points up the moral issues instead of beclouding them.

To all these bizarre claims, that attacks on the civilian population are a humanizing element in modern war, I think the following words of Dr. Ryan are relevant: "From a merely utilitarian standpoint these attacks cannot be justified, for they would spread destruction rather than restrict it, lengthen a war rather than shorten it, provide bitter causes for future conflicts rather than the conditions of a lasting peace."<sup>92</sup>

I conclude from all this that it is illegitimate to appeal to the principle of the double effect when the alleged proportionate cause is speculative, future, and problematical, while the evil effect is definite, widespread, certain, and immediate.

But my argument can be pressed still further, and on more general grounds. Even if obliteration bombing did shorten this war (and if the war ends tomorrow we shall never know whether it was this type of bombing that ended it), and even if it did save many military lives, we still must consider *what the result for the future will be if this means of warfare is made generally legitimate.*

Can we afford to justify from this time forward obliteration bombing as a legitimate instrument of war? Once it is conceded that this is a lawful means of waging war, then it is equally available to our enemies, present and future. They will have just as much right to use it against us as they have to use guns against our soldiers. I do not believe any shortening of the present war, or any saving of the lives of our soldiers (problematical at best) is a cause sufficient to justify on moral grounds the use of obliteration bombing in the future.

<sup>90</sup> Quoted in *America*, LXX (June 10, 1944), 279.

<sup>91</sup> *Bombing Vindicated*, p. 120.

<sup>92</sup> *Modern War and Basic Ethics* (1st. ed.; Washington, D. C., 1933), p. 101.

For in practice, though one may adhere verbally to the distinction between innocent and guilty, the obliteration of great sections of cities, including whole districts of workers' residences, means the abandonment of that distinction as an effective moral norm. When the innocent civil population can be wiped out on such a large scale very little is left practically of the rights of the innocent. Each new and more terrifying procedure, with more and more loss of innocent life, can always be defended as a mere extension of the principle, justified by the desperate military necessities of the case. The wiping out of whole cities is a reversion to barbarism as far as civilian rights are concerned. Already there is talk of using gas when we go into the Far East. The present demands of legislators, editors, and others for the indiscriminate bombing of *non-industrial* towns in Germany is a clear example of an inevitable tendency—once you get used to the idea of obliteration, and justify it.

This is another way of saying that the recognition of obliteration bombing will easily and quickly lead to the recognition of total war itself. Some may say, of course, that we recognize total war already and are waging it. But that would be a gross exaggeration. Dr. Guido Gonella tells us: "The totality of war is generally understood in a three-fold sense. It applies to the *persons* by whom and against whom warlike action is exercised, to the *means* which are employed in war, and to the *places* where warlike action takes place. (The term war-like action is taken in the broadest sense, including not only military action but also every form of manifestation of hostility, for example, by economic blockade, by the war of nerves etc. . . .)" And again: "If total war is defended as a war which is fought without regard to any limitations affecting persons, or means of warfare, or places," then it must be condemned as immoral.<sup>93</sup> All Catholics, following the lead of the Pope, the hierarchy, and firmly established moral principles, condemn total war in this, its fullest, sense. To say that war need know no restraint in these matters is equivalent to asserting that men at war are no longer bound by the natural law at all. And so the elimination of total war was one of the main objectives of the Holy Father's Christmas message of 1941.

I do not think any American or British statesman or leader believes

<sup>93</sup> *A World to Reconstruct*, Chap. XII.

we are waging, or should wage war in this utterly unrestrained and barbaric manner. But I do think the theory of total war, proclaimed unashamedly by some of our enemies, has made an impression on leaders and on the popular mind. The phrase has been tossed about like the phrase "military necessity," and it becomes a cover-all to hide and excuse practices which would otherwise be readily recognized as immoral. The false notion that today whole peoples are waging war against whole peoples is insinuated or openly propagated, and the conclusion is drawn that whole peoples are legitimate objects of attack.<sup>94</sup>

Now the air bombardment of civilian centers is a symbol of total war in its worst sense. It is the first thing that comes to mind when the phrase "total war" is heard. The air bombardment of great centers of population lets down the bars, and opens up enormous categories of persons, hitherto immune, against whom warlike action can now be taken; it changes the scene of war-like activity from the battlefield to the city, and not only to the war factories but to the residential districts of the workers; and it uses explosives and incendiaries to a hitherto unheard of degree, leaving only one more step to go to the use of poison gas or bacteriological war. This means that obliteration bombing has taken us a long step in the direction of immoral total war. To justify it, will, I believe, make it exceedingly difficult to draw the line at further barbarities in practice. If the leaders of the world were well educated in moral matters and conscientious in the application of Christian moral principles to the waging of war, the danger might not be so real. But half of them are not Christian at all and worship material force as an ultimate, while almost all of them are immersed in a completely secularized tradition. If moralists grant them the vast horrors of obliteration bombing, what will stop them from that point on? If one were merely applying the

<sup>94</sup> See S. L. A. Marshall, *Blitzkrieg* (New York: Wm. Morrow, 1940), especially pp. 32, 111, 145, 149; George Fielding Eliot, *Bombs Bursting in Air* (New York: Reynal and Hitchcock, 1939), pp. 23-25; Lt. Col. Harold E. Hartney, *What the Citizen Should Know about the Air Forces* (New York: Norton, 1942), p. 205; Fletcher Pratt, *America and Total War* (New York: Smith and Durell, 1941); Cyril Falls, *The Nature of Modern Warfare* (New York: Oxford University Press, 1941); E. J. Kingston-McCloughry, *Winged Warfare* (London: Jonathan Cape, 1937); General Wladyslaw Sikorski, *Modern Warfare* (New York: Roy Publishers, 1943); Giulio Douhet, *The Command of the Air* (New York: Coward McCann, 1942).

principle of the double effect to the act of an individual bombardier dropping a bomb, such considerations would not be very much to the point; but when the question is the whole strategy of obliteration, these larger considerations, the thought of future consequences for the whole civilized world, are the most important elements to be remembered in estimating proportionate cause.

#### *The Mind of the Holy See*

We cannot doubt that considerations of this world-wide kind have led the Popes to raise their voices time and again in defence of the rights of the innocent, in condemnation of the indiscriminate air bombardment of civilians, and against the increasingly ferocious and immoral practices of "total war." Even in the last war, Benedict XV condemned the aerial bombardment of civilians.<sup>95</sup> In the recent Spanish war, Pius XI condemned the bombing of cities in Spain, including that done by Franco. Pius XII from the very beginning of the present war has pleaded for the innocent, and appealed to the law of Christian charity as well as the natural law itself. If his words do not contain an implicit condemnation of obliteration bombing as I have described it, then it is hard to see what he does condemn. If he deplored the bombing of Rome and expressed publicly his disapproval of it—that bombing which was carried out with such elaborate and well publicized precautions—what would he say of the horrors of obliteration bombing? We give only a few examples of the present Pontiff's words on the immunity of civil populations, the rights of the innocent, the atrocities of war and of air bombardment.<sup>96</sup>

On Sept. 14, 1939, he said: "We cling in a special manner to the hope that civilian populations will be preserved from all direct military operations." On Sept. 30, 1939, he deplored the sufferings of the Polish civil population. On Dec. 24, 1939, he said:

Moreover, since the world seems to have forgotten the peaceful message of Christ, the voice of reason and Christian brotherhood, We have been forced to witness a series of acts irreconcilable alike with the precepts of positive international law and those of the law of nature, as well as with the elementary sentiments

<sup>95</sup> *Principles for Peace* (Washington, D. C.: N.C.W.C., 1943), nn. 450, 478, 491, 494, 522, 563.

<sup>96</sup> The following quotations from Pius XII, unless otherwise noted, can be found in *Principles for Peace*, where they are arranged in chronological order.

of humanity; acts which show in what a vicious circle the juridical sense becomes involved when it is led by considerations of expediency. Among such crimes We must include [the aggression against Poland]; atrocities (by whichever side committed); and the unlawful use of destructive weapons against non-combatants and refugees, against old men, and women and children; a disregard for the dignity, liberty, and life of man, showing itself in actions which cry to heaven for vengeance.

On June 2, 1940, he asks the belligerent nations to observe the principles of humanity and international law in their treatment of non-combatants and occupied countries. On Dec. 21, 1940, he pleads for the rights of children in war time. On Dec. 24, 1940, he said:

Venerable shrines, monuments, and institutions of Christian charity are laid in ruins. The laws and morality of international warfare have been so callously ignored that future generations will look back on the present war as one of the gloomiest periods in history. Our thoughts anticipate with anxiety the moment when the complete chronicle of those who have been killed, maimed, injured, captured, those who have lost their homes and their relatives, will be known in all its details.

And on Apr. 13, 1941:

We feel obliged. . . to state that the ruthless struggle has at times assumed forms which can be described only as atrocious. May all belligerents, who also have human hearts moulded by mothers' love, show some feeling of charity for the sufferings of civilian populations, for defenceless women and children, for the sick and aged, all of whom are often exposed to greater and more widespread perils of war than those faced by soldiers at the front! We beseech the belligerent powers to abstain until the very end from the use of still more homicidal instruments of warfare; for the introduction of such weapons inevitably results in their retaliatory use, often with greater violence and cruelty by the enemy. If already we must lament the fact that the limits of legitimate warfare have been repeatedly exceeded, would not the more widespread use of increasingly barbarous offensive weapons soon transform the war into an unspeakable horror?

And on Dec. 24, 1942:

Mankind owes that vow [to return to the law of God] to the hundreds of thousands of persons who, without any fault on their part, sometimes only because of their nationality or race, have been consigned to death or to a slow decline. Mankind owes that vow to the many thousands of non-combatants, women, children, sick, and aged, from whom aerial warfare—whose horrors We have from the beginning frequently denounced—has, without discrimination, or through

inadequate precautions, taken life, goods, health, home, charitable refuge, or house of prayer.

On July 20, 1943, he protests against the bombing of Rome.<sup>97</sup> On Sept. 1, 1943, he said: "In all countries there is an increasing aversion to the brutality of the methods of a total war which tends to go beyond all legitimate bounds and all the norms of divine and human law."<sup>98</sup> And on Dec. 24, 1943:

We see indeed only a conflict which degenerates into that form of warfare that excludes all restriction and restraint, as if it were the apocalyptic expression of a civilization in which evergrowing technical progress is accompanied by an ever greater decline in the realm of the soul and morality. It is a form of war which proceeds without intermission on its horrible way and piles up slaughter of such a kind that the most bloodstained pages of past history pale in comparison with it. The peoples have had to witness a new and incalculable perfection of the means and arts of destruction, while at the same time they see an interior decadence which, starting from the weakening and deviation of the moral sense, is hurtling ever downward towards the state where every human sentiment is being crushed and the light of reason eclipsed, so that the words of Wisdom are fulfilled: 'They were all bound together with one chain of darkness' (Wisdom 17:17).<sup>99</sup>

On Apr. 22, 1944, the *Osservatore Romano* records a letter of Pius XII to Cardinal Maglione deploring the increasing frightfulness of the war and seeking to make the waging of war more merciful.<sup>100</sup> And on June 2, 1944, the Pope said: "The Eternal City, mother cell of civilization, and even the holy ground around the tomb of St. Peter, have had to learn by experience how far the spirit inspiring present-day methods of warfare, for a variety of reasons becoming ever more ferocious, has departed from those abiding norms which were once hailed as inviolable laws."<sup>101</sup>

These quotations and many more of a similar character will leave no one in doubt as to what the view of Pius XII would be on the morality of obliteration bombing.<sup>102</sup> He has never said a word, as

<sup>97</sup> Letter to Cardinal Marchetti-Selvaggiani, AAS, XXXV (1933), 252.

<sup>98</sup> Radio Broadcast, AAS, XXXV (1933), 278.

<sup>99</sup> Christmas Message to Cardinals, reprinted in the *Brooklyn Tablet*, Jan. 1, 1944.

<sup>100</sup> Reported in the *Catholic Herald* (London), April 28, 1944.

<sup>101</sup> This was part of his name-day address to the Cardinals, in which he said that to raise a hand against Rome would be matricide; reprinted in the *Brooklyn Tablet*, June 10, 1944.

<sup>102</sup> All the important documents of Pius XII on this subject up to Jan. 1, 1943, can be found in *Principles for Peace*.



far as I can discover, which would give anyone the slightest encouragement to believe that he would condone, much less favor, such a monstrously cruel method of combat in this war or in any other. And he has spoken so often of the sacred rights of the innocent, and so sharply of the increasing ferocity of the present war, and of the inhumanity and immorality of air warfare that one can only conclude that he would condemn as immoral the obliteration bombing defined above. And I have omitted, through lack of space, those many appeals of his to the law of Christian charity and the spirit of Our Lord Jesus Christ which are for believers obligatory norms of conduct even in war. I add one more quotation, to my mind particularly telling, taken from his allocution to the cardinals on his name day, the feast of St. Eugene, June 2, 1943. At the time he spoke these words the RAF and VIII Bomber Command had finished more than a year of obliteration:

No less painful and deplorable, Venerable Brothers and Beloved Sons, is it that often in this war the moral judgment on certain actions (which are opposed to justice and the laws of humanity) is made to depend upon whether the one who is responsible for it belongs to one or the other of the parties in conflict, without regard to its agreement or disagreement with the norms sanctioned by the Eternal Judge. On the other hand, the exacerbation of the technique of war, the progressive insistence on the use of means of fighting which make no distinction between so-called military and non-military 'objectives' cannot but recall the mind to the dangers which are inherent in the stern and relentless competition between action and reprisal—with harm not only to single peoples but to the whole community of nations. We, who from the beginning have done what was in Our power to induce the belligerents to respect the laws of humanity in aerial warfare, consider it Our duty, for the good of all, to plead once more for their observance. At the moment, furthermore, when the spectre of still more horrible instruments of destruction and death rises to try the souls of men, it is not superfluous to warn the civilized world that it walks on the edge of an abyss of unspeakable misfortunes. Venerable Brothers and Beloved Sons, how could a peace of justice, understanding, humanity and brotherhood ever arise from such methods of war?<sup>103</sup>

#### CONCLUSION

The conclusion of this paper can be stated briefly. Obliteration bombing, as defined, is an immoral attack on the rights of the inno-

<sup>103</sup> *AAS*, XXXV (1933), 169.

cent. It includes a direct intent to do them injury. Even if this were not true, it would still be immoral, because no proportionate cause could justify the evil done; and to make it legitimate would soon lead the world to the immoral barbarity of total war. The voice of the Pope and the fundamental laws of the charity of Christ confirm this condemnation.