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ART. IV.—THE LAWFULNESS OF WAR.

THE lawfulness of war has, from the time Tertullian wrote the "De Coronâ," and perhaps earlier, been a difficulty with Christians. In the "De Coronâ" he answers it in the negative. Some of the reasons he gives would go far to withdraw Christians from the service of the State altogether. He holds, *e.g.*, that the oath of allegiance to Cæsar is incompatible with the oath of allegiance in Baptism to Christ. Other reasons have reference to the accidents of service under a régime steeped in idolatry. But the main position is that we know as the Quakers'. The precepts of the Gospel, the general tone of it, the example of our Lord, are dwelt on.

In his Apology, however, he testifies to the fact that great numbers of Christians were actually serving in the Imperial armies; he mentions, also, that in the regular Church prayers were prayers for the Emperor, and among the prayers for the Emperor were prayers that he might have, among other blessings, "a stout army." At the same time, he insists that Christians were numerous and strong enough to raise a formidable rebellion against the State, if they were not withheld by their principles of non-resistance and of patient endurance. Short of this, they might inflict a deep wound on the State by abandoning her service, which he implies would be non-Christian. Some confusion is evidently visible here. Yet, perhaps, the confusion is not really so great as it seems. The practice of the Church in allowing war is not a mere compromise of common-sense with the Gospel, a taint of worldly leaven, or the result of lacking faith. When Bishop Harold Browne, *e.g.*, argues that on Quaker principles the whole fabric of society would be overthrown, it seems at first sight unanswerable to reply that the care of the fabric of society may be left to God, our business being to believe and obey His command. But what if our Lord were never minded to overthrow the fabric of society at all? if, on the contrary, He were minded to continue it, if He sanctioned the authority of Cæsar, commended it to Christian duty, and expressly endowed it with or allowed in it the use of the sword? Difficulties may occur in the logical reconciliation of this course with Christian precepts of non-resistance, of victory through patience, but the Quaker principle is not without its own inherent contradiction also. *E.g.*, the Quaker lives in and under the protection of the State, he enjoys the advantages of the use of the sword by the State in punishing evil-doers, and in defending its subjects from foreign attacks. He lives, that is, by the service of others; they do for him what he refuses to do for

them; and so far he violates the first rule of Christian behaviour in society.

From St. Paul's time at least Christians appealed to the State for protection. Soldiers rescued him, in fact, from the mob. It is the continual complaint of Christians that this protection was not given them. They had nothing but praise for emperors who gave it and used the sword to enforce it. It is plain that there is absolutely no difference in principle between the use of the sword in punishing evil-doers and in defending its subjects from civil or foreign violence. Cæsar of necessity bears the sword, and bearing it, is false to his duty to God if he bears it in vain.

The same principle is evident in the thought of the State as the checker, the power that holds in restraint the confusion of anarchy and evil. The worst Government does this to a certain extent. It enforces some part at least of the natural moral law, and it supplies the necessary conditions under which the Gospel is to live and work. The Gospel cannot and does not pretend to supply its place, to sweep it away. Even to the worst Government Christ enjoins by precept and example a conditioned and limited obedience and even support.

For, again, the first thought of Christians, the thought of withdrawal, of leaving the State to take care of itself, of regarding the civil magistrate as necessary indeed, but no concern of theirs, of washing their hands of the whole affair, will not work with Christian duty. In the process of conversion, imagine the bulk of the citizens becoming Christian. Is all the authority of the sword, all the management of law and defence and protection, to be surrendered to the worst elements of society? As each officer or soldier or magistrate accepts the Gospel, is he to throw up his civil duties? At last, when an emperor or prince becomes a Christian, is he to resign the throne, to abdicate, or to fulfil as a Christian the original and inherent duties which belong to his stewardship? And if the sovereignty be vested in no monarch, but in the people, is that people, when it becomes a Christian people, to evacuate sovereignty of its content, and remove all restraint of law from the shoulders of those among its number who are un-Christian, or imperfectly Christian, leaving them and itself a prey to disorder within and violence from without?

The whole question of the lawfulness of war turns at last on the recognition of the State as having authority by Nature and of God. That cannot lapse, and very significantly and logically the affirmation of its lawfulness is appended in our Articles of religion to the affirmation and explanation of the royal supremacy. It lies at the root of most of our difficulties in casuistry, and of most of our ecclesiastical quarrels.

A State has, in International Law, been described as a thing, not a person. "It is the relation of things, not persons, which constitutes war; it is the relation of State to State, and not of individual to individual. Between two or more belligerent nations, the private persons of which these nations consist, are enemies only by accident; they are not such as men, they are not even as citizens, they are such solely as soldiers."—*Portalis*.

"The only true and humane principle is that already laid down: that war is waged by State against State, by soldier against soldier. The State resists an effort to obtain justice; the soldier obstructs the way of the armed officer of justice, and must be resisted."—*Woolsey*.

Under this principle the International Law of Christendom has been gradually developing in humanity, confining the sphere of injuries, and setting limits to passions of animosity.

Nevertheless, it is also true that a State is a person, capable of justice and injustice, of honour and shame, of repentance and atonement. We cannot afford to lose grasp of this truth. But we can as little afford to think of a Christian prince or a Christian State as a person to whom the obligations proper to the Prince or State no longer are binding. As a matter of fact they come first. An act of Christian magnanimity or generosity on the part of the State must satisfy the first requisites of justice, of order, of public safety. Such an act *e.g.*, as the peace after Majuba was, to the minds of those members of the English nation who were immediately affected, a desertion and a betrayal. It was misunderstood, as it was bound to be, by the recipients. "It exposed the subjects of the nation on the spot to bear unwillingly the contumely and the shame and the loss." In their eyes the whole plea of justice on which it rested was unfounded. "The annexation of the Transvaal had been effected practically for the salvation and at the request of the Boers themselves. The formal protest of the Boers had been a protest made professedly to satisfy an ignorant and discontented minority. In any case, the English Government had entered into solemn engagements with its own people there, and when the act was done it had become what it was asserted to be, irrevocable. The war began with gross treachery, with the inhuman massacre of unsuspecting and practically unarmed troops."¹ Apart from all this, to surrender after a defeat has long been acknowledged fatal to the security and peace of the Government that makes it.

¹ We give the Transvaal Loyalists' point of view, true or not. They at any rate challenged a vote by ballot, which Mr. Gladstone refused. He took successful rebellion for a plebiscite.

Those sentiments of military honour are not of mere Jingoism. They are among the instincts of preservation. A State that neglects them digs the pit for its burial. A Christian individual may sacrifice his own life, his own fortune, at the bidding of a Christian doctrine of perfection; the life and fortune of others are not his to sacrifice. The Christian Prince, the Christian Government, the Christian State, cannot rid themselves of their duties as Princes, Governments, and States, and although they are persons, they cannot ignore the personalities they include, for whose regimen and safety and well-being their first responsibility is.

The ethics of wars of religion turn upon this distinction of character. Tertullian, we have seen, repudiates the thought of war or rebellion as a remedy to persecution. He repudiates it as alien to Christian faith and principles. So, in fact, it is. And the fact brings before us the truth that the Christian Church as such is not a State or endowed with the authority and arms of a State. The case is different when a prince or a State becomes Christian. If in becoming Christian it is to cast away the power of the sword, it casts away the character of a State with it. Its duty is to prevent wrong being done at least, and in the last resort to use force to prevent it. Nor do either Christian principles or the Church in concrete favour the minimizing theories of the sphere of the State. The withdrawal of religion from that sphere has some practical and some theoretical justification, but so long as it is true that religion influences for good or evil the character and conduct of citizens, it must come within the province of the ruler. A religion may withdraw subjects from their allegiance to their Sovereign, may forbid them to exercise or make them incompetent for their civic duties, may be morally debasing. Religious training and discipline may be justly held essential to the development of the citizen's manhood, and the State may encourage or even enforce it. It may be the duty of the State to protect its religious system from forcible assault. The Christian, as such, may carry out the precepts of non-resistance, but the prince is forbidden by his duty to leave them to oppression; he must as prince resist, and when he calls on them to perform their civic duty it is of their allegiance to perform it. It could never consist with the duty of a Christian Prince to allow Christendom to be destroyed by Turk or infidel.

The Church of England, following the language of the Primitive Church, limits the duty of serving in the wars to cases in which the magistrate—*i.e.*, the Sovereign—commands. There are two cases to be considered—one the case of rebellion; the other the case of where for any cause sovereignty is dormant or

otiose, not developed and effective, or fallen into decay or impotence. It is well known that Anglican divines held almost as an Article of faith the dogma of passive obedience to the Sovereign, and held rebellion unjustifiable in any case. The authority of the Sovereign is not, however, unconditional. He may forfeit it, and the allegiance of his subjects be withdrawn. We see this asserted from two opposite sides, as when, *e.g.*, the Papal Bulls, so far as in them lay, dethroned Elizabeth. Rebellion then became to Papists a religious duty. And again rebellion from the civil side rested on the Sovereign's transgressing his constitutional authority. He ceased so far to be a Sovereign, and Parliament, not without theoretical justification, made war on the King in the name of the King.

Lynch law, like rebellion, rests ultimately on the truth that the force resident in the State is only the concentrated force resident by nature in individuals. When the State collapses the inherent rights and duties of individuals become concrete; they are analogous to that ultimate priesthood of all Christians on which all ecclesiastical organization rests, and which can assert itself against ecclesiastical tyranny or anarchy. We may say, then, that the Article XXXVII. contemplates the normal state, and can lay down no principle for abnormal conditions which it cannot contemplate as possible without in some measure provoking them.

The justification of war rests, then, ultimately on the nature of a State. In nature men cannot live in unity without the regulative control of a force-holding power. They must live under the law, and that is no law which is not upheld, if need be, by force.

But when State wrongs or threatens State, war is the only final remedy. International law is the expression from time to time, for it is always growing, of the sense of what is right in international dealings. To violate it is to fly in the face of public opinion, and ultimately that public opinion may shape itself into a sword-bearing alliance; or it is to violate express treaties which give right and all the strength that right means to the other side.

On the principles we have followed, arbitration is a method that may be adopted just so far as it may be adopted between individuals. In civil cases an agreement to arbitrate may be invalid: it may oust the jurisdiction of the courts. And generally arbitration may be said to be limited to specific questions of fact or to points when damages can be ascertained and assessed. Nor can any man be compelled to arbitrate. A compromise of a prosecution or the composition of a felony are illegal. Of course, if the Great Powers agreed to enforce

arbitration on all minor States, that would be in effect to set up a State and a law over them. In private life good feeling or wisdom often lead us to forego rights, and up to a certain point nations will do the same; but always a nation is in the position of a man who has others besides himself to think of—a trustee for children or subjects; and continually a nation is met by the same necessity as an individual of making a stand at a particular point. The sum at issue is not a great one, but the claim is one of many in a long series, and no concessions avail to stop the process of extortion. Thus to arbitrate on the one particular point is not just; while to arbitrate on the whole relations between two States is impossible, for each State has its own conception of its life, of its place in the world, of the necessities of existence. That conception is the main factor in the view of rights that it takes, and no other State is likely to take the same. The fundamental difficulty in our relations with the Boers, for example, is in the different views that we take of the future of South Africa.¹ There are no foreign powers and no impartial individuals before whom we could lay such a difference for arbitration. From our point of view, the very existence in South Africa of a power that can force us into sending an army there to save our dominion is proof that the war is necessary and just. We could scarcely expect men who had no value for our dominion to share our opinion.

We are thus led on to consider the relation of Christian principles to the whole life of States. Are empire-making and empire-holding compatible with Christianity? And this, again, is but a small part of a very wide question, viz., the question of how generally to adapt a life of grace to a life in nature.

W. D. ALLEN.

¹ "Liberty shall rise in Africa, like liberty rose in the United States of North America. Then it will be from the Zambesi to Simon's Bay. Africa for the Afrikanders."—Boer Petition of Rights. Signed by P. Kruger, February 7, 1881.

